

## Trump's Judicial Nominees Are Trying To Run From Their Radical Records And Dodge Questions About Their Beliefs

### SUMMARY:

Donald Trump's first slate of judicial nominees have been pressed on the radical, politicized cases they've advanced in state AG offices. When faced with questioning from the Senate Judiciary Committee, **nominees have dodged their record of extremism** and refused to give straight answers.

When probed about her role in Missouri's judge-shopped lawsuit to restrict mifepristone access, Maria Lanahan [claimed](#) her work was "discrete and limited" because she was not the lead counsel — but as Missouri's deputy solicitor general, she [litigated](#) the case throughout its proceedings. When Whitney Hermandorfer was questioned about her role in Tennessee's amicus brief supporting Trump's birthright citizenship executive order, she deflected responsibility to her AG — despite signing the brief as the state's director of strategic litigation. Simultaneously, Hermandorfer tried to defend her lack of experience by referencing her work as a lead counsel for TN.

Joshua Divine was [questioned](#) on his support for literacy tests and his claim that he was a "zealot" for the pro-life movement. Divine tried to distance himself from his previous comments, claiming he was a teenager in college and is a "zealous" advocate for Missouri.

The nominees were asked whether Donald Trump lost the 2020 election, and all five refused to directly confirm "yes," instead saying that Biden was certified as the winner and served as president.

### Maria Lanahan Argued Her Work On A Lawsuit Aiming To Restrict Mifepristone Access Was "Discrete And Limited" — Despite Signing Onto The Case As Missouri's Deputy Solicitor General

### May 2025: Trump Nominated Maria Lanahan To The U.S. District Court for the Eastern District of Missouri

**May 2025: Trump Announced The Nomination Of Maria Lanahan To District Court In Missouri.** "The president announced a series of nominations Tuesday for judges to serve on the U.S. District Court in Missouri, including Zachary Bluestone, Joshua Divine and Maria Lanahan." [Axios, [5/6/25](#)]

- **Lanahan Said She Initially Applied In December 2025 And Interviewed In Early 2025 For The Position.** "On December 10, 2024, Senator Schmitt's office sent me an email requesting that I apply for the position, which I did on December 23, 2024. On January 23, 2025, Senator Hawley's office emailed me and invited me to interview for the position. I interviewed for the position with Senator Hawley's office in Saint Louis, Missouri on February 3, 30 2025, with Senator Hawley's Chief Counsel and several other staff members. On February 7, 2025, I was contacted by the White House Counsel's Office and invited to interview for a vacancy on the United States District Court for the Eastern District of Missouri. On February 12, 2025, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice and periodically in contact with officials from White House Counsel's Office. On May 6, the President called to tell me I would be nominated to the Eastern District of Missouri." [Senate Judiciary Questionnaire, Maria Lanahan, [4/30/25](#)]

## **June 2025: The Senate Judiciary Launched The First Confirmation Hearing, Which Included Lanahan.**

“The Senate Judiciary Committee is launching the confirmation process for the first judicial nominations of President Donald Trump’s second term. The panel Wednesday morning opened a hearing for Whitney D. Hermendorfer, Trump’s nominee for the Sixth Circuit Court of Appeals, and four other district court judges in Missouri: Maria A. Lanahan, Cristian M. Stevens and Zachary M. Bluestone for the Eastern District, and Joshua M. Divine for the Eastern and Western Districts.” [Politico, [6/4/25](#)]

- **Nominees Respond To Follow-Up Questionnaires Posed By Senate Judiciary Committee Members.** “On Sunday, 11 days after the Senate Judiciary Committee held confirmation hearings for President Donald Trump’s first batch of judicial nominees, the group published the nominees’ answers to follow-up questions posed by the committee’s members. These questionnaires, which take the form of glitchy PDFs posted on the committee’s website, are Democrats’ last chance to provide meaningful ‘advice and consent’ on the nominations before Republicans begin hustling them along for confirmation votes.” [Slate, [6/17/25](#)]

**June 2025: Lanahan Advanced Out Of Committee On Party Lines.** “The Senate Judiciary Committee approved Donald Trump’s first slate of judicial nominees during his second term, clearing the first procedural hurdle for the president to resume his transformation of the federal judiciary. The nominees included Whitney D. Hermendorfer, Trump’s pick for the Sixth Circuit, and four nominees for district court seats in Missouri: Zachary M. Bluestone, Joshua M. Divine, Maria A. Lanahan, and Cristian M. Stevens. All were voted out of committee along party lines.” [Politico, [6/26/25](#)]

