

Questions for the Record
Chairman Charles E. Grassley of Iowa
The Nomination of the Honorable Trevor S. Pemberton
to be a U.S. District Judge for the Northern District of Oklahoma
September 23, 2026

At the hearing, I noted that, due to time constraints, I would be submitting my questions for you in writing for the record. Please find my question below:

1. You’ve had an impressive career in both private practice and public service. During your career, you’ve not only served as a state trial judge, but also as an appellate judge.

Please tell us about your judicial philosophy. And do you consider yourself an originalist?

Response: Under Article III, federal judges exercise the “judicial Power of the United States” by interpreting and applying the law to cases and controversies before them—not by making or changing the law. Judges must impartially apply governing law and binding precedent, without regard to personal policy or moral preferences. In interpreting constitutional provisions, I adhere to originalism, which looks to the original public meaning of the text—how it would have been understood by reasonable people at the time of its adoption.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Trevor Scott Pemberton
Nominee to be U.S. District Judge for the Northern District of Oklahoma
September 23, 2026

1. You served as General Counsel to Governor Kevin Stitt when he first granted the parole application of former Tulsa Police Officer Jimmie Dean Stohler, who was sentenced to life in prison after being found guilty of first-degree murder and murder solicitation for stalking and killing a woman with a poison-tipped arrow in 1982. However, six days later in an April 28, 2022, letter, you notified the Director of Oklahoma Pardon and Parole that Governor Stitt reversed his decision and denied Stohler's parole application, claiming that the Tulsa County District Attorney's Office had come forward with new information that had not previously been disclosed. Notably, Tulsa County District Attorney Steve Kunzweiler told reporters that he was "at a loss" as to what that supposed "new information" could be, as the same information had been previously provided to the parole board, including that Stohler had been planning the murder for a long time and had investigated numerous methods to carry out the killing.¹

a. Did you recommend to Governor Stitt that he grant Stohler's parole application?

Response: Consistent with the attorney-client privilege, Oklahoma Rule of Professional Conduct 1.6(a) prohibits a lawyer from "reveal[ing] information relating to the representation of a client[,]" subject to exceptions not applicable here. I therefore cannot disclose whether I made such a recommendation without violating my ethical obligations.

Article 6, section 10 of the Oklahoma Constitution establishes the parole process. It requires the Pardon and Parole Board to "make an impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendations to the Governor of all deemed worthy of clemency." Only after a favorable recommendation by a majority of the Board does the Governor have "the power to grant . . . commutations, pardons and paroles for all offenses . . . , upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law." Consistent with that constitutional framework, the Governor ultimately denied Mr. Stohler's application for parole.

¹ Hicham Raache, *Gov. Stitt reverses course, denies parole for crossbow killer*, KFOR (Apr. 28, 2022), <https://kfor.com/news/local/gov-stitt-reverses-course-denies-parole-for-crossbow-killer/>. See also Chris Polansky, *Stitt Does About-Face, Approving Then Revoking Ex-Cop's Parole In Tulsa Murder Case*, PUB. RADIO TULSA (Apr. 29, 2022), <https://www.publicradiotulsa.org/local-regional/2022-04-29/stitt-does-about-face-approving-then-revoking-ex-cops-parole-in-tulsa-murder-case>.

Did your office review the information presented to the parole board by the Tulsa District Attorney's Office before the Governor initially granted Stohler's parole application?

Response: I presume the staff reviewed all information presented to the Pardon and Parole Board. Please also see my response to Question 1(a).

b. Why did your office fail to contact the family of Stohler's victim before the Governor initially granted the parole application?

Response: Please see my response to Question 1(a).

2. Did President Trump lose the 2020 election?

Response: Joe Biden was certified as the winner of the 2020 election pursuant to the process outlined in the Twelfth Amendment.

3. Where were you on January 6, 2021?

Response: Oklahoma.

4. Do you denounce the January 6 insurrection?

Response: I denounce all violence. This question, as worded however, solicits a response that may fairly be viewed as opining on political issues or on issues that may arise in pending or future litigation, as "insurrection" is a legal term with legal consequences. As a judicial nominee, it would be inappropriate for me to answer further consistent with my obligations under the Code of Conduct for United States Judges.

5. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The decision whether to grant a pardon rests within the President's constitutional authority and discretion. Accordingly, it would be inappropriate for me as a judicial nominee to comment on the propriety of any particular presidential pardon.

6. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: In the event of such a disagreement, a party may seek a stay or reconsideration. And if the law allows, the party may also appeal the decision to a higher court.

- b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?**

Response: As a general matter, parties must follow court orders. The Supreme Court has identified limited exceptions, such as when a court lacks jurisdiction to issue an order.

- c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?**

Response: The Judicial Branch.

- 7. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”**

- a. Are non-party injunctions constitutional?**

Response: In *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), the Supreme Court held that injunctions extending relief to nonparties are impermissible. The Court did not decide whether such injunctions are constitutional. Because that issue could come before me if confirmed, it would be inappropriate for me to comment further.

- b. Are non-party injunctions a legitimate exercise of judicial power?**

Response: Please see my response to Question 7(a).

- c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?**

Response: Please see my response to Question 7(a).

- d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.**

Response: No.

- 8. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.**

Response: No.

9. Does the U.S. Constitution permit a president to serve three terms?

Response: In relevant part, the 22nd Amendment provides that “[n]o person shall be elected to the office of President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.” The text of the Amendment speaks for itself.

10. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”²

a. Do you agree that these federal judges are “USA HATING” and “MONSTERS” who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?

