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The Honorable Justin R. Walker
Judge, U.S. Court of Appeals for the D.C. 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.

Age: 44 (born in 1982, Louisville, Kentucky)

2020 – Present: Judge, U.S. Court of Appeals for the D.C. Circuit
2019 – 2020: Judge, U.S. District Court for the Western District of Kentucky
2019: Partner of Counsel, Dinsmore & Shohl LLP, KY
2015 – 2020: Assistant Professor of Law (2015 – 2019), Associate Professor of Law (2019 – 2020), University of Louisville Brandeis School of Law
2013 – 2019: Attorney and Advisor, Justin Walker, Esq., Kentucky
2013 – 2015: Writer, EJS Enterprises LLC, Kentucky
2012 – 2013; Associate, Gibson Dunn & Crutcher LLP, Washington, D.C.
2011 – 2012: Law Clerk, The Hon. Anthony M. Kennedy, U.S. Supreme Court
2010 – 2011: Law Clerk, The Hon. Brett M. Kavanaugh, U.S. Court of Appeals for the D.C. Circuit
2009 – 2010: Associate, Gibson Dunn & Crutcher LLP, Washington, D.C.
2005 – 2006: Speechwriter for Secretary of Defense Donald Rumsfeld, U.S. Department of Defense
Education: Harvard Law School (J.D.) 2009; Duke University (B.A.) 2004; University of Oxford, New College (no degree) 2004.

CONCERNS

Judge Walker is willing to refer to an individual by pronouns contrary to their biological sex.

- When asked by Senator Booker in the Senate Questions for Answer whether Walker would “honor the request of a plaintiff, defendant, or witness...who is transgender to be referred to in accordance with that person’s gender identity?” Walker replied, “[y]es.”¹

¹ Questions from Senator Booker, Question #14, S. Questions for Answer, <https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 72.

Walker’s wife, Anne, is the Chief Program and Curriculum Officer at a secular nonprofit for school children called Global Game Changers (“GGC”).² Justin Walker was the Executive Director of the Student Empowerment Program and legal counsel for GGC from 2013 to at least 2019,³ and as of October 2025, remains on the organization’s board of directors.⁴

- GGC offers “a project-based program that provides teacher-tested, evidence-based, FREE Pre-K – 5th grade curriculum and resources that use service learning and talent development as tools to nurture children’s social, emotional, leadership, and academic growth. With a motto to IGNITE GOOD!®, the lessons use a simple equation: MY TALENT + MY HEART = MY SUPERPOWER!® to lay the foundation for nurturing engaged and successful citizens and leaders.”⁵
- GGC’s description of its curriculum states that, “[A]ll lessons [are] aligned to Common Core State Standards for English/Language Arts & CASEL [Collaborative for Academic, Social, and Emotional Learning].”⁶
 - The CASEL framework “addresses five broad and interrelated areas of competence and highlights examples for each: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.”⁷
 - The website for CASEL also states that the social and emotional learning (SEL) framework helps “promote equity” and includes references to young people’s “gender identity” and “sexual orientation” stating, “***SEL can be a powerful lever for creating caring, just, inclusive, and healthy schools.***”⁸ According to CASEL’s website, “In the context of SEL, equity and excellence refers to every student—across race, ethnicity, family income levels, learning abilities, home language, immigration status, ***gender identity, sexual orientation, and other factors.***”⁹

² Thomas M. Johnson, Jr., *Faith, Family, & Judge Justin Walker*, NAT’L REV. (Apr. 27, 2020), <https://www.nationalreview.com/bench-memos/faith-family-and-judge-justin-walker/>; *Our Team*, GLOB. GAME CHANGERS, <https://globalgamechangers.org/ggc-team/>.

³ S. Questionnaire, <https://fixthecourt.com/wp-content/uploads/2020/06/Walker-USDC-SJQ-6.21.19.pdf>, at PDF p. 4, 49; See also GAME CHANGERS STUDENT EMPOWERMENT PROGRAM, *Glob. Game Changers/YMCA of Greater Louisville/Muhammad Ali Center Interview “Heart of Gold” Series*, YOUTUBE (June 10, 2015), <https://www.youtube.com/watch?v=JsJRCukGZYs>, at 8:52.

⁴ GGC Board, GLOB. GAME CHANGERS, <https://globalgamechangers.org/ggcboard/>.

⁵ *What’s Your Superpower*, GLOB. GAME CHANGERS, <https://globalgamechangers.org/about-us/>.

⁶ *Our Curriculum*, GLOB. GAME CHANGERS, <https://globalgamechangers.org/access-our-curriculum/>.

⁷ *What is the CASEL Framework?*, CASEL, <https://casel.org/fundamentals-of-sel/what-is-the-casel-framework/>.

⁸ *How Does SEL Support Educational Equity and Excellence?*, CASEL, <https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/> (emphasis added).

⁹ *How Does SEL Support Educational Equity and Excellence?*, CASEL, <https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/> (emphasis added).

- The news section of the CASEL webpage previously linked to two articles involving LGBT students.¹⁰
- GGC generated and shared a large volume of COVID-19-related childhood curricula, including:
 - “Make a Mask, Make a Difference”: “Masks can help keep all of us safe, even when we return to regular life. Learn how to make a mask to keep yourself, your family, and your community safe!”¹¹
 - “6 Feet Safe”: “Guidance recommends we stay 6 feet away from others. But what does 6 feet really mean? Measure it multiple ways and brainstorm creative ways to encourage people to stay 6 feet safe!”¹²
 - “Raise Your Voice”: “COVID spotlighted challenges we still face as a country. How will you raise your voice for human rights to ensure we come out of this difficult time even stronger?”¹³
 - “Don’t Face It!”: “Make a game out of tracking how many times family members touch their faces!”¹⁴
- Jan Helson, GGC co-founder and chairman, stated that “[compassion builds] a great foundation of self-confidence and self-value, which will make you more successful.”¹⁵ Helson further stated, *“If you go back, compassion is connected to religion. But it certainly isn’t solely a religious principle You can be PC [politically correct] but also be compassionate and have good values and morals.”*¹⁶
- Democrat then-Mayor of Louisville Greg Fischer referred to GGC as a “compassion champion” organization,¹⁷ and even did an interview for GGC’s YouTube channel with

¹⁰ News & Press Releases, CASEL, <https://CASEL.ORG/NEWS-PUBLICATIONS/NEWS-PRESS-RELEASES/?SORT=DESC&Q=LGBTQ&FORMAT%5B%5D=NEWS-ARTICLES&START=2000-03-29&END=2025-08-30#RESULTS> (no longer available); See also Alex Casillas & Bonnie Hain, *What’s SEL got to do with it? Supporting LGBTQ+ Students with SEL Curriculum*, ACT (June 23, 2021), <https://leadershipblog.act.org/2021/06/supporting-lgbtq-students-with-sel-curriculum.html>; Noble Ingram, *Supporting LGBTQ Students in the “Don’t Say Gay” Era*, ACSD (Apr. 6, 2022), <https://www.ascd.org/blogs/supporting-lgbtq-students-in-the-dont-say-gay-era>.

¹¹ COVID-19 Lessons, GLOB. GAME CHANGERS, <https://globalgamechangers.org/covid-19/> (no longer available).

¹² COVID-19 Lessons, GLOB. GAME CHANGERS, <https://globalgamechangers.org/covid-19/> (no longer available).

¹³ COVID-19 Lessons, GLOB. GAME CHANGERS, <https://globalgamechangers.org/covid-19/> (no longer available).

