



James Ho

Potential SCOTUS Nominee

COURT

U.S. Court of Appeals for the Fifth Circuit

Introduction

Trump-appointee Judge James Ho (also known as James Chiun-Yue Ho) has served on the U.S. Court of Appeals for the Fifth Circuit since 2018. Throughout his legal career, from his clerkships on the Fifth Circuit and with Justice Thomas to his time as an associate for Gibson Dunn to his tenure on the Fifth Circuit, Ho has repeatedly and vocally supported far-right causes. Since his controversial confirmation to the Fifth Circuit, he's also continued to use his powerful perch to attack reproductive rights, gun safety laws, voting rights, immigrants, and the LGBTQ+ community.

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Biography

Ho was born in Taipei, Taiwan on February 27, 1973. Shortly afterwards, in 1974, he immigrated to the United States. He received his B.A. from Stanford University in 1995 and graduated with a J.D. from the University of Chicago Law School in 1999.

From 1999 to 2000, Ho clerked for Judge Jerry E. Smith at the U.S. Court of Appeals for the Fifth Circuit. He then worked as an associate in Gibson Dunn's Washington, D.C. office, where he helped represent then-Governor George W. Bush in Bush v. Gore. Ho served as an attorney in the Bush administration from 2001 to 2003, first as the special assistant to the assistant attorney general for the civil rights division, then as an attorney-advisor in the office of legal counsel. After the Bush administration, Ho served as chief counsel to the U.S. Senate Judiciary Committee under Senator John Cornyn (R-TX) from 2003 to 2005. He clerked for Justice Clarence Thomas from 2005 to 2006.

Following his Supreme Court clerkship, Ho practiced appellate litigation in Gibson Dunn's Dallas office from 2006 to 2008. He later served as solicitor general of Texas from 2008 to 2010, where he presented 50 oral arguments in federal and state courts nationwide. Among those cases, he defended Texas' same-sex marriage ban. He also argued appeals as lead counsel, including three merits cases at the U.S. Supreme Court. Ho ultimately returned to Gibson Dunn and became a partner and co-chair of Gibson Dunn's appellate and constitutional law group, where he practiced until his Fifth Circuit appointment.

While at Gibson Dunn, Ho held numerous positions to advance far-right agendas, including through volunteer work with First Liberty Institute. This Christian nationalist legal advocacy organization has taken strong stances against LGBTQ+ and abortion rights.

Ho has also served as an adjunct professor at the University of Texas School of Law, where he taught seminars on Supreme Court litigation and religious liberty. He also previously served as senior editor of *The Green Bag* and as co-editor of *Pub. L. Misc.*

Nomination to Fifth Circuit

On October 16, 2017, Trump nominated Ho to fill a seat vacated by Judge Carolyn D. King on the U.S. Court of Appeals for the Fifth Circuit. The Senate Judiciary Committee held Ho's confirmation hearing on November 15, 2017, and on December 7, 2017, Ho's nomination was reported out of that committee by an 11–9 vote. The full Senate confirmed him on December 14, 2017 by a 53–43 vote, and Ho received his judicial commission on January 4, 2018. In a telling display of Ho's ideological alignment, Justice Thomas swore Ho in at billionaire Republican donor Harlan Crow's private library, which is known for being festooned with Nazi artifacts. Sen. Ted Cruz (R-Tex), Ho's longtime friend and predecessor as Texas solicitor general, proudly attended and celebrated the appointment on Twitter.

Key Cases and Legal Context

FIFTH CIRCUIT BACKDROP

The Fifth Circuit is often regarded as the circuit most closely aligned with extremist, far-right ideologies. This circuit wields enormous influence over immigration law due to its proximity to the southern border, including Texas. Historically, this circuit also consistently weighs disputes over contentious social issues like abortion and voting rights because extremist special interest groups strategically forum-shop their lawsuits to sympathetic judges. Twelve out of 17 of its judgeships are held by Republican-appointees, including six Trump appointees.

Such an extremist backdrop has served as an ideal setting for a politically charged judge like Ho to draft fiery concurrences that complement conservative rulings. During Ho's tenure on the Fifth Circuit, he has authored many opinions, concurrences, and dissents, sometimes even addressing issues that were not squarely before him.