## **Maria Lanahan Claimed That Her Work On A Lawsuit Aiming To Restrict Mifepristone Access Was “Discrete And Limited”**

**October 2024: Missouri, Idaho, And Kansas Intervened In An Ongoing Case Filing A Revised Lawsuit Seeking To Reverse FDA Regulations Expanding Mifepristone Access And Implement New Restrictions.** “A lawsuit seeking to sharply restrict the abortion pill mifepristone — a case the Supreme Court threw out this year — has re-emerged in a version that presents new challenges for abortion-rights supporters and the federal government’s ability to regulate abortion medication. The revised lawsuit was filed this month by the conservative state attorneys general of three states — Missouri, Idaho and Kansas — against the Food and Drug Administration in the same federal district court in Texas as the original case. It seeks to reverse numerous regulatory changes the F.D.A. has made since 2016 that greatly expanded access to mifepristone. It also asks for new restrictions, including to outlaw the medication for anyone under 18.” [New York Times, [10/21/24](#)]

- **The Case Was Originally Filed By Anti-Abortion Doctors And Groups In 2022, And The Supreme Court Unanimously Ruled Against The Plaintiffs, Arguing That They Lacked Standing.** “The original lawsuit, filed in 2022 by anti-abortion doctors and groups, was rejected in June by the Supreme Court in a unanimous ruling. The court said that the plaintiffs did not have standing to sue because they couldn’t show they had been harmed by the F.D.A.’s decisions on mifepristone. But that ruling didn’t extinguish the case’s chance of being revived. Last year, Missouri, Idaho and Kansas petitioned to join the suit at the lower court level and were granted the status of intervenors.” [New York Times, [10/21/24](#)]

**Senator Klobuchar Asked Lanahan A Written Question About Her Knowledge Of Widespread Medical Consensus That Mifepristone Is Safe, Given Her Effort To Restrict Mifepristone Access As Deputy Solicitor General Of Missouri.**

Senate Judiciary Committee  
Nomination Hearing  
June 4, 2025  
Questions for the Record  
Senator Amy Klobuchar

For Maria Ann Lanahan, nominee to be U.S. District Judge for the Eastern District of Missouri

1. **As Deputy Solicitor General of Missouri, you led the effort to restrict women’s access to Mifepristone, a drug that has been approved in over 90 countries and safely used by millions. Your suit tries, among other things, to overturn the FDA’s 2016 approval and refers to these medications as “dangerous drugs.”**
  - **In filing your suit, are you aware that in 2018 the GAO—an independent, non-partisan agency—evaluated 62 studies and articles that supported the FDA’s decision, and that in 2023, the American Medical Association stated: “There is no evidence that people are harmed by having access to this safe and effective medication”?**

Response: My work on this case has been discrete and limited. I am not lead counsel on this case. I was not aware of the two studies you reference. That said, it is Missouri’s view that abortion complications are underreported for multiple reasons: failure to abide by reporting laws, the 2016 REMS removing the requirement to report complications other than death, and the fact that women presenting to emergency rooms who have taken abortion drugs do not always tell their providers that they took an abortion drug.

[Senate Judiciary Committee, Questions for the Record, Maria Lanahan, [6/15/25](#)]

**Lanahan Claimed That Her Work On The Case Was “Discrete And Limited” And She Was “Not Lead Counsel,” While Still Defending Missouri’s Stance Opposing Mifepristone.**

Senate Judiciary Committee  
Nomination Hearing  
June 4, 2025  
Questions for the Record  
Senator Amy Klobuchar

For Maria Ann Lanahan, nominee to be U.S. District Judge for the Eastern District of Missouri

1. **As Deputy Solicitor General of Missouri, you led the effort to restrict women’s access to Mifepristone, a drug that has been approved in over 90 countries and safely used by millions. Your suit tries, among other things, to overturn the FDA’s 2016 approval and refers to these medications as “dangerous drugs.”**
  - **In filing your suit, are you aware that in 2018 the GAO—an independent, non-partisan agency—evaluated 62 studies and articles that supported the FDA’s decision, and that in 2023, the American Medical Association stated: “There is no evidence that people are harmed by having access to this safe and effective medication”?**

Response: My work on this case has been discrete and limited. I am not lead counsel on this case. I was not aware of the two studies you reference. That said, it is Missouri’s view that abortion complications are underreported for multiple reasons: failure to abide by reporting laws, the 2016 REMS removing the requirement to report complications other than death, and the fact that women presenting to emergency rooms who have taken abortion drugs do not always tell their providers that they took an abortion drug.