¹⁴ COVID-19 Lessons, GLOB. GAME CHANGERS, <https://globalgamechangers.org/covid-19/> (no longer available).

¹⁵ Erin Skarda, *How Teaching Compassion Empowers Kids to Make the World a Better Place*, CHARTER FOR COMPASSION, <https://charterforcompassion.org/education/interesting-articles/compassion-skills.html/title/how-teaching-compassion-empowers-kids-to-make-the-world-a-better-place>.

¹⁶ Erin Skarda, *How Teaching Compassion Empowers Kids to Make the World a Better Place*, CHARTER FOR COMPASSION, <https://charterforcompassion.org/education/interesting-articles/compassion-skills.html/title/how-teaching-compassion-empowers-kids-to-make-the-world-a-better-place> (emphasis added).

¹⁷ Greg Fischer, *Mayor’s Give a Day Week of Service*, <http://www.usmayors.org/wp-content/uploads/2019/02/LOUISVILLEKY.pdf>.

“GGC Kindness Correspondent” child-like persona “Betty Blue Cape” *in which he and “Betty Blue Cape” bizarrely promoted—and demonstrated—giving a hug and a kiss.*¹⁸

According to her LinkedIn profile, Anne Walker served as a volunteer for Democrat Deval Patrick’s campaign for Massachusetts governor in 2006.¹⁹ She later served as then-elected Governor Patrick’s legislative aide from 2007 through 2009.²⁰ Her duties as an aide entailed “researching bills, drafting briefs, and working with the state legislature.”²¹

- Anne met Justin Walker at Duke.²² Judge Walker has stated that after he started law school, his wife Anne began working for Democrat Governor Deval Patrick.²³ The date Anne and Justin were married was unable to be located.
- No information has been found regarding whether Justin Walker had any personal involvement with the Patrick campaign.
- On February 23, 2010, Anne donated \$50 to Patrick’s campaign.²⁴
- Patrick advocated for gun control legislation,²⁵ had Massachusetts join the “Regional Greenhouse Gas Initiative,”²⁶ lobbied against a state constitutional amendment which would only recognize traditional marriage, supported in-state tuition for illegal aliens, and proposed state-sponsored housing of those illegal aliens.²⁷

¹⁸ GLOB. GAME CHANGERS STUDENT EMPOWERMENT PROGRAM, *GGC Kindness Correspondent, Betty Blue Cape*, interviews Louisville KY Mayor, Greg Fischer, YOUTUBE (Jan. 12, 2017), <https://www.youtube.com/watch?v=911JHsmyGvs>, at 2:30 (emphasis added).

¹⁹ Anne Walker, LINKEDIN, <https://www.linkedin.com/in/anne-walker-09932444/>.

²⁰ Anne Walker, LINKEDIN, <https://www.linkedin.com/in/anne-walker-09932444/>.

²¹ Anne Walker, LINKEDIN, <https://www.linkedin.com/in/anne-walker-09932444/>.

²² Andrew Wolfson, *J. Justin Walker, McConnell protégé, confirmed to nation’s second-most powerful court*, LOUISVILLE COURIER J. (June 18, 2020), <https://www.courier-journal.com/story/news/2020/06/18/judge-justin-walker-mcconnell-protége-confirmed-court-appeals/3215707001/>.

²³ Hon. Justin R. Walker, “Now . . . This,” 47 HARV. J.L. & PUB. POL’Y 757 (2025), <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/01/11-Walker.pdf>, at PDF p. 12.

²⁴ Anne Walker, *Donor Lookup*, OPEN SECRETS, <https://www.opensecrets.org/donor-lookup/results?name=anne+walker&cycle=&state=&zip=&employ=&occupation=&jurisdiction=&cand=patrick&ty=pe>.

²⁵ Candice Norwood, *What does Deval Patrick believe? Where the candidate stands on 6 issues*, PBS (Dec. 6, 2019), <https://www.pbs.org/newshour/politics/what-does-deval-patrick-believe-where-the-candidate-stands-on-6-issues>.

²⁶ *January 18, 2007 – Markey on Patrick Decision to Incorporate MA Into Regional Greenhouse Gas Initiative*, ED MARKEY (Jan. 18, 2007), <https://www.markey.senate.gov/news/press-releases/january-18-2007-markey-on-patrick-decision-to-incorporate-ma-into-regional-greenhouse-gas-initiative>.

²⁷ Candice Norwood, *What does Deval Patrick believe? Where the candidate stands on 6 issues*, PBS NEWS (Dec. 6, 2019), <https://www.pbs.org/newshour/politics/what-does-deval-patrick-believe-where-the-candidate-stands-on-6-issues>.

- Patrick was also criticized for firing administrators of the Massachusetts Sex Offender Registry Board after his brother-in-law was forced to register as a sex offender for raping his wife (Patrick's sister).²⁸
- Additionally, Patrick supported expanding Medicaid coverage to include transgender surgeries and hormones for those attempting to "transition" their gender,²⁹ and signed a law allowing police to order pro-life advocates to be removed from standing outside abortion clinics if they were deemed to be blocking access to the building.³⁰ Patrick said, "I am incredibly proud to sign legislation that continues Massachusetts leadership in ensuring that women seeking to access reproductive health facilities can do so safely and without harassment."³¹

Anne Walker is the author of a salacious romance novel entitled "The Booby Trap."

- The book's Amazon page describes the storyline as the following: "*The Booby Trap is a seedy bar where waitresses skirts are high, necklines are low, and customers show up for the eye candy.* When brainy, beautiful, Harvard Ph.D. candidate Bambi Benson wants to study the women of the Booby Trap for her dissertation, she goes undercover and joins them. All is going well for Bambi until handsome local celebrity Trip Whitley enters the scene. Hoping to shock his high-society family by dating a bimbo, Trip offers to pay Bambi to pretend to be his girlfriend. She accepts his offer and bides her time, waiting for the right moment to reveal her true identity and teach Trip not to judge based on appearances. After a series of dates carefully orchestrated for their publicity value, Bambi's trap is set. But there's one problem: the predator might have fallen in love with her prey."³²

Walker interned for Senator Mitch McConnell during college.³³ Senator McConnell said on Walker's nomination to the U.S. District Court for the Western District of Kentucky, "Justin is a principled attorney, a prominent legal scholar, and will make an outstanding federal

²⁸ Melissa Jeltsen, *Deval Patrick Ousted Officials Who Wanted His Brother-In-Law To Register As A Sex Offender*, HUFFINGTON POST (Nov. 15, 2019), https://www.huffpost.com/entry/deval-patrick-sex-offender-brother-in-law_n_5dcebc2ee4b0d2e79f8badae.

²⁹ Candice Norwood, *What does Deval Patrick believe? Where the candidate stands on 6 issues*, PBS (Dec. 6, 2019), <https://www.pbs.org/newshour/politics/what-does-deval-patrick-believe-where-the-candidate-stands-on-6-issues>.

³⁰ *Mass. governor signs law limiting protests at abortion clinics*, REUTERS (July 30, 2014), <https://www.reuters.com/article/us-usa-abortion-massachusetts/massachusetts-governor-signs-law-limiting-protests-at-abortion-clinics-idUSKBN0FZ2G520140730>.

³¹ *Mass. governor signs law limiting protests at abortion clinics*, REUTERS (July 30, 2014), <https://www.reuters.com/article/us-usa-abortion-massachusetts/massachusetts-governor-signs-law-limiting-protests-at-abortion-clinics-idUSKBN0FZ2G520140730>.