ANTI-IMMIGRANT VIEWS

United States v. Abbott (2024)

Ho's views on birthright citizenship have shifted over the years. As a private lawyer, Ho once strongly defended birthright citizenship, arguing in 2006 that it "is protected no less for children of undocumented persons than for descendants of Mayflower passengers."

More recently, Ho's opinion in *United States v. Abbott* seems to suggest a shift more aligned with the Trump administration: that birthright citizenship may not apply in the context of the ongoing border crisis. In his opinion in *Abbott*, Ho categorized the number of undocumented immigrants coming across the southern border as an "invasion." This is the first time a federal judge had done so to justify a state's constitutional power to "engage in war" if "actually invaded." The case weighed the legality of buoys that Texas Gov. Greg Abbott placed along the Rio Grande during the Biden administration. The "invasion" language legitimized assertions that the second Trump administration eventually used to strip due process protections from immigrants.

In an interview Ho gave days after Trump was re-elected, Ho retreated from his past defenses of birthright citizenship to say the Fourteenth Amendment protection "obviously doesn't apply in case of war or invasion."

A.A.R.P. v. Trump (2025)

In May 2025, Ho authored a concurrence in *A.A.R.P. v. Trump* that seemed to signal further unfettered loyalty to Trump. Ho's opinion criticized former Presidents Clinton, Obama, and Biden, while suggesting the courts aren't treating Trump with the same kind of respect. He ends his concurrence writing, "Our current President deserves the same respect."

This case stemmed from litigation related to the Trump administration's unprecedented removal of Venezuelan migrants from the United States without adequate notice or a meaningful opportunity for them to challenge their removals. The migrants sought emergency relief to stop their deportations, but the district court denied their request for a temporary restraining order and then failed to act quickly enough to address their concerns. The plaintiffs/migrants eventually appealed to the Fifth Circuit and ultimately sought relief from the Supreme Court.

After the Supreme Court intervened and returned the matter to the Fifth Circuit, Ho's concurrence criticized both the Supreme Court's characterization of the proceedings and the expectation that the district court should have acted more quickly on the emergency filings, quipping that "this is a district court — not a Denny's." Ho's concurrence was notable not only for its rhetoric but also for its apparent disregard for the extraordinary stakes of the case. While individuals faced the prospect of immediate removal under the Alien Enemies Act of 1798 (a rarely invoked wartime statute), Ho focused his criticism on the courts and litigants seeking urgent judicial review. The opinion reinforced concerns that Ho is inclined to discount the judiciary's critical role in protecting due process rights and checking executive overreach, particularly in cases involving immigration and individual liberties.

Platero-Rosales v. Garland, 55 F.4th 974 (5th Cir. 2022)

Ho's rulings have also been highly deferential to executive officers and immigration judges. In *Platero-Rosales v. Garland*, Ho wrote, "A sovereign isn't a sovereign if it can't control its borders" and that "national objectives are undercut when states encourage illegal entry into the United States." He has stated that "[i]f only 'the political branches of the federal government' can decide if a state has been invaded, it effectively prohibits states from exercising their sovereign right of self-defense without federal permission."

OPPOSES GUN SAFETY MEASURES***National Rifle Ass'n of America, Inc. v. City of Chicago, 561 U.S. 1041 (2010); McDonald v. City of Chicago, 561 U.S. 742 (2010)***

While acting as solicitor general of Texas, Ho served as counsel for amici curiae on behalf of multiple states in support of the National Rifle Association (NRA) in *National Rifle Ass'n of America, Inc. v. City of Chicago*, 561 U.S. 1041 (2010) and *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

United States v. Rahimi, 61 F.4th 443 (5th Cir. 2023).

As a judge, Ho wrote a concurrence in *United States v. Rahimi*, in which the Fifth Circuit held that a federal statute prohibiting possession of firearms by someone subject to a domestic violence restraining order violates Second Amendment. Ho wrote: "Violent criminals should be prosecuted, convicted, disarmed, and incarcerated," suggesting that only after a full criminal prosecution could those subject to a restraining order actually be disarmed, no matter the threat they pose. The Supreme Court later overruled the Fifth Circuit and upheld the statute.

PRO-MONEY IN POLITICS***Opposed McCain-Feingold Campaign Finance Reforms***

Ho's anti-campaign finance reform stances were evident early on. Even while in law school, Ho authored an op-ed in the *Federalist Forum* (a Federalist Society publication at the University of Chicago) that opposed the McCain-Feingold campaign finance reform bill. He opposed the concept of campaign finance altogether, claiming, "The inevitable result of such [campaign finance] expansion, however, is the end of free speech. For truly radical but effective reform, we must reverse course and abolish all restrictions on campaign finance."

