

Senator Richard J. Durbin
Chair, Senate Judiciary Committee
Written Questions for Karla Campbell
Nominee to be United States Circuit Judge for the Sixth Circuit
June 26, 2024

1. During your confirmation hearing, you were asked questions about your relationship with a labor organization that did not appear on your Senate Judiciary Questionnaire.

a. Please describe the nature of your relationship with the organization.

Response: From approximately June 2012 to October 2014, I participated in a volunteer capacity on the legal advisory board of Workers' Dignity, a local non-profit workers' center. I had no voice or vote in the entity's governance, but instead informally donated my time to help provide accurate information to low-wage workers attending its clinics.

b. Please describe the efforts you made to locate and share with the Committee documents and disclosures required for submission in the Senate Judiciary Questionnaire.

Response: Beginning the last week of March 2024, I dedicated myself completely to researching and compiling the information required to be disclosed, putting my personal life and professional life on hold. I spent dozens of hours every week searching for documents and other information, both in my own records and from outside sources when my records were inadequate, to ensure the completeness of my responses to the Questionnaire. Because of the informal and limited nature of my participation in Workers' Dignity, I did not maintain documents in my records regarding this position. Because of the substantial amount of time that has elapsed since my participation, I did not recall it when completing my Questionnaire. I sincerely apologize to the Committee for this oversight.

2. You represented three District Attorneys General in Tennessee in their lawsuits against various pharmaceutical manufacturers and distributors related to the opioid crisis.

a. Can you please provide more details on these cases?

Response: In 2017, my law firm filed suit on behalf of the district attorneys general (DAGs) of Tennessee's First, Second, and Third Judicial Districts in state court in Sullivan County, Tennessee pursuant to the Tennessee Drug Dealer Liability Act (DDLA). *Staubus et al. v. Purdue Pharma, L.P., et al.*, Case No. C-41916. The DDLA creates a cause of action for certain elected officials to sue drug dealers – in this case pharmaceutical companies – for civil penalties and

compensatory damages resulting from defendants' intentional flooding of the market in these rural counties with opioids. During the course of litigation, some defendants filed for bankruptcy. The firm reached a sizeable settlement with the remaining defendants, principally Endo Pharmaceuticals, in 2021. The monies recovered by our clients, the DAGs, goes directly to treatment efforts in these judicial districts, targeting dependent mothers and newborns with neonatal abstinence syndrome.

b. You have received support letters from these attorneys general, praising your work on their behalf. Can you speak to your approach working with them?

Response: Despite superficial differences (rural vs. urban, criminal vs. civil), lawyers in my firm and the DAGs developed a deep respect and admiration for one another during the course of this litigation born out of a mutual commitment to helping residents in these districts and a respect for the work each was doing to achieve that result. My involvement in the case was largely in appellate brief writing related to a series of complex interlocutory and collateral order appeals in the case. However, because I grew up in rural East Tennessee, but have lived now many years in the urban core of Nashville, it has always been easy for me to relate to people from all across our state.

Senator Lindsey Graham, Ranking Member
Questions for the Record
Karla Campbell
Nominee to be United States Circuit Judge for the Sixth Circuit

Instructions:

You must provide an answer specific to each question and sub-question. You may not group your answer to one question with other questions nor may you answer questions by cross-referencing other answers. Failure to follow these instructions will be interpreted as an intentional evasion of the question.

With respect to questions that ask for a yes or no answer, please start your response with a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to follow these instructions will be interpreted as an intentional evasion of the question.

1. **When Senator Grassley asked you about your links to “Workers’ Dignity” you stated “I have never represented that organization.” Did you mislead the Committee?**

Response: At my hearing, Senator Grassley asked me whether I “served as legal counsel to a group named Workers' Dignity.” As a lawyer, the term “counsel” has a particular meaning to me, namely a “lawyer who represents a client.” Black’s Law Dictionary (8th ed. 2004). My response to his question was that “I have never represented that organization, and I do not agree with that [political] position.” My understanding is that Workers’ Dignity retained counsel from different local law firms to represent it as counsel, and neither I nor my law firm were among those local law firms retained as counsel. My relationship with Workers’ Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter. My response was both truthful and accurate.

2. **You did not disclose your membership of the legal advisory board of Workers’ Dignity to the committee prior to your hearing as required. You only admitted it after being confronted with evidence of your membership. Prior to your hearing, did you disclose or discuss your involvement with Workers’ Dignity with:**

- a. **Any member of the Biden Administration—including the Department of Justice or White House staff?**

Response: No.

- b. **Any Democratic Senator or their staffs?**

Response: No.

c. Any Democratic Congressmen or their staffs?

Response: No.

d. Anyone else involved in preparing you for your nomination or analyzing your nomination?

Response: No.

3. Did you ever have any written agreement with Workers' Dignity?

Response: No.

a. If yes, please describe the nature of that written agreement and the date on which it was signed.

b. Please provide a copy of any such agreement.

4. Senator Cruz asked at you hearing "your testimony under oath is that you have done absolutely nothing [for Workers' Dignity] and had zero contact with them for how long?" You replied "I don't know sitting here today it's been many years?"

a. When was the last time you performed any work for, or on behalf of, Workers' Dignity?

Response: October 2014 was the end of my tenure on the legal advisory board, and I have had no affiliation with the group since then.

b. When was the last time you attended an event hosted or sponsored by Worker's Dignity?

Response: To the best of my recollection, October 2014.

c. When was the last time Worker's Dignity referred a case to you?

Response: To the best of my recollection, December 2012.

d. When was the last time you were in contact with an employee, board member, or volunteer with Workers' Dignity, and what was the nature of that communication?

Response: To the best of my knowledge, October 2014. Since October 2014, I have not kept up with the group's personnel or the identities of others who might be involved with Workers' Dignity.

5. Have you made any financial donations to Workers' Dignity?

Response: To the best of my recollection, no.

- a. If yes, please list all donations to the group, noting the year and amount donated.**

6. Have you solicited or otherwise facilitated any financial donations to Workers' Dignity?

Response: No.

- a. If yes, please list all donations to the group, noting the donor's name, the year of the donation, and amount donated.**

7. Have you ever shared legal fees with Workers' Dignity? If yes, please note the case name, number, and the name of the presiding Judge.

Response: No.

8. Have you ever referred anyone to Workers' Dignity for legal advice or employment? If yes, please note the person's name and the date you referred them.

Response: No.

9. Have you ever collaborated with Workers' Dignity on any project? If yes, please note the date you began and finished the project and describe the nature of the project.

Response: No.

10. Have you ever drafted materials for Workers' Dignity? If yes, please note the date you drafted those materials and describe the nature of the materials.

Response: To the best of my recollection, no.

11. Are you now, or have you previously been, on Workers' Dignity's listserv? If yes, please note when you joined their listserv.

Response: To the best of my knowledge, no.

- 12. Do you possess any copy of Workers' Dignity's legal advisory board minutes? If yes, please provide a copy of those minutes.**

Response: No.

- 13. Please provide the names of your colleagues on the Workers' Dignity advisory board.**

Response: David Briley, Tricia Herzfeld, Patrick Frogge, Chuck Yezbak, Andrew Free, Jason Holleman and Fran Ansley.

- 14. Have you ever attended or spoken at event hosted by Workers' Dignity. If yes, please describe the nature of the event noting the date the event took place.**

Response: I have never spoken at an event hosted by Workers' Dignity. I participated in the legal advisory board from approximately June 2012 to October 2014 evaluating informational materials developed by the organization and provided to low wage workers at its clinics.

- 15. Has Workers' Dignity (including by employees, board members, or volunteers of Workers' Dignity) ever referred cases to you? If yes, please provide the case name, number, and the name of the presiding Judge. Also note the date Workers' Dignity (including by employees, board members, and volunteers of Workers' Dignity) referred the case to you.**

Response: To the best of my recollection, Workers' Dignity referred one group of clients to me in December 2012, on whose behalf I ultimately filed a civil complaint (*Montes v. Aggarwal*, Case 3:13-cv-00148 (M.D. Tenn.)).

- 16. Have you participated in any legal clinic with Workers' Dignity? If yes, please note the date of such clinics and the nature of your involvement in these clinics.**

Response: Aside from my participation in the legal advisory board, no.

- 17. Aside from your Legal Advisory Board position, have you volunteered in any other way with Workers' Dignity? If yes, please describe the nature and dates of that volunteer work.**

Response: No.

- 18. Who recruited you to join the Legal Advisory Board at Workers' Dignity?**

Response: No one.

- a. **How did they describe your role on the board, and what input did you have in the outlining of the board’s responsibilities?**

Response: When I volunteered for the legal advisory board, my understanding was that I would solely be helping to provide accurate information to low wage workers at clinics hosted by Workers’ Dignity. I have never had any role or vote in the group’s governance or structure.

- b. **Did Workers’ Dignity outline, in written form, the duties, responsibilities, and mission of the advisory board? Were you furnished with a copy of those details? If so, please provide a copy of those details.**

Response: No, there were no defined duties or responsibilities and no mission statement. While the body was labeled a board, the LAB attorney volunteers had no voting or governance role in the organization. The LAB did not have formal procedures or vote on matters, but was instead a very informal group of colleagues in the bar who evaluated informational materials developed by the organization and provided to low wage workers at its clinics.

19. **A 2017 article titled “Immigrants Accuse Landscape of Forced Labor, Lack of Food” published in “The Tennessean” names you as the attorney for an immigrant who was “picked...up” by “a woman he had met with Workers Dignity.” Please explain your involvement in this case.**

- a. **What role did Workers’ Dignity play in this case?**

Response: None.

- b. **What communications did you have with Workers’ Dignity during this case?**

Response: To the best of my recollection, none.

- c. **Did Workers’ Dignity, or anyone affiliated with Workers’ Dignity, refer this case to you?**

Response: My client file indicates that another lawyer, who I do not believe to ever have been affiliated with Workers’ Dignity, referred this individual to me.

20. **A 2020 article published by the “Nashville Scene” describes you as the attorney representing the family of Gustavo Ramirez, a 16-year-old who died in a fall on a construction site; the article goes on to describe comments made by “Cecilia Prado, an organizer at Workers’ Dignity.” Please explain your involvement in this case.**

a. What role did Workers' Dignity play in this case?

Response: None.

b. What communications did you have with Workers' Dignity during this case?

Response: To the best of my recollection, I had a single, brief phone call with Ms. Prado, most likely in the fall of 2020, in which I asked her not to contact my clients, the Ramirez family.

c. Did Workers' Dignity, or anyone affiliated with Workers' Dignity, refer this case to you?

Response: No.

21. The "Tennessee Bar Association" mentions your work for Workers Dignity in their post regarding your nomination:

The screenshot shows the Tennessee Bar Association (TBA) Law Blog website. The header includes the TBA logo and navigation links: About, CLE, Groups, Programs & Advocacy, and Comm. A red banner reads "TBA Law Blog". Below the banner is a breadcrumb trail: Home > TBA Law Blog. There are filters for "All Authors" and "All Categories", along with "All Posts" and "RSS" links. The main article is titled "Biden Will Nominate Nashville Attorney to 6th Circuit", posted by Julia Wilburn on May 24, 2024, categorized as "Legal News". The article text states: "President Joe Biden has [announced](#) he will nominate Nashville attorney Karla Campbell to the U.S. 6th Circuit Court of Appeals. A vacancy will be created on the court when Judge Jane Branstetter Stranch transitions to senior status later this year. [The Nashville Post reports](#) that Campbell currently practices at Stranch, Jennings & Garvey specializing in employee rights and labor law. She previously served as legal advisor for local workers' rights nonprofit Workers' Dignity and represented the family of Gustavo Ramirez, a 16-year-old who fell to his death during construction of the La Quinta Hotel near Nashville's Nissan Stadium. She received her law degree from Georgetown University Law Center in 2008. If she is confirmed by the U.S. Senate, Campbell will be the fourth judge Biden has added to the 6th Circuit in the past two years."

When did you become aware of this post?

Response: During my confirmation hearing.

22. Your "Avvo" profile states that you are currently a legal advisor to Workers' Dignity:

Workers' Dignity
Legal Advisor
2013 - Present

Lawyers' Association for Women
2nd Year Director
2012 - Present

[View all associations](#) ▾



Karla Marie Campbell

Employee Benefits Attorney

Nashville, TN

Licensed for 16 years

Message

Avvo is a lawyer's directory that pulls information from publicly available sources. However, attorneys may "claim" their Avvo profile and add additional information. Avvo appears to show your profile has been "claimed."



Karla Marie Campbell

227 2nd Ave N, Nashville, TN 37201

Licensed for 16 years

This profile has already been claimed.