³² *The Booby Trap*, AMAZON, <https://www.amazon.com/Booby-Trap-Anne-Browning-Walker/dp/1938511018> (emphasis added).

³³ Cristian Farias, *How Trump Changed a Young J.'s Life*, THE ATL. (Oct. 27, 2020), <https://www.theatlantic.com/politics/archive/2020/10/how-conservative-judge-justin-walkers-career-was-made/616830/>.

judge. He has already had a remarkable career and has shown a deep commitment to our constitutional order.”³⁴

Justice Elena Kagan recommended Justin Walker to clerk for Justice Anthony Kennedy and Judge Brett Kavanaugh.³⁵

OTHER FINDINGS

Judicial Philosophy:

- Judge Walker has expressed commitment to judicial independence and restraint.
 - In response to a question from Senator Feinstein, Walker stated, “***I communicated a principle that is at the heart of an independent judiciary: the law should not be political. This is a separation-of-powers principle.*** It is why under our Constitution, judges decide ‘cases and controversies,’ while Congress, not the judiciary, is vested with the ‘legislative powers herein granted.’”³⁶
 - When Senator Booker asked Walker, “[d]o you believe that judicial restraint is an important value for a district judge to consider in deciding a case?” Walker responded, “***Every case that comes before a judge requires the judge to remember and respect the limited role of the judiciary in our constitutional structure.***”³⁷
- Walker has identified as an originalist.
 - He stated, “***I do not in any way run away from the label of being an originalist. . . . I absolutely am unabashed in my belief that a judge must look at the original meaning of text.***”³⁸
- In his essay *What Will Guard the Guardians?*, Walker discusses the importance of maintaining an independent judiciary.
 - Walker wrote, “[A]n independent judiciary depends on applying to the judiciary the same separations-of-power principles that protect the presidency. ***Judges are among the most important guardians of our rights and separation-of-powers***

³⁴ Andrew Wolfson, *Trump nominates former Brett Kavanaugh clerk for federal j. in Kentucky*, COURIER J. (June 20, 2019), <https://www.courier-journal.com/story/news/politics/2019/06/20/donald-trump-nominates-former-brett-kavanaugh-clerk-federal-bench-kentucky-mcconnell-support/1511456001/>.

³⁵ *Supreme Court expert & Brandeis Law professor weighs in on Trump’s nominee*, UNIV. OF LOUISVILLE BRANDEIS SCH. L., <https://louisville.edu/law/news/supreme-court-expert-and-brandeis-law-professor-weighs-in-on-trumps-nominee>.

³⁶ Questions from Senator Feinstein, Question #2(a), S. Questions for Answer, <https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 1 (emphasis added).

³⁷ Questions from Senator Booker, Question #9, S. Questions for Answer, <https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 68-69 (emphasis added).

³⁸ *U.S. Court of Appeals: D.C. Circuit Confirmation Hearing*, C-SPAN (May 6, 2020), <https://www.c-span.org/video/?471829-1/us-court-appeals-dc-circuit-confirmation-hearing>, at 1:49:20 (emphasis added).

*principle are what guard those guardians—whether the threats come from a demagogue seeking the presidency, or from the ‘impetuous vortex’ that Federalist 48 called a Congress prone to ‘everywhere extending the sphere of its activity.’”*³⁹

- Walker argued in his essay *Chilled Chambers* that Congress cannot force judges to turn in their papers upon retirement without violating the separation of powers principle.
 - Walker wrote, “[W]hen the cost of transparency in that context rises to the level of unduly interfering with the ability of judges to carry out their constitutionally assigned responsibilities, principles of separation of powers preclude Congress from imposing that transparency.”⁴⁰
- In response to one of the on-record questions for Walker’s Kentucky nomination, Walker described his “legal principles” as “fidelity to text [of the Constitution], respect for the separation of powers, and the humility to know that a judge’s role is to apply the law rather than to make the law.”⁴¹
 - Regarding Constitutional interpretation, Walker said, “I believe that an inquiry into a statute or constitution’s meaning begins with its text, including how prior judicial decisions have interpreted that text and how that text was understood at the time of its enactment into law.”⁴²
- Walker asserted that, “*It is vitally important that politics have no role in the courtroom, and if I’m confirmed, it will have no place in mine.*”⁴³
- While on a podcast, in response to a question regarding how judges should exercise their political views, Walker said, “*Politics have absolutely no role in the courtroom, and any half-way decent judge is vigilant to check any political preferences at the door before he or she puts on a robe and decides a case.*”⁴⁴
 - Walker continued, however, clarifying that “*that does not mean that judges should not be involved in the community in a non-political, non-partisan way*” There’s debate and discussion right now about whether or not judges should be allowed to be members of the American Constitutional Society or the Federalist

³⁹ Justin Walker, *What Will Guard The Guardians?: Combating Threats to an Indep. Judiciary Through Theories of Inherent Exec. Power*, 85 UNIV. CIN. L. REV. 923 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3122705, at PDF p. 2-3 (emphasis added).

⁴⁰ Justin Walker & Caroline Phelps, *Chilled Chambers*, 47 UNIV. MEM. L. REV. 1169, 1171-72 (2018), <https://www.memphis.edu/law/documents/walker-phelps.pdf>, at PDF p. 3-4.

⁴¹ Questions from Senator Booker, Question #2(c), S. Questions for Answer, <https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 63.

⁴² Questions from Senator Booker, Question #6, S. Questions for Answer, <https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 68.

⁴³ Todd Ruger, *J. Justin Walker is a window into McConnell’s sway on federal courts*, ROLL CALL (Apr. 17, 2020), <https://rollcall.com/2020/04/17/judge-justin-walker-is-a-window-into-mcconnells-sway-on-federal-courts/> (emphasis added).

⁴⁴ IPSE DIXIT, *J. Justin Walker on Judicial Decisionmaking*, ACAST (Mar. 24, 2020), <https://shows.acast.com/ipse-dixit/episodes/judge-justin-walker-on-judicial-decisionmaking>, at 39:56 (emphasis added).

Society. I feel very strongly about that. *I feel very strongly that they should be allowed to join those organizations and to participate in events through those organizations. I think the bar is healthier; I think the bench is healthier when that happens. I am one of, I think more than 200 judges that have recently signed a letter to that effect.*”⁴⁵

Faith & the Public Square:

- In *On Fire Christian Center v. Fischer*, Walker boldly ruled in favor of the right of people of faith to attend a drive-in church gathering during COVID-19.
 - In his opinion favoring the church, Walker referenced the Court’s prior *Jacobson* opinion, writing “When faced with a society-threatening epidemic, *a state may implement emergency measures that curtail constitutional rights so long as the measures have at least some ‘real or substantial relation’ to the public health crisis and are not ‘beyond all question, a plain, palpable invasion of rights secured by the fundamental law.*””⁴⁶
 - Walker held that the court cannot dictate what is “essential” to the practice of one’s faith. He opined, “Louisville might suggest that On Fire members could participate in an online service and thus satisfy their longing for communal celebration. But some members may not have access to online resources. And even if they all did, *the Free Exercise Clause protects their right to worship as their conscience commands them. It is not the role of a court to tell religious believers what is and isn’t important to their religion, so long as their belief in the religious importance is sincere. The Free Exercise clause protects sincerely held religious beliefs that are at times not ‘acceptable, logical, consistent, or comprehensible to others.*””⁴⁷
 - Walker described *the Free Exercise Clause as a “too-often-tested bulwark against discrimination toward people of faith*, from religious cakemakers to religious preschoolers.”⁴⁸
 - In a reference to the play *A Man for All Seasons*, which dramatizes the execution of Saint Thomas More, Walker explained, “[T]o the nonbeliever, the Passion of Jesus – the betrayals, the torture, the state-sponsored murder of God’s only Son, and the empty tomb on the third day – makes no sense at all. And even to the believer, or at least to some of them, it can be incomprehensible as well. *But for*

⁴⁵ IPSE DIXIT, J. Justin Walker on Judicial Decisionmaking, ACAST (Mar. 24, 2020), <https://shows.acast.com/ipse-dixit/episodes/judge-justin-walker-on-judicial-decisionmaking>, at 40:19 (emphasis added).

