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The Honorable Amul R. Thapar
Judge, U.S. Court of Appeals for the Sixth Circuit
Comprehensive Research

Red List Note: This prospect is designated as a red list candidate. The purpose of the “red list” designation is not to denigrate a prospect but rather to explain that serious concerns make them untenable given the availability of “green list” prospects that do meet the exceedingly high standard necessary for Supreme Court prospects. This is a research summary and, therefore, may not include all information located, and is subject to periodic updates and revisions. Content may not always reflect the latest developments.

2017 – Present: Judge, U.S. Court of Appeals for the Sixth Circuit
2008 – 2017: Judge, U.S. District Court for the Eastern District of Kentucky
2006 – 2008: U.S. Attorney, Eastern District of Kentucky
2002 – 2006: Asst. U.S. Attorney, Southern District of Ohio
2001 – 2002: Private Practice, Squire, Sanders, Cincinnati, OH
2000 – 2001: General Counsel, Equalfooting.com
1999 – 2000: Asst. U.S. Attorney, D.C.
1997 – 1999: Private Practice, Williams & Connolly, D.C.
1996 – 1997: Law Clerk, The Hon. Nathaniel Jones, U.S. Court of Appeals for the Sixth Circuit
1994 – 1996: Law Clerk, The Hon. Arthur Spiegel, U.S. District Court, Southern District of Ohio
Education: University of California Berkeley (J.D.) 1994; Boston College (B.S.) 1991.

CONCERNS

Thapar authored an opinion in which he adopted the preferred feminine pronouns of a biological male litigant when discussing relevant case law.

- Thapar wrote of Traci Greene, a biological male who identified as transgender: “The prisoner, Traci Greene, was a preoperative transsexual who was placed in the prison's protective custody unit (‘PCU’) *for her safety*.”¹

¹ *Holder v. Saunders*, No. 13-38-ART, 2014 U.S. Dist. LEXIS 174592, *1, 17-18 (E.D. Ky. 2014), <https://plus.lexis.com/document/index?crd=2a78080b-3476-44e0-99c6-75922189183e&pdpermalink=371be423-a892-47f7-8ad3-8fb0748d286e&pdmfid=1530671&pdisurlapi=true> (emphasis added).

Thapar called Obama Judge Sri Srinivasan “one of the greatest judges in America” and intimated that he would like to see Srinivasan nominated to the Supreme Court.²

- Thapar called Srinivasan “an outstanding judge,” and “one of the greatest judges in America.”³
- Thapar also said of Srinivasan: “He’s on the D.C. Circuit, the second most powerful court in the land. And *hopefully he’ll get one more nomination*, but I won’t say that.”⁴
- Srinivasan was nominated by former President Obama to the U.S. Court of Appeals for the District of Columbia and was one of three finalists for President Obama’s nomination to succeed Justice Antonin Scalia on the U.S. Supreme Court.⁵

Thapar has concerningly referred to the role of judges as getting to “say...what the law is,” as opposed to deciding cases under the law.

- Thapar was asked at his confirmation hearing about his views on “judicial independence.” He remarked, “While we [judges] do at appropriate times give deference to Congress or the agencies or the executive branch, *it’s important – and as Chief Justice Marshall and others have said for us – that we get to say at the end of the day what the law is.*”⁶

Judge Thapar signed a consent agreement permanently enjoining “stand-alone Ten Commandments displays” at a county courthouse and approved an award to the plaintiffs of nearly \$6,000 in attorney’s fees and other costs.⁷

Thapar has authored or joined various opinions rejecting religious liberty claims.

- Thapar authored an opinion granting qualified immunity to prison officials who removed a string from a Native American inmate’s prayer feather due to security risk.
 - Thapar wrote, “Romero has not identified any legal authority clearly establishing, or even remotely hinting at, his right not to have a string attached to his feather removed. Not surprisingly, this Court’s independent search has also revealed no such precedent. Indeed, at least one court has held that Native American prisoners do not even have a clearly established right to possess a feather at all. See *Gonzalez v. Litscher*, 230 F. Supp. 2d 950, 961-62 (W.D. Wis. 2002). *If there is no clearly*

² NAT’L ASIAN PACIFIC AMERICAN BAR ASS’N, “2013 NAPABA Gala – Judge Sri Srinivasan,” YOUTUBE (Jan. 24, 2014), <https://youtu.be/Op4uht4pWko>, at 1:00 and 3:16.

³ NAT’L ASIAN PACIFIC AMERICAN BAR ASS’N, “2013 NAPABA Gala – Judge Sri Srinivasan,” YOUTUBE (Jan. 24, 2014), <https://youtu.be/Op4uht4pWko>, at 1:00 and 1:33.

⁴ NAT’L ASIAN PACIFIC AMERICAN BAR ASS’N, “2013 NAPABA Gala – Judge Sri Srinivasan,” YOUTUBE (Jan. 24, 2014), <https://youtu.be/Op4uht4pWko>, at 3:16 (emphasis added).

⁵ Srikanth Srinivasan, BALLOTPEDIA, https://ballotpedia.org/Srikanth_Srinivasan.

⁶ Hearing to Consider Pending Nominations, <https://www.c-span.org/video/?427502-1/judiciary>, at 14:59 (emphasis added) (no longer available).

⁷ Order, *Am. C.L. Union of Ky. v. Jackson Cnty., Ky.*, No. 6:09-cv-00230-ART (E.D. Ky. 2009), Dkt. No. 7, <https://ecf.kyed.uscourts.gov/doc1/08111906523>.

*established right to possess a feather in the first place, then there is no clearly established right to possess a feather with a length of string attached.”*⁸

- Thapar joined an opinion rejecting a prisoner’s §1983 claim concerning the free exercise of his religion because the court found that a single instance of a prison official pouring out the prisoner’s prayer oil was not sufficient to sustain a free exercise claim.
 - The opinion read: “[I]solated incidents are not sufficient to sustain a free exercise claim.”⁹
- Thapar joined a decision denying an alien’s petition for removal because she failed to corroborate her status as a Falun Gong practitioner.¹⁰

Thapar has sympathized with government interference with personal liberty interests during emergencies.

