



April 23, 2026

Senator Chuck Grassley  
Chair, Senate Judiciary Committee

Senator Dick Durbin  
Ranking Member, Senate Judiciary Committee

Dear Senator Grassley and Senator Durbin:

On behalf of our hundreds of thousands of supporters and activists nationwide, People For the American Way opposes the nominations of all four judicial nominees expected to have a hearing on April 29: Jeffrey Kuntz (Southern District of Florida), Michael Hendershot (Northern District of Ohio), Arthur Roberts Jones (Southern District of Texas), and John Marck (Southern District of Texas).

As explained in more detail in the second half of this letter, we do not support confirming any judicial nominees of Donald Trump. He is dangerously unqualified to be making lifetime appointments to the one branch of government that is in a position to provide checks and balances to his lawless actions.

But first, this letter focuses on one of those nominees: Jeffrey Kuntz. His conduct as a state court judge raises serious ethical concerns.

### **Jeffrey Kuntz: Non-Recusal Despite a Conflict of Interest**

Kuntz's nomination raises the same ethical concerns as a previous nominee to the same district, Edward Artau. Kuntz is a state appeals court judge in Florida. While he was in the process of being considered for a Trump nomination to the Southern District, he sat on a defamation case in which Trump was a party in his personal capacity.<sup>i</sup> The final brief was submitted to the appeals court on October 25, 2024, after which Kuntz was randomly assigned to the panel, as was Artau.

As with Artau, Kuntz's efforts to secure this nomination began at least as early as November 2024, when he spoke with Florida Sen. Rick Scott's office about his interest in being nominated by the just-reelected President Trump.<sup>ii</sup> Although he had set in motion his effort to get a Florida senator to recommend him and for Trump to nominate him, Judge Kuntz – like Judge Artau – remained on the panel, which released its opinion on February 12.

When Artau's conflict of interest became known in the course of his nomination to a federal judgeship, it led to a formal ethics complaint being filed against him with the Florida Judicial Qualifications Commission.<sup>iii</sup> Kuntz's actions raise the same serious ethical questions.

Florida's judicial canons of conduct required his recusal. Canon 3E states:

A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where ...<sup>iv</sup>

The canon then lists examples of situations that would require recusal. By its own terms, it is not an exhaustive list.<sup>v</sup>

It is clear that a judge's "impartiality might reasonably be questioned" under the circumstances Kuntz was in. He was in the process of asking a party in a case before him for a position that would not only bring him professional accolades, it would also provide him with a guaranteed job with a guaranteed income for the rest of his life.

It does not appear that the defendants being sued by Trump were aware of the conflict. When Artau was asked about the case at his confirmation hearing, he did not say that the defendants were untroubled by having a judge on their case who was in the process of seeking a prestigious appointment from the plaintiff. Instead, Artau claimed inaccurately that the recusal requirement wasn't even triggered. So it is unlikely that the defendants were aware of Kuntz's conflict and chose not to request his recusal.<sup>vi</sup>

Kuntz's participation in this case, apparently without disclosing the conflict to the parties Trump was suing, is a textbook example of unethical conduct.

### **The Senate Should Not Confirm Judicial Nominees of a President Who Defies the Courts and Expects Absolute Loyalty From His Nominees**

The federal courts are essential to providing the checks and balances needed to prevent tyranny. At present, they are the only branch of the federal government carrying out this essential function.

President Trump does not share that vision of the courts. He expects the judges he nominates to show him personal loyalty and always rule in his favor.

This has been clear for a long time. However, on March 16, Trump himself made it impossible to pretend otherwise. In a Truth Social post, he condemned the Court for striking down his tariffs even though he supported them:

The Court knew where I stood, how badly I wanted this Victory for our Country, and instead decided to, potentially, give away Trillions of Dollars to Countries and Companies who have been taking advantage of the United States for decades.<sup>vii</sup>

He then went on to condemn the independence of justices who have ruled against him:

They openly disrespect the Presidents who nominate them to the highest position in the Land, a Justice of the United States Supreme Court, and go out of their way, with bad and wrongful rulings and intentions, to prove how "honest," "independent," and "legitimate" they are.<sup>viii</sup>

No president who is looking for unfettered loyalty from his judicial nominations can be allowed to put more judges on the bench at any level.

This development does not come out of the blue. Soon after returning to office, Trump began defying court orders and threatening judges who rule against him. In a May 30, 2025, letter to the Judiciary Committee, we explained that a president who does this should not be allowed to name anyone to the one branch of the federal government that is checking his power.<sup>ix</sup>

Events since then have only strengthened our case. For instance, an extensively-documented whistleblower complaint revealed that senior Justice Department official Emil Bove suggested in March that the administration violate court orders.<sup>x</sup> President Trump subsequently nominated Bove to a seat on the Third Circuit, to which he was confirmed. The administration now routinely defies the courts. In fact, a July study revealed that the Trump administration had defied one in three judges who had ruled against him.<sup>xi</sup>

Nationwide concern over the Trump administration's deceptive filings and court defiance continues to grow. The administration even risks losing the "presumption of regularity," in which judges presume that the federal government and its lawyers are telling the truth and acting in good faith.<sup>xii</sup> Indeed, an October 2025 report revealed dozens of instances of judges expressing distrust in the government's representations, as well as growing concerns within the federal bench about noncompliance with judicial orders.<sup>xiii</sup>

And in November 2025, a sitting federal judge nominated by President Reagan resigned from his lifetime position in order to speak frankly and in depth about Trump's threat to the rule of law. Mark L. Wolf wrote:

