UNFIT & UNQUALIFIED

PHILIP JORDAN AXT

ALLIANCE FOR JUSTICE

On September 14, 2026, President Donald Trump nominated Philip Jordan "Phil" Axt to a lifetime seat on the U.S. District Court for the District of North Dakota. Axt graduated from the United States Military Academy at West Point in 2009 and Yale Law School in 2018. Before entering the legal profession, he served in the U.S. Army. Following law school, Axt clerked for Judge Jennifer Walker Elrod of the U.S. Court of Appeals for the Fifth Circuit and practiced at Gibson, Dunn & Crutcher LLP. Since 2023, he has served as North Dakota's solicitor general, weaponizing his office to advance a far-right legal agenda in significant constitutional and appellate litigation.

Axt's record reveals an aggressive hostility toward reproductive freedom, LGBTQ+ equality, voting rights, and environmental protections. As solicitor general, Axt has zealously defended cruel state policies banning abortion and criminalizing gender-affirming medical care for minors, fought against Native American voting rights, and spearheaded challenges to federal environmental protections. His deep alignment with the Federalist Society and the radical Claremont Institute exposes a dangerous judicial philosophy. Furthermore, Axt has only been a lawyer for eight years, far short of the minimum 12 years recommended by the American Bar Association. This lack of experience, coupled with his many documented legal biases, renders Axt unfit and unqualified to serve a lifetime role on the federal bench.

DEEPLY ENTRENCHED IN THE RADICAL RIGHT

Axt has spent his career cultivating deep ties to the most ideological organizations in the conservative legal movement. He has been a dedicated member of the Federalist Society since 2015, even serving as executive vice president of its Yale Law School chapter. In 2021, he further solidified his hard-right credentials by participating in the Claremont Institute's John Marshall Fellowship — a program notorious for promoting radical constitutional theories. Axt has also boasted memberships in Gun Owners of America and the National Rifle Association, highlighting his alignment with extreme gun-rights factions.

These affiliations are not casual memberships; they represent a total immersion in an ideological network dedicated to reshaping the federal judiciary, destroying reproductive freedom, and dismantling federal regulations. Indeed, Axt has signed letters supporting other far-right Trump judicial nominees, including Whitney Hermandorfer and Josh Divine, as well as a 2018 letter backing Brett Kavanaugh's confirmation to the Supreme Court. According to his Senate Judiciary Questionnaire, Axt conducted legal research and brief writing in private practice, working pro bono alongside the conservative First Liberty Institute to defend a Texas justice of the peace who opened court sessions with chaplain-led prayers. Given Axt's active role in these political networks and his stark record of partisan litigation, the Senate must confront the reality that he lacks the independence and impartiality required to be a fair federal judge.

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LACKS SUFFICIENT COURTROOM EXPERIENCE

Axt has been nominated for a lifetime appointment to a federal trial court after just eight years of legal practice, well short of the 12 years the American Bar Association considers the minimum for a federal judicial nominee. He has never served as a judge, and his career has centered on appellate litigation advancing a far-right agenda as North Dakota's solicitor general. Federal district judges must handle the daily realities of civil and criminal trials — supervising discovery, managing juries, evaluating witness credibility, and sentencing criminal defendants — and nothing in Axt's brief career suggests he is ready to do so.

Furthermore, Axt's professional record is strictly defined by ideological advocacy, not impartial judging. His lack of experience cannot be ignored, especially for a lifetime Article III appointment, where errors can permanently disrupt lives and jeopardize constitutional protections. The Senate must reject this attempt to place an inexperienced, hyper-partisan ideologue into a powerful trial-court seat for life.

DEFENDED NORTH DAKOTA'S CRUEL ABORTION BAN

As North Dakota's solicitor general, Axt has aggressively defended the state's near-total abortion ban, leading the charge to dismantle reproductive freedom following the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*. His courtroom advocacy has focused on vindicating the state's extreme authority to prohibit abortion, showing blatant disregard for the health, safety, and constitutional rights of patients and medical professionals. His relentless defense of these policies demonstrates a clear commitment to punishing people seeking reproductive care. After a lower court struck down North Dakota's extreme abortion ban, Axt argued before the state supreme court to revive it. A brief signed by Axt even blamed doctors for not providing emergency prenatal care they believed the law prohibited, suggesting that they might be engaging in "malicious over-compliance with a law they don't like."