- Thapar wrote, “In Tennessee, as in so many other states, the Governor has taken extraordinary steps to fight the [COVID-19] pandemic. He declared a state of emergency, required all residents to remain at home except in limited circumstances, and ordered the closure of most businesses. As part of that effort, he also signed the generally applicable order at issue here. . . . *Our law has long-protected just these types of decisions from judicial interference based on purported violations of substantive due process. In times of emergency, elected officials need room to do what they were elected to do—to govern. Sometimes their actions will incidentally impact a person’s liberty interests. But the Supreme Court has upheld such actions anyway, explaining that ‘[r]eal liberty for all could not exist under the operation of a principle which recognizes the right of each individual person to use his own [person or property], . . . regardless of the injury that may be done to others.’*”¹¹

Thapar has attempted to describe the impact of his faith on his judging but made little connection between the Christian faith and the role of a judge, instead focusing on commitment to the rule of law.

- He explained, “[T]o the extent someone asked, “Has your faith impacted your judging?” Absolutely. *It gave me the freedom to understand that when I was putting people in jail,*

⁸ *Romero v. Lappin*, No. 10-35-ART, 2011 U.S. Dist. LEXIS 86435, *1, 11 (E.D. Ky. 2011), <https://www.docketbird.com/court-documents/Romero-v-Lappin-et-al/MEMORANDUM-OPINION-AND-ORDER-Defendants-motion-for-summary-judgment-R-17-is-GRANTED-A-separate-Judgment-will-issue-Signed-by-Judge-Amul-R-Thapar-on-08-04-2011-MRS-cc-COR-Pro-Se-filer/kyed-6:2010-cv-00035-00035>, at PDF p. 7-8 (emphasis added).

⁹ *Young v. Hooks*, 2018 U.S. App. LEXIS 25324, *1, 2 (6th Cir. 2018), <https://plus.lexis.com/document/index?crd=a8bb7ae2-f118-49c2-98fd-0637e2404ceb&pdpermlink=300a2896-dae4-4653-a9d9-02cca8e467db&pdmfid=1530671&pdisurlapi=true#/document/ff450af9-196c-4081-b1a4-c58e4f15034e> (emphasis added).

¹⁰ *Qiao Zhen Jiang v. Holder*, 341 Fed. Appx. 126 (6th Cir. 2009), <https://cases.justia.com/federal/appellate-courts/ca6/08-4463/09a0549n-06-2011-02-25.pdf?ts=1411018262>, at PDF p. 3.

¹¹ *Adams & Boyle, P.C. v. Slatery*, 956 F.3d 913, 933-34 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0127p-06.pdf>, at PDF p. 27-28 (emphasis added).

*I wasn't doing it because they were bad people, I was doing it because they committed bad acts and those acts had consequences by our law. And so that's my story on faith and judging, especially on the district court level."*¹²

Thapar worked on the campaign for Kentucky Secretary of State Trey Grayson, who supports so-called "LGBTQ nondiscrimination" policies.

- Thapar stated in his Senate Questionnaire that in October and November 2003, "I handed out literature and put up yard signs for Governor Ernie Fletcher and Secretary of State Trey Grayson. I also volunteered in the 72-hour campaign for the entire Republican ticket, travelling door-to-door to pass out literature."¹³
- Grayson agreed with the FFAA announcement that supported a "campaign for nationwide LGBTQ nondiscrimination protections," and celebrated that "we should all be proud that we were able to play a leading role in securing the 12 GOP Senate votes that carried the bill over the finish line."¹⁴
- To be clear, Judge Thapar has not seemed to endorse Grayson's position, but Thapar's prior support for Grayson is, at a minimum, a matter of concern.

Thapar said at his nomination hearing that Judge Nathaniel Jones, whom Thapar clerked for on the Sixth Circuit, was his "judicial mentor."¹⁵

- Judge Jones was a civil rights attorney in the 1960s who was nominated to the U.S. Court of Appeals for the Sixth Circuit by former President Jimmy Carter.¹⁶
- Jones testified before the Senate against the confirmation of Chief Justice John Roberts, questioned Robert's "values" and said he engaged in "activist attempts to thwart the Federal court's efforts to dismantle segregation."¹⁷
 - Specifically, Jones stated:
[S]ince he was nominated by the President, serious questions have been raised concerning Judge Roberts's views about the relevance and legality of remedies aimed at ending racial discrimination.

....

¹² CIT, *Originalism and the Catholic Intellectual Tradition: A Jurist's Perspective*, YOUTUBE (Oct. 14, 2022), <https://www.youtube.com/watch?v=8oKHF1StpVA>, at 12:20 (emphasis added).

¹³ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 72.

¹⁴ *Republican & Former Kentucky Secretary of State Trey Grayson Calls on Conservatives to Support LGBTQ Protections*, FREEDOM FOR ALL AMERICANS, <https://web.archive.org/web/20221205211325/https://freedomforallamericans.org/trey-grayson/>.

¹⁵ Hearing to Consider Pending Nominations, , <https://www.c-span.org/video/?427502-1/judiciary>, at 10:48.

¹⁶ *Nathaniel Jones*, BALLOTPEdia, [https://ballotpedia.org/Nathaniel_Jones_\(federal_judge\)](https://ballotpedia.org/Nathaniel_Jones_(federal_judge)). See also *Judge Nathaniel R. Jones*, YOUNGSTOWN STATE UNIV., <https://bac.ysu.edu/index.php/alumni-spotlight/judge-nathaniel-r-jones/>.

¹⁷ Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the U.S., <https://www.judiciary.senate.gov/imo/media/doc/GPO-CHRG-ROBERTS.pdf>, at PDF p. 466-67 (emphasis added). A video is available at <https://www.c-span.org/video/?188799-3/roberts-confirmation-hearing-day-4-part-3>.

The nominee's views and his documented *activist attempts to thwart the Federal court's efforts to dismantle segregation schemes* that the courts themselves permitted to be erected and sustained bring into play something much more *fundamental* than technical skills. The critical question before you is one of *values*, not competence.¹⁸

- It is understandable that Judge Thapar would speak respectfully of his former boss Judge Jones, but to elevate him to the status of a judicial “mentor” is of concern.