Sign in

Likewise, you appear to have posted an "endorsement" for Raquel Bellamy, using your Avvo profile:



Karla Campbell

Immigration Attorney | Jun 12
Relationship: Co-worker

"Raquel is an incredible lawyer. She has experience assisting clients in a wide variety of immigration matters, from deportation defense to affirmative petitions. What sets her apart is her dedication to her clients. She is a true advocate for her clients, and dedicates the time and resources to finding novel solutions for her clients' issues."

a. Did you inspect your Avvo profile in preparation for your nomination?

Response: No. Following the confirmation hearing, I contacted Avvo to request that they correct the profile referenced above.

b. Have you been contacted by potential or current clients via your Avvo account?

Response: No.

c. To your knowledge, did any potential or current clients reach out to you based on reading your Avvo account?

Response: No.

23. In 2022, Workers' Dignity staged a counter protest to Nashville's "Rally to end Child Mutilation." The Rally was organized by "Daily Wire" host Matt Walsh, with notable

political figures such as Senator Marsha Blackburn and former Congresswoman Tulsi Gabbard giving speeches.

Workers' Dignity strongly condemned the event and urged others to take part in a counter protest writing on Facebook:



Workers' Dignity Dignidad Obrera ·



[Follow](#)

12 Oct 2022 · 🌐

Nashville's local fascist running-dog Matthew Walsh has been stoking anger and violence against the trans community. He has slandered and demonized our local hospital's transgender healthcare program which has resulted to shut downs, threats, stalking, violence, and more against not just those at the hospital but the trans people of our city. His coverage in the most recent months on a children's hospital resulted in bomb threats where the hospital had to be evacuated. Walsh has not just demonized the trans community, but has pilloried workers, immigrants, refugees, and every marginalized group that has continued to face attacks in this city.

On October 21st, 4PM at War Memorial Plaza in Nashville, Walsh will be hosting the anti-trans event titled "The Rally to End Child Mutilation." This event is featuring prominent right wing speakers, members of our legislature, and more than likely will draw a crowd of right-wing locals as well as far-right fascist groups such as Proud Boys and Patriot Front.

We come to you as a long-time friends and comrades to ask for any assistance you can provide in resisting this event, whether it is promoting it on your channels or attending in-person.

We have seen and experienced what Walsh's rhetoric has caused. The right has become emboldened on this front. Locals have been stalked, harassed, and

worse. The transgender healthcare program has been a huge benefit to our community not just in Nashville, but all throughout the southeast.

We know that though the hospital has been the target on the surface, the real target they are aiming for are trans children and adults.

If you can help in any way, we would be greatly appreciative. The attacks have gotten worse, and this event has the likelihood of ratcheting up the type of animus that will result in further harm.

Join on Oct 21 at 2PM at War Memorial Plaza as we form a counter demonstration. We're calling on you to join and create a united front to reject transphobia, protect trans lives, and eject these fascists from our city.

Signed,
Middle Tennessee Democratic Socialists of America
Elmahaba Center
Veterans for Peace
Workers' Dignity/Dignidad Obrera

(More to be added soon)



- a. **When did you become aware that Workers' Dignity was holding this counter protest?**

Response: I was unaware of this event until I read this Question.

- b. **Did you take part in this counter protest?**

Response: No. Moreover, this event occurred nearly a decade after my affiliation with Workers' Dignity had ended.

24. **On May 10, 2022 Workers' Dignity accused Israel of "ethnic cleansing" in Palestine, posting on Facebook:**



Workers' Dignity Dignidad Obrera ·

Follow

10 May 2022 ·

We'll see you on Saturday to commemorate the Nakba of 1948 and the continued displacement and ethnic cleansing of Palestinians.

"Palestine is the litmus test for our capacity to change the world."

#freepalestine #liberation #community
#internationalsolidarity #events #Nashville
#tennessee #capitolhill #downtown #arabs #copts
#justice #sheikhjarrah #jerusalem



a. When did you become aware of this post?

Response: I was unaware of this post until I read this Question.

b. Do you condemn the views expressed in this post?

Response: Yes. Moreover, this event occurred nearly a decade after my affiliation with Workers' Dignity had ended.

25. On May 1st of this year, Workers' Dignity took part in a protest advocating to "free Palestine"



- a. **When did you first become aware of this protest?**

Response: I was unaware of this event until I read this Question.

- b. **Did you take part in this protest?**

Response: No. Moreover, this event occurred nearly a decade after my affiliation with Workers' Dignity had ended.

26. **On November 4, 2020 Workers' Dignity stated on Facebook that "[t]here's no election outcome that improves conditions for workers" and that a "working-class revolution" is necessary to "push out . . . white nationalism, violent state racism, and . . . [the] capitalist class"**

- a. **When did you become aware of this post?**

Response: I was unaware of this post until I read this Question.

- b. **Do you condemn the views expressed in this post?**

Response: Yes. Moreover, this statement was issued more than half a decade after my affiliation with Workers' Dignity ended.

27. In a separate post on November 2, 2020 Workers' Dignity once again underscored the necessity of "revolution":



There's one thing we know for sure: whatever happens tomorrow, there is more work to do. We know low wage workers, immigrants, Black and brown folks, poor folks, and our people will be the ones most impacted by the election outcome and the response it generates.

Long lines at the polls are the result of years-long, rightwing voter suppression. But it also means people are willing to do what it takes to make their voices heard and take control of our lives and communities. With the 10s of 1000s of people that filled the streets this summer and stood in line to create change, we know the people power is on our side.

Building the multiracial, working class revolution is the only way we will ever end the white nationalist, capitalist violence that is responsible for the the exploitation, murder and genocide of our people. La lucha sigue. The fight continues.



a. When did you become aware of this post?

Response: I was unaware of this post until I read this Question.

b. Do you condemn the views expressed in this post?

Response: Yes. Moreover, this statement was issued more than half a decade after my affiliation with Workers' Dignity ended.

28. On July 4, 2020, Workers' Dignity made the following post advocating the abolition of "oppressive systems":



Workers' Dignity Dignidad Obrera · ...

Follow

4 Jul 2020 · 🌐

Abolish oppressive systems. The police and the military do not protect black women and women of color. The military breeds violence domestically and takes this violence overseas.

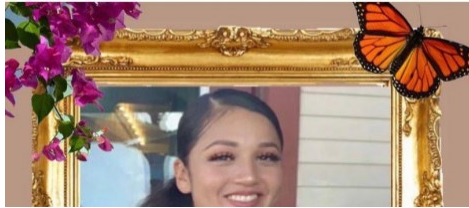
No more abuse and impunity. Take the military recruiters and the police out of high schools.//

Los sistemas opresivos se deben de abolir. La policía y el ejército no protegen a las mujeres negras y de color. El ejército genera violencia a nivel nacional y lleva a esta violencia a otros países.

No más abusos e impunidad. Saquen a los reclutadores militares y a la policía de las escuelas.

[#JusticeForVanessaGuillen](#) [#Nonoscuidannosviolan](#)
[#JusticiaParaVanessaGuillen](#)

See Translation



a. When did you become aware of this post?

Response: I was unaware of this post until I read this Question.

b. Do you condemn the views expressed in this post?

Response: Yes. Moreover, this statement was issued more than half a decade after my affiliation with Workers' Dignity ended.

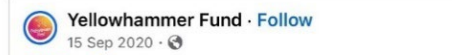
29. In a September 15, 2020, Facebook post, Workers' Dignity argued in favor of abolishing Police, ICE, detention centers, and capitalism:



We have no words, just rage. This is nothing new; it was done in Puerto Rico between 1930-1970.

Abolish ICE. Abolish prisons and detention centers. Abolish police. Abolish colonialism, imperialism, capitalism, and patriarchy. Evil cannot be reformed.

More info on the horrible history in PR: <https://www.panoramas.pitt.edu/health-and-society/dark-history-forced-sterilization-latina-women>



ICE is carrying out mass hysterectomies in their detention camps, violently and forcefully removing the uterus of t... See more



a. **When did you become aware of this post?**

Response: I was unaware of this post until I read this Question.

b. **Do you condemn the views expressed in this post?**

Response: Yes. Moreover, this statement was issued more than half a decade after my affiliation with Workers' Dignity ended.

30. **On October 8, 2013, Brenda Perez, an activist from Workers' Dignity was arrested for civil disobedience in Washington D.C. Two other Workers' Dignity activists were arrested the same day. Perez told journalist Jasmine Aguilera that "her group, Workers Dignity, based in Nashville, Tenn., was aware that they risked an ensuing chaos."**

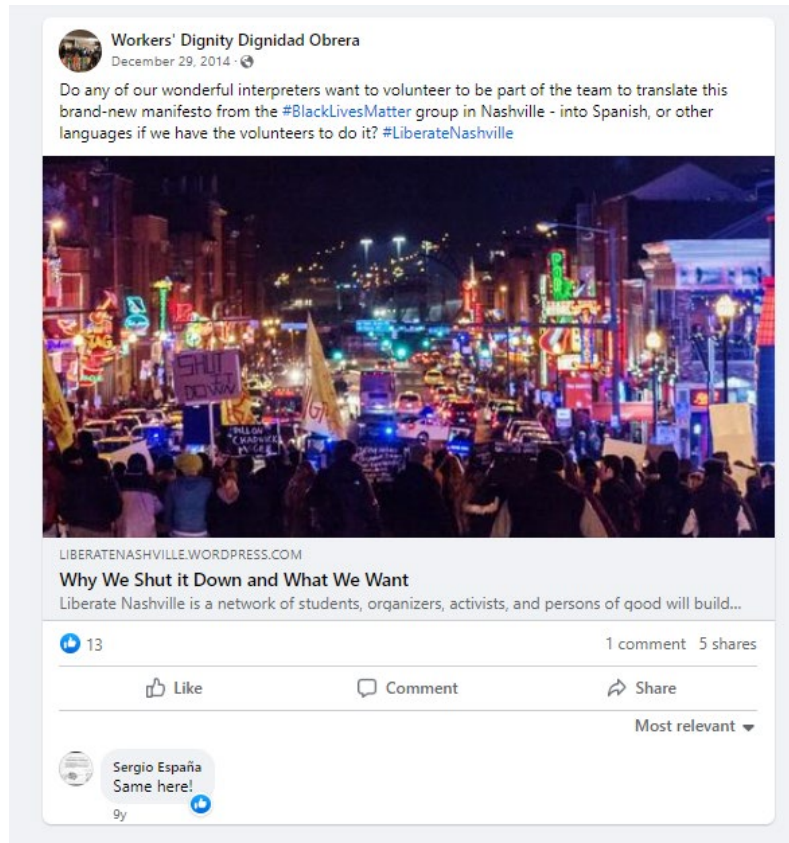
a. **When did you become aware of the above described event?**

Response: I was unaware of this event until I read this Question.

b. **Did you offer any legal advice to Workers' Dignity regarding the above-described event?**

Response: No.

31. **In 2014, Workers' Dignity expressed support for the "Black Lives Matter" movement in Nashville:**



“Liberate Nashville’s” manifesto states:

Southern policing has its roots in plantation owners who hired poor whites to keep their property (land and humans) under control by patrolling for runaway slaves. While policing has certainly evolved, it is our view that it ultimately serves the same purpose today: to keep the property of the establishment under control and to protect the handful of people, development firms and corporations that are ravaging and gentrifying our neighborhoods for the sake of profit and progress while countless low-income communities are being displaced and further entrenched in cycles of poverty.

a. When did you become aware of the relationship between Workers’ Dignity and “Liberate Nashville”?

Response: I have never heard of Liberate Nashville, and so I was unaware of any relationship between the two entities until I read this Question.

b. Do you condemn the claim policing that policing “ultimately serves the same purpose today” as it did during slavery?

Response: Yes.

32. On March 27, 2022 you donated \$1,500 to “Odessa For Congress” a committee supporting Odessa Kelly’s campaign for a seat in the U.S. house. This appears to be the largest political donation you ever made. Just four days before your donation Ms. Kelly tweeted the following:



Odessa Kelly
@OdessaKellyTN

Follow



Like Cory Booker said [#KetanjiBrownJackson](#)
"God Has Got You" ¹⁰⁰ cus Blackburn, Cruz, Cotton,
Graham, Hawley are obviously aligned with the
Devil. Be great Blk woman, BE GREAT!
The hate is real.
The racism is apparent.
The disrespect is on another level.

9:47 PM · 3/23/22 From Earth

During your hearing, when I asked why you donated to this candidate, you failed to answer. Please explain why you donated to this candidate.