I no longer can bear to be restrained by what judges can say publicly or do outside the courtroom. President Donald Trump is using the law for partisan purposes, targeting his adversaries while sparing his friends and donors from investigation, prosecution, and possible punishment. This is contrary to everything that I have stood for in my more than 50 years in the Department of Justice and on the bench. The White House's assault on the rule of law is so deeply disturbing to me that I feel compelled to speak out. Silence, for me, is now intolerable.<sup>xiv</sup>

Later that same month, President Trump even called for the execution of members of Congress for stating the undisputed legal fact that members of the military may not follow unlawful orders.<sup>xv</sup>

In January 2026 alone, the Trump administration violated nearly 100 court orders relating to ICE's reign of terror in the Minneapolis area that led to brutal killings of American citizens Alex Pretti and Renee Good. These orders were issued to protect the people of Minnesota from unlawful abuses of power by ICE. On January 28, Chief Judge Patrick Schiltz released a list of those violated orders.<sup>xvi</sup> He wrote:

[It] identifies 96 court orders that ICE has violated in 74 cases. The extent of ICE's noncompliance is almost certainly substantially understated. This list is confined to orders issued since January 1, 2026, and the list was hurriedly compiled by extraordinarily busy judges. Undoubtedly, mistakes were made, and orders that should have appeared on this list were omitted.

This list should give pause to anyone—no matter his or her political beliefs—who cares about the rule of law.<sup>xvii</sup>

At least 35 times between August 2025 and February 2026, federal district court or magistrate judges in California, Texas, Florida, Massachusetts, Michigan, New York, West Virginia and Puerto Rico ordered the administration to explain why it should not be punished for violating court orders.<sup>xviii</sup>

This is a unique moment of crisis for our nation. Fortunately, the framers of our Constitution anticipated a moment such as this. Through the confirmation process, they gave the Senate the power and the responsibility to prevent a president such as this from sabotaging the independence of our courts.

The Senate should not confirm any judicial nominee of President Trump's at any level.

Sincerely,



Marge Baker  
Executive Vice President

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<sup>i</sup> *Alexander v. Trump*, 404 So. 3d 425 (2025).

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ii Kuntz Judiciary Comm. Questionnaire at 50, <https://www.judiciary.senate.gov/download/kuntz-sig>.

iii <https://freedom.press/issues/fpf-demand-progress-file-ethics-complaint-against-judge-edward-artau>.

iv Code of Judicial Conduct for the State of Florida, Canon 3E, <https://supremecourt.flcourts.gov/content/download/402388/file/Florida%20Code%20of%20Judicial%20Conduct.pdf> (emphasis supplied).

v Artau's mischaracterization of Canon 3E in his testimony to the Judiciary Committee is also the subject of the ethics complaint against him.

vi According to Kuntz, his recusal has been requested by a party only twice, but they were in other cases. Questionnaire at 39.

vii <https://truthsocial.com/@realDonaldTrump/posts/116236850873003597>.

viii Id.

ix [https://www.peoplefor.org/sites/default/files/downloads/2025-06/Hermendorfer\\_and\\_4\\_MO\\_noms-opposition\\_letter.pdf](https://www.peoplefor.org/sites/default/files/downloads/2025-06/Hermendorfer_and_4_MO_noms-opposition_letter.pdf).

x "Justice Dept. Leader Suggested Violating Court Orders, Whistle-Blower Says," New York Times, June 24, 2025, <https://www.nytimes.com/2025/06/24/us/politics/justice-department-emil-bove-trump-deportations-reuveni.html>.

xi "Trump officials accused of defying 1 in 3 judges who ruled against him," Washington Post, July 21, 2025, <https://www.washingtonpost.com/politics/2025/07/21/trump-court-orders-defy-noncompliance-marshals-judges>.

xii See, e.g., David French, "How a Trump Judge Exposed the Trump Con," New York Times, Oct. 12, 2025, <https://www.nytimes.com/2025/10/12/opinion/trump-judge-immigrant-portland-national-guard.html>; "Judges Openly Doubt Government as Justice Dept. Misleads and Dodges Orders," New York Times, Aug. 4, 2025, <https://www.nytimes.com/2025/08/04/us/politics/trump-justice-department-judges-courts.html>.

xiii "'The 'Presumption of Regularity' in Trump Administration Litigation," Just Security, updated Oct. 15, 2025, <https://www.justsecurity.org/120547/presumption-regularity-trump-administration-litigation>.

xiv "Why I Am Resigning," Judge Mark L. Wolf, The Atlantic, Nov, 9, 2025, <https://www.theatlantic.com/ideas/2025/11/federal-judge-resignation-trump/684845>.

xv "Trump says Democrats' message to military is 'seditious behavior' punishable by death," Associated Press, Nov. 20, 2025, <https://apnews.com/article/trump-military-traitors-sedition-illegal-orders-c5fc3c5bd2fbc6b1204550e4203c24b2>.

xvi "ICE is not a law unto itself,' Minnesota judge says after immigrant released following contempt threat," CNBC, Jan. 28, 2026, <https://www.cnbc.com/2026/01/28/ice-immigrant-minnesota-contempt-released.html>.

xvii *Juan v. Noem*, Case No. 26-CV-0107 (PJS/DLM), order of Jan. 28, 2026, [https://storage.courtlistener.com/recap/gov.uscourts.mnd.230171/gov.uscourts.mnd.230171.10.0\\_2.pdf](https://storage.courtlistener.com/recap/gov.uscourts.mnd.230171/gov.uscourts.mnd.230171.10.0_2.pdf).

xviii "Judges Grow Angry Over Trump Administration Violating Their Orders," New York Times, Feb. 23, 2026, <https://www.nytimes.com/2026/02/23/us/politics/judges-contempt-immigration-trump.html>.