Thapar has also described Judge Denny Chin as “[a] true role model.”¹⁹

- Judge Chin was nominated to the Second Circuit by former President Obama.²⁰
- Chin was previously nominated to the United States District Court for the Southern District of New York by former President Bill Clinton.²¹

OTHER FINDINGS

Judicial Philosophy:

- Thapar self-identifies as an originalist.
 - “We write things down to understand them, and so you’ve got to understand what the American people approved . . . *I’ve got to trust the American people, that’s at its core what originalism is about, do you trust unelected judges? Or do you trust the American people . . . we put our faith in the American people and not unelected judges, and that’s what originalism is about at its core.*”²²
 - Thapar acknowledges that there are several “brands” of originalism, but “[he] and Justice Thomas and others are original public meaning originalists, and what that means is, *we look at the words in the document and we try to understand through history, through what happened around the time, what those words meant when they were ratified by the American people.*”²³

¹⁸ Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the U.S., <https://www.judiciary.senate.gov/imo/media/doc/GPO-CHRG-ROBERTS.pdf>, at PDF p. 466-67 (emphasis added). A video is available at <https://www.c-span.org/video/?188799-3/roberts-confirmation-hearing-day-4-part-3>.

¹⁹ John C. Yang, “A Shining Star in an Often Overlooked Galaxy: The Honorable Amul R. Thapar (E.D. Ky.),” XVIII NAPABA LAWYER NO. 3,

https://cdn.ymaws.com/www.napaba.org/resource/resmgr/Newsletters/election_2008.pdf.

²⁰ Denny Chin, BALLOTPEdia, https://ballotpedia.org/Denny_Chin.

²¹ Denny Chin, BALLOTPEdia, https://ballotpedia.org/Denny_Chin.

²² EWTN, *First Indian-American Federal Judge, Judge Amul Thapar on Catholic Conversion*, YOUTUBE (Dec. 1, 2023), <https://www.youtube.com/watch?v=ohHQmzhMvIM>, at 12:50 (emphasis added).

²³ ALBERT MOHLER, “The People’s Justice” – A Conversation with Judge Amul Thapar about Justice Clarence Thomas, YOUTUBE (Nov. 20, 2023), <https://www.youtube.com/watch?v=FbOhTKILFgo>, at 11:55 (emphasis added).

- Thapar called on law school donors to withhold funding from schools until they hire an ideologically diverse faculty and teach originalist theory.²⁴
 - In an interview with Albert Mohler, Thapar stated: “I’ve made the argument in many recent talks that has irritated a lot of law schools, *that if they’re not teaching originalism in law schools, even to people that disagree with it, they are allowing their graduates to commit malpractice.*”²⁵
- Ben Beaton, a federal district judge appointed by President Trump in 2020, described the “overarching theme of Judge Thapar’s entire body of judicial work” as that of a judge who is a “thorough-going textualist” adhering to the “brand of textualism, championed in the opinions of Justices Gorsuch and Thomas, driven by plain meaning, statutory structure, and the traditional tools of interpretation.”²⁶
- Thapar has stated: “The reason I’m an originalist starts at a very fundamental level, it starts with the oath we take. As judges we take an oath, and the oath is found in Article six of the Constitution. . . . *It says ‘this Constitution’, not a Constitution of our liking, not a living and breathing Constitution, but this Constitution, meaning the words and concepts in the Constitution, as ratified, and subsequently amended.*”²⁷
 - He added, “*Originalism keeps judges in their proper role – saying what statutes and the Constitution mean, not what they think it ought to mean.*”²⁸
 - Thapar also rightly declared, “*As a judge, it’s important that I understand my limited role in this great country. I am tasked with deciding each case or controversy that comes before me, and in each and every case or controversy, I must hold fast to that oath, to interpret this constitution.*”²⁹
- Thapar has indicated opposition to some forms of judicial activism.

²⁴ Suzanne Monyak, *Judge Urges Law School Donation Halt Until Originalism Taught*, BLOOMBERG L. (Oct. 23, 2024), <https://news.bloomberglaw.com/us-law-week/judge-urges-law-school-donation-halt-until-originalism-taught>.

²⁵ ALBERT MOHLER, ‘The People’s Justice’ – A Conversation with Judge Amul Thapar about Justice Clarence Thomas, YOUTUBE (Nov. 20, 2023), <https://www.youtube.com/watch?v=FbOhTKILFgo>, at 44:20 (emphasis added).

²⁶ Ben Beaton, *Textualism in the Trenches: Judge Amul Thapar and the Administrative State*, YALE J. REGUL. (July 3, 2018), <https://www.yalejreg.com/nc/textualism-in-the-trenches-judge-amul-thapar-and-the-administrative-state-by-ben-beaton/>.

²⁷ *The Antonin Scalia Constitution Day Lecture with Judge Amul Thapar: Originalism in Theory and Practice*, JAMES MADISON PROGRAM IN AM. IDEALS & INSTS. (Sep. 22, 2022), <https://jmp.princeton.edu/events/2022/antonin-scalia-constitution-day-lecture-judge-amul-thapar-originalism-theory-and>, at 4:30 (emphasis added).

²⁸ *The Antonin Scalia Constitution Day Lecture with Judge Amul Thapar: Originalism in Theory and Practice*, JAMES MADISON PROGRAM IN AM. IDEALS & INSTS. (Sep. 22, 2022), <https://jmp.princeton.edu/events/2022/antonin-scalia-constitution-day-lecture-judge-amul-thapar-originalism-theory-and>, at 9:09 (emphasis added).

²⁹ *The Antonin Scalia Constitution Day Lecture with Judge Amul Thapar: Originalism in Theory and Practice*, JAMES MADISON PROGRAM IN AM. IDEALS & INSTS. (Sep. 22, 2022), <https://jmp.princeton.edu/events/2022/antonin-scalia-constitution-day-lecture-judge-amul-thapar-originalism-theory-and>, at 40:05 (emphasis added).