Ho argued that corruption should not be blamed on money in politics, but on government regulation, noting: "Perhaps the most important lesson is that the campaign finance reform debate obscures the true cause of corruption. Politicians can coerce campaign contributions from ever-willing donors for one simple reason: the state intrudes upon so many areas of personal and commercial life that success is impossible without permission from the sovereign."

Free Mkt Found., et al v. Reisman (2008)

While working in the private sector, Ho served as lead counsel for plaintiffs opposing campaign finance laws,

including First Liberty Institute President Kelly Shackelford. The laws in question were anti-bribery restrictions on the election of the speaker of the Texas House of Representatives that had been passed in the 1970s. The district court issued a preliminary injunction that stopped the Texas Ethics Commission from enforcing the statutes. Later, the court found the statutes to be unconstitutional.

Zimmerman v. City of Austin, Texas (2018)

As a judge, Ho dissented from a ruling that effectively upheld a campaign finance restriction in *Zimmerman v. City of Austin*. The city barred individuals from donating more than \$350 per election to mayoral and city council candidates. After a three-judge panel for the Fifth Circuit ruled that the limit did not violate the First Amendment, the plaintiffs unsuccessfully petitioned the court to rehear the case en banc.

Ho's dissent opined that the court should have granted rehearing and invalidated the contribution limits on First Amendment grounds. He wrote, "...if you don't like big money in politics, then you should oppose big government in our lives. Because the former is a necessary consequence of the latter. When government grows larger, when regulators pick more and more economic winners and losers, participation in the political process ceases to be merely a citizen's prerogative — it becomes a human necessity. This is the inevitable result of a government that would be unrecognizable to our Founders...[s]o if there is too much money in politics, it's because there's too much government. The size and scope of government makes such spending essential."

Ho extrapolated beyond the constitutional questions raised in *Zimmerman* and decried the "unfortunate trend in modern constitutional law" to "create rights that appear nowhere in the Constitution, but also to disfavor rights expressly enumerated by our Founders."

ANTI-ACCESS TO ABORTION CARE

All. for Hippocratic Med. v. U.S. Food & Drug Admin. (2023)

This case was brought by anti-abortion organizations challenging FDA actions that expanded access to mifepristone, including permitting certified pharmacies to dispense the medication by mail. Ho voted to invalidate the Food and Drug Administration's decades-old approval and regulation of mifepristone, a medication used in the majority of abortions in the United States. He also agreed with the challengers' effort to second-guess the FDA's scientific and medical judgment, despite the agency's longstanding determination that the drug is safe and effective.

More troublingly, Ho argued that that these anti-abortion groups had standing to sue based on alleged "conscience" and "aesthetic" injuries, despite their inability to demonstrate any concrete harm from the FDA's actions. Had Ho's expansive view of standing prevailed, it would have allowed ideological litigants to challenge government policies based on abstract disagreements rather than actual injuries. It would also have allowed the Fifth Circuit and Supreme Court to consider a regulatory challenge, which could have significantly restricted mifepristone distribution. Such a ruling could have constituted a de facto abortion ban because the drug is used in more than 60% of all U.S. abortions by health care providers. The Supreme Court unanimously rejected that theory, concluding that the plaintiffs lacked standing to pursue their claims.

Whole Woman's Health v. Smith (2018)

Ho sided with the Texas government and the state's Conference of Catholic Bishops (CCB) to defend a Texas law that mandated cremation or burial of "fetal remains." While Texas claimed patients and clinics were not harmed because the CCB offered "burials" for little or no fees, the law imposed additional costs, medically unnecessary burdens, and stigmatized abortion by regulating the disposal of fetal tissue. The district court struck the burial law down, but the Fifth Circuit reversed. While this decision did not directly impact access to abortion care, Ho's opinion further validated Texas's authority to regulate fetal remains in a way that recognized fetal life and morally opposed abortion.