[Senate Judiciary Committee, Questions for the Record, Maria Lanahan, [6/15/25](#)]

**When Asked Why The Lawsuit Was Filed In Texas Instead Of Missouri, Lanahan Said She Did Not Make The Decision But Claimed It “Promoted Judicial Efficiency.”**

2. You represented the State of Missouri in a case that was filed in a one-judge division in Texas, challenging the FDA's regulations surrounding the use of the drug mifepristone. Your office sought to litigate this case in Texas despite the fact that neither the State of Texas nor any person in Texas was a party to the lawsuit.

**a. Why was this lawsuit filed in Texas instead of Missouri?**

Response: I did not make the decision to file the lawsuit in Texas. That said, a case raising similar issues was already pending there. This promotes judicial efficiency.

**b. Why were the judges on the federal district court on which you are currently nominated to serve either not competent or not desirable to hear the case?**

Response: See response to Question 2.a.

[Senate Judiciary Committee, Questions for the Record, Maria Lanahan, [6/15/25](#)]

## **However, As Deputy Solicitor General, Lanahan Signed Onto The Lawsuit Throughout The Case**

**October 2024: Maria Lanahan Signed On To Missouri's Effort To Revive The *Alliance For Hippocratic Medicine* Lawsuit Challenging FDA Approval Of Mifepristone.**

Dated: October 11, 2024 Re

**ANDREW BAILEY**  
Missouri Attorney General

/s/ Joshua M. Divine  
\*Joshua Divine, #69875MO  
*Solicitor General*  
Maria Lanahan, #65956MO  
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[Northern District of Texas Amarillo Division, *Alliance for Hippocratic Medicine v. FDA*, Motion for Leave to Amend Complaint, filed [10/11/24](#)]

**March 2025: Lanahan Was Listed On The Signature Block Of The Case.**

Dated: March 18, 2025

**ANDREW BAILEY**  
Missouri Attorney General

/s/ Joshua M. Divine

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[Northern District of Texas Amarillo Division, Alliance for Hippocratic Medicine v. FDA, Intervenor-Plaintiffs' Brief, filed [3/18/25](#)]

**May 2025: The Trump Administration Asked A Judge To Toss Out Missouri's Lawsuit, Claiming The State Did Not Have The Standing To Sue.** "The Trump administration on Monday asked a judge to toss out a lawsuit from three GOP-led states seeking to cut off telehealth access to abortion medication mifepristone. Justice Department attorneys stayed the legal course charted by Biden administration, though they didn't directly weigh in on the underlying issue of access to the drug that's part of the nation's most common method of abortion. Rather, the government argued the states don't have the legal right, or standing, to sue." [Associated Press, [5/6/25](#)]

**Whitney Hermandorfer Minimized Her Role In Tennessee's Amicus Brief Supporting Trump's Birthright Citizenship Executive Order, Despite Signing On As TN's Director Of Strategic Litigation**

**May 2025: Trump Announced He Was Nominating Whitney Hermandorfer To The Sixth Circuit Court Of Appeals**

**May 2025: Trump Announced He Was Nominating Whitney Hermandorfer To The Sixth Circuit Court Of Appeals.** "Trump said in a social media post that he is nominating Whitney Hermandorfer, who has clerked for three members of the U.S. Supreme Court's conservative majority, to fill a vacancy on the Cincinnati-based 6th U.S. Circuit Court of Appeals." [Reuters, [5/2/25](#)]



- **Trump Made His Announcement Close To Midnight In A Truth Social Post.**



Donald J. Trump ✓  
@realDonaldTrump

I am pleased to announce the nomination of Whitney Hermandorfer to serve as a Judge on the United States Court of Appeals for the Sixth Circuit. Whitney has been serving the Great People of Tennessee, in the Attorney General's Office, where she has strongly litigated in Court to protect Citizens from Federal Government Overreach. A former Co-Captain of the Princeton University Women's Basketball Team, Whitney is a staunch defender of Girls' and Women's Sports. She has a long history of working for Judges and Justices who respect the RULE OF LAW, and protect our Constitution, including Justice Samuel Alito and two fine Supreme Court Justices I appointed in my First Term. Whitney is a Fighter who will inspire confidence in our Legal System. Thank you Whitney!