⁴⁶ *On Fire Christian Ctr. v. Fischer*, 453 F. Supp. 3d 901 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2020cv00264/116558/6/0.pdf?ts=1586683012>, at PDF p. 11 (emphasis added).

⁴⁷ *On Fire Christian Ctr. v. Fischer*, 453 F. Supp. 3d 901, 911 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2020cv00264/116558/6/0.pdf?ts=1586683012>, at PDF p. 13 (emphasis added).

⁴⁸ *On Fire Christian Ctr. v. Fischer*, 453 F. Supp. 3d 901 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2020cv00264/116558/6/0.pdf?ts=1586683012>, at PDF p. 6 (emphasis added).

*the men and women of On Fire, Christ's sacrifice isn't about the logic of this world. Nor is their Easter Sunday celebration. The reason they will be there for each other and their Lord is the reason they believe He was and is there for us. For them, for all believers, 'it isn't a matter of reason; finally, it's a matter of love.'*⁴⁹

Religious Liberty:

- Judge Walker recognized that the government cannot force a Christian photographer to photograph a same-sex wedding.
 - In *Chelsey Nelson Photography v. Louisville/Jefferson County Metro Government*, a Christian wedding photographer challenged Louisville, Kentucky's "Fairness Ordinance," which "prohibit[ed] discrimination based on sexual orientation and gender identity in housing, public accommodations, and employment . . . and require[d] that companies serve gay and lesbian customers and refrain from advertising that they won't serve them."⁵⁰
 - Walker granted a preliminary injunction prohibiting the city from forcing the photographer plaintiff to provide services for homosexual weddings or preventing her from posting explanations of her views on her website.⁵¹
 - Walker explained in his opinion that, "Like many Americans, [the plaintiff] believes that marriage is between one man and one woman."⁵²
 - Walker boldly stated, "***Just as gay and lesbian Americans 'cannot be treated as social outcasts or as inferior in dignity and worth,' neither can Americans 'with a deep faith that requires them to do things passing legislative majorities might find unseemly or uncouth.' 'They are members of the community too.' And under our Constitution, the government can't force them to march for, or salute in favor of, or create an artistic expression that celebrates, a marriage that their conscience doesn't condone.***"⁵³

⁴⁹ *On Fire Christian Ctr. v. Fischer*, 453 F. Supp. 3d 901, 911 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2020cv00264/116558/6/0.pdf?ts=1586683012>, at PDF p. 19-20 (emphasis added).

⁵⁰ *Chelsey Nelson Photography v. Louisville/Jefferson Cnty. Metro Gov't*, 479 F. Supp. 3d 543 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2019cv00851/114724/47/0.pdf?ts=1597483309>, at PDF p. 3.

⁵¹ *Chelsey Nelson Photography v. Louisville/Jefferson Cnty. Metro Gov't*, 479 F. Supp. 3d 543 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2019cv00851/114724/47/0.pdf?ts=1597483309>, at PDF p. 2.

⁵² *Chelsey Nelson Photography v. Louisville/Jefferson Cnty. Metro Gov't*, 479 F. Supp. 3d 543 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2019cv00851/114724/47/0.pdf?ts=1597483309>, at PDF p. 3.

⁵³ *Chelsey Nelson Photography v. Louisville/Jefferson Cnty. Metro Gov't*, 479 F. Supp. 3d 543 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2019cv00851/114724/47/0.pdf?ts=1597483309>, at PDF p. 4-5 (emphasis added).

- In another of Judge Walker’s opinions, he acknowledged, “[A]n *expanding government has made the Free Exercise Clause more important than ever.*”⁵⁴
- In 2022, Walker moderated a Federalist Society event discussing current religious liberty issues.
 - In Walker’s opening remarks, he explained, “If you go back to the early nineties, there was something of a consensus or at least the appearance of a consensus that the courts had a robust role to play in protecting the religious liberty of traditional religions and non-traditional religions . . . in the last fifteen years *you’ve seen a growing hostility towards traditional religion* and that hostility has come from different quarters but *one of the places it’s come from has been at times sectors of the government itself.*”⁵⁵
- When Judge Walker was nominated to the D.C. Circuit, First Liberty Institute strongly supported his nomination.⁵⁶ *Kelly Shackelford, President of First Liberty, declared that “Judge Walker’s judicial record reflects his strong commitment to the Constitution and religious freedom. . . . We are confident Judge Walker will protect the religious freedom and First Amendment rights of all Americans as a circuit court judge.”*⁵⁷
- In 2022, Judge Walker spoke at a Catholic Diocese of Arlington event “about religious liberty, how Catholics should think about their obligations as lawyers, and the role of a judge in [America’s] legal system.”⁵⁸

Sanctity of Life:

- Walker is critical of the government forcing businesses to purchase abortifacient drugs.
 - In a case unrelated to abortion, Walker’s opinion stated, “[I]n recent years, an expanding government has made the Free Exercise Clause more important than ever. *It was not long ago, for example, that the government told the Supreme Court it can prohibit a church from choosing its own minister; force religious business owners to buy pharmaceuticals they consider abortion-inducing; and conscript nuns to provide birth control.*”⁵⁹

⁵⁴ *On Fire Christian Ctr. v. Fischer*, 453 F.Supp.3d 901 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2020cv00264/116558/6/0.pdf?ts=1586683012>, at PDF p. 6 (emphasis added).

⁵⁵ FEDERALIST SOC’Y, *Religious Liberty and the Dep’t of Defense [Executive Branch Review]*, YOUTUBE (May 3, 2022), <https://www.youtube.com/live/GKza3AotGvQ?si=E10AJxLXYgfpaE1v>, at 22:36 (emphasis added).

⁵⁶ Letter from First Liberty to the S. Judiciary Comm., FIRST LIBERTY (Apr. 28, 2020), <https://firstliberty.org/wp-content/uploads/2020/05/FLI-Ltr-to-SJC-Justin-Walker.pdf>, at PDF p. 1.

⁵⁷ Lacey McNeil, *Religious Liberty Expert Supports Confirmation of J. Justin Walker to the U.S. Court of Appeals for D.C. Circuit*, FIRST LIBERTY (May 6, 2020), <https://firstliberty.org/media/religious-liberty-expert-supports-confirmation-of-judge-justin-walker-to-the-u-s-court-of-appeals-for-d-c-circuit/> (emphasis added).

⁵⁸ *An Evening with J. Justin Walker*, CATH. DIOCESE OF ARLINGTON, <https://www.arlingtondiocese.org/event/an-evening-with-justice-justin-walker/>.

⁵⁹ *On Fire Christian Ctr. v. Fischer*, 453 F. Supp. 3d 901 (W.D. Ky. 2020), <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2020cv00264/116558/6/0.pdf?ts=1586683012>, at PDF p. 6 (emphasis added).