WORKED TO WEAKEN VOTING RIGHTS

Republican Nat'l Comm. v. Wetzel (2024) (now Watson)

Ho was part of a three-judge panel that granted a request from the Republican National Committee (RNC) to strike down a Mississippi election law that permitted counting of timely postmarked mail-in ballots for up to five business days after an election. The RNC sent a letter urging Texas election officials to "immediately abandon [their] plan to receive such ballots in order to avoid the threat of invalidated ballots and needless litigation." During the COVID-19 pandemic, Mississippi changed its election laws to accept absentee ballots "postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election." However, the RNC decried the "unlawfulness" of the four-year old statute. The letter said, "There is a grave risk that all mail ballots received after Election Day in the State of Texas will be challenged in court and ultimately invalidated."

The panel ruled in the RNC's favor and held that Mississippi's law was "pre-empted by the uniform federal Election Day." It further interpreted that a ballot is "cast" when Mississippi takes custody of it, not when it is postmarked, and offered admittedly "absurd" hypotheticals to support its point. "The State's problem is that it thinks a ballot can be 'cast' before it is received. What if a State changes its law to allow voters to mark their ballots and place them in a drawer? Or what if a State allowed a voter to mark a ballot and then post a picture on social media? The hypotheticals are obviously absurd. But it should be equally obvious that a ballot is 'cast' when the State takes custody of it."

This decision undermined Mississippi's election law, and changed its procedures two weeks before Election Day, a move that created confusion and contradicted Supreme Court doctrine that disfavors such changes if they are made too close to an election. The Supreme Court has even indicated during the 2020 election that modifications made months before Election Day were too close to uphold. At the end of June 2026, the Supreme Court overturned the Fifth Circuit in *Watson v. Republican National Committee*, ruling 5-4 that nothing in the federal Election Day statutes require ballots to be received by Election Day.

Chisom v. Louisiana ex rel. Landry (2024)

In *Chisom v. Louisiana ex rel. Landry*, Ho was in the majority that dissolved a consent decree that protected fair state supreme court representation for Black voters in Louisiana. The 1992 consent decree required Louisiana to have a majority-Black district in Orleans Parish for state supreme court elections so that Black voters had a fair shot at electing a state supreme court candidate of their choice (previously a key component of Section 2 of the Voting

Rights Act (VRA)).

Although Black voters comprised half of all registered voters in Orleans Parish when the lawsuit was originally filed, Louisiana designed a voting system that denied them fair representation. Under the pre-1992 scheme, five justices were elected from five single-member districts and two justices were elected from one multi-member district anchored in New Orleans, undermining Black voters' ability to elect a candidate of their choice. After the consent decree, candidates who received the majority of the Black vote were elected. The ruling came after the Supreme Court weakened VRA Section 2 in *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647 (2021).

Unfortunately, with the Supreme Court decision in *Louisiana v. Callais*, the Court sided with Louisiana, further eradicating race-conscious provisions from the VRA.

AUTHORED MEMO USED TO JUSTIFY TORTURE AND MISTREATMENT OF DETAINEES

While serving in the Department of Justice's Office of Legal Counsel in 2002, Ho authored a memorandum on the Geneva Conventions that was later cited in the infamous Bybee-Yoo "Torture Memo," the document used to provide legal cover for waterboarding and other harsh interrogation tactics used on terrorism suspects. The passage citing Ho's memo argued that the U.N. Convention Against Torture "distinguishes between torture and other acts of cruel, inhuman, or degrading treatment or punishment," and that the Geneva Conventions' Common Article 3 contained similarly permissive language. Ho's memo is cited as evidence that Common Article 3 of the Geneva Conventions "contains somewhat similar language" that distinguishes torture from other types of "cruel treatment" toward prisoners.

Ho's underlying memo has never been made public and was not disclosed on his Senate Judiciary Committee questionnaire, leaving its full contents, and Ho's full role in shaping the legal architecture of the torture program, unexamined by the Senate. That same year, Ho co-authored a law review article with John Yoo, architect of the torture memos, arguing that al Qaeda detainees did not qualify as lawful combatants and were therefore not entitled to Geneva Convention protections. This legal theory has also been used to help justify indefinite detention without the protections owed to prisoners of war.

FIRST LIBERTY INSTITUTE AND THE MATEER CONTROVERSY

As mentioned above, Ho has significant ties to First Liberty Institute, a Christian legal advocacy group that has taken hardline positions against LGBTQ+ rights and reproductive care. Beyond volunteering many pro bono hours for the organization, Ho co-authored a 2017 op-ed with First Liberty Institute President Kelly Shackelford claiming that "government officials and courts are now telling us we can't pray – at work, or at home."