4.73k ReTruths 24.2k Likes

May 01, 2025, 11:42 PM

[TruthSocial, @realDonaldTrump, [5/1/25](#)]

**Hermandorfer Said She Was Contacted By The White House Counsel's Office In February 2025 And Then Interviewed For The Position.** "There is no selection commission of which I am aware in my jurisdiction. On February 2, 2025, I was contacted by the White House Counsel's Office and provided basic biographical information; I then was asked by the White House Counsel's Office to participate in an interview on approximately February 4, 2025. I interviewed with attorneys from the White House and the Department of Justice on February 11, 2025, in Washington, District of Columbia; that same day, the White House Counsel's Office requested that I provide additional biographical information, which I provided. On February 13, 2025, I interviewed with Senator Blackburn and a member of her staff. On February 28, 2025, I interviewed with Senator Hagerty, and on February 6, 2025, I interviewed with a member of Senator Hagerty's staff. On February 14, 2025, the White House Counsel's Office contacted me to let me know that I was in consideration for the nomination. On April 29, 2025, I met with President Donald Trump concerning my possible nomination. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination." [Senate Judiciary Questionnaire, Whitney Hermandorfer, [5/5/25](#)]

**June 2025: The Senate Judiciary Launched The First Confirmation Hearing, Which Included Hermandorfer.** "The Senate Judiciary Committee is launching the confirmation process for the first judicial nominations of President Donald Trump's second term. The panel Wednesday morning opened a hearing for Whitney D. Hermandorfer, Trump's nominee for the Sixth Circuit Court of Appeals, and four other district court judges in Missouri: Maria A. Lanahan, Cristian M. Stevens and Zachary M. Bluestone for the Eastern District, and Joshua M. Divine for the Eastern and Western Districts." [Politico, [6/4/25](#)]

**June 2025: Hermandorfer Advanced Out Of Committee On Party Lines.** "The Senate Judiciary Committee approved Donald Trump's first slate of judicial nominees during his second term, clearing the first procedural hurdle for the president to resume his transformation of the federal judiciary. The nominees included Whitney D. Hermandorfer, Trump's pick for the Sixth Circuit, and four nominees for district court seats in Missouri: Zachary M. Bluestone, Joshua M. Divine, Maria A. Lanahan, and Cristian M. Stevens. All were voted out of committee along party lines." [Politico, [6/26/25](#)]

## **Hermandorfer Minimized Her Role In Tennessee's Amicus Brief In Trump's Birthright Citizenship Lawsuit**

**When Asked What Role She Had In Filing An Amicus Brief In The Trump Birthright Citizenship Case, Hermandorfer Said She "Advised" The Attorney General Regarding The Arguments Being Made In Litigation, Participated In Drafting The Brief, And Refused To Answer Whether Trump's EO Was Constitutional.**

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Whitney Hermandorfer**  
**Nominee to be U.S. Circuit Judge for the Sixth Circuit**  
**June 15, 2025**

1. At your hearing, you suggested that the decision to file an amicus brief in *Trump v. CASA, Inc.* was made by the Attorney General of Tennessee. You are the Director of Strategic Litigation in the Office of the Tennessee Attorney General & Reporter, and your signature appeared on the amicus brief submitted to the Supreme Court in March 2025.

a. **What role did you have in deciding to file an amicus brief in *Trump v. CASA, Inc.*?**

Response: The decision whether to file or sign any amicus brief is made by the Attorney General. I advised the Attorney General regarding the arguments that were being made in the litigation as he considered whether to file an amicus brief.

b. **What role did you have in drafting Tennessee's amicus brief in *Trump v. CASA, Inc.*?**

Response: I participated in drafting the amicus brief.

c. **Do you believe President Trump's executive order on birthright citizenship is constitutional?**

Response: Because this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to opine on it.