- Thapar has said, “[W]hen words do not appear in a statute, we should not add to what Congress has provided with what we think Congress should have provided.”³⁰
- He has also stated, “[C]ourts aren’t supposed to second guess policymakers based on their own subjective judgments of what makes for good policy All the more when our elected officials are tasked with making difficult decisions under conditions of uncertainty, risk, and imperfect information. See *Jacobson*, 197 U.S. at 30-31.”³¹
- Thapar has written, “It should be no surprise when judicial creativity begets chaos. Judges are not cut out for legislative craftsmanship. The Founders understood this. In fact, they rejected the Council of Revision, a proposal to give the judiciary a veto over the laws, for this very reason. Simply put, they did not trust judges to make policy.”³²
- Thapar is a critic of living constitutionalism.
 - He opined, “I would not take the living constitutional route. *Dismissing our constitutional text and history—as the Casey plurality did—is never wise.*”³³
 - Judge Thapar countered the notion that living constitutionalism adapts to modern times, stating, “I would argue an argument of Justice Scalia’s. He said at the end of the day it’s who do you trust? Do you trust the American people, or do you trust the nine individuals in the Court? And he said I’d rather, with the pressing issues of today, I’d rather pick nine individuals randomly from the phone book than have the nine individuals in the Court play God.”³⁴
- Judge Thapar struck down a Kentucky statute forbidding judges from making political contributions.³⁵
- Thapar authored a book entitled, “*The People’s Justice: Clarence Thomas and the Constitutional Stories that Define Him*,” in which he “demolishes” cruel caricatures of Justice Thomas and describes the merits of Thomas’s “originalist jurisprudence.”³⁶

³⁰ *Tree of Life Christian Schs. v. City of Upper Arlington*, 905 F.3d 357 (6th Cir. 2018), <https://cases.justia.com/federal/district-courts/ohio/ohsdce/2:2011cv00009/143375/70/0.pdf?ts=1428916427>, at PDF p. 33 (emphasis added).

³¹ *Adams & Boyle, P.C. v. Slatery*, 956 F.3d 913, 936 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0127p-06.pdf> (emphasis added).

³² *Wright v. Spaulding*, 939 F.3d 695 (6th Cir. 2019), <https://www.opn.ca6.uscourts.gov/opinions.pdf/19a0245p-06.pdf>, at PDF p. 18 (emphasis added).

³³ *Memphis Ctr. For Reprod. Health v. Slatery*, 14 F.4th 409 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0215p-06.pdf>, at PDF p. 54 (emphasis added).

³⁴ ALBERT MOHLER, “*The People’s Justice*” – A Conversation with Judge Amul Thapar about Justice Clarence Thomas, YOUTUBE (Nov. 20, 2023), <https://www.youtube.com/watch?v=FbOhTKILFgo>, at 10:35.

³⁵ *Winter v. Wolnitzek*, 186 F. Supp. 3d 673 (E.D. Ky. 2016), <https://case.law/caselaw/?reporter=f-supp-3d&volume=56&case=0884-01> (emphasis added).

³⁶ ALBERT MOHLER, *The People’s Justice: Clarence Thomas and the Constitutional Stories that Define Him* – Amul Thapar, AMAZON (June 20, 2023), <https://www.amazon.com/Peoples-Justice-Clarence-Constitutional-Stories/dp/1684514525>.

- Thapar has shared that he hires law clerks with many different viewpoints.³⁷
- He has argued that courts should add corpus linguistics (the study of the meaning of words and language as stored in real life situations such as internet search engines) to their toolbox.
 - Thapar wrote, “[T]he text is clear, as many tried-and-true tools of interpretation confirm. But so does one more: corpus linguistics. Courts should consider adding this tool to their belts.”³⁸

Faith & the Public Square:

- Judge Thapar joined a Sixth Circuit opinion upholding commissioner-led invocations at meetings of the Board of Commissioners.
 - The opinion focused on the historical and traditional role of legislative prayer, citing *Marsh*: “***‘The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country.’*** [citations omitted].”³⁹
- He also joined a per curiam opinion denying a Jehovah’s Witness’s Title VII failure to accommodate claim because accommodation would pose more than a de minimis burden on the employer but dissented with a critique of *Hardison*.
 - He wrote, “Of course, all this does not mean that employers must always accommodate their employees’ religious beliefs and practices. The term ‘undue hardship’ makes clear ‘that this is a field of degrees, not a matter for extremes’ or ‘absolutes’. . . . ***But Hardison itself adopted an ‘absolute’ when it ‘effectively nullified’ the accommodation requirement. Hardison, 432 U.S. at 89 (Marshall, J., dissenting). And without any real reason.***”⁴⁰

Religious Liberty:

- Thapar believes that the decision in *Hardison*, which held that a private employer need not accommodate an employee’s religious exercise if doing so would require the employer “to bear more than a de minimis cost,” severely curtailed religious liberty.
 - He wrote, “***The irony (and tragedy) of decisions like Hardison is that they most often harm religious minorities—people who seek to worship their own God, in their own way, and on their own time.*** See McConnell, *supra*, at 693, 721–22;

³⁷ Hearing to Consider Pending Nominations, <https://www.judiciary.senate.gov/hearings/watch?hearingid=523B537C-5056-A066-6068-8550B2E199BD> (emphasis added) (no longer available).

³⁸ *Wilson v. Safelite Grp., Inc.*, 930 F.3d 429 (6th Cir. 2019), <https://www.opn.ca6.uscourts.gov/opinions.pdf/19a0148p-06.pdf>, at PDF p. 13.

³⁹ *Bormuth v. Cty. of Jackson*, 870 F.3d 494 (6th Cir. 2017) cert. denied, 138 S. Ct. 2708 (2018), <https://www.opn.ca6.uscourts.gov/opinions.pdf/17a0207p-06.pdf> (emphasis added).

⁴⁰ *Small v. Memphis Light, Gas & Water*, 952 F.3d 821 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0082p-06.pdf>, at PDF p. 11 (emphasis added).

Storslee, *supra*, at 873–74, 877. The American story is one of religious pluralism. The Founders wrote that story into our Constitution in its very first amendment. And almost two-hundred years later, a new generation of leaders sought to continue that legacy in Title VII. But the Supreme Court soon thwarted their best efforts.”⁴¹

- Thapar authored an opinion rejecting a Native American prisoner’s request for access to a sweat lodge due to penological interests.
 - Thapar wrote, “The defendants have offered a number of legitimate reasons for their denial of Bailey’s request for a sweat lodge. The sweat lodge ceremony involves burning embers and hot coals, heavy blocks of wood and rocks, and sharp tools like shovels. All of these objects might be used as weapons by prisoners. The sweat lodge ceremony would also take place in an enclosed area out of prison guards’ view, creating another security risk.”⁴²
- In *Meriwether* (see “LGBT Issues”), Thapar protected religious liberty and free speech by defending a professor’s right to express his “sincerely held religious beliefs [which] prevented him from communicating messages about gender identity that he believes are false.”⁴³
 - Thapar rooted much of his analysis in the Supreme Court’s defense of religious liberty, and right to resist the LGBT agenda, in the case *Masterpiece Cakeshop*, in which the Court upheld a baker’s right to refuse to bake a cake for a same-sex wedding.⁴⁴
 - During oral argument, Thapar compared the university policy of requiring professors to use preferred pronouns to a rule compelling a Jewish professor to call a student “Führer.”⁴⁵

Sanctity of Life:

- Thapar dissented from a panel opinion affirming a preliminary injunction against a COVID-19 restriction on elective surgeries as it applies to abortion.
 - Thapar would have permitted the state of Tennessee to ban abortions as part of its COVID prevention measures. He authored in dissent, “The district court failed to make specific findings about whether the executive order creates a ‘substantial

⁴¹ *Small v. Memphis Light, Gas & Water*, 952 F.3d 821 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0082p-06.pdf>, at PDF p. 11 (emphasis added).