Ho also publicly defended Jeff Mateer, First Liberty Institute's current chief operating officer and chief legal officer, when Mateer made inflammatory public statements claiming transgender children are part of "Satan's plan" and comparing Obama-era regulations to Nazi Germany. Trump had nominated Mateer for a federal judge seat for the

Eastern District of Texas, which was later withdrawn after these comments surfaced. Earlier in 2016, upon Mateer's appointment as Texas assistant attorney general, Ho wrote that the appointment was "worthy of praise" and should be "celebrated — not criticized."

Ho and Mateer also served as co-counsel defending Texas's and the federal government's bans on same-sex marriage in *In the Matter of the Marriage of J.B. & H.B. (2010)*, a case in which the state intervened to block a same-sex couple married in Massachusetts from divorcing in Texas.

While the district court struck down the relevant Texas law, the Dallas Court of Appeals reversed — a ruling later rendered moot by the Supreme Court's decision in *Obergefell v. Hodges* recognizing a constitutional right to same-sex marriage.

PUSHED FOR DEATH PENALTY

As Texas solicitor general, Ho fought to preserve the death penalty, defending the state's lethal injection protocol in *Raby v. Johnson (2010)*. He also served as lead counsel for Texas in the *Medellin v. Texas (2008)* stay-of-execution proceedings, successfully persuading the Supreme Court to allow an execution to proceed over international objections. Justice Stephen Breyer dissented, warning that allowing the execution to proceed would place "the United States irremediably in violation of international law" and break U.S. treaty promises.

CHAMPIONED TEXAS'S AGGRESSIVE MED-MAL CAPS

Ho has championed Texas's strict \$250,000 cap on non-economic damages in medical malpractice suits — one of the most aggressive such caps in the country, estimated to reduce non-economic damages by 73% in cases that go to trial without producing any corresponding reduction in medical costs. After a four-year long legal battle over whether such a \$250,000 cap on the amount that plaintiffs could be awarded for pain and suffering, emotional distress, and loss of quality of life was constitutional, a Texas district court upheld the law.

WAGED WAR ON SO-CALLED "INTOLERANT INSTITUTIONS"

Since joining the bench, Ho has increasingly used extrajudicial platforms to attack universities and law firms he views as hostile to conservatives, almost as if auditioning for a Trump Supreme Court nomination. Last August, a pro-Trump judicial advocacy group leader who advises the White House on nominations told The New York Times that "[judges] have to be a hell of a lot more bold and fearless than they were" in Trump's first term. "Conservatives have gone through COVID. We've been through Black Lives Matter. We understand what we're up against this time, and we're ready to go all in." Although the advisor did not confirm that Ho is on a list of potential Supreme Court nominees he gave Trump, he praised Ho as a model for the kinds of judges Trump is appointing in his second administration. "On every crucial but controversial legal issue," he said, "Jim Ho is constantly the tip of the spear."

In 2022, Ho defended Ilya Shapiro after law students at Georgetown University urged the university to oust him from a new faculty position over Twitter posts he made questioning President Biden's pledge to nominate a Black woman to the U.S. Supreme Court. Shapiro tweeted that a South Asian judge [Sri Srinivasan] would have been a more qualified pick “[b]ut alas doesn’t fit into the latest intersectionality hierarchy so we’ll get lesser black woman [sic]. Thank heaven for small favors?” Biden had not named a judge at the time of the tweet and critics blasted Shapiro for his claim that a Black woman would categorically be “lesser.” Shapiro made a similar comment about then-Judge Sonia Sotomayor — saying her nomination “was not based on merit” — when President Obama nominated her without a similar pledge to hire a Latina. Ho said, “If Ilya Shapiro is deserving of cancellation, then you should go ahead and cancel me too.”

In September 2022, Ho announced at a Federalist Society conference that he would not hire clerks from Yale Law School, a boycott intended to punish Yale for “cancel culture.” He opined that Yale “not only tolerates the cancellation of views — it actively practices it” and lamented that “cancellations and disruptions seem to occur with special frequency” at the school.