[Senate Judiciary Committee, Questions for the Record, Whitney Hermandorfer, [6/15/25](#)]

## **However, Hermandorfer Signed Onto The Brief As TN's Director Of Strategic Litigation**

**Hermandorfer Worked As The Director Of Strategic Litigation For The Tennessee Attorney General's Office.** "President Trump nominated local attorney Whitney Hermandorfer to serve on the Sixth Circuit Court of Appeals. [...] Hermandorfer serves as director of the strategic litigation unit for the Tennessee Attorney General's Office." [Axios, [5/5/25](#)]

**Hermandorfer Signed Onto Tennessee's Amicus Brief In The Case.**

Nos. 24A884, 24A885, 24A886	
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<b>In the Supreme Court of the United States</b>	
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DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,	
v.	
CASA, INC., ET AL.,	
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DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,	
v.	
WASHINGTON, ET AL.,	
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DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,	
v.	
NEW JERSEY, ET AL.	
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<b>AMICUS BRIEF OF THE STATE OF TENNESSEE IN SUPPORT OF APPLICANTS</b>	
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Jonathan Skrmetti <i>Attorney General &amp; Reporter</i> J. Matthew Rice <i>Solicitor General</i> Whitney D. Hermandorfer <i>Director of Strategic Litigation Counsel of Record</i> OFFICE OF THE TENNESSEE ATTORNEY GENERAL & REPORTER P.O. Box 20207 Nashville, TN 37202 (615) 741-3491 whitney.hermandorfer@ag.tn.gov	
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[...]

Respectfully submitted,
Jonathan Skrmetti <i>Attorney General &amp; Reporter</i>
J. Matthew Rice <i>Solicitor General</i>
<u>/s/Whitney D. Hermandorfer</u> Whitney D. Hermandorfer <i>Director of Strategic Litigation Counsel of Record</i>
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<i>Counsel for the State of Tennessee</i>

[Supreme Court, Trump v. CASA, Amicus Brief, [3/21/25](#)]

**Hermandorfer Defended Her Experience As An Attorney, Despite Having Only Six Years Of Legal Practice, By Referencing Her Role As Counsel In Cases Advanced By Tennessee.**



Nomination of Whitney D. Hermendorfer  
 Nominee to be U.S. Circuit Judge for the Sixth Circuit  
 Questions for the Record  
 Submitted June 11, 2025

**QUESTIONS FROM SENATOR CORY A. BOOKER**

1. If you are confirmed to the federal bench, you would be one of the least experienced federal court of appeals judges in the nation. Having graduated from law school in 2015, you have about 10 years of legal experience; of those 10 years, you have only six years of legal practice experience, excluding judicial clerkships.

- a. If you are confirmed, what concrete and affirmative steps do you plan to take to try to overcome the relative experience gap between you and your colleagues?

Response: I am proud of the extensive record of litigation I have built over my years of practice. That record involves serving as counsel, often in lead roles and on behalf of multi-State coalitions, in several dozen federal cases spanning the Nation's federal trial and appellate courts, as well as the U.S. Supreme Court. These cases have often proceeded on fast-paced timelines and involved highly complex and nationally significant matters of federal law. If I am fortunate enough to be confirmed, I would approach the job as I have any other new task or position over the course of my life—while approaching the honor of the judicial office with humility and deference to my colleagues, I would work as hard as needed to carry out the required duties and contribute as quickly as I can to the work of the court. I'd also take advantage of training opportunities, particularly in areas of practice to which I've had less routine exposure in my career, and seek out the guidance and advice of my judicial colleagues on the Sixth Circuit and other federal courts.

[Senate Judiciary Committee, Questions for the Record, Whitney Hermendorfer, [6/15/25](#)]

## Joshua Divine Minimized Extreme Op-Eds He Wrote In College

### **May 2025: Trump Nominated Maria Lanahan To The U.S. District Court for the Eastern And Western Districts of Missouri**

**May 2025: Trump Announced The Nomination Of Joshua Divine To District Court In Missouri.** “The president announced a series of nominations Tuesday for judges to serve on the U.S. District Court in Missouri, including Zachary Bluestone, Joshua Divine and Maria Lanahan.” [Axios, [5/6/25](#)]