⁴² *Bailey v. Isaac*, 2012 U.S. Dist. LEXIS 136037, *1, 6 (E.D. Ky. 2012), <https://plus.lexis.com/document/index?crd=13b3881c-0ca6-414d-a20b-760367cda805&pdpermalink=76d81247-915c-4be7-a196-979e2fcb50dd&pdmfid=1530671&pdisurlapi=true#/document/b147b7fc-8c95-447a-9996-1aeeae528286>.

⁴³ *Meriwether v. Hartop*, 992 F.3d 492, 499 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0071p-06.pdf>, at PDF p. 4.

⁴⁴ See *Meriwether v. Hartop*, 992 F.3d 492, 512-18 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0071p-06.pdf>, at PDF p. 22-29.

⁴⁵ Mark Joseph Stern, *Trump Judge: Professor Has a First Amendment Right to Misgender a Trans Student in the Classroom*, SLATE (Mar. 29, 2021), <https://slate.com/news-and-politics/2021/03/amul-thapar-meriwether-trump-transgender-first-amendment.html>.

obstacle’ for women seeking an abortion. See *Casey*, 505 U.S. at 874. At most, the district court pointed out that the executive order will delay certain abortions for three weeks. But that doesn't take the plaintiffs very far. ***Both the Supreme Court and our court have upheld laws that have the effect of delaying abortions for days or even weeks.*** See, e.g., *Ohio v. Akron Ctr. for Reprod. Health*, 497 U.S. 502, 514, 110 S. Ct. 2972, 111 L. Ed. 2d 405 (1990) (up to three-week delay); *Cincinnati Women's Servs., Inc. v. Taft*, 468 F.3d 361, 366, 372-74 (6th Cir. 2006) (up to two-week delay). ***Indeed, for the last forty years, the Supreme Court has “repeatedly upheld a wide variety of abortion regulations that entail some delay in the abortion.”*** *Garza v. Hargan*, 874 F.3d 735, 755-56, 433 U.S. App. D.C. 72 (D.C. Cir. 2017) (en banc) (Kavanaugh, J., dissenting) (collecting cases). ***The district court failed to grapple with any of these precedents. Its silence speaks volumes.***⁴⁶

- In a 2019 case, Thapar joined a Sixth Circuit majority opinion upholding Ohio’s right to withhold state funding from Planned Parenthood.⁴⁷
- In a 2021 case in which the Sixth Circuit struck down two Tennessee pro-life laws, Thapar authored a staunch 35-page pro-life dissent explaining the unconstitutionality of both *Roe* and *Casey*.
 - Thapar wrote, “The right must be ‘implicit in the concept of ordered liberty, such that neither liberty nor justice would exist’ without its recognition. Second, the court must make a ‘careful description’ of ‘the asserted fundamental liberty interest.’ This is a tough test to pass. And rightly so. After all, when the judiciary recognizes a new right, we take the decision away from the American people. The *Roe* majority claimed that a right to abortion easily clears that high hurdle. But in doing so, it rewrote history.”⁴⁸
 - He adds, “***I now turn to the putative right to abortion and start with the text. No one, including the *Roe* majority, contends that such a right exists in the text of the Articles of the Constitution. Instead, jurists and commentators point to the Bill of Rights or the Fourteenth Amendment. But you won’t find the word ‘abortion’ (or any equivalent) there either.***”⁴⁹
 - Lastly, Judge Thapar wrote, “The [*Casey*] undue burden test is ‘hopelessly unworkable in practice.’ And it is unworkable because it is neither a clear rule nor a judicially manageable standard. The test has the added vice of being untethered from constitutional or statutory text. Instead, it takes judges out of our Article III

⁴⁶ *Adams & Boyle, P.C. v. Slatery*, 956 F.3d 913 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0127p-06.pdf>, at PDF p. 25 (emphasis added).

⁴⁷ *Planned Parenthood of Greater Ohio v. Hodges*, 917 F.3d 908, 910 (6th Cir. 2019), <https://www.opn.ca6.uscourts.gov/opinions.pdf/19a0042p-06.pdf>.

⁴⁸ *Memphis Ctr. For Reprod. Health v. Slatery*, 14 F.4th 409, 442 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0215p-06.pdf>, at PDF p. 43.

⁴⁹ *Memphis Ctr. For Reprod. Health v. Slatery*, 14 F.4th 409 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0215p-06.pdf>, at PDF p. 42 (emphasis added).

role and makes us answer questions better left in the hands of legislatures. The Founders understood the danger of this. So should we.”⁵⁰

- Thapar has described *Roe* as being “pretty much made up.”⁵¹
- Thapar held that the Court lacks authority to instruct the Department of Justice when to seek or not seek the death penalty because that would violate the separation of powers.⁵²

LGBT Issues:

- In 2021, Thapar authored the majority opinion in *Meriwether v. Hartop*, upholding a university professor’s right to freely exercise his devout Christian faith by declining to reference a biological male according to feminine pronouns.⁵³
 - Throughout the opinion, Thapar refers to the biological male transgender student as “Doe” and never utilizes either feminine or masculine pronouns.
 - Thapar asserted, “***Government officials violate the First Amendment whenever they try to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion,’ and when they ‘force citizens to confess by word or act their faith therein.’***” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).⁵⁴
 - Citing *Lukumi*, Thapar claimed, “***The Free Exercise Clause ‘forbids subtle departures from neutrality and covert suppression of particular religious beliefs.’ Thus, courts have an obligation to meticulously scrutinize irregularities to determine whether a law is being used to suppress religious beliefs.***”⁵⁵
- Judge Thapar joined an opinion in *L.W. v. Skrmetti* that affirmed the constitutionality of a Tennessee law that restricted gender-mutilation surgeries and medication for minors.⁵⁶ The U.S. Supreme Court later affirmed the 6th Circuit’s ruling.⁵⁷
 - The opinion Thapar joined asserted, “***Adults may use drugs and surgery to transition from one gender to another. But children may not By guarding***

⁵⁰ *Memphis Ctr. For Reprod. Health v. Slatery*, 14 F.4th 409 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0215p-06.pdf>, at PDF p. 62 (citations omitted).