Response: Ms. Kelly lives in my neighborhood and asked me for a donation. In our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

33. **Did you conduct any due diligence on Odessa Kelly prior to making your donation? Please provide a yes or no answer.**

Response: No. I have never had a Twitter account and so I was not aware of these comments. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

a. If yes, please explain what due diligence you conducted.

34. **Did you inspect Ms. Kelly’s X (formerly Twitter) profile prior to donating? Please provide a yes or no answer.**

Response: No. I have never had a Twitter account and so I was not aware of these comments. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made

any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

- a. If no, please explain your failure to conduct this due diligence.**

Response: I have never had a Twitter account.

- 35. Did you ever solicit or otherwise facilitate any donations to Odessa Kelly's campaign?**

Response: No.

- a. The "TENNESSEE IMMIGRANT AND REFUGEE RIGHTS COALITION VOTES ACTION PAC" donated over \$34,000 to Ms. Kelly's campaign. Did you play any role in securing this donation to Ms. Kelly's campaign?**

Response: No. I was unaware of this donation until I read this Question.

- 36. Did you volunteer in any way for Ms. Kelly's campaign? If so, what was the nature of your involvement in her campaign?**

Response: No.

- a. Did you attend any campaign event in support of Ms. Kelly? If so which events (please provide a date and location)?**

Response: I attended an election-night watch party that was open to the public, and I recall that Ms. Kelly made an appearance.

- b. Did you attend any fundraisers in support of Ms. Kelly's nomination (please provide a date and location)?**

Response: No.

- c. Did you urge others to vote for Ms. Kelly?**

Response: No.

- 37. Two months prior to your donation, Ms. Kelly tweeted:**



Odessa Kelly
@OdessaKellyTN

Follow ...

Just shameful.

My people are out here just trying to be a part of the democracy we were promised.

But it's 2022 and we got 52 Jim Crow Senators who don't give a damn about our voting rights—these are white nationalists—period.



Manu Raju  @mkraju · 1/19/22

48-52, Senate Dem effort to gut filibuster and pass their elections bill with a simple majority fails after Manchin and Sinema side with all GOP senators and oppose the nuclear option to change the rules along straight party lines. The effort is officially dead for th...

11:22 PM · 1/19/22 From Earth

Please explain why you would donate to a candidate who called 52 U.S. Senators, including Senators Manchin and Sinema, “Jim Crow Senators.”

a. Do you stand by your donation to this radical candidate?

Response: I do not agree with her assertion in this post. I have never had a Twitter account and so I was not aware of these comments. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

38. On March 15, 2020 you and Ms. Kelly appear to have been tagged in a Facebook post together.



Ethan Ballal-Link

Mar 15, 2020 · 🌐



A very special Mind Your Ides this year: watch your back for the folks looking to take advantage, personally, financially, politically of crisis.

But also appreciate the folks that have got your back and fight just as hard for the folks they don't know as the folks they love. We have a powerful bunch of em here in Nashville.

*Naders, COVID, and your grifter buddies better beware *your* ides this year cos [Odessa Kelly](#) [Charlane Oliver](#) [Stephanie Teatro](#) [Anne Barnett](#) [Jason Freeman](#) [Timothy Hughes](#) [Karla Campbell](#) - [Edwin Aymara](#) [Scott Dietz](#) [Aftyn Behn](#) [Brian Lohs!](#) [Michael Callahan-Kapoor](#) [Pratik Dash](#) [Robin Alberts-Marigza](#) [Kerry Dietz](#) and an army of others are comin for you!



26

4 comments

Have you ever viewed Ms. Kelly's Facebook account?

Response: I do not recall specifically viewing her account.

- a. **Are you now, or have you ever been, "friends" with Ms. Kelly on Facebook?**
 - i. **If you are or were friends with Ms. Kelly on Facebook, approximately when did you become Facebook friends?**

Response: We knew each other from the neighborhood and were friends on Facebook for some time, although I previously disabled my account.

- b. **Who is Ethan Ballal-Link?**

Response: A friend.

- c. **Why did Ethan Ballal-Link suggest that you and Odessa Kelley were "comin"?**

Response: I do not know. I have never spoken with Mr. Link regarding this post and its meaning is unclear to me.

39. Four days before you donated \$1,500 to Ms. Kelly's campaign Ms. Kelly posted the following on Facebook:



Why would you donate to a candidate who expressed such views?

Response: I do not agree with her assertion in this post. I do not recall ever seeing this post prior to my hearing. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

40. On January 11, 2022, Ms. Kelly posted the following on Facebook, calling Sen. Tim Scott “white”:



Do you agree this post is racist? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a “no.”

Response: I do not agree with her assertion in this post. I do not recall ever seeing this post prior to my hearing. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

41. On January 11, 2022, Ms. Kelly posted the following statement on Facebook calling Republicans racist:



Do you condemn Ms. Kelly’s comments in this post?

Response: I do not agree with her assertion in this post. I do not recall ever seeing this post prior to my hearing. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

42. Ms. Kelly ran for the House in Tennessee’s 7th Congressional District.

a. Did you live in this Congressional district at the time of your donation?

Response: No.

b. If not, what motivated you to make your largest political donation ever to Ms. Kelly rather than to one of your local Congressional candidates?

Response: When Ms. Kelly announced her candidacy for office, she and I were both residents of Tennessee’s 5th Congressional District, and she asked me for a donation. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

43. If Ms. Kelly applied for a clerkship in you chambers (assume she met all necessary educational and professional qualifications) would you reject her application on the basis of these past statements? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a “no.”

Response: Yes.

44. The Tennessee Immigrant & Refugee Rights Coalition published “A Platform for Immigrant Inclusion for the Next Metropolitan Government of Nashville & Davidson County.” The document “thank[ed]” you, among others, for “thoughtful feedback and input,” noting “[t]his platform would not have been possible without their expertise.” “The Tennessee Star” summarized this manifesto as follows:

the TIRRC put out a manifesto describing how they want Metro Nashville officials to treat illegal immigrants, and it demands taxpayers subsidize new programs to protect them from deportation.

This document, titled, *Beyond Welcoming: A Platform for Immigrant Inclusion for the Next Metropolitan Government of Nashville & Davidson County*, also disparages ICE agents as persecutors who set out to destroy immigrant families.

...

The TIRRC document focused on community organizing activities to put political pressure on state and local officials.

“Each week in Nashville, ICE is terrorizing immigrant neighborhoods and ripping residents away from their families and communities,” according to the document. *(Page 3)*

“As the federal government ramps up immigration enforcement, the state legislature has continued their efforts to make life harder for immigrant and refugee communities.” *(Page 3)*

The document calls on Nashville officials to embrace pro-immigrant policies and “help turn the tide in this country.” *(Page 3)*

Among only some of the document’s policy suggestions for Nashville leaders:

- Nashville should not help ICE deport illegal immigrants.*(Page 4)*
- The Davidson County jail must stop renting bed space to ICE.*(Page 7)*
- Nashville should invest in taxpayer-funded workforce development programs *(Page 11)* and affordable housing projects to help immigrants *(Page 12)*.
- Nashville should create programs that “mitigate the harm that persistent fear of deportation can cause.” *(Page 5)*

a. What “feedback” did you provide in relation to this document?

Response: I did not draft or assist in the drafting of this document. I have never represented TIRRC or had any affiliation with it. Upon a review of my records after my confirmation hearing, I discovered that I responded to an email survey from TIRRC in 2019 soliciting input on ways in which the government could improve worker safety. I suggested increased funding for agencies enforcing safety and codes laws. I provided no other feedback and do not share the views expressed by TIRRC as stated above.

45. Have you made any financial donations to the Tennessee Immigrant & Refugee Rights Coalition?

Response: No.

a. If yes, please list all donations to the group, noting the year and amount donated.

46. Have you solicited or otherwise facilitated any financial donations to the Tennessee Immigrant & Refugee Rights Coalition?

Response: No.

a. If yes, please list all donations to the group, noting the donor’s name, the year of the donation, and amount donated.

47. Have you ever shared legal fees with the Tennessee Immigrant & Refugee Rights Coalition? If yes, please note the case name, number, and the name of the presiding Judge.

Response: No.

48. Have you ever attended or spoken at event hosted by the Tennessee Immigrant & Refugee Rights Coalition. If yes please describe the nature of the event noting the date the event took place.

Response: Several years ago, I attended the InterNASHional Food Crawl, which was organized by TIRRC. The event showcases small, local restaurateurs.

49. Has the Tennessee Immigrant & Refugee Rights Coalition (including by employees, board members, and volunteers of the Tennessee Immigrant & Refugee Rights Coalition) ever referred cases to you? If yes, please note the case name, number, and the name of the presiding Judge. Also note the date the Tennessee Immigrant & Refugee Rights Coalition (including by employees, board members, and volunteers of the Tennessee Immigrant & Refugee Rights Coalition) referred the case to you.

Response: I have never taken a case through a referral from TIRRC.

50. Aside from what you have discussed in previous answers, have you volunteered in any other way with the Tennessee Immigrant & Refugee Rights Coalition? If yes, please describe the nature and dates of that volunteer work.

Response: No.

51. You are counsel to the Alphabet Workers Union. This group accuses Israel of “apartheid” and pressures tech companies to cut ties with Israel.

a. When did you become aware of this Union’s anti-Israel stance?

Response: I was unaware of this event until I read this Question.

b. Is accusing Israel of apartheid anti-Semitic?

Response: I have not studied regional politics and history sufficiently so as to form an opinion on the topic.

c. Do you regret legally supporting the anti-Israel movement?

Response: I have never supported the anti-Israel movement, nor would I do so. Along with other lawyers/law firms, I have represented AWU in NLRB proceedings at certain times, and that is the extent of my involvement.

52. Are you aware that the left-wing tech magazine “Wired” claims that “[t]he Alphabet Workers Union isn’t seeking better pay and benefits. It wants to influence the company’s policies on social and other issues”?

Response: No.

53. Are you aware that the Alphabet Workers Union called on Alphabet to ban Trump from YouTube so the website can no longer be used for “fascist recruitment”?

Response: No.

54. Since you were first approached about the possibility of being nominated, did anyone associated with the Biden administration or Senate Democrats give you advice about which cases to list on your committee questionnaire?

Response: No.

- a. **If yes,**
 - i. **Who?**
 - ii. **What advice did they give?**
 - iii. **Did they suggest that you omit or include any particular case or type of case in your questionnaire?**

55. Are you a citizen of the United States?

Response: Yes.

56. Are you currently, or have you ever been, a citizen of another country?

Response: No.

- a. **If yes, list all countries of citizenship and dates of citizenship.**
- b. **If you are currently a citizen of a country besides the United States, do you have any plans to renounce your citizenship?**
 - i. **If not, please explain why.**

57. Is it appropriate for a federal judge to consider an immutable characteristic of an attorney (such as race or sex) when deciding whether to grant oral argument? If yes, please describe in which circumstances such consideration would be appropriate.

Response: No.

58. Is it appropriate for a federal judge to consider an immutable characteristic of an attorney (such as race or sex) when deciding whether to grant additional oral

argument time? If yes, please describe in which circumstances such consideration would be appropriate.

Response: No.

- 59. Please explain whether you agree or disagree with the following statement: “The judgments about the Constitution are value judgments. Judges exercise their own independent value judgments. You reach the answer that essentially your values tell you to reach.”**

Response: I am not familiar with the quote or its context. However, I can say categorically that personal feelings or values should play no role in a judge’s decision-making.

- 60. When asked why he wrote opinions that he knew the Supreme Court would reverse, Judge Stephen Reinhardt’s response was: “They can’t catch ’em all.” Is this an appropriate approach for a federal judge to take?**

Response: I am not familiar with the quote or its context. However, the role of a judge sitting on a lower federal court, including the Courts of Appeals, is to faithfully apply all Supreme Court precedent in resolving cases that come before that court.

- 61. In a concurrence in the denial of rehearing en banc in *Al-Bihani v. Obama*, then-Judge Kavanaugh wrote: “international-law norms are not domestic U.S. law in the absence of action by the political branches to codify those norms.” Is this a correct statement of law?**

Response: Yes.

- 62. Do you believe it is appropriate for the Sixth Circuit to grant a petition for rehearing en banc because the relevant panel decision made a factual error?**

Response: Rehearing en banc is disfavored and should only be granted when it is necessary to secure or maintain uniformity of the court’s decisions or the case involves a question of exceptional importance. Fed. R. App. P. 35.

- 63. Do you believe it is appropriate for the Sixth Circuit to grant a petition for rehearing en banc because the relevant panel decision reached an undesirable policy outcome?**

Response: Rehearing en banc is disfavored and should only be granted when it is necessary to secure or maintain uniformity of the court’s decisions or the case involves a question of exceptional importance. Fed. R. App. P. 35.