- Walker predicted that Justice Kavanaugh would “shift the Court dramatically to the right” on the issue of abortion.
 - According to a news article, Judge Walker stated Kavanaugh’s nomination signaled “a conservative revolution as big as the Reagan Revolution . . . an end to almost all judicial [decisions allowing abortion].”⁶⁰
 - Walker said of Judge Kavanaugh, “[H]is record of defending religious liberty is unparalleled. His dissenting opinion in *Priests for Life v. HHS*, where he concluded that the Obama administration’s contraceptive mandate violated the rights of religious organizations, was called ‘pure perfection’ by one of the lawyers challenging the mandate.”⁶¹

LGBT Issues:

- *See* Concerns.

Faith & Worldview:

- According to a 2020 New York Times article, Judge Walker grew up in a Democrat household.⁶²
- Walker attended St. Xavier High School, an all-boys Catholic school.⁶³
- Walker was the first in his family to graduate college.⁶⁴
- His maternal grandfather served as the Kentucky Secretary of Transportation and his grandmother’s second husband was a prominent business executive and friend of Mitch McConnell.⁶⁵
- In 2004, Walker self-identified as a “tax-cutting, Iraq-invading Republican.”⁶⁶

⁶⁰ Gary Gately, *Kavanaugh nomination draws swift praise, condemnation*, BALT. POST EXAMINER (July 10, 2018), <https://baltimorepostexaminer.com/kavanaugh-nomination-draws-swift-praise-condemnation/2018/07/10>.

⁶¹ Justin Walker, *J. Brett Kavanaugh: A Warrior for Religious Liberty*, NAT’L REV. (July 6, 2018), <https://www.nationalreview.com/2018/07/judge-brett-kavanaugh-religious-liberty-warrior/>.

⁶² Elizabeth Williamson & Rebecca R. Ruiz, *McConnell Protégé Takes Center Stage in Fight to Remake Judiciary*, N.Y. TIMES (May 5, 2020), <https://www.nytimes.com/2020/05/05/us/politics/justin-walker-mcconnell-judicial-nomination.html>.

⁶³ *Walker Confirmed as Federal Judge for Western District of Kentucky*, LANE REP. (Oct. 29, 2019), <https://www.lanereport.com/118514/2019/10/dinsmore-partner-confirmed-as-federal-judge/>.

⁶⁴ Elizabeth Williamson & Rebecca R. Ruiz, *McConnell Protégé Takes Center Stage in Fight to Remake Judiciary*, N.Y. TIMES (May 5, 2020), <https://www.nytimes.com/2020/05/05/us/politics/justin-walker-mcconnell-judicial-nomination.html>.

⁶⁵ Elizabeth Williamson & Rebecca R. Ruiz, *McConnell Protégé Takes Center Stage in Fight to Remake Judiciary*, N.Y. TIMES (May 5, 2020), <https://www.nytimes.com/2020/05/05/us/politics/justin-walker-mcconnell-judicial-nomination.html>.

⁶⁶ *Student Blogs Way Through Presidential Primaries*, WAVE 3 (Mar. 2, 2004), <https://www.wave3.com/story/1682945/student-blogs-way-through-presidential-primaries/>.

- A friend and former colleague detailed Judge Walker’s Catholic background and call to serve, stating that, “Justin’s desire to serve others stems directly from his deeply rooted Catholic beliefs.”⁶⁷
- Walker was involved in Catholic campus ministry during law school.⁶⁸
- Walker was formerly a parishioner and acolyte at the Catholic church St. Thomas Apostle in Washington D.C.⁶⁹
- Walker has stated that he “greatly respect[s] and admire[s]” Judge Katsas and Judge Thapar.⁷⁰
- In 2025, Walker quoted Proverbs 13:22 in a law review article he authored, “A good man leaves an inheritance to his children’s children.”⁷¹
 - The article discussed, “what social media is doing to the increasingly uncivil and unhinged discourse about our courts and our law.”⁷²
 - Judge Walker detailed, “[T]here is no substitute for actually reading the judicial opinions [legal commentators] discuss. That’s especially true if you’re getting your news from the mainstream media, which oversimplifies the cases and paints caricatures of judges and justices.”⁷³
 - Walker concluded, “Whether your politics are more like Deval Patrick’s or more like George Bush’s, my wish for you is that you will choose hope. I do not know when this long night of tribalism, cynicism, and burn-it-all-down-ism will begin to pass. But I know I’m ready for the day to come.”⁷⁴
- Walker named President Ronald Reagan as his childhood hero.⁷⁵
- While in college at Duke, Walker wrote a newspaper article heavily critiquing the Democrat party’s foreign policy and its inability to take a stand about how America should address the conflict in Iraq.⁷⁶

⁶⁷ Thomas M. Johnson, Jr., *Faith, Family, & Judge Justin Walker*, NAT’L REV. (Apr. 27, 2020), <https://www.nationalreview.com/bench-memos/faith-family-and-judge-justin-walker/>.

⁶⁸ Thomas M. Johnson, Jr., *Faith, Family, & Judge Justin Walker*, NAT’L REV. (Apr. 27, 2020), <https://www.nationalreview.com/bench-memos/faith-family-and-judge-justin-walker/>.

⁶⁹ Thomas M. Johnson, Jr., *Faith, Family, & Judge Justin Walker*, NAT’L REV. (Apr. 27, 2020), <https://www.nationalreview.com/bench-memos/faith-family-and-judge-justin-walker/>.

⁷⁰ *U.S. Court of Appeals: D.C. Circuit Confirmation Hearing*, C-SPAN (May 6, 2020), <https://www.c-span.org/video/?471829-1/us-court-appeals-dc-circuit-confirmation-hearing>, at 1:00:32.

⁷¹ Hon. Justin R. Walker, “Now . . . This,” 47 HARV. J.L. & PUB. POL’Y 757 (2025), <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/01/11-Walker.pdf>, at PDF p. 2.

⁷² Hon. Justin R. Walker, “Now . . . This,” 47 HARV. J.L. & PUB. POL’Y 757 (2025), <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/01/11-Walker.pdf>, at PDF p. 2.

⁷³ Hon. Justin R. Walker, “Now . . . This,” 47 HARV. J.L. & PUB. POL’Y 757 (2025), <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/01/11-Walker.pdf>, at PDF p. 3.

⁷⁴ Hon. Justin R. Walker, “Now . . . This,” 47 HARV. J.L. & PUB. POL’Y 757 (2025), <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/01/11-Walker.pdf>, at PDF p. 13.

⁷⁵ Hon. Justin R. Walker, “Now . . . This,” 47 HARV. J.L. & PUB. POL’Y 757 (2025), <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/01/11-Walker.pdf>, at PDF p. 12.

⁷⁶ Justin Walker, *Worthless Democrats*, CHRON. (Sept. 26, 2002), https://issuu.com/dukechronicleprintarchives/docs/the_chronicle_2002-09-26_sm, at PDF p. 27.