⁵¹ INST. PUB. AFFS., *Originalism and how judicial activism impacts everyday people- Judge Amul Thapar | Free Voices*, YOUTUBE (Sept. 19, 2024), <https://www.youtube.com/watch?v=0EgNJZNNnoaw>, at 10:15.

⁵² *United States v. Slone*, 969 F. Supp. 2d 830, 833-34 (E.D. Ky. 2013), <https://plus.lexis.com/document/index?crd=b80acc8c-6b68-4881-b7de-6a1b3c9a06a0&pdpermalink=e0a77904-28ff-4f3f-8def-d9f8eccc5267&pdmfid=1530671&pdisurlapi=true#/document/4545831b-a929-4476-9b46-7632fbc0c5e9>.

⁵³ *Meriwether v. Hartop*, 992 F.3d 492, 516 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0071p-06.pdf>.

⁵⁴ *Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0071p-06.pdf>, at PDF p. 11 (emphasis added).

⁵⁵ *Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0071p-06.pdf>, at PDF p. 25-26 (emphasis added).

⁵⁶ *L.W. v. Skrmetti*, 83 F.4th 460 (6th Cir. 2023), <https://assets.aclu.org/live/uploads/2023/04/166-2-Opinion.pdf>, at PDF p. 41.

⁵⁷ *United States v. Skrmetti*, 2025 U.S. Lexis 2377 (2024), <https://www.oyez.org/cases/2024/23-477>.

*against the risks of physically invasive, often irreversible, changes to a child's secondary sex characteristics until the individual becomes an adult, the law does not trigger any traditional equal-protection concerns.”*⁵⁸

- Additionally, the opinion stated, “*State governments have an abiding interest . . . ‘preserving and promoting the welfare of the child,’ . . . [and that] no one disputes that these transgender treatments carry risks or that the evidence supporting their use is far from conclusive.*”⁵⁹
- In *Gore v. Lee*, Judge Thapar joined an opinion upholding Tennessee’s policy of treating one’s biological sex listed on a birth certificate as a historical fact unchangeable by an individual’s “transition” to a different gender identity.
 - The opinion asserted that *the amendment policy*, which prevents people from changing the sex classification on their birth-certificate, “*does not attach any significance to the biological sex of the applicant,*”⁶⁰ and explained that transgender persons are not a “suspect class.”⁶¹
- Thapar, sitting by designation, denied a claim for same-sex employment harassment.
 - Thapar wrote: “Harold Wasek claims that he was harassed and bullied while working for his employer, Arrow Energy Services, Inc. He cannot show, however, that the bullying and harassment occurred because of his gender. As such, Wasek cannot maintain an action under either Title VII or Michigan's Elliot-Larsen Civil Rights Act (“ELCRA”).”⁶²

Faith & Worldview:

- Thapar has a noteworthy journey of faith from Hinduism to non-denominational Christian, to Catholic Christian.
 - Thapar explained, “When I started clerking for Nathaniel Jones on the Sixth Circuit . . . at the time, I was a Hindu, not a practicing Hindu.”⁶³
 - Judge Jones’s judicial assistant Marsha Carter introduced Thapar to Christianity. Thapar considered himself a non-denominational Christian when he married his wife. Thapar stated, “And she gave me something that remains on my desk today and it was a little plaque and it’s Jeremiah 17:7 in it, ‘But blessed are those who trust in the Lord and have made the Lord their hope and confidence.’ And that

⁵⁸ *L.W. v. Skrmetti*, 83 F.4th 460 (6th Cir. 2023), <https://assets.aclu.org/live/uploads/2023/04/166-2-Opinion.pdf>, at PDF p. 23, 25 (emphasis added).

⁵⁹ *L.W. v. Skrmetti*, 83 F.4th 460 (6th Cir. 2023), <https://assets.aclu.org/live/uploads/2023/04/166-2-Opinion.pdf>, at PDF p. 14, 37 (emphasis added).

⁶⁰ *Gore v. Lee*, 107 F.4th 548 (6th Cir. 2024), <https://www.opn.ca6.uscourts.gov/opinions.pdf/24a0151p-06.pdf>, at PDF p. 8-9 (emphasis added).

⁶¹ *Gore v. Lee*, 107 F.4th 548 (6th Cir. 2024), <https://www.opn.ca6.uscourts.gov/opinions.pdf/24a0151p-06.pdf>, at PDF p. 12 (emphasis added).

⁶² *Wasek v. Arrow Energy Services, Inc.*, 682 F.3d 463, 465 (6th Cir. 2012), https://scholar.google.com/scholar_case?case=14129002340543283181&hl=en&as_sdt=6&as_vis=1&oi=scholarrr.

⁶³ CIT, *Originalism and the Catholic Intellectual Tradition: A Jurist's Perspective*, YOUTUBE (Oct. 14, 2022), <https://www.youtube.com/watch?v=8oKHF1StpVA>, at 7:02.

plaque had so much meaning to me when I left the clerkship because of how much time she spent with me talking about the importance of Jesus Christ in the Bible and other such things. Another one of my co-clerks turned me on to an Indian preacher of all people, named Ravi Zacharias and I started listening to him. And through that journey, I came to Christianity and I became a non-denominational Christian. During this time, I also met my wife and she was Catholic. And so we got married, I refused to convert to get married because I was still struggling with Catholicism.”⁶⁴

- Thapar said, “Well, we had our first child and she got pregnant with her second and she informed me that on Sundays her and the kids would go to Catholic church, they would take Catholic communion. And I could either be a part of this family or I could explain to the kids why I don’t want to be a part of the family. *So I went through RCIA, as you can imagine, someone that didn’t believe in many of the tenets of the Catholic faith, challenged everything in RCIA, drove everyone in my class crazy and hopefully we all became better Catholics as a result of it. But that was my journey to Catholicism.* It’s really that I got there because of my wife. And of course, my faith in judging starts with my wife as well.”⁶⁵
- Thapar believes in American exceptionalism.
 - Thapar was asked whether he is “optimistic” about the future of the United States and responded as follows: “You heard me say this and they might not love this in Australia but it’s [the United States] *the greatest country in the world with the greatest people, and I have every confidence in our country.*”⁶⁶
 - An article written by Ed Whelan states: “In response to a colleague’s charge that many Americans want to shut our borders ‘to all potential immigrants who are not blond-haired and blue-eyed,’ Thapar replied that ‘as someone who is neither blond-haired nor blue-eyed and who has benefited directly from the kindness of the American people, *I believe that the American Dream is alive and well for persons of all stripes.*’”⁶⁷

Second Amendment:

⁶⁴ CIT, *Originalism and the Catholic Intellectual Tradition: A Jurist's Perspective*, YOUTUBE (Oct. 14, 2022), <https://www.youtube.com/watch?v=8oKHF1StpVA>, at 7:41.