- 64. Do you consider a law student’s public endorsement of or praise for an organization listed as a “Foreign Terrorist Organization,” such as Hamas or the Popular Front for the Liberation of Palestine, to be disqualifying for a potential clerkship in your chambers? Please provide a yes or no answer. If you would like to include an**

additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a “no.”

Response: Yes.

- 65. In the aftermath of the brutal terrorist attack on Israel on October 7, 2023 the president of New York University’s student bar association wrote, “Israel bears full responsibility for this tremendous loss of life. This regime of state-sanctioned violence created the conditions that made resistance necessary.” Do you consider such a statement, publicly made by a law student, to be disqualifying with regards to a potential clerkship in your chambers? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a “no.”**

Response: Yes.

- 66. Please describe the relevant law governing how a prisoner in custody under sentence of a federal court may seek and receive relief from the sentence.**

Response: Such relief could be sought via post-conviction procedures before the trial court, such as a motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255, a petition for writ of habeas corpus under 28 U.S.C. § 2241, or a motion for modification of a term of imprisonment under 18 U.S.C. § 3582(c), or via direct appeal under 28 U.S.C. § 1291.

- 67. Please explain the facts and holding of the Supreme Court decisions in *Students for Fair Admissions, Inc. v. University of North Carolina* and *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*.**

Response: In this consolidated case brought by the petitioner membership organization against two universities, Harvard and the University of North Carolina, both of which utilized a race-conscious admissions policy, the Supreme Court ruled that such policies violated the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act of 1964. In doing so, the Court held that the petitioner organization had Article III standing to sue on behalf of its members. Then, applying strict scrutiny, the Court invalidated the policies, finding the desire “to alleviate the effects of societal discrimination is not a compelling interest.” 600 U.S. 181, 226 (2023).

- 68. Have you ever participated in a decision, either individually or as a member of a group, to hire someone or to solicit applications for employment?**

If yes, please list each job or role where you participated in hiring decisions.

Response: I have participated in the hiring of one associate attorney and one paralegal in my law firm.

69. **Have you ever given preference to a candidate for employment or for another benefit (such as a scholarship, internship, bonus, promotion, or award) on account of that candidate’s race, ethnicity, religion, sex, sexuality, or gender identity?**

Response: No.

70. **Have you ever solicited applications for employment on the basis of race, ethnicity, religion, sex, sexuality, or gender identity?**

Response: No.

71. **Have you ever worked for an employer (such as a law firm) that gave preference to a candidate for employment or for another benefit (such as a scholarship, internship, bonus, promotion, or award) on account of that candidate’s race, ethnicity, religion, sex, sexuality, or gender identity?**

Response: No.

If yes, please list each responsive employer and your role at that employer. Please also describe, with respect to each employer, the preference given. Please state whether you played any part in the employer’s decision to grant the preference.

72. **Under current Supreme Court and Sixth Circuit precedent, are government classifications on the basis of race subject to strict scrutiny?**

Response: Yes. *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 208 (2023) (“Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.”).

73. **Please explain the holding of the Supreme Court’s decision in *303 Creative LLC v. Elenis*.**

Response: The Supreme Court held that Colorado’s broad public accommodation law violated the 1st Amendment because it compelled content-specific, pure speech. In analyzing website creation as a form of speech, the Court reiterated that “[a]ll manner of speech—from pictures, films, paintings, drawings, and engravings, to oral utterance and the printed word—qualify for the First Amendment’s protections; no less can hold true when it comes to speech like [plaintiff’s] conveyed over the Internet.” 600 U.S. 570, 587 (2023) (citations omitted). As such, the Court held that Colorado cannot “compel speech [plaintiff] does not wish to provide.” *Id.* at 588.

74. **In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943), Justice Jackson, writing for the Court, said: “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in**

politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”

Is this a correct statement of the law?

Response: Yes. To my knowledge, *Barnette* has not been overruled and continues to be binding precedent as it relates to compelled speech. *See, e.g., 303 Creative LLC v. Elenis*, 600 U.S. 570, 584-85 (2023) (citing *Barnette*).

75. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: A law regulating speech is content-based if it “applies to particular speech because of the topic discussed or the idea or message expressed.” *City of Austin v. Reagan Nat’l Advert. of Austin, LLC*, 596 U.S. 61, 69 (2022) (citation omitted). A law is content-neutral if it does not focus on the substance of the idea expressed by speech but on the time, place, or manner of the speech. *Id.* at 71. Content-based restrictions are subject to strict scrutiny, while some neutral restrictions on time, place and manner of speech are subject to intermediate scrutiny. *See Heffron v. Int’l Soc’y for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). In the broader 1st Amendment context, the Supreme Court has instructed lower courts to look to the text of the law, congressional history, and statements made incidental to its enactment, among other evidence, when determining if a facially neutral law is actually content-based. *See, e.g., Masterpiece Cakeshop v. Colorado Civil Rights Comm.*, 584 U.S. 617, 648 (2018).

76. What is the standard for determining whether a statement is not protected speech under the true threats doctrine?

Response: Pursuant to *Counterman v. Colorado*, 600 U.S. 66 (2023), the true threats doctrine has both an objective element and a subjective element. The speech must be a true threat, as opposed to hyperbole or jest, analyzed utilizing the *Watts* factors, and the speaker must have acted with recklessness when making the threats.

77. Under Supreme Court and Sixth Circuit precedent, what is a “fact” and what sources do courts consider in determining whether something is a question of fact or a question of law?

Response: A fact is a deed, event, or circumstance. Black’s Law Dictionary (8th ed. 2004). “[T]he fact/law distinction at times has turned on a determination that, as a matter of the sound administration of justice, one judicial actor is better positioned than another to decide the issue in question.” *Miller v. Fenton*, 474 U.S. 104, 114 (1985).

78. Which of the four primary purposes of sentencing—retribution, deterrence, incapacitation, and rehabilitation—do you personally believe is the most important?

Response: The Sentencing Guidelines do not provide that one purpose of sentencing is more important than the others. If I were confirmed, I would be guided by the Sentencing Guidelines and Title 18, Section 3553 of the U.S. Code, rather than by personal beliefs, when reviewing sentencing decisions.

79. Please identify a Supreme Court decision from the last 50 years that you think is particularly well-reasoned and explain why.

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the quality of Supreme Court decisions. If confirmed, I will faithfully apply all Supreme Court precedents.

80. Please identify a Sixth Circuit judicial opinion from the last 50 years that you think is particularly well-reasoned and explain why.

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the quality of Sixth Circuit decisions. If confirmed, I will faithfully apply all Sixth Circuit precedents.

81. Please explain your understanding of 18 USC § 1507 and what conduct it prohibits.

Response: This statute generally prohibits certain conduct incidental to 1st Amendment activity.

82. Is 18 U.S.C. § 1507 constitutional?

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the constitutionality of statutes. In any case involving a First Amendment or other constitutional challenge to 18 U.S.C. § 1507 that came before me as a judge, if I were confirmed, I would apply Supreme Court precedent to the particular facts of the case.

83. Please answer the following questions yes or no. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer:

a. Was *Brown v. Board of Education* correctly decided?

Response: Yes. As a judicial nominee, I am generally precluded from commenting on the merits of Supreme Court cases; however, because the issue of *de jure* racial segregation is unlikely to come before the courts, I can state that *Brown* was correctly decided.

b. Was *Loving v. Virginia* correctly decided?

Response: Yes. As a judicial nominee, I am generally precluded from commenting on the merits of Supreme Court cases; however, because the issue of

de jure prohibitions on marriage based on race is unlikely to come before the courts, I can state that *Loving* was correctly decided.

c. **Was *Griswold v. Connecticut* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Griswold*.

d. **Was *Roe v. Wade* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. The Supreme Court overruled *Roe* in *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022). If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Dobbs*.

e. **Was *Planned Parenthood v. Casey* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. The Supreme Court overruled *Casey* in *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022). If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Dobbs*.

f. **Was *Gonzales v. Carhart* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Gonzales*.

g. **Was *District of Columbia v. Heller* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Heller*.

h. **Was *McDonald v. City of Chicago* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *McDonald*.

- i. **Was *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Hosanna-Tabor*.

- j. **Was *New York State Rifle & Pistol Association v. Bruen* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Bruen*.

- k. **Was *Dobbs v. Jackson Women's Health* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Dobbs*.

- l. **Were *Students for Fair Admissions, Inc. v. University of North Carolina and Students for Fair Admissions Inc. v. President & Fellows of Harvard College* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *Students for Fair Admissions, Inc.*

- m. **Was *303 Creative LLC v. Elenis* correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If I were confirmed, I would be duty-bound to apply all Supreme Court precedents, including *303 Creative LLC*.

84. **What legal standard would you apply in evaluating whether or not a regulation or statutory provision infringes on Second Amendment rights?**

Response: Modern firearms regulations survive constitutional muster only if they are consistent with the Second Amendment's text and historical understanding. *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022).

85. Demand Justice is a progressive organization dedicated to “restor[ing] ideological balance and legitimacy to our nation’s courts.”

- a. **Has anyone associated with Demand Justice, including Brian Fallon, Christopher Kang, Tamara Brummer, Jen Dansereau, and/or Becky Bond, requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with Demand Justice, including, but not limited to: Brian Fallon, Christopher Kang, Tamara Brummer, Jen Dansereau, and/or Becky Bond? If so, who?**

Response: No.

- c. **Have you ever been in contact with anyone associated with Demand Justice, including, but not limited to: Brian Fallon, Christopher Kang, Tamara Brummer, Jen Dansereau, and/or Becky Bond? If so, who?**

Response: No.

86. The Alliance for Justice is a “national association of over 120 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society.”

- a. **Has anyone associated with Alliance for Justice, including, but not limited to, Rakim Brooks, Betsy Miller Kittredge, Nan Aron, Jake Faleschini, and/or Zachery Morris, requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with the Alliance for Justice including, but not limited to: Rakim Brooks, Betsy Miller Kittredge, Nan Aron, Jake Faleschini, and/or Zachery Morris? If so, who?**

Response: No.

- c. **Have you ever been in contact with anyone associated with Alliance for Justice, including, but not limited to: Rakim Brooks, Betsy Miller Kittredge, Nan Aron, Jake Faleschini, and/or Zachery Morris? If so, who?**

Response: I spoke with Nan Aron once about two years ago about the judicial nominations process. I also communicated with the organization in the fall of

2023 for purposes of exchanging interview advice regarding the nomination process.

87. Arabella Advisors is a progressive organization founded “to provide strategic guidance for effective philanthropy” that has evolved into a “mission-driven, Certified B Corporation” to “increase their philanthropic impact.”

- a. **Has anyone associated with Arabella Advisors requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- iv. **Please include in this answer anyone associated with Arabella’s subsidiaries, including the Sixteen Thirty Fund, the New Venture Fund, the Hopewell Fund, the Windward Fund, the North Fund, or any other such Arabella dark-money fund.**

Response: No.

- b. **Are you currently in contact with anyone associated with Arabella Advisors, including, but not limited to: Eric Kessler, Himesh Bhise, Joseph Brooks, Isaiah Castilla, and/or Saurabh Gupta?**

Response: No.

- v. **Please include in this answer anyone associated with Arabella’s subsidiaries, including the Sixteen Thirty Fund, the New Venture Fund, the Hopewell Fund, the Windward Fund, the North Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

- c. **Have you ever been in contact with anyone associated with Arabella Advisors, including, but not limited to: Eric Kessler, Himesh Bhise, Joseph Brooks, Isaiah Castilla, and/or Saurabh Gupta?**

Response: No.

- vi. **Please include in this answer anyone associated with Arabella’s subsidiaries, such as the Sixteen Thirty Fund, the New Venture Fund, the Hopewell Fund, the Windward Fund, the North Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

88. The Open Society Foundations is a progressive organization that “work[s] to build vibrant and inclusive democracies whose governments are accountable to their citizens.”

- a. **Has anyone associated with Open Society Fund requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with the Open Society Foundations, including but not limited to: George Soros, Alexander Soros, Mark Malloch-Brown, and/or Binaifer Nowrojee?**

Response: No.

- c. **Have you ever been in contact with anyone associated with the Open Society Foundations including but not limited to: George Soros, Alexander Soros, Mark Malloch-Brown, and/or Binaifer Nowrojee?**

Response: No.

- d. **Have you ever received any funding, or participated in any fellowship or similar program affiliated with the Open Society network?**

Response: To my knowledge, no.

89. Fix the Court is a “non-partisan, 501(C)(3) organization that advocates for non-ideological ‘fixes’ that would make the federal courts, and primarily the U.S. Supreme Court, more open and more accountable to the American people.”