- **Divine Said He Was Contacted By Staff From The Missouri Senators In November 2024 About The Position And Interviewed Into 2025.** “In November 2024, I was contacted by staff from the offices of Senator Hawley and Senator Schmitt to see if I would be interested in a judicial position. In mid-December 2024, I was asked to submit written materials to Senator Schmitt's office, such as a resume, list of references, and list of writings. On February 14, 2025, I interviewed with attorneys from the White House Counsel's Office at the Eisenhower Building in Washington, D.C. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination. On May 6, the President called to tell me I would be nominated.” [Senate Judiciary Questionnaire, Joshua Divine, [4/25/25](#)]

**June 2025: The Senate Judiciary Launched The First Confirmation Hearing, Which Included Divine.** “The Senate Judiciary Committee is launching the confirmation process for the first judicial nominations of President Donald Trump's second term. The panel Wednesday morning opened a hearing for Whitney D. Hermendorfer, Trump's nominee for the Sixth Circuit Court of Appeals, and four other district court judges in Missouri: Maria A. Lanahan, Cristian M. Stevens and Zachary M. Bluestone for the Eastern District, and Joshua M. Divine for the Eastern and Western Districts.” [Politico, [6/4/25](#)]

**June 2025: Divine Advanced Out Of Committee On Party Lines.** “The Senate Judiciary Committee approved Donald Trump's first slate of judicial nominees during his second term, clearing the first procedural hurdle for the president to resume his transformation of the federal judiciary. The nominees included Whitney D. Hermendorfer, Trump's pick for the Sixth Circuit, and four nominees for district court seats in Missouri:

Zachary M. Bluestone, Joshua M. Divine, Maria A. Lanahan, and Cristian M. Stevens. All were voted out of committee along party lines.” [Politico, [6/26/25](#)]

## **Divine Was Questioned About His Previous Support For Literacy Tests, And Blamed His Stance On Being A Teenager In College**

**Senator Dick Durbin Questioned Divine About His Previous Claim That Literacy Tests Were “Not A Bad Thing.”**

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Joshua Michael Divine**  
**Nominee to be U.S. District Judge for the Eastern and Western Districts of Missouri**  
**June 11, 2025**

**1.** You previously argued that state-administered literacy tests should be a requirement for voting. Specifically, you stated that individuals who “aren’t informed about issues or platforms...have no business voting.”

Such tests are a racist relic of the Jim Crow era. They were routinely used to prevent immigrants and minorities from exercising their right to vote and were rightly banned by the Voting Rights Act of 1965.

You called these tests “not a bad thing.”

**a. Do you still believe that state-administered literacy tests should be a requirement for voting?**

[Senate Judiciary Committee, Questions for the Record, Joshua Divine, [6/15/25](#)]

**Divine Said He No Longer Supported Literary Tests, Repeatedly Claiming He Was A Teenager In College In His Defense.** “The article, written when I was a teenager, was consistent with the Civil Rights Act of 1964 and the Voting Rights Act of 1965, which banned Jim Crow literacy tests but permitted devices that did not have the same history of abuse. [...] As a teenager in college, I was aware that the Civil Rights Act and the Voting Rights Act had banned some tests while permitting others. I was not aware of the later amendments. I learned about the more recent law in law school. Tests are illegal now, and I have never advocated any form of test (including the ones that the Civil Rights Act and Voting Rights Act permitted) since that article.” [Senate Judiciary Committee, Questions for the Record, Joshua Divine, [6/15/25](#)]

## **Divine Was Questioned About His Claim That He Was A “Zealot” For The Pro-Life Movement, And Claimed He Was “Zealous” In His Advocacy**

**Divine Was Questioned Whether He Still Describes Himself As A “Zealot” For The Pro-Life Movement, And Claimed He Was A “Zealous Advocate” For His Clients.**

3. In an article you wrote for your college student newspaper *The Mirror*, you referred to yourself as a “zealot” for the pro-life movement.<sup>2</sup>

**a. What is your definition of a “zealot”?**

Response: The question refers to an article that was written when I was a teenager but does not correctly characterize the article. As I explained at the hearing, the term was used in the same way that people regularly refer to lawyers providing “zealous” advocacy—energetically trying to persuade. A democracy like ours depends on the ability and willingness of its citizens to engage in debate and try to persuade.