⁶⁵ CIT, *Originalism and the Catholic Intellectual Tradition: A Jurist's Perspective*, YOUTUBE (Oct. 14, 2022), <https://www.youtube.com/watch?v=8oKHF1StpVA>, at 8:46 (emphasis added).

⁶⁶ R. L. LEGAL STUD., *Judge Amul Thapar speaks to Chris Merritt about Originalism and his book, The People's Justice*, YOUTUBE (Sep. 2, 2024), <https://www.youtube.com/watch?v=S4tVkLjQggg>, at 13:00 (emphasis added).

⁶⁷ Ed Whelan, *My Law Review Article on Judge Thapar's Outstanding Abortion Opinion*, NAT'L REV. (June 29, 2022), <https://www.nationalreview.com/bench-memos/my-law-review-article-on-judge-thapars-outstanding-abortion-opinion/> (emphasis added).

- In his book, Thapar tells the story of Otis McDonald, a former slave who moved to Chicago and challenged the city's prohibition on firearms, and favorably describes Justice Thomas's staunch support of McDonald's Second Amendment right to bear arms.⁶⁸
- Thapar further explained that the Second Amendment "doesn't mean that the American people don't have a say, but they can't violate the Constitution . . . they can't write laws that abridge the Second Amendment. It's no different than the First Amendment or the Fourth Amendment, or any Amendment in the Constitution."⁶⁹

Education Issues:

- Thapar has commented on the lack of viewpoint diversity at law schools.
 - Thapar moderated a Federalist Society Debate, at the conclusion of which he made the following comment: "I want to first say 'what a great debate.' You have to come to the Federalist Society Symposium to get this debate, and the reason is we don't have diversity of viewpoint in our law schools."⁷⁰

Administrative State:

- Thapar authored a panel opinion rejecting a prisoner's sentencing challenges under governing precedent but concurred to express concern about *Auer* deference and separation of powers issues.
 - Thapar wrote in concurrence: "Under *Auer*, courts must defer to agencies' interpretations of their own rules—including the Commission's interpretation of the Guidelines . . . ***But one does not 'interpret' a text by adding to it. Interpreting a menu of 'hot dogs, hamburgers, and bratwursts' to include pizza is nonsense. Nevertheless, that is effectively what the government argues here when it says that we must apply deference to a comment adding to rather than interpreting the Guidelines.***"⁷¹
 - He continued: "The government's argument shows how far *Auer* has come and will go if left unchecked by the courts. ***Under Auer, agencies possess immense power. Rather than simply enacting rules with the force of law, agencies get to decide what those rules mean, too. But just as a pitcher cannot call his own balls and strikes, an agency cannot trespass upon the court's province to 'say what the law is.'*** *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177, 2 L. Ed. 60 (1803). ***Auer nevertheless invites agencies into that province, with courts standing by as***

⁶⁸ EWTN, *First Indian-American Federal Judge, Judge Amul Thapar on Catholic Conversion*, YOUTUBE (Dec. 1, 2023), <https://www.youtube.com/watch?v=ohHQmzhMvIM>, at 22:50.

⁶⁹ EWTN, *First Indian-American Federal Judge, Judge Amul Thapar on Catholic Conversion*, YOUTUBE (Dec. 1, 2023), <https://www.youtube.com/watch?v=ohHQmzhMvIM>, at 25:50.

⁷⁰ FEDERALIST SOC'Y, *Immigration Restrictions and the Constitution*, YOUTUBE (Mar. 4, 2016), https://www.youtube.com/watch?v=fYJq9m9hKEk&ab_channel=TheFederalistSociety, at 1:16:45.

⁷¹ *United States v. Havis*, 907 F.3d 439 (6th Cir. 2018), <https://cases.justia.com/federal/appellate-courts/ca6/17-5772/17-5772-2018-10-22.pdf?ts=1540225834>, at PDF p. 15 (emphasis added).

agencies ‘say what the law is’ for themselves Auer incentivizes agencies to regulate ‘broadly and vaguely’ and later interpret those regulations self-servingly, all at the expense of the regulated...Auer thus encourages agencies to change the rules of the game with the benefit of hindsight, ‘unhampered by notice-and-comment procedures.’ Perez, 135 S. Ct. at 1212 (Scalia, J., concurring in the judgment).⁷²

- Judge Thapar has discussed the implications to the separation of powers of insulating agencies from judicial review and questioned applying *Auer* deference to effectively prevent a plaintiff from being able to appeal an administrative law judge’s determination.
 - Thapar wrote, “The three branches of government are supposed to check and balance one another. Congress can check the judiciary by limiting federal jurisdiction . . . Since it can limit federal jurisdiction, Congress sometimes rebuts that presumption and limits judicial review of agency conduct. See, e.g., *Heckler v. Chaney*, 470 U.S. 821, 830, 105 S. Ct. 1649, 84 L. Ed. 2d 714 (1985). ***But that is very different from ‘permitting the agency to insulate its own decisions from judicial review,’ something the Supreme Court has ‘soundly rejected’ under other statutes.*** Gor v. Holder, 607 F.3d 180, 188 (6th Cir. 2010) (discussing *Kucana v. Holder*, 558 U.S. 233, 130 S. Ct. 827, 175 L. Ed. 2d 694 (2010)).⁷³
 - Thapar continued, “***As usual, Madison said it best: ‘The accumulation of all powers, legislative, executive, and judiciary in the same hands . . . [is] the very definition of tyranny.’ The Federalist No. 47, at 298 (James Madison). Here, the agency proposes to do all three: pass a regulation (legislative), interpret that regulation (judicial), and enforce that interpretation (executive).***”⁷⁴
- Thapar has criticized *Stinson*’s instruction that courts defer to the U.S. Sentencing Commission when it interprets its own rules.
 - Thapar wrote in dissent: “Under *Stinson v. United States*, 508 U.S. 36, 113 S. Ct. 1913, 123 L. Ed. 2d 598 (1993), courts are instructed to defer to the Sentencing Commission when it interprets its own rules. ***The problem with that? ‘[J]ust as a pitcher cannot call his own balls and strikes, an agency cannot trespass upon the court’s province to “say what the law is.”’*** [citations omitted] ***Allowing an agency to interpret law—an exercise usually reserved for courts—does just that.***”⁷⁵