- a. **Has anyone associated with Fix the Court requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with Fix the Court, including, but not limited to: Gabe Roth, and/or Josh Cohen? If so, who?**

Response: No.

- c. **Have you ever been in contact with anyone associated with Fix the Court including, but not limited to: Gabe Roth, and/or Josh Cohen? If so, who?**

Response: No.

90. The Raben Group is a lobbying group that “champions diversity, equity, and justice as core values that ignite our mission for impactful change in corporate, nonprofit, government and foundation work.” The group prioritizes judicial nominations and its list of clients have included the Open Society Foundations, the American Civil

Liberties Union, the New Venture Fund, the Sixteen Thirty Fund, and the Hopewell Fund. It staffs the Committee for a Fair Judiciary.

- a. **Has anyone associated with The Raben Group requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with The Raben Group, including but not limited to: Robert Raben, Donald Walker, Patty First, Joe Onek, Gara LaMarche, Steve Sereno, Dylan Tureff and/or Katherine Huffman? If so, who?**

Response: No.

- c. **Have you ever been in contact with anyone associated with The Raben Group including but not limited to: Robert Raben, Donald Walker, Patty First, Joe Onek, Gara LaMarche, Steve Sereno, Dylan Tureff, and/or Katherine Huffman? If so, who?**

Response: No.

- d. **Has anyone associated with the Raben Group offered to assist you with your nomination, including but not limited to organizing letters of support?**

Response: No.

91. **The Committee for a Fair Judiciary “fights to confirm diverse and progressive federal judges to counter illegitimate right-wing dominated courts” and is staffed by founder Robert Raben.**

- a. **Has anyone associated with the Committee for a Fair Judiciary requested that you provide services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with the Committee for a Fair Judiciary, including, but not limited to: Jeremy Paris, Erika West, Elliot Williams, Nancy Zirkin, and/or Joe Onek? If so, who?**

Response: No.

- c. **Have you ever been in contact with anyone associated with the Committee for a Fair Judiciary, including, but not limited to: Jeremy Paris, Erika West, Elliot Williams, Nancy Zirkin, and/or Joe Onek? If so, who?**

Response: No.

- d. **Has anyone associated with the Committee for a Fair Judiciary offered to support your current nomination in any way, to include organizing letters of support, endorsements, or any other effort?**

Response: No.

92. **The American Constitution Society is “the nation’s foremost progressive legal organization” that seeks to “support and advocate for laws and legal systems that redress the founding failures of our Constitution, strengthen our democratic legitimacy, uphold the role of law, and realize the promise of equality for all, including people of color, women, LGBTQ+ people, people with disabilities, and other historically excluded communities.”**

- b. **Has anyone associated with the American Constitution Society, requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- c. **Are you currently in contact with anyone associated with the American Constitution Society including, but not limited to Russ Feingold? If so, who?**

Response: No.

- d. **Have you ever been in contact with anyone associated with the American Constitution Society including, but not limited to Russ Feingold? If so, who?**

Response: I was a member of the Nashville Lawyers Chapter of the American Constitution Society from 2014 to 2016, and so I was in contact with other members of the local chapter during that time. I spoke with the national organization once in the fall of 2023 about the judicial nominations process.

93. **Please describe the selection process that led to your nomination to be a United States Circuit Judge, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).**

Response: I submitted a questionnaire to my home state Senators in September 2023 formalizing my interest in being considered for the Sixth Circuit vacancy. I was interviewed by attorneys from the White House Counsel’s Office in October and again in November 2023. I was also interviewed by Senator Blackburn’s staff and Senator Hagerty’s staff in October and again in November 2023. I received a call from the White House about my potential nomination in March 2024.

94. **During or leading up to your selection process did you talk with any officials from or anyone directly associated with the organization Demand Justice, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

95. **During your selection process, did you talk with any officials from or anyone directly associated with Alliance for Justice, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: I communicated briefly with Alliance for Justice in the fall of 2023 for purposes of exchanging interview advice regarding the nomination process.

96. **During or leading up to your selection process, did you talk with any officials from or anyone directly associated with Arabella Advisors, or did anyone do so on your behalf? If so, what was the nature of those discussions? Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

97. **During or leading up to your selection process did you talk with any officials from or anyone directly associated with the Open Society Foundations, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

98. **During or leading up to your selection process did you talk with any officials from or anyone directly associated with Fix the Court, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

99. **During or leading up to your selection process, did you talk with any officials from or anyone directly associated with the Raben Group or the Committee for a Fair Judiciary, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

100. **During or leading up to your selection process did you talk with any officials from or anyone directly associated with the American Constitution Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

101. **List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.**

Response: Please see response to Question 93. Additionally, I have had communications with the Department of Justice since March 2024 about required forms, disclosures, processes, and the like.

102. **Please explain, with particularity, the process whereby you answered these questions.**

Response: I cleared my schedule for several days to dedicate my full attention to providing responses to all questions for the record, reviewing my records and conducting research when necessary to provide a complete response. I received comments on my draft responses from the Office of Legal Policy and made minor revisions. I then submitted my final answers for submission to the Senate Judiciary Committee.

**Senator Hirono Questions for the Record for the June 20, 2024, Hearing in the Senate
Judiciary Committee entitled “Nominations.”**

QUESTIONS FOR KARLA M. CAMPBELL

Sexual Harassment

As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two questions:

QUESTIONS:

1. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Response: No.

2. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Response: No.

Senator Grassley's Written Questions for Karla Campbell, to be U.S. Circuit Judge for the Sixth Circuit, June 20, 2024

Ms. Campbell, at your hearing I asked you a question about the group Workers' Dignity, specifically referencing in my question that it appeared that you served as a "legal advisor" to Workers' Dignity in your Avvo profile. You responded that you have never represented Workers' Dignity. Yet later, you told other Senators that you were a legal advisor to the group, serving for 3 years on an advisory committee or board for the group. You gave me and other Senators several different versions of your relationship with and work for Workers' Dignity. Note that Avvo and the Tennessee Bar Association posted your work as a "legal advisor" for Workers' Dignity from 2013 – present.

1) Why did you lie or, at best, deliberately mislead me about your relationship and work for the group Workers' Dignity?

Response: Senator, at my hearing you asked me whether I "served as legal counsel to a group named Workers' Dignity." As a lawyer, the term "counsel" has a particular meaning to me, namely a "lawyer who represents a client." Black's Law Dictionary (8th ed. 2004). My response to your question was that "I have never represented that organization, and I do not agree with that [political] position." My understanding is that Workers' Dignity retained counsel from different local law firms to represent it as counsel, and neither I nor my law firm were among those local law firms retained as counsel. My relationship with Workers' Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter. My response was both truthful and accurate.

To further clarify, I provided this volunteer assistance to the organization in helping low wage workers from approximately June 2012 to October 2014. Since that time, I have had no relationship with Workers' Dignity. I have contacted Avvo to request that they correct the profile you referenced above.

2) Why did you not include this position and legal work for Worker's Dignity on the Senate Judiciary Questionnaire? Did you deliberately omit this information to hide it from the Judiciary Committee?

Response: My response to Question 11(a) of the Senate Judiciary Questionnaire inadvertently omitted that I participated in a volunteer capacity on the legal advisory board of Workers' Dignity from approximately June 2012 to October 2014. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter. I spent dozens of hours every week preparing to submit the Questionnaire and worked diligently to provide the Committee complete answers. However, because of the

informal and limited nature of my participation in Workers' Dignity, I did not maintain documents in my records regarding this position. Because of the substantial amount of time that has elapsed since my participation, I did not recall it when completing my Questionnaire. I sincerely apologize to the Committee for this oversight.

Senator Mike Lee
Questions for the Record

Karla Campbell, Nominee for the United States Court of Appeals for the Sixth Circuit

1. How would you describe your judicial philosophy?

Response: My judicial philosophy is that judges must show fidelity to the law as written, both the language of the law and precedents, for the proper functioning of our judicial system.

2. What sources would you consult when deciding a case that turned on the interpretation of a federal statute?

Response: In addition to the text itself, I would be guided by Supreme Court precedent and Sixth Circuit precedent interpreting the statute. If there is no relevant precedent and the text of the statute is clear, my inquiry would end there. If the text were ambiguous, then I would look to other sources authorized by the Supreme Court and Sixth Circuit including cases interpreting similar statutes as well as canons of construction advanced by the Supreme Court and Sixth Circuit. Finally, I would also look at cases from other Circuit Courts as persuasive authority.

3. What sources would you consult when deciding a case that turned on the interpretation of a constitutional provision?

Response: I would be guided by Supreme Court and Sixth Circuit precedent interpreting that constitutional provision, as well as the text of the provision. In the unlikely event that there is no Supreme Court or Sixth Circuit precedent on point and the meaning of the text is ambiguous, I would be guided by canons of construction advanced by the Supreme Court and Sixth Circuit. Finally, I would also look at cases from other Circuit Courts as persuasive authority.

4. What role do the text and original meaning of a constitutional provision play when interpreting the Constitution?

Response: When the Supreme Court reviews a particular constitutional provision, the text and the original meaning of the provision are the foundational framework of the Court's analysis. See *District of Columbia v. Heller*, 554 U.S. 570, 576 (2008) (“[T]he Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary [] meaning.”) (citation omitted).

5. How would you describe your approach to reading statutes? Specifically, how much weight do you give to the plain meaning of the text?

Response: The clearest indicator of the legislature's intent in enacting a law is the precise language chosen by the legislature in drafting. Therefore, a law should be given its plain meaning when that meaning is clear from the text.

6. **Does the “plain meaning” of a statute or constitutional provision refer to the public understanding of the relevant language at the time of enactment, or does the meaning change as social norms and linguistic conventions evolve?**

Response: A statute or constitutional provision must be viewed through a lens of the original meaning of the text at the time of enactment. *See Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 654 (2020) (“This Court normally interprets a statute in accord with the ordinary public meaning of its terms at the time of its enactment. After all, only the words on the page constitute the law adopted by Congress and approved by the President.”).

7. **What are the constitutional requirements for standing?**

Response: A claimant must show injury in fact, causation, and redressability for Article III standing.

8. **Do you believe Congress has implied powers beyond those enumerated in the Constitution? If so, what are those implied powers?**

Response: Congress has powers “necessary and proper” to effectuate those powers specifically enumerated in Article I, Section 8 of the Constitution.

9. **Where Congress enacts a law without reference to a specific Constitutional enumerated power, how would you evaluate the constitutionality of that law?**

Response: In any case that might come before me as a judge involving the constitutionality of a law, I would consider the argument of the parties, the relevant sources of law cited by the parties, and the facts on the record before me. *See, e.g., Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 570 (2012) (“The ‘question of the constitutionality of action taken by Congress does not depend on recitals of the power which it undertakes to exercise.’”) (citation omitted).

10. **Does the Constitution protect rights that are not expressly enumerated in the Constitution? Which rights?**

Response: The Supreme Court has recognized a number of unenumerated rights that are implicit in the concept of liberty. *See, e.g., Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942) (recognizing the right to marriage and procreation); *Loving v. Virginia*, 388 U.S. 1 (1967) (recognizing right to marry a person of another race); *Wisconsin v. Yoder*, 406 U.S. 205 (1972) (recognizing parental right to direct child’s education); *Cruzan v. Director, Mo. Dept. of Health*, 497 U.S. 261 (1990) (recognizing the right to refuse medical treatment). The Supreme Court’s decision in *Washington v. Glucksberg*, 521 U.S. 702 (1997) would guide my analysis in any case that might come before me as a judge involving the recognition of an unenumerated right.

11. What rights are protected under substantive due process?

Response: The Constitution protects unenumerated rights implicit in the concept of liberty. Please see response to Question 10.

12. If you believe substantive due process protects some personal rights such as a right to contraceptives, but not economic rights such as those at stake in *Lochner v. New York*, on what basis do you distinguish these types of rights for constitutional purposes?

Response: If I were confirmed, I would be guided by binding Supreme Court precedent on both liberty and property rights, including *Griswold v. Connecticut*, 381 U.S. 479 (1965), which remains good law, and *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937), which overruled *Lochner v. New York*, 198 U.S. 45 (1905).

13. What are the limits on Congress's power under the Commerce Clause?

Response: The text of the Commerce Clause limits Congress's power to regulating commerce with foreign nations, among the several states, and with the Indian tribes. As to interstate commerce, the Supreme Court has identified three categories of regulation in which Congress can exercise its power under the Commerce Clause: (1) the channels of interstate commerce, (2) the instrumentalities of interstate commerce, and (3) activities that substantially affect interstate commerce. *Gonzales v. Raich*, 545 U.S. 1 (2005).