- Referencing Democrats who voted to support the use of force in Iraq, but didn't truly believe force should be used, Walker boldly asserted, ***"They are weak leaders who speak softly and carry a rubber stamp."***⁷⁷
- Walker is married to Anne Walker, and they have one child.⁷⁸

Second Amendment:

- Judge Walker would have granted a petition for rehearing in *Guedes v. ATF*, a case in which plaintiffs lost a challenge to the ATF's rule classifying bump stocks as "machine guns."
 - Judge Walker stated in dissent that ***the ATF's "overreach is troubling because it turns law-abiding Americans into criminals" and that the ATF relied "on a misguided reading of an old statute" that did not authorize it to ban bump stocks.***⁷⁹
- Walker views Justice Kavanaugh as being in favor of Second Amendment rights.
 - Walker predicted that Kavanaugh's confirmation would bring ***"an end to bans on semi-automatic rifles."***⁸⁰
- Judge Walker has stated that the majority in *Heller* held that the Second Amendment right is not unlimited.
 - In the Senate Questions for Answer, Senator Feinstein asked Walker whether *Heller* left room for common-sense gun regulation. Walker responded, ***"The majority's opinion in Heller stated, 'Like most rights, the right secured by the Second Amendment is not unlimited.'"***⁸¹ When asked if *Heller* departed from Supreme Court precedent, Walker declined to answer.⁸²

Educational Opportunity:

⁷⁷ Justin Walker, *Worthless Democrats*, CHRON. (Sept. 26, 2002),

https://issuu.com/dukechronicleprintarchives/docs/the_chronicle_2002-09-26_sm, at PDF p. 27 (emphasis added).

⁷⁸ Paul Hitchcock, *Majority Leader McConnell Introduces Kentuckian at Judicial Nomination Hearing*, MOREHEAD ST. PUB. RADIO (July 31, 2019), <https://www.wmky.org/government-politics/2019-07-31/majority-leader-mcconnell-introduces-kentuckian-at-judicial-nomination-hearing>.

⁷⁹ *Guedes v. Bureau of Alcohol*, 66 F.4th 1018, 1023 (D.C. Cir. 2023),

[https://scholar.google.com/scholar_case?case=5025818553344101001&hl=en&as_sdt=6,47#r\[6\]](https://scholar.google.com/scholar_case?case=5025818553344101001&hl=en&as_sdt=6,47#r[6]) (emphasis added).

⁸⁰ Gary Gately, *Kavanaugh nomination draws swift praise, condemnation*, BALT. POST (July 10, 2018), <https://baltimorepostexaminer.com/kavanaugh-nomination-draws-swift-praise-condemnation/2018/07/10> (emphasis added).

⁸¹ Questions from Senator Feinstein, Question #14(b), S. Questions for Answer,

<https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 8 (emphasis added).

⁸² Questions from Senator Feinstein, Question #14(c), S. Questions for Answer,

<https://www.judiciary.senate.gov/imo/media/doc/Walker%20Responses%20to%20QFRs1.pdf>, at PDF p. 9.

- Walker critiqued the “billions of taxpayer dollars” spent on providing the state constitutional mandate of “a minimum level of funding to offer an adequate education for all students.”⁸³

Administrative State:

- In the D.C. Circuit, Judge Walker wrote a dissenting opinion in *Loper Bright v. Raimondo* before the case reached the Supreme Court.⁸⁴ Walker wrote in dissent that, “*Chevron* deference,” should only apply if the original statute was ambiguous and “Congress either explicitly or implicitly delegated authority [to the agency] to cure that ambiguity.”⁸⁵
 - In his dissent, Walker boldly argued that “[a]gencies are creatures of Congress, so they have no authority apart from what Congress bestows.”⁸⁶ He continued by writing, “*Congress’s silence on a given issue does not automatically create such ambiguity or give an agency carte blanche* to speak in Congress’s place.”⁸⁷
 - Discussing the framework for when *Chevron* deference should rarely apply, Walker asserted, “[I]f it’s clear that the text [of the statute] does not authorize the agency’s action, the analysis ends, and the agency loses.”⁸⁸
- Walker has been critical of the administrative state and forecasted that the Supreme Court would reign in administrative agencies’ unrestrained power.
 - Walker spoke negatively about the administrative state in his article *The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable*, writing, “In a typical year . . . federal administrative agencies promulgate 80,000 pages of regulations—which makes an eleven-foot paper pillar. . . . Rather than elected representatives, *unelected bureaucrats increasingly make the vast majority of the nation’s laws*—a trend facilitated by the Supreme Court’s decision in three areas: delegation, deference, and independence.”⁸⁹

⁸³ Justin Walker, *Less Liberty?*, ALL. FOR JUST. (Apr. 13, 2019), <https://www.afj.org/wp-content/uploads/2020/04/Less-Liberty.pdf>, at PDF p. 5.

⁸⁴ *Loper Bright Enter., Inc. v. Raimondo*, 45 F.4th 359 (D.C. Cir. 2022), <https://cases.justia.com/federal/appellate-courts/cadc/21-5166/21-5166-2022-08-12.pdf?ts=1660318268>, at PDF p. 19.

⁸⁵ *Loper Bright Enter., Inc. v. Raimondo*, 45 F.4th 359 (D.C. Cir. 2022), <https://cases.justia.com/federal/appellate-courts/cadc/21-5166/21-5166-2022-08-12.pdf?ts=1660318268>, at PDF p. 23.

⁸⁶ *Loper Bright Enter., Inc. v. Raimondo*, 45 F.4th 359 (D.C. Cir. 2022), <https://cases.justia.com/federal/appellate-courts/cadc/21-5166/21-5166-2022-08-12.pdf?ts=1660318268>, at PDF p. 22 (emphasis added).

⁸⁷ *Loper Bright Enter., Inc. v. Raimondo*, 45 F.4th 359 (D.C. Cir. 2022), <https://cases.justia.com/federal/appellate-courts/cadc/21-5166/21-5166-2022-08-12.pdf?ts=1660318268>, at PDF p. 22, 24 (emphasis added).

⁸⁸ *Loper Bright Enter., Inc. v. Raimondo*, 45 F.4th 359 (D.C. Cir. 2022), <https://cases.justia.com/federal/appellate-courts/cadc/21-5166/21-5166-2022-08-12.pdf?ts=1660318268>, at PDF p. 23 (emphasis added).

⁸⁹ Justin Walker, *The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable*, 95 IND. L.J. 923 (2020), <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=11381&context=ilj>, at PDF p. 2 (emphasis added).

- Walker argued that when the Supreme Court abandoned *Schechter's* non-delegation doctrine and upheld agency independence, “[it] may not have anticipated that agency rulemaking would so dwarf congressional lawmaking.”⁹⁰
- While advocating to overturn *Chevron*, Walker wrote, “*Chevron deference throws gas on the fire of undemocratic delegation by empowering an unelected agency to regulate even when Congress . . . did not authorize the regulation.*”⁹¹
- Mike Davis, leader of the Article III Project, suggested after Walker’s nomination to the D.C. Circuit that Walker would roll back the power of the administrative state.⁹²
- Walker co-wrote an article recognizing the importance of *NFIB v. Sebelius’s* impact on enforcing federalism and preventing unconstitutional expansion of the Affordable Care Act.⁹³
- Walker authored a concurring opinion defending President Trump’s use of the removal power to remove two executive agency officials.⁹⁴
 - In response to the petitioners’ claims that the President’s removals violated statutory removal protections, Walker argued that these removal restrictions were likely unconstitutional.⁹⁵
 - While Walker wrote this concurring opinion granting a motion to stay, on reconsideration, the D.C. Court of Appeals ruled that based on Supreme Court precedent, the President used his removal power unlawfully.⁹⁶

History of Commitment to Causes:

- After college, Walker campaigned for President George W. Bush’s reelection.⁹⁷

⁹⁰ Justin Walker, *The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable*, 95 IND. L.J. 923 (2020), <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=11381&context=ilj>, at PDF p. 11.