**b. Would you describe yourself today as a “zealot” for the pro-life movement?**

Response: I would describe myself as a zealous advocate for my clients: the State of Missouri, its agencies, and its officials. As a government attorney, I do not engage in political activism.

[Senate Judiciary Committee, Questions for the Record, Joshua Divine, [6/15/25](#)]

### **Divine Was Questioned On His “Zealot” Claim, And Said He Exercised His “Zealous” Duty To Defend Missouri In The State’s Abortion Ballot Initiative Lawsuit.**

3. You previously referred to yourself as a “zealot” for the anti-choice movement and wrote that “because we know a genetically unique human comes into existence at fertilization, abortion should not be ethically permitted.”

Last November, Missouri voters passed a ballot initiative that amended the state’s constitution to legalize abortion until fetal viability.

**Do you believe this ballot initiative was unethical?**

Response: In November 2024, Missouri voters enacted the ballot initiative in question, with 51% voting in favor. As you stated in the March 26, 2025, committee hearing, government attorneys have a “zealous” duty to advocate the government’s positions. And as a government attorney, I have exercised my duty. Before the amendment was even certified, I filed a brief in court acknowledging that passage of the amendment would mean that Missouri’s statutory prohibition on abortion no longer could be enforced. The brief also said that the State would defend other statutes and regulations, such as the requirement that abortion facilities sterilize instruments and stabilize women’s vital signs before discharging women to drive home. To the extent the question asks for political or policy views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

[Senate Judiciary Committee, Questions for the Record, Joshua Divine, [6/15/25](#)]

## **The Nominees Refused To Directly Answer “Yes” When Asked If Trump Lost The 2020 Election**

### **All Five Nominees Refused To Directly Confirm That Trump Lost The 2020 Election**

**Hermendorfer Did Not Directly Answer “Yes” When Asked If Trump Lost The 2020 Election, Saying Biden Was Certified And Served As President And It Would Be Improper To Offer Further Opinion That Could Be Taken As A Political Answer.**

**6. Did President Trump lose the 2020 election?**

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

[Senate Judiciary Committee, Questions for the Record, Whitney Hermandorfer, [6/15/25](#)]

**Divine Did Not Directly Answer “Yes” When Asked If Trump Lost The 2020 Election, Saying Biden Was Certified And Served As President.****29. Did Joe Biden win the 2020 presidential election?**

Response: President Biden was certified as the victor and served as the 46th President of the United States.

[Senate Judiciary Committee, Questions for the Record, Joshua Divine, [6/15/25](#)]

- **Divine Claimed That Ethical Rules Prohibited Him From Discussing The Matter Because He Served As A Law Clerk In The Supreme Court In 2020.**

**10. Who won the 2020 U.S. Presidential Election?**

Response: I served as a law clerk in the Supreme Court in 2020. The Court ruled on a case on this issue when I was clerking. Ethical rules prohibit discussing those matters. President Biden was certified as the victor and served as the 46th President of the United States.

[Senate Judiciary Committee, Questions for the Record, Joshua Divine, [6/15/25](#)]

**Lanahan Did Not Directly Answer “Yes” When Asked If Trump Lost The 2020 Election, Saying Biden Was Certified And Served As President.****5. Did President Trump lose the 2020 election?**

Response: Joseph Biden was certified as the president and served from January 2021 to January 2025.

[Senate Judiciary Committee, Questions for the Record, Maria Lanahan, [6/15/25](#)]

**Zachary Bluestone Did Not Directly Answer “Yes” When Asked If Trump Lost The 2020 Election, Saying Congress Certified Biden And He Served As President.****3. Did President Trump lose the 2020 election?**

Response: Under Article II and the Twelfth Amendment, Congress is responsible for counting electoral votes after a presidential election. Congress certified President Biden as the victor of the 2020 election, and he served as the 46th President of the United States.

[Senate Judiciary Committee, Questions for the Record, Zachary Bluestone, [6/15/25](#)]

**Cristian Stevens Said He Recalled Various Legal Challenges To The 2020 Election Results And That Biden Was Certified And Served As President.**

**7. Did President Trump lose the 2020 election?**

Response: As I recall, there were various legal challenges to the results of the 2020 presidential election. Joe Biden was certified as the winner of the 2020 presidential election and served four years as president.

[Senate Judiciary Committee, Questions for the Record, Cristian Stevens, [6/15/25](#)]

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