Axt's ideological crusade against abortion extends well beyond his official duties. In June 2026, he participated in a James Wilson Institute seminar designed to promote natural law jurisprudence — an interpretive framework anti-abortion advocates have used to argue for fetal personhood and absolute bans on abortion. His active participation in this right-wing seminar, paired with his hostile professional advocacy, leaves little doubt that he would use a seat on the federal bench to further punish and cut off access to people seeking reproductive care.

SUPPORTED DISCRIMINATORY ATTACKS ON GENDER-AFFIRMING CARE

Axt has consistently deployed the power of his office to defend North Dakota's discriminatory bans on gender-affirming medical care for transgender minors. These restrictions represent a direct assault on equal protection, parental autonomy, and the consensus of the medical community, stripping transgender youth of life-saving, medically indicated treatment.

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SUPPORTED DISCRIMINATORY ATTACKS ON GENDER-AFFIRMING CARE (CONT.)

As solicitor general, Axt has actively fought to sustain these harmful prohibitions against serious constitutional challenges. In *T.D. v. Wrigley*, Axt argued before the state supreme court to uphold the state's 2023 law that criminalized the act of providing gender-affirming care to young people. In a brief signed by Axt, the state argued that transgender people should not receive heightened constitutional protections and accused the challengers of trying to turn the courts into "weapons of political warfare."

Axt's leading role in these cases positions him as a key defender of state-sponsored discrimination against transgender individuals and their families. While nominees often claim they are merely representing a client, Axt's extensive, hands-on involvement in these high-stakes culture-war lawsuits demands intense scrutiny, as his record strongly suggests a fundamental hostility toward LGBTQ+ equality and equal protection under the law. There are real concerns that if he is confirmed to a lifetime seat on the bench, transgender litigants (and LGBTQ+ litigants more broadly) who appear before him would be at a significant disadvantage.

TRIED TO UNDERMINE VOTING RIGHTS ACT PROTECTIONS

Axt's voting-rights record is particularly egregious given North Dakota's long history of suppressing Native American political representation. As solicitor general, he has defended gerrymandered legislative redistricting maps that a federal court found illegally diluted the political power of Native American voters, shielding discriminatory systems from Section 2 of the Voting Rights Act (VRA). In *Turtle Mountain Band of Chippewa Indians v. Howe*, Axt personally filed a September 2025 Supreme Court brief aiming to shut down the ability of private citizens to enforce Section 2's vote-dilution protections — a maneuver that would functionally gut the VRA by preventing minority communities from suing to protect their rights. After the Supreme Court sent the case back in light of *Louisiana v. Callais,* Axt's office moved to dissolve the court order that previously protected Native American voters and permanently dismiss their suit.

Axt also served as counsel of record for North Dakota on a hostile October 2025 amicus brief backing Alabama's discriminatory congressional redistricting plan in the second round of *Allen v. Milligan*. The brief called vote-dilution claims "ripe for abuse" and said it was "a perversion of why the VRA was enacted" to require states to draw maps that increase the voting power of people of color at the expense of traditional redistricting principles. Axt was also counsel of record on a brief in *Walen v. Burgum* urging the Court to reconsider whether complying with the VRA justifies race-conscious redistricting. Together, these actions reveal a coordinated effort by Axt to dismantle federal voting-rights protections, making it significantly harder for Native American voters and other communities of color to challenge racist electoral arrangements

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LED EFFORTS TO GUT ENVIRONMENTAL PROTECTIONS

During his tenure as solicitor general, Axt has been part of many challenges to federal environmental regulations, including limits on toxic air pollution from coal plants. He also represented North Dakota as it intervened to defend the Dakota Access Pipeline.

North Dakota has consistently fought to weaken federal oversight of energy development, undermine agency jurisdiction, and strip away environmental protections. Axt's legal maneuvers have directly undermined the federal government's capacity to protect natural resources, police corporate pollution, and safeguard vulnerable populations.

Axt's record of attacking administrative agencies is a direct threat to the rule of law, as federal district judges are tasked with ruling on environmental reviews and corporate compliance. His aggressive advocacy on behalf of polluting industries and state overreach provides a clear warning that, if confirmed, he would use his courtroom to systematically dismantle the federal regulatory state and corporate accountability