⁹¹ Justin Walker, *The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable*, 95 IND. L.J. 923 (2020), <https://civilrightsdocs.info/pdf/judicial-nominations/documents/Walker-KavanaughSchechterChevron.pdf>, at PDF p. 54 (emphasis added).

⁹² Ariane de Vogue, *Trump picks controversial McConnell ally for powerful appeals court*, CNN (Apr. 3, 2020), <https://www.cnn.com/2020/04/03/politics/justin-walker-dc-appeals-court/index.html>.

⁹³ Justin Walker & Benjamin T. Lee, *No Exit*, L. & LIBERTY (Nov. 9, 2022), <https://lawliberty.org/forum/no-exit/>.

⁹⁴ *Harris v. Bessent*, 2025 U.S. App. Lexis 7301 (D.C. Cir. 2025), <https://media.cadc.uscourts.gov/orders/docs/2025/03/25-5037.25-5057LDSN.FINAL.pdf>, at PDF p. 3-5.

⁹⁵ *Harris v. Bessent*, 2025 U.S. App. Lexis 7301 (D.C. Cir. 2025), <https://media.cadc.uscourts.gov/orders/docs/2025/03/25-5037.25-5057LDSN.FINAL.pdf>, at PDF p. 39-45.

⁹⁶ *Harris v. Bessent*, 2025 U.S. App. Lexis 8151 (D.C. Cir. 2025), <https://storage.courtlistener.com/recap/gov.uscourts.cadc.41813/gov.uscourts.cadc.41813.01208727297.0.pdf>, at PDF p. 1-3.

⁹⁷ Cristian Farias, *How Trump Changed a Young Judge’s Life*, THE ATL. (Oct. 27, 2020), <https://www.theatlantic.com/politics/archive/2020/10/how-conservative-judge-justin-walkers-career-was-made/616830/>.

- Walker was a fierce supporter of Justice Kavanaugh’s nomination and compared Justice Kavanaugh to Saint Paul.⁹⁸
- Walker has been a member of the Federalist Society since 2006.⁹⁹
- Walker co-directed a law school fellowship at the University of Louisville’s Brandeis Law School Ordered Liberty Program centered on “federalism, separation of powers, originalism, natural rights, and the common good.”¹⁰⁰
- In 2019, Walker gave speeches to corporate organizations including a “Supreme Court Preview” to Proctor & Gamble, which included a summary of his article “*The Schechter-to-Chevron Spectrum*.”¹⁰¹
- In a Title VII employment discrimination case, Walker wrote a dissenting opinion calling for the court to follow established precedent to maintain a clear, higher standard for employment discrimination claims.¹⁰²
 - In the minority, Walker argued that the petitioner must be required to prove that they suffered a “non-de minimis injury” and “tangible harm” from the alleged discrimination.¹⁰³
 - Walker claimed that by not requiring a showing of “tangible harm” for Title VII claims, the court “leaves open the possibility that plaintiffs can successfully sue over de minimis injuries [and] profit from unjustified settlements and expensive trials over the kinds of de minimis slights that Title VII does not cover.”¹⁰⁴

Government Overreach:

- Walker upheld the First Amendment rights of two federal government employees to engage in political activism outside of their employment.

⁹⁸ Cristian Farias, *How Trump Changed a Young Judge’s Life*, THE ATL. (Oct. 27, 2020), <https://www.theatlantic.com/politics/archive/2020/10/how-conservative-judge-justin-walkers-career-was-made/616830/>.

⁹⁹ S. Questionnaire, <https://fixthecourt.com/wp-content/uploads/2020/06/Walker-USDC-SJQ-6.21.19.pdf>, at PDF p. 3.

¹⁰⁰ Andrew Wolfson, *J. Justin Walker, McConnell protégé, confirmed to nation’s second-most powerful court*, LOUISVILLE COURIER J. (June 19, 2020), <https://www.courier-journal.com/story/news/2020/06/18/judge-justin-walker-mcconnell-protege-confirmed-court-appeals/3215707001/>.

¹⁰¹ S. Questionnaire, <https://fixthecourt.com/wp-content/uploads/2020/06/Walker-USDC-SJQ-6.21.19.pdf>, at PDF p. 8.

¹⁰² *Chambers v. Dist. of Columbia*, 35 F.4th 870 (D.C. Cir. 2022), https://storage.courtlistener.com/pdf/2022/06/03/mary_chambers_v._dc_en_banc.pdf, at PDF p. 22-25.

¹⁰³ *Chambers v. Dist. of Columbia*, 35 F.4th 870 (D.C. Cir. 2022), https://storage.courtlistener.com/pdf/2022/06/03/mary_chambers_v._dc_en_banc.pdf, at PDF p. 22.

¹⁰⁴ *Chambers v. Dist. of Columbia*, 35 F.4th 870 (D.C. Cir. 2022), https://storage.courtlistener.com/pdf/2022/06/03/mary_chambers_v._dc_en_banc.pdf, at PDF p. 22.

- In *Guffey v. Mauskopf*, Judge Walker wrote an opinion invalidating employee political speech restrictions imposed by the Administrative Office of the U.S. Courts.¹⁰⁵
 - He explained that ***“the government cannot condition public employment on the complete surrender of a citizen’s First Amendment rights.”***¹⁰⁶
- Walker is a harsh critic of FBI independence.
 - Walker believes that the FBI’s independence has facilitated violations of civil liberties. He published an article in which he “chronicle[d] the history of civilian control of the military as well as abuses committed by the FBI, noting that the agency engaged in ‘illegal and warrantless wiretaps, buggings, burglaries, destruction of files, and harassment of political minorities, the gay community, and African Americans.’”¹⁰⁷
 - He wrote, ***“This history shows that the kinds of independence that threaten liberty when exercised by the military—insubordination, insufficient monitoring, and undue influence—also threaten liberty when exercised by another part of the executive branch that has usually had a military purpose: the FBI.”***¹⁰⁸
 - Walker stated on FBI corruption impacting the gay community, ***“In addition to political minorities, members of the lesbian, gay, bisexual, and transgender (“LGBT”) community drew special surveillance from the FBI.”***¹⁰⁹
- Walker opposed the individual mandate in the Affordable Care Act.
 - Walker referred to the Supreme Court upholding the Affordable Care Act as “catastrophic” and “indefensible.”¹¹⁰
- Walker ruled against a social worker and deputy, stripping them of qualified immunity for a warrantless entry into a home for a child welfare investigation founded upon a mother leaving her children in her vehicle unattended when picking up coffee.

¹⁰⁵ *Guffey v. Mauskopf*, 45 F.4th 442, 444 (D.C. Cir. 2022), https://scholar.google.com/scholar_case?case=640238535764782969&q=Guffey+v.+Mauskopf,+45+F.4th+442&hl=en&as_sdt=2006.

¹⁰⁶ *Guffey v. Mauskopf*, 45 F.4th 442, 446 (D.C. Cir. 2022), https://scholar.google.com/scholar_case?case=640238535764782969&q=Guffey+v.+Mauskopf,+45+F.4th+442&hl=en&as_sdt=2006 (emphasis added).

¹⁰⁷ Justin Walker, *FBI Independence as a Threat to Civil Liberties: An Analogy to Civilian Control of the Military*, 86 GEO. WASH. L. REV. 1011 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3122728#, at PDF p. 31.