⁷² *United States v. Havis*, 907 F.3d 439 (6th Cir. 2018), <https://cases.justia.com/federal/appellate-courts/ca6/17-5772/17-5772-2018-10-22.pdf?ts=1540225834>, at PDF p. 15-16 (emphasis added).

⁷³ *M.L. Johnson Family Properties, LLC v. Jewell*, 237 F.Supp.3d 528, 544 (E.D. Ky. 2017), <https://case-law.vlex.com/vid/m-l-johnson-family-892511215> (emphasis added).

⁷⁴ *M.L. Johnson Family Properties, LLC v. Jewell*, 237 F.Supp.3d 528, 544 (E.D. Ky. 2017), <https://case-law.vlex.com/vid/m-l-johnson-family-892511215> (emphasis added).

⁷⁵ *United States v. Murphy*, 815 F. App’x 918, 925 (6th Cir. 2020), <https://cases.justia.com/federal/appellate-courts/ca6/19-3290/19-3290-2020-06-03.pdf?ts=1591212617>, at PDF p. 12 (emphasis added).

- Judge Thapar wrote an opinion in which he questioned in a footnote whether an administrative agency's attempt to create standing might violate the separation of powers.⁷⁶

History of Commitment to Causes:

- Judge Thapar has been an adjunct professor at the University of Virginia School of Law since 2013.⁷⁷ He has also coached the Covington Catholic High School Mock Trial Team since 2015.⁷⁸
- Thapar is currently a member of the National Advisory Council of the South Asian Bar Association of North America,⁷⁹ as well as a member of St. Pius X Church in Kentucky.⁸⁰
- Thapar was a member of The Federalist Society from 2005 – 2008,⁸¹ and has spoken at Federalist Society meetings.⁸²
- Thapar worked on several political campaigns for Geoff David for U.S. Congress, Governor Ernie Fletcher, Secretary of State Trey Grayson, President Bush, and U.S. Senator Jim Bunning.⁸³
- He also taught several law school classes on judicial philosophy.⁸⁴
- Judge Thapar defended Justice Clarence Thomas against allegations of improper gifts and relationships by explaining that such a narrative misses “an understanding of Justice Thomas the person, and an understanding of Justice Thomas’s jurisprudence, and it’s a real shame for the American people to get one side of it and not see the other.”⁸⁵
- Thapar has appeared on the podcast of Albert Mohler, a prominent international evangelical conservative leader.⁸⁶

Government Overreach:

- Thapar cited to *Jacobson* while dissenting from a majority opinion modifying a COVID ban on all elective medical procedures to allow abortions. To be clear, Thapar would not have allowed abortions as an exception to the COVID ban.

⁷⁶ *Mac Constr. & Excavating, Inc. v. City of Warsaw*, No. 10-16-ART, 2010 U.S. Dist. LEXIS 50428, *1, 16–17 n.5 (E.D. Ky. 2010), <https://plus.lexis.com/document/index?crd=b6b6bc7b-e5d7-4edc-9f27-860b761ea614&pdpermalink=8bb205f1-50f0-4e2a-b728-5b4f62a4e990&pdmfid=1530671&pdisurlapi=true>.

⁷⁷ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 2.

⁷⁸ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 4.

⁷⁹ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 4.

⁸⁰ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 9.

⁸¹ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 9.

⁸² S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 11-22.

⁸³ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 71-72.

⁸⁴ S. Questionnaire, <https://www.judiciary.senate.gov/imo/media/doc/Thapar%20SJQ%20Public.pdf>, at PDF p. 84-85.

⁸⁵ EWTN, *First Indian-American Federal Judge, Judge Amul Thapar on Catholic Conversion*, YOUTUBE (Dec. 1, 2023), <https://www.youtube.com/watch?v=ohHQmzhMvIM>, at 10:45.

⁸⁶ ALBERT MOHLER, ‘*The People’s Justice*’ – A Conversation with Judge Amul Thapar about Justice Clarence Thomas, YOUTUBE (Nov. 20, 2023), <https://www.youtube.com/watch?v=FbOhTKILFgo>.

- Thapar wrote, “*In times of emergency, elected officials need room to do what they were elected to do—to govern. Sometimes their actions will incidentally impact a person's liberty interests. But the Supreme Court has upheld such actions anyway, explaining that ‘[r]eal liberty for all could not exist under the operation of a principle which recognizes the right of each individual person to use his own [person or property], . . . regardless of the injury that may be done to others.’*”⁸⁷
- He continued, “*Of course, this does not mean that the courts should rubber stamp emergency measures—far from it. See Jacobson, 197 U.S. at 28-29. But it does mean that judges should act with care during such times, recognizing the limits of our knowledge, institutional capacity, and lawful authority.*”⁸⁸
- He added, “*[C]ontrast this case with the facts of Jacobson, where the Supreme Court upheld a state's authority to forcibly vaccinate individuals. If the State can physically invade a person's body in response to an emergency, then it surely may require people to delay certain medical procedures for the same purpose.*”⁸⁹

⁸⁷ *Adams & Boyle, P.C. v. Slatery*, 956 F.3d 913, 933-34 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0127p-06.pdf>, at PDF p. 27-28 (emphasis added).

⁸⁸ *Adams & Boyle, P.C. v. Slatery*, 956 F.3d 913, 933-34 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0127p-06.pdf>, at PDF p. 28 (emphasis added).

⁸⁹ *Adams & Boyle, P.C. v. Slatery*, 956 F.3d 913, 933-34 (6th Cir. 2020), <https://www.opn.ca6.uscourts.gov/opinions.pdf/20a0127p-06.pdf>, at PDF p. 29 (emphasis added).