14. What qualifies a particular group as a "suspect class," such that laws affecting that group must survive strict scrutiny?

Response: The Supreme Court, through precedent, identifies suspect classifications, such as race, national origin, alienage, and religion. See *City of New Orleans v. Duke*, 427 U.S. 297, 303 (1976).

15. How would you describe the role that checks and balances and separation of powers play in the Constitution's structure?

Response: The foundation of our federal government is the separation of powers in three distinct branches as outlined in Articles I, II, and III. The legislative branch makes the law, and the executive branch enforces the law. Any executive concerns about the constitutionality of law passed by Congress should be raised in the judicial branch.

16. How would you go about deciding a case in which one branch assumed an authority not granted it by the text of the Constitution?

Response: In any case that might come before me as a judge alleging that one branch exceeded its constitutional authority, I would consider the argument of the parties, the relevant sources of law cited by the parties, and the facts on the record before me.

See Youngstown Sheet & Tube Co., 343 U.S. 579 (1952) (resolving question of the President’s authority under Article II); *Bond v. United States*, 564 U.S. 211 (2011) (citing cases in which the Supreme Court resolved separation of powers disputes).

17. What role should empathy play in a judge’s consideration of a case?

Response: None. While a judge should be courteous to the litigants in the case, personal feelings should play no role in a judge’s decision-making.

18. Which is worse; invalidating a law that is, in fact, constitutional, or upholding a law that is, in fact, unconstitutional?

Response: Both are undesirable and should be avoided. As a judge, if I were confirmed, my obligation would be to judge each case on an individual basis, focusing my analysis on the relevant sources of law and the facts on the record before me.

19. From 1789 to 1857, the Supreme Court exercised its power of judicial review to strike down federal statutes as unconstitutional only twice. Since then, the invalidation of federal statutes by the Supreme Court has become significantly more common. What do you believe accounts for this change? What are the downsides to the aggressive exercise of judicial review? What are the downsides to judicial passivity?

Response: I have not studied the historical trends in the Court’s exercise of judicial review sufficiently so as to form an opinion on the topic.

20. How would you explain the difference between judicial review and judicial supremacy?

Response: I understand judicial review to mean “a court’s power to review the actions of other branches or levels of government, especially the courts’ power to invalidate legislative and executive actions as being unconstitutional.” Black’s Law Dictionary (11th ed. 2019); *see also Marbury v. Madison*, 5 U.S. 137 (1803). I understand judicial supremacy to mean “[t]he doctrine that interpretations of the Constitution by the federal judiciary in the exercise of judicial review, especially U.S. Supreme Court interpretations, are binding on the coordinate branches of the federal government and the states.” Black’s Law Dictionary (11th ed. 2019); *see also Cooper v. Aaron*, 358 U.S. 1 (1958).

21. Abraham Lincoln explained his refusal to honor the Dred Scott decision by asserting that “If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.”

How do you think elected officials should balance their independent obligation to follow the Constitution with the need to respect duly rendered judicial decisions?

Response: Article VI of the Constitution binds officers to support the Constitution. *Cooper* requires officers to uphold the Constitution including the law. Article V permits constitutional amendments to reject decisions of the Supreme Court.

- 22. In Federalist 78, Hamilton says that the courts are the least dangerous branch because they have neither force nor will, but only judgment. Explain why that's important to keep in mind when judging.**

Response: The decisions of the courts are enforceable only by the other branches, and so in that sense the judicial branch relies on a respect for its decisions to secure enforcement. Taking care only to “declare the sense of the law,” and not stray into the type of decision-making that is within the purview of the legislature, ensures continued respect for judicial decisions.

- 23. As a federal judge, you would be bound by both Supreme Court precedent and prior circuit court precedent. What is the duty of a federal judge when confronted with a case where the precedent in question does not seem to be rooted in constitutional text, history, or tradition and also does not appear to speak directly to the issue at hand? In applying a precedent that has questionable constitutional underpinnings, should a federal judge extend the precedent to cover new cases, or limit its application where appropriate and reasonably possible?**

Response: While the Supreme Court can overrule a prior precedent based on a number of factors, such as “the quality of its reasoning,” *Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 585 U.S. 878, 917 (2018), lower federal courts are bound by Supreme Court precedent.

- 24. When sentencing an individual defendant in a criminal case, what role, if any, should the defendant's group identity(ies) (e.g., race, gender, nationality, sexual orientation or gender identity) play in the judge's sentencing analysis?**

Response: None.

- 25. The Biden Administration has defined “equity” as: “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.” Do you agree with that definition? If not, how would you define equity?**

Response: I have not studied the concept of equity sufficiently so as to agree or disagree with the definition.

- 26. Without citing a dictionary definition, do you believe there is a difference between “equity” and “equality?” If so, what is it?**

Response: I have not studied these concepts sufficiently so as to form an opinion on the topic.

- 27. Does the 14th Amendment’s equal protection clause guarantee “equity” as defined by the Biden Administration (listed above in question 25)?**

Response: The 14th Amendment does not contain an affirmative guarantee of equity nor does it contain an explicit reference to equity, but instead prohibits the government from denying any person within its jurisdiction the equal protection of the laws.

- 28. According to your current understanding, and without citing a dictionary definition, how do you define “systemic racism?”**

Response: I have not studied systemic racism sufficiently so as to form an opinion on the topic.

- 29. According to your current understanding, and without citing a dictionary definition, how do you define “Critical Race Theory?”**

Response: I have not studied Critical Race Theory sufficiently so as to form an opinion on the topic.

- 30. Do you distinguish “Critical Race Theory” from “systemic racism,” and if so, how?**

Response: I have not studied these concepts sufficiently so as to form an opinion on the topic.

- 31. According to FEC records, in March 2022 you made your largest political contribution of \$1500 to Odessa Kelly, a candidate for the U.S. House of Representatives in Tennessee’s 7th Congressional District. Ms. Kelly tweeted the following just four days before you contributed to her campaign. Do you agree with her assertion? If no, why did you donate to someone who would make a racially charged statement such as this?**

Response: I do not agree with her assertion in this tweet, and I have never personally made statements to this effect. I have never had a Twitter account and so I was not aware of these comments. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.



Odessa Kelly
@OdessaKellyTN

Follow



Like Cory Booker said [#KetanjiBrownJackson](#)
"God Has Got You" ¹⁰⁰ cus Blackburn, Cruz, Cotton,
Graham, Hawley are obviously aligned with the
Devil. Be great Blk woman, BE GREAT!
The hate is real.
The racism is apparent.
The disrespect is on another level.

9:47 PM · 3/23/22 From Earth

32. **On January 11, 2022—only a few months before you contributed to Odessa Kelly, she tweeted “Let me make this simple...41 million Ppl in USA i.d. as AA/Blk & there ability to have fair representation is being decided bby 52 White ppl in the Senate including Tim Scott. (48R’s + 2 D’s) That’s Insane!” How is this tweet calling our black colleague, Senator Tim Scott, white not racist? Do you agree with this statement by Odessa Kelly? If your answer is no, why did you donate to Odessa Kelly?**

Response: I do not agree with her assertion in this tweet, and I have never personally made statements to this effect. I have never had a Twitter account and so I was not aware of these comments. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.



33. **On October 7, 2022 Odessa Kelly tweeted “I’m down to debate anybody who supports Mark Green! Any and all his homies can catch this smoke on his behalf too...I’m talkin Lee, Trump, Cruz, Putin, Hitler, Thanos, Pontius Pilate, and they OG the Devil himself! I’M HERE FOR IT! 100%.” Do you agree with this statement by Odessa Kelly? If your answer is no, why did you donate to Odessa Kelly?**

Response: I do not agree with her assertion in this tweet, and I have never personally made statements to this effect. I have never had a Twitter account and so I was not aware of these comments. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.



Odessa Kelly
@OdessaKellyTN

Follow ...

I'm down to debate anybody who supports Mark Green! Any and all his homies can catch this smoke 🤝 on his behalf too...I'm talkin Lee, Trump, Cruz, Putin, Hitler, Thanos, Pontius Pilate, and they OG the Devil himself! I'M 🙌 HERE 🙌 FOR 🙌 IT! 100
[#debateme](#) [#whatsup](#) [#nameaplace](#)

 **The Tennessee Holler** ✓ @TheTNHoller · 10/7/22

Really embarrassing and sad to see debates happening all over the country yet none here in Tennessee. When they hide, the people lose.
@RepMarkGreen @RepTimBurchett @RepChuck @GovBillLee @AndyOgles

11:06 PM · 10/7/22 From Earth

34. **In your hearing, you told Senator Grassley that you did not serve as a legal advisor to a radical group called Worker's Dignity only to respond differently to a question from me. In a follow-up letter to the committee, you admitted that you failed to include your time as a legal advisor for Workers' Dignity from June 2012 to October 2014. On October 1, 2013, Workers' Dignity released a statement calling for "citizenship for all, no more deportations, and no border wall." Do you agree with this statement?**

Response: I do not agree with this statement, and I have never personally made statements to this effect. I was not aware of these comments and had no role in drafting them. My relationship with Workers' Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics from approximately June 2012 to October 2014. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter.



Workers' Dignity Dignidad Obrera

October 1, 2013 · 🌐



Immigrant Rights = Workers Rights = Human Rights. Workers' Dignity joins brothers & sisters demanding citizenship for all, no more deportations, and no border wall. JOIN US Oct 5, 4:30pm at Centennial Park & Caravan to Oct 8 rally in Washington DC.

Derechos de inmigrantes = Derechos laborales = Derechos humanos. Dignidad Obrera se une a nuestros compañeros que exigen la ciudadanía para todos, un alto a las deportaciones y no más murallas que dividen familias. ÚNANSE A NOSOT... See more

35. On September 8, 2012 Workers' Dignity tweeted "Good radical organizing should link day to day reform and radical change." What do "radical organizing" and "radical change" mean? Do you agree with this tweet?

Response: I am not familiar with those terms and do not have an understanding of what this statement attempted to convey. I have never had a Twitter account, and so I was not aware of these comments and had no role in drafting them. My relationship with Workers' Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics from approximately June 2012 to October 2014. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter.



Workers' Dignity Dignidad Obrera

September 8, 2012 · 🌐



Some guiding questions for our work from our friends at City Life to start a great day of outreach in the community:

Good radical organizing should link day to day reform and radical change. We try to do our day to day organizing in a way which makes that link, by asking these questions:

What issues can we emphasize in our fight that bring underlying contradictions to the surface?

What tactics can we choose that allow average people to participate and play the leading role?

Do we make connections between different reform efforts, different issues, that in turn link to how the system as a whole functions?

Do we provide space for people to talk about lessons learned, how each individual fight fits into the whole?

Aristide once said that we live in a society so corrupt that to demand a plate of rice and beans for everyone is to preach revolution. What does that mean for our work today?...

CLVU.ORG

<http://clvu.org/our-work/radical-organizing-methodat>



SENATOR TED CRUZ
U.S. Senate Committee on the Judiciary

Questions for the Record for Karla M. Campbell, nominated to be United States Circuit Judge for the United States Court of Appeals for the Sixth Circuit.

I. Directions

Please provide a wholly contained answer to each question. A question's answer should not cross-reference answers provided in other questions. Because a previous nominee declined to provide any response to discrete subparts of previous questions, they are listed here separately, even when one continues or expands upon the topic in the immediately previous question or relies on facts or context previously provided.

If a question asks for a yes or no answer, please provide a yes or no answer first and then provide subsequent explanation. If the answer to a yes or no question is sometimes yes and sometimes no, please state such first and then describe the circumstances giving rise to each answer.

If a question asks for a choice between two options, please begin by stating which option applies, or both, or neither, followed by any subsequent explanation.

If you disagree with the premise of a question, please answer the question as-written and then articulate both the premise about which you disagree and the basis for that disagreement.

If you lack a basis for knowing the answer to a question, please first describe what efforts you have taken to ascertain an answer to the question and then provide your tentative answer as a consequence of its reasonable investigation. If even a tentative answer is impossible at this time, please state why such an answer is impossible and what efforts you, if confirmed, or the administration or the Department, intend to take to provide an answer in the future. Please further give an estimate as to when the Committee will receive that answer.

To the extent that an answer depends on an ambiguity in the question asked, please state the ambiguity you perceive in the question, and provide multiple answers which articulate each possible reasonable interpretation of the question in light of the ambiguity.

II. Questions

1. Is racial discrimination wrong?

Response: Yes.

2. Are there any unenumerated rights in the Constitution, as yet unarticulated by the Supreme Court that you believe can or should be identified in the future?