¹⁰⁸ Justin Walker, *FBI Independence as a Threat to Civil Liberties: An Analogy to Civilian Control of the Military*, 86 GEO. WASH. L. REV. 1011(2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3122728#, at PDF p. 56-57 (emphasis added).

¹⁰⁹ Justin Walker, *FBI Independence as a Threat to Civil Liberties: An Analogy to Civilian Control of the Military*, 86 GEO. WASH. L. REV. 1011, 1048 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3122728#, at PDF p. 38 (emphasis added).

¹¹⁰ *Judicial nominee with McConnell and Kavanaugh ties who called Roberts opinion upholding ‘Obamacare’ a catastrophe says he has an open mind*, MARKETWATCH (May 7, 2020), <https://www.marketwatch.com/story/judicial-nominee-with-mcconnell-and-kavanaugh-ties-who-called-obamacare-a-catastrophe-says-he-has-an-open-mind-2020-05-06>.

- Walker’s opinion read, “Act One: An ‘attentive and loving’ mother gets muffins for her children. Act Two: There’s a knock on her door and a threat by the government to take away her children. Act Three: Her children are strip searched without cause.”¹¹¹
- In another case, Judge Walker protected airlines from Congressional oversight, ruling against an allegation by an advocacy group that airlines failed to comply with the minimum airplane seat size rules required by the FAA Reauthorization Act of 2018.¹¹²
- Walker upheld a COVID-19 era CDC order prohibiting the entry of “covered aliens” into the U.S. by land through Mexico or Canada and validating the order’s direction for immediate expulsion of such aliens. However, Walker also held that such covered aliens could not be removed to countries in which they would be persecuted or tortured.
 - Walker wrote in his opinion, “[Federal law] allows the Executive to ‘prohibit, in whole or in part, the introduction of persons and property from’ any places that it designates during a public-health emergency. And recall that the Executive has used that power during the COVID-19 pandemic to issue several orders that prohibit covered aliens from entering the United States. That statutory power could be rendered largely nugatory if the Executive could not take any action against a covered alien who disregarded the prohibition and managed to set foot on U.S. soil.”¹¹³
 - He added, “[T]o sum up, the Executive has declared covered aliens’ introduction illegal (under § 265), and as a general matter, the Executive can expel aliens who are here illegally (under § 1227(a)(1)(B)).”¹¹⁴
 - With regard to the conclusion that covered aliens could not be deported to places where they would be persecuted or tortured, Judge Walker gave great credence to vaccines and masks in mitigating the spread of the virus.
 - He stated, “Of course, ‘the public has a strong interest in combating the spread of’ COVID-19. Alabama Association of Realtors, 141 S. Ct. at 2490. ***But this is March 2022, not March 2020. The CDC’s § 265 order looks in certain respects like a relic from an era with no vaccines, scarce testing, few therapeutics, and little certainty.*** . . . The evidence of the difference between then and now is considerable. [citations omitted] We cannot blindly defer to the CDC in these circumstances. Absent the § 265 Order,

¹¹¹ *Curry v. Ky. Cabinet for Health & Fam. Servs.*, 2020 WL 4820718, <https://cases.justia.com/federal/district-courts/kentucky/kywdce/3:2017cv00730/104992/86/0.pdf?ts=1597915267>, at PDF p. 14.

¹¹² *In re Flyers Rts. Educ. Fund, Inc.*, 61 F.4th 166 (D.C. Cir. 2023), <https://cases.justia.com/federal/appellate-courts/cadc/22-1004/22-1004-2023-03-03.pdf?ts=1677859411>, at PDF p. 6.

¹¹³ *Huisha-Huisha v. Mayorkas*, 27 F.4th 718 (D.C. Cir. 2022), <https://www.courthousenews.com/wp-content/uploads/2022/03/huisha-v-mayorkas-opinion-usdc-dc.pdf>, at PDF p. 18.

¹¹⁴ *Huisha-Huisha v. Mayorkas*, 27 F.4th 718 (D.C. Cir. 2022), <https://www.courthousenews.com/wp-content/uploads/2022/03/huisha-v-mayorkas-opinion-usdc-dc.pdf>, at PDF p. 19.

*the Executive observes that Customs and Border Protection officials will spend more time with the covered aliens. But the Order itself notes that CBP personnel have access to effective vaccines, abundant testing, and plenty of face masks. . . . And covered aliens held in congregate settings are given new masks every day.”*¹¹⁵

- In a draft titled *Less Liberty?*, Walker discussed constitutional rights, the distinction between positive and negative rights, and how recognizing additional “positive rights” could ultimately lead to diminished freedom. Walker agreed with an argument by Judge Jeffrey Sutton in Sutton’s book “*51 Imperfect Solutions*” that an interpretation of clauses in state constitutions that are similar to clauses in the U.S. Constitution “should not be identical to interpretations of their federal analogues.”¹¹⁶
 - Walker asserted that although individual rights in the federal Constitution are *negative* rights, rather than *positive* rights, states have included and enforced positive rights in their own state constitutions.¹¹⁷ Building on these ideas, Walker claimed that enforcing positive rights requires more *state action* because it places an affirmative obligation on the state to *act* in order to secure those rights.¹¹⁸
 - Walker wrote, “If all inaction is action, then everything is state action, including the most private parts of our lives. Consider, for example, an informal battered women’s support group held in the basement of a house. Does it violate the equal protection clause’s ban on gender discrimination if the host turns away a man who wishes to join? . . . [O]nce we define all inaction [from the government] as action . . . it leads to the vast expansion of a state that already includes ‘hundreds of federal agencies poking into every nook and cranny of daily life.’”¹¹⁹
 - Walker concluded, “*If state courts begin to selectively interpret state constitutional provisions far more robustly than their federal analogues . . . they will be able to do so in a way that wields state power on behalf of the majority against the minority. That’s true for . . . potential suits against religious minorities that reimagine the equal protection clause in a manner that doesn’t require state action, potentially transforming into constitutional commands the anti-discrimination statutes used against the owner of Masterpiece Cakeshop. Reasonable people will disagree about whether those results would be good or*

¹¹⁵ *Huisha-Huisha v. Mayorkas*, 27 F.4th 718 (D.C. Cir. 2022), <https://www.courthousenews.com/wp-content/uploads/2022/03/huisha-v-mayorkas-opinion-usdc-dc.pdf> at PDF p. 30-31 (emphasis added).

¹¹⁶ Justin Walker, *Less Liberty?*, ALL. FOR JUST., <https://afj.org/wp-content/uploads/2020/04/Less-Liberty.pdf>, at PDF p. 1.

¹¹⁷ Justin Walker, *Less Liberty?*, ALL. FOR JUST., <https://afj.org/wp-content/uploads/2020/04/Less-Liberty.pdf>, at PDF p. 4.

¹¹⁸ Justin Walker, *Less Liberty?*, ALL. FOR JUST., <https://afj.org/wp-content/uploads/2020/04/Less-Liberty.pdf>, at PDF p. 4, 9.

¹¹⁹ Justin Walker, *Less Liberty?*, ALL. FOR JUST., <https://afj.org/wp-content/uploads/2020/04/Less-Liberty.pdf>, at PDF p. 9.

bad However, regardless of who has the better argument, the result could be more ‘rights,’ but less freedom.’”¹²⁰

¹²⁰ Justin Walker, *Less Liberty?*, ALL. FOR JUST., <https://afj.org/wp-content/uploads/2020/04/Less-Liberty.pdf>, at PDF p. 12 (emphasis added).