Ho cited a March 2022 event in which some students disrupted Kristen Waggoner, now the president of the conservative religious rights group Alliance Defending Freedom, due to her opposition to LGBTQ+ rights. Waggoner successfully defended a Colorado baker who refused to make a cake for a gay wedding in Masterpiece Cakeshop v. Colorado C.R. Comm’n, 584 U.S. 617 (2018). Waggoner applauded Ho’s boycott. “Yale still hasn’t condemned the behavior of its law students last semester, so no one should be surprised when a federal judge notices.”

On May 7, 2024, Ho was also one of 13 conservative federal judges who publicly vowed to not hire Columbia law students or undergraduates “absent extraordinary change” due to the university’s handling of pro-Palestinian demonstrations. The judges sent a letter to Columbia President Minouche Shafik and Columbia Law School Dean Gillian Lester, calling the university “ground zero for the explosion of student disruptions, antisemitism, and hatred for diverse viewpoints on campuses across the Nation.”

Its recommended actions included imposing “[s]erious consequences for students and faculty who have participated in campus disruptions and violated established rules concerning the use of university facilities and public spaces and threats against fellow members of the university community... [n]eutrality and nondiscrimination in the protection of freedom of speech and the enforcement of rules of campus conduct... [and] [v]iewpoint diversity on the faculty and across the administration — including the admissions office.” The third ultimatum specifically called for “significant and dramatic change in the composition of its faculty and administration... to restore confidence in Columbia.”

In an interview with *Reason* in November 2024, Ho said judges should have a “winning attitude” to “stand up and take responsibility” in the “fight” and “heavy lifting of divesting from intolerant institutions.” He defended his clerkship hiring boycott against Columbia University and Yale Law School as a way “to protect our country against the bigotry and intolerance being spread by certain institutions” and called on other judges to join the boycott. Ho dismissed concerns from other judges about the impact of the boycotts on individual law students. “I’ll confess that I have never understood this argument,” he said. “Because it’s a losing attitude. We should have a winning attitude. If we

only focus on losses if a boycott fails, then no one would ever boycott. That's not how rational people make decisions.

On March 11, 2025, Ho resigned from the Federal Judges Association (FJA) over its statement condemning threats against all judges while failing to specifically mention conservative justices. The statement said the group appreciates Chief Justice Roberts and others who have “commented recently on the rise in criticism, threats, and violence aimed at members of the judiciary. Irresponsible rhetoric shrouded in disinformation undermines the public’s confidence that our justice system can fulfill its constitutional duties.”

Ho claimed the FJA was biased because it universally condemned judicial threats instead of offering special sympathy for six of the nine Supreme Court justices. “Did we see these statements in 2024 or 2023 or 2022? From what I can tell, no,” Ho said. “You can’t say that you’re in favor of judicial independence only when it comes to decisions that you like. That’s not protecting the judiciary. That’s politicizing the judiciary.” Judicial threats have been made against liberal, moderate, and conservative judges.

Ho also criticized law firms for what he views as “institutional bias” that made them “abandon[] neutral principles of representation and instead engage in ideological or political discrimination in the cases that they’re willing to take on.” These comments came amid Trump’s attacks on law firms, when he issued unconstitutional executive orders against law firms that represented clients and causes he disliked. Trump also intimidated private firms into giving millions in pro bono services to his administration to avoid financially punitive executive orders.

“To be sure, evidence of political and other forms of bias doesn’t by itself make a particular legal position right or wrong in any given case,” Ho wrote. “But it does mean that we shouldn’t be surprised when ‘topflight’ firms consistently jump in on only one side of politically charged disputes, including this one — whether the law actually supports their position or not... Nor should the firms themselves be surprised when others take notice that they are no longer abiding by the principles of the profession and react accordingly.” His comments did not address Trump’s use of government power against private firms.

Conclusion

James Ho's record, from his op-ed calling for an end to all campaign finance regulation to a Justice Department memo cited in the architecture of America's torture program to a decade of Fifth Circuit opinions attacking reproductive rights, gun safety laws, voting rights, and immigrants, paints the picture of a jurist who has never separated his judicial role from his political advocacy. Ho’s willingness to reverse a longstanding, deeply researched constitutional position on birthright citizenship within days of a presidential election, his public boycotts of law schools and universities, and his increasingly personal attacks on district court judges and law firms all suggest a nominee more interested in currying favor with a political movement than in the impartial application of law. Given this extensive record, Ho is unfit and unqualified for a lifetime seat on the Supreme Court. If nominated, the Senate must apply the most rigorous scrutiny and should reject his confirmation.