Response: As a judicial nominee, I am precluded from offering an opinion on a matter that could come before me. The Supreme Court's decisions in *Washington v. Glucksberg*, 521 U.S. 702 (1997) and *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) would guide my analysis in any case that might come before me as a judge involving the recognition of an unenumerated right.

3. How would you characterize your judicial philosophy? Identify which U.S. Supreme Court Justice's philosophy out of the Warren, Burger, Rehnquist, and Roberts Courts is most analogous with yours.

Response: My judicial philosophy is that judges must show fidelity to the law as written, both the language of the law and precedents, for the proper functioning of our judicial system. I have not identified a particular Justice who most embodies my philosophy.

4. Please briefly describe the interpretative method known as originalism. Would you characterize yourself as an "originalist"?

Response: I understand originalism to be an interpretive canon centered on the meaning of the text in question, particularly provisions of the Constitution, as it was understood at the time it was written. If I were confirmed, I would utilize this form of interpretation when instructed by the Supreme Court or Sixth Circuit, through precedent, to do so.

5. Please briefly describe the interpretive method often referred to as living constitutionalism. Would you characterize yourself as a 'living constitutionalist'?

Response: I understand living constitutionalism to be an interpretive canon centered on the meaning of the text in question, particularly provisions of the Constitution, as it is currently understood. I am not aware of any Supreme Court precedent applying this form of interpretation. If I were confirmed, I would utilize this form of interpretation only when instructed by the Supreme Court or Sixth Circuit, through precedent, to do so.

6. If you were to be presented with a constitutional issue of first impression— that is, an issue whose resolution is not controlled by binding precedent—and the original public meaning of the Constitution were clear and resolved the issue, would you be bound by that meaning?

Response: I would be guided by Supreme Court and Sixth Circuit precedent interpreting

that constitutional provision as well as the text of the provision. If the meaning of the text of the provision was clear, and the Supreme Court has analyzed a similar type or category of case with reference to the original public meaning of the text, then I would be bound to do the same.

7. **Is the public’s current understanding of the Constitution or of a statute ever relevant when determining the meaning of the Constitution or a statute? If so, when?**

Response: I am not aware of any Supreme Court precedent looking to the current understanding of the Constitution or statute when interpreting the text. If I were confirmed, I would apply the public’s current understanding of the provision only when instructed by the Supreme Court or the Sixth Circuit, through precedent, to do so.

8. **Do you believe the meaning of the Constitution changes over time absent changes through the Article V amendment process?**

Response: The body of Supreme Court precedent instructs that the Constitution’s “historically fixed meaning applies to new circumstances.” *See, e.g., New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 28 (2022).

9. **Is the Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization* settled law?**

Response: Yes.

- a. **Was it correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If confirmed, I will faithfully apply all Supreme Court precedents.

10. **Is the Supreme Court’s ruling in *New York Rifle & Pistol Association v. Bruen* settled law?**

Response: Yes.

- a. **Was it correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If confirmed, I will faithfully apply all Supreme Court precedents.

11. **Is the Supreme Court’s ruling in *Brown v. Board of Education* settled law?**

Response: Yes.

a. **Was it correctly decided?**

Response: Yes. As a judicial nominee, I am generally precluded from commenting on the merits of Supreme Court cases; however, because the issue of *de jure* racial segregation is unlikely to come before the courts, I can state that *Brown* was correctly decided.

12. **Is the Supreme Court’s ruling in *Students for Fair Admissions v. Harvard* settled law?**

Response: Yes.

a. **Was it correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If confirmed, I will faithfully apply all Supreme Court precedents.

13. **Is the Supreme Court’s ruling in *Cooper v. Aaron* settled law?**

Response: Yes.

a. **Was it correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If confirmed, I will faithfully apply all Supreme Court precedents.

14. **Is the Supreme Court’s ruling in *Gibbons v. Ogden* settled law?**

Response: Yes.

a. **Was it correctly decided?**

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the correctness of Supreme Court decisions. If confirmed, I will faithfully apply all Supreme Court precedents.

15. **What sort of offenses trigger a presumption in favor of pretrial detention in the federal criminal system?**

Response: The offenses triggering a presumption in favor of pretrial detention are enumerated in 18 U.S.C. § 3142(e), (f), including controlled substances offenses, certain violent crimes, and certain crimes against minors.

a. What are the policy rationales underlying such a presumption?

Response: As stated in the statute itself, persons having committed an enumerated crime are deemed to pose a heightened danger to the safety of those around them and to the community.

16. Are there identifiable limits to what government may impose—or may require—of private institutions, whether it be a religious organization like Little Sisters of the Poor or small businesses operated by observant owners?

Response: In our Republican form of government, the Constitution sets out the identifiable limits of governmental action. A number of cases addressing Free Exercise Clause challenges, for example, require that the government act in a manner that is free of hostility to religion. *See, e.g., Westside Cmty. Schools v. Mergers*, 496 U.S. 226 (1990); *Masterpiece Cakeshop v. Colorado Civil Rights Comm.*, 584 U.S. 617, 648 (2018). The Religious Freedom Restoration Act extends free exercise protections to closely-held, for-profit corporations. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 708 (2014).

17. Is it ever permissible for the government to discriminate against religious organizations or religious people?

Response: It is never permissible for the government to establish or favor one particular religion or to prohibit the free exercise of a particular religion. The Supreme Court has extended this proscription to governmental actions favoring secular groups over religious groups in the application of state activity. *See, e.g., Carson v. Makin*, 596 U.S. 767 (2022) (striking down Maine law providing tuition assistance to families attending secular schools but not to families attending religious schools); *Tandon v. Newsom*, 593 U.S. 61 (2021) (striking down California law that allowed secular exceptions, but not religious exceptions, to pandemic restrictions).

18. In *Roman Catholic Diocese of Brooklyn v. Cuomo*, the Roman Catholic Diocese of Brooklyn and two Orthodox Jewish synagogues sued to block enforcement of an executive order restricting capacity at worship services within certain zones, while certain secular businesses were permitted to remain open and subjected to different restrictions in those same zones. The religious organizations claimed that this order violated their First Amendment right to free exercise of religion. Explain the U.S. Supreme Court’s holding on whether the religious entity-applicants were entitled to a preliminary injunction.

Response: The Court held that the applicants, the Roman Catholic Diocese of Brooklyn and the congregation of Agudath Israel of America, were entitled to an injunction under

the standard four-part test for preliminary relief. In finding a substantial likelihood of success on the merits, the Court highlighted the State’s disparate treatment of religious and secular entities. The Court distinguished this case from prior cases from other states regarding pandemic restrictions because, here, New York’s law failed to meet “the minimum requirement of neutrality to religion” required by specifically targeting these religious groups. 592 U.S. 14, 16 (2020).

19. **Please explain the U.S. Supreme Court’s holding and rationale in *Tandon v. Newsom*.**

Response: Similarly to *Cuomo*, the Court held that the applicants were entitled to an injunction under the standard four-part test for preliminary relief. In finding a substantial likelihood of success on the merits, the Court highlighted the State’s disparate treatment of religious and secular entities. 593 U.S. 61, 62 (2021) (“[G]overnment regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat any comparable secular activity more favorably than religious exercise.”) (citing *Cuomo*).

20. **Do Americans have the right to their religious beliefs outside the walls of their houses of worship and homes?**

Response: Yes. See, e.g., *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022).

21. **Explain your understanding of the U.S. Supreme Court’s holding in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.**

Response: In this case raising free exercise and free speech challenges to a Colorado public accommodations law, the Court applied strict scrutiny to find the law unconstitutionally infringed on the petitioner’s right to free exercise of religion. The Court looked to statements made incidental to its enactment, among other evidence, to determine that this facially neutral law was born out of animus to a targeted religious group or belief. 584 U.S. 617, 648 (2018).

22. **Under existing doctrine, are an individual’s religious beliefs protected if they are contrary to the teaching of the faith tradition to which they belong?**

Response: In *Davis v. Beason*, the Supreme Court defined “religion” with “reference to one’s view of his relations to his Creator.” 133 U.S. 333, 342 (1890). In subsequent cases, the Supreme Court has not focused on doctrinal correctness, but rather on the sincerity of the individual’s religious conviction. See, e.g., *Thomas v. Review Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707 (1981); *Frazee v. Illinois Dep’t of Emp. Sec.*, 489 U.S. 829, 834 (1989) (where “Frazee asserted that he was a Christian, but did not claim to be a member of a particular Christian sect” and his beliefs were not shared by many denominations).

- a. **Are there unlimited interpretations of religious and/or church doctrine that can be legally recognized by courts?**

Response: The Supreme Court has distinguished between “religion” and “*cultus* or form of worship of a particular sect,” holding “[t]he First Amendment to the Constitution . . . was intended to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relations to his Maker and the duties they impose as may be approved by his judgment and conscience. . . .” *See Davis v. Beason*, 133 U.S. 333, 342 (1890).

- b. **Can courts decide that anything could constitute an acceptable “view” or “interpretation” of religious and/or church doctrine?**

Response: Please see response to Question 22(a).

- c. **Is it the official position of the Catholic Church that abortion is acceptable and morally righteous?**

Response: I am not familiar with the official positions of the Catholic Church.

23. **In *Our Lady of Guadalupe School v. Morrissey-Berru*, the U.S. Supreme Court reversed the Ninth Circuit and held that the First Amendment’s Religion Clauses foreclose the adjudication of employment-discrimination claims for the Catholic school teachers in the case. Explain your understanding of the Court’s holding and reasoning in the case.**

Response: In *Morrissey-Berru*, the Court held that the ministerial exception to Title VII claims (age and disability discrimination claims in this consolidated case) applied to elementary school teachers in religious schools. The Court reasoned that these teachers, like ministers, “performed vital religious duties” in the course of their employment. 591 U.S. 732, 757 (2020).

24. **In *Fulton v. City of Philadelphia*, the U.S. Supreme Court was asked to decide whether Philadelphia’s refusal to contract with Catholic Social Services to provide foster care, unless it agrees to certify same-sex couples as foster parents, violates the Free Exercise Clause of the First Amendment. Explain the Court’s holding in the case.**

Response: In *Fulton*, the Court applied strict scrutiny to the City’s contracting practices, finding the government had no compelling interest in denying the contract. The Court held that the First Amendment extends to a government’s managerial activities, such as procurement and contracting, in the same manner that it applies to the government’s legislative activities. 593 U.S. 522, 536 (2021).

25. **In *Carson v. Makin*, the U.S. Supreme Court struck down Maine’s tuition**

assistance program because it discriminated against religious schools and thus undermined Mainers' Free Exercise rights. Explain your understanding of the Court's holding and reasoning in the case.

Response: Relying on *Espinoza v. Montana Dept. of Revenue*, 591 U.S. 464 (2020), the Court applied strict scrutiny to Maine's tuition assistance law, finding the government's antiestablishment interest was not compelling. "As we held in *Espinoza*, a State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious." 596 U.S. 767, 786 (2022) (citation omitted).

26. Please explain your understanding of the U.S. Supreme Court's holding and reasoning in *Kennedy v. Bremerton School District*.

Response: In *Kennedy*, the Court found that the school district's termination of Mr. Kennedy violated both his free exercise and free speech rights, and that the employment-related balancing required by *Pickering* fell in favor of Mr. Kennedy.

27. Explain your understanding of Justice Gorsuch's concurrence in the U.S. Supreme Court's decision to grant certiorari and vacate the lower court's decision in *Mast v. Fillmore County*.

Response: In this Free Exercise Clause challenge, the Court vacated a lower court order requiring the Amish community to comply with a septic system ordinance. Justice Gorsuch, in his concurrence, noted the applicability of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and emphasized that RLUIPA mandates the application of strict scrutiny to government actions burdening religion. He further noted exemptions in the ordinance for non-religious groups, an issue that had not been sufficiently addressed by the lower court.

28. Some people claim that Title 18, Section 1507 of the U.S. Code should not be interpreted broadly so that it does not infringe upon a person's First Amendment right to peaceably assemble. How would you interpret the statute in the context of the protests in front the homes of U.S. Supreme Court Justices following the *Dobbs* leak?

Response: As a judicial nominee, I am precluded by the Code of Conduct for United States Judges from commenting on the constitutionality of statutes. In any case involving a First Amendment or other constitutional challenge to 18 U.S.C. § 1507 that came before me as a judge, if I were confirmed, I would apply Supreme Court precedent to the particular facts of the case.

29. Would it be appropriate for the court to provide its employees trainings which include the following:

a. One race or sex is inherently superior to another race or sex;

Response: No.

- b. **An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive;**

Response: No.

- c. **An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; or**

Response: No.

- d. **Meritocracy or related values such as work ethic are racist or sexist?**

Response: No.

30. **Will you commit that your court, so far as you have a say, will not provide trainings that teach that meritocracy, or related values such as work ethic and self-reliance, are racist or sexist?**

Response: Yes.

31. **Will you commit that you will not engage in racial discrimination when selecting and hiring law clerks and other staff, should you be confirmed?**

Response: Yes.

32. **Is it appropriate to consider skin color or sex when making a political appointment? Is it constitutional?**

Response: The Constitution authorizes the President, with the advice and consent of the Senate, to make political appointments. I am not aware of any Supreme Court precedent addressing the constitutionality of race- or gender-based political appointments. As a judicial nominee, I am generally precluded from commenting on how the President or Senate fulfill their constitutional duties. If I were confirmed, I would follow binding Supreme Court and Sixth Circuit precedent.

33. **If a program or policy has a racially disparate outcome, is this evidence of either purposeful or subconscious racial discrimination?**

Response: Not necessarily. In any case alleging discrimination based on disparate outcomes that came before me as a judge, if I were confirmed, I would apply Supreme Court precedent to the particular facts of the case. The Supreme Court has held that racially disparate impact can be used as evidence of racial discrimination in certain contexts. *See Ricci v. DeStefano*, 557 U.S. 557 (2009).

34. **Do you believe that Congress should increase, or decrease, the number of justices on the U.S. Supreme Court? Please explain.**

Response: Congressional decision-making regarding the Supreme Court and lower federal courts, within the bounds of the Constitution, are matters of policy on which judges and nominees cannot opine.

35. **In your opinion, are any currently sitting members of the U.S. Supreme Court illegitimate?**

Response: No.

36. **What do you understand to be the original public meaning of the Second Amendment?**

Response: The Supreme Court has held the original public meaning of the Second Amendment to encompass “an individual right protecting against both public and private violence.” *District of Columbia v. Heller*, 554 U.S. 570, 594 (2008).

37. **What kinds of restrictions on the Right to Bear Arms do you understand to be prohibited by the U.S. Supreme Court’s decisions in *United States v. Heller*, *McDonald v. Chicago*, and *New York State Rifle & Pistol Association v. Bruen*?**

Response: These cases stand for the proposition that “modern firearms regulations” survive constitutional muster only if they are “consistent with the Second Amendment’s text and historical understanding.”

38. **Is the ability to own a firearm a personal civil right?**

Response: Yes, as per *District of Columbia v. Heller*, 554 U.S. 570 (2008).

39. **Does the right to own a firearm receive less protection than the other individual rights specifically enumerated in the Constitution?**

Response: No.

40. **Does the right to own a firearm receive less protection than the right to vote under the Constitution?**

Response: No.

41. **Is it appropriate for the executive under the Constitution to refuse to enforce a law, absent constitutional concerns? Please explain.**

Response: Article II, Section 3 of the Constitution provides that the President “shall take care that the laws be faithfully executed.” The Supreme Court has held that the Executive’s discretion is “broad” but not “unfettered” and is subject to “constitutional constraints.” *Wayte v. United States*, 470 U.S. 598, 608 (1985) (citation omitted).

42. **Explain your understanding of what distinguishes an act of mere ‘prosecutorial discretion’ from that of a substantive administrative rule change.**

Response: My general understanding is that prosecutorial discretion refers to a prosecutor’s ability to make case-by-case charging determinations within an established legal framework. *See* Black’s Law Dictionary (11th ed. 2019) (defining the term as a “prosecutor’s power to choose from the options available in a criminal case, such as filing charges, prosecuting, not prosecuting, plea-bargaining, and recommending a sentence to the court”). My general understanding of a substantive administrative rule change refers to a change in that legal framework. *See* Black’s Law Dictionary (11th ed. 2019) (defining the term “administrative rule” as the “officially promulgated agency regulation that has the force of law.”).

43. **Does the President have the authority to abolish the death penalty?**

Response: At the federal level, the death penalty is authorized by Congress, namely Title 18 of the U.S. Code. The President does not have the authority to abolish an act of Congress.

44. **Explain the U.S. Supreme Court’s holding on the application to vacate stay in *Alabama Association of Realtors v. HHS*.**

Response: The Court held that the applicants were entitled to an order vacating the lower court’s stay under the standard four-part test for preliminary relief. In finding a substantial likelihood of success on the merits, the Court focused on the lack of clear congressional authority for the CDC’s nationwide eviction moratorium.

45. **Is it appropriate for a prosecutor to publicly announce that they are going to prosecute a member of the community before they even start an investigation as to that person’s conduct?**

Response: No.

46. **The group Workers’ Dignity has propounded Marxist revolutionary thought, calling for “a working-class revolution” and the abolishing of the military, police, prisons, and Immigration and Customs Enforcement. In your testimony, you said that you provided legal services to the organization, and, as a legal advisor, helped establish the organization. What kind of legal advice did you provide the organization? Please be specific.**

Response: From approximately June 2012 to October 2014, I participated in

a volunteer capacity on the legal advisory board of Workers' Dignity, a local non-profit workers' center. My relationship with Workers' Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter. During my brief time volunteering with the organization, it did not make policy or political statements like the ones referenced in this Question, and I certainly do not hold any of those beliefs personally.

47. You gave sworn testimony wherein you told a member of this Committee that you did not represent Worker's Dignity.

a. What is the difference, if any, between providing legal advice to an organization as their legal advisor, and legally representing an organization?

Response: In my confirmation hearing, Senator Grassley asked me whether I "served as legal counsel to a group named Workers' Dignity." As a lawyer, the term "counsel" has a particular meaning to me, namely a "lawyer who represents a client." Black's Law Dictionary, 8th Edition. My response to that question was that "I have never represented that organization, and I do not agree with that [political] position." My response was both truthful and accurate. My relationship with Workers' Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics. While this volunteer group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter.

b. Can a lawyer represent an organization without receiving compensation?

Response: Yes.

c. If you were again called to testify about the legal services you provided to Worker's Dignity, would you again say that you did not represent the organization?

Response: Yes, because that response is both truthful and accurate.

48. Please describe the full extent of your legal or volunteer work for Workers' Dignity.

Response: From approximately June 2012 to October 2014, I participated in a volunteer capacity on the legal advisory board of Workers' Dignity. My relationship with Workers' Dignity was limited to evaluating informational materials developed by the organization and provided to low wage workers at its clinics. While this volunteer

group was labeled as a legal advisory board, I played no voting or governance role in the organization. I also played no role in developing any policy or political position that this organization advanced during my time on the legal advisory board or thereafter.

49. Why did you choose to volunteer your legal services to Workers' Dignity?

Response: As I testified in the hearing, when I chose to volunteer my time more than a decade ago, I understood Workers' Dignity to be a nonprofit group that would help low-wage workers by providing them with information about their legal rights, and that was something I supported and volunteered my time for. I had no voice or vote in the entity's governance.

50. Why does Workers' Dignity advocate for abolishing the police, ICE, the military, and the prison system?

Response: As I have had no affiliation with Workers' Dignity in a decade, I do not know the answer to this Question.

a. Did you ever provide them legal advice on any topic involving the police, ICE, the military, or the criminal justice system?

Response: No.

51. Workers' Dignity has tagged you in two Facebook photos dated April 27, 2014, taken at a Workers' Dignity event. Can you confirm that these photos are of you?¹

Response: I cannot see the images clearly enough to confirm my presence; however, I reiterate that I volunteered from approximately June 2012 to October 2014. I previously disabled my Facebook account.

¹ A higher resolution picture can be found publicly here:
<https://www.facebook.com/photo?fbid=769225753112430&set=a.769220019779670>



Workers' Dignity Dignidad Obrera
April 27, 2014 · 🌐

— with Evan Regis-Reegie Bunch and 10 oth

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Most releva



Workers' Dignity Dignidad Obrera
April 27, 2014 · 🌐

— with Bobbi Negrón and 3 others.

👍 Like 💬 Comment

52. **Workers' Dignity has also written that there is an “ethnic cleansing of Palestinians.” Do you agree with that statement?**

Response: No.

53. **Are you still in contact with anyone who is a member or affiliated with Workers' Dignity? If so, please name them and provide the date and method of your last contact with them.**

Response: I do not know who the current members of this organization are. I have reviewed the organization's website for current staff and officers, and to the best of my knowledge I have never met any of the individuals listed.

54. You also represented Alphabet Worker’s Union.

a. Was this volunteer legal work or were you paid for your legal advice?

Response: Paid.

b. What was the scope of your representation?

Response: Along with other lawyers/law firms, I have represented AWU in NLRB proceedings at certain times.

c. Why did you choose to provide legal representation to Alphabet Worker’s Union?

Response: I chose to represent AWU in discrete matters involving novel joint employer questions because I have an interest in that area of law.

55. Like Worker’s Dignity, Alphabet Worker’s Union also holds extreme views on Israel and Palestine. For example, Alphabet Worker’s Union supports boycotting Israel. Do you support a boycott of Israel?

Response: No. Further, I am not aware of any such statements made by AWU, and I have never provided legal advice to AWU related to the political positions of any of its members.

56. The Tennessee Immigrant & Refugee Rights Coalition published a manifesto titled “A Platform for Immigrant Inclusion for the Next Metropolitan Government of Nashville & Davidson County” that advocates for many radical policies including “dismantling the deportation pipeline.” Your name is listed specifically on page 3 as an individual who provided “thoughtful feedback and input” and likewise acknowledging the group’s “platform would not have been possible without [your and others’] expertise.”

a. How did you assist in this manifesto?

Response: I did not draft or assist in the drafting of this document. I have never represented TIRRC or had any affiliation with it. Upon a review of my records after my confirmation hearing, I discovered that I responded to an email survey from TIRRC in 2019 soliciting input on ways in which the government could improve worker safety. I suggested increased funding for agencies enforcing safety and codes laws. I provided no other feedback and do not share the views expressed by TIRRC as stated above.

b. What did you draft in the manifesto?

Response: I drafted no portion of this document.

c. Please list the topics for which you provided input.

Response: Please see response to Question 56(a).

57. Are you still in contact with anyone who was associated or involved with the production of this manifesto? If so, please name them and provide the date and method of your last contact with them.

Response: No.

58. The manifesto says that “ICE is terrorizing immigrant neighborhoods and ripping residents away from their citizens and families.”

a. What does this statement mean?

Response: I have never spoken to anyone at TIRRC about this statement, and so I do not know what it means.

b. Did you have any role or contribution in the development of this advice as a policy position for this organization?

Response: No.

c. Do you agree with this statement?

Response: Based on my general understanding of this statement, I do not agree with it.

59. Your largest political campaign donation to Odessa Kelly, a candidate who advocated for abolishing ICE, ending cash bail, ending qualified immunity, and implementing the Green New Deal.

60. Odessa Kelly has also called all Republican Senators “Jim Crow Senators” and have said that Senators “Blackburn, Cruz, Cotton, Graham, Hawley are obviously aligned with the Devil.” Were you aware of these comments when you made your donation to Odessa Kelly?

Response: No.

a. If no, would you have still donated to Odessa Kelly had you known of these statements?

Response: No.

61. **Odessa Kelly also stated said two months before you donated to her that “gerrymandering is white supremacy.” Were you aware of this statement at the time you donated to her?**

Response: No.

- a. **If no, would you have still donated to her if you were aware of this statement?**

Response: No.

- b. **Do you believe “gerrymandering is white supremacy?”**

Response: No.

- c. **Is the Supreme Court’s holding in *Rucho v. Common Cause* settled law?**

Response: Yes.

62. **Odessa Kelly ran in Tennessee’s 7th Congressional District during the 2022 cycle. Were you a resident of that district at the time of your donation?**

Response: When Ms. Kelly announced her candidacy for office, she and I were both residents of Tennessee’s 5th Congressional District and she asked me for a donation. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign.

63. **If confirmed, would you be concerned that litigants will see your public donation history and believe you would rule in a biased fashion?**

Response: I do not believe that a single donation could reasonably create an impression of bias in litigants before the court. Ms. Kelly was my neighbor, and, in our interactions, Ms. Kelly has not made any statements like these to me. If she had, or if I had known, I would not have donated to her campaign. I am firmly committed to deciding cases that come before me, if I were confirmed, with fairness and impartiality on a case-by-case basis.

64. **If confirmed, would you be concerned that litigants will see your previous associations and believe you would rule in a biased fashion?**

Response: I do not believe that my few, brief professional and civic activities over the past sixteen years could reasonably create an impression of bias in litigants before the court. I am firmly committed to deciding cases that come before me, if I were confirmed, with fairness and impartiality on a case-by-case basis.