Response: As a judicial nominee, it would be inappropriate for me to opine on a statement by a political figure.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 10(a).

11. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”³ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”⁴

a. Do you agree that these judges are engaged in a “judicial coup” and that “we are living under a judicial tyranny”?

Response: Please see my response to Question 10(a).

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 10(a).

² Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

³ Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

⁴ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

- c. **Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?**

Response: Please see my response to Question 10(a).

12. When, if ever, may a lower court depart from Supreme Court precedent?

Response: Lower courts may never depart from Supreme Court precedent.

13. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: If confirmed as a district judge, I would have no authority to overturn binding circuit precedent. Only the Tenth Circuit sitting *en banc* may overturn its own precedent, subject to the standards established in its governing rules and caselaw.

14. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: If confirmed as a district judge, I would have no authority to overturn Supreme Court precedent. Whether Supreme Court precedent should be overruled is a question for that Court, which applies the stare decisis factors identified in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 268 (2022).

15. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

- a. *Brown v. Board of Education*
- b. *Plyler v. Doe*
- c. *Loving v. Virginia*
- d. *Griswold v. Connecticut*
- e. *Trump v. United States*
- f. *Dobbs v. Jackson Women's Health Organization*
- g. *New York State Rifle & Pistol Association, Inc. v. Bruen*
- h. *Obergefell v. Hodges*
- i. *Bostock v. Clayton County*
- j. *Masterpiece Cakeshop v. Colorado*
- k. *303 Creative LLC v. Elenis*
- l. *United States v. Rahimi*
- m. *Loper Bright Enterprises v. Raimondo*

Response: If confirmed, I would faithfully and impartially apply all binding Supreme Court precedent, including the cases identified above. As a judicial nominee, it would generally be inappropriate for me to offer my personal views on the merits of Supreme Court decisions. Consistent with the approach taken by numerous prior

nominees, however, I believe it is appropriate to state that *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided.

16. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?

Response: If confirmed, I would follow all binding Supreme Court and Tenth Circuit precedent interpreting the Constitution. If presented with a novel question of constitutional interpretation, I would look to the interpretive methods employed by those courts, including trying to determine the original public meaning of the constitutional text at the time it was ratified.

17. How do you decide when the Constitution’s “original meaning” should be controlling?

Response: Please see my response to Question 16.

18. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court’s decision in *Obergefell v. Hodges* is binding precedent, and I will faithfully and impartially apply it in all cases that call for its application.

19. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court’s decision in *Loving v. Virginia* is binding precedent, and I will faithfully and impartially apply it in all cases that call for its application.

20. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Fourteenth Amendment provides, in part, that “[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The Equal Protection Clause generally requires states to treat similarly situated persons alike, while the Due Process Clause protects against deprivations of life, liberty, or property without constitutionally adequate process and protects certain fundamental rights.

21. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has held that a sex-based classification satisfies the Equal Protection Clause only if the government demonstrates that the classification “serves

important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.” *United States v. Virginia*, 518 U.S. 515, 524 (1996) (quotation marks omitted). The Court has also held that the Fourteenth Amendment protects a right to same-sex intimacy, *Lawrence v. Texas*, 539 U.S. 558 (2003), and the right of same-sex individuals to marry on the same terms as opposite-sex individuals, *Obergefell v. Hodges*, 576 U.S. 644 (2015). If confirmed, I would faithfully apply these and all other binding precedents.

22. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my response to Question 16.

23. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my response to Question 16.

24. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has issued substantial precedent interpreting and applying these protections. If confirmed, I would faithfully apply that binding precedent and its progeny. Beyond that, it would be inappropriate for me as a judicial nominee to comment further on issues that could come before me if I am confirmed.

25. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: To make a determination about whether a law that regulates speech is “content-based” or “content-neutral,” I would carefully review all binding Supreme Court precedent and Tenth Circuit precedent.

26. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has held that “[t]rue threats’ of violence” are not protected by the Free Speech Clause. *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). As the Court explained, “True threats are serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Id.* (quotation marks and brackets omitted). If confirmed, I would faithfully apply this and all other binding Supreme Court precedent concerning the true-threats doctrine.

27. Is every individual within the United States entitled to due process?

Response: The Due Process Clauses of the Fifth and Fourteenth Amendments protect “person[s].” As the Supreme Court has held, “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). If confirmed, I would faithfully apply this and all other binding Supreme Court precedent.

28. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: This question calls for a response about an issue that is currently being litigated and that could also come before me if I am confirmed. And as a judicial nominee, it would be inappropriate for me to provide an answer consistent with the Code of Conduct for United States Judges.

29. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: The Supreme Court recently held that children born in the United States to parents who are unlawfully or temporarily present are citizens at birth under the Fourteenth Amendment’s Citizenship Clause. *Trump v. Barbara*, 609 U.S. ____ (2026). Supreme Court precedent recognizes certain narrow exceptions to this holding, such as children born in the United States to foreign diplomats.

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Please see my response to Question 29(a). To the extent related questions remain at issue, it would be inappropriate for me as a judicial nominee to comment on such questions under the Code of Conduct for United States Judges.

30. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: No one should be prejudiced in pursuing a role in the judiciary based on race, sex, ethnicity or any other characteristic unrelated to merit and the person’s ability to impartially apply the law.

31. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. **How do you view the role of federal judges in implementing the *First Step Act*?**

Response: Judges are duty-bound to apply provisions in all applicable statutes, such as the First Step Act. If confirmed, I would follow the First Step Act when applicable and all controlling precedent applying the Act.

b. **Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?**

Response: If confirmed, I will faithfully adhere to all applicable laws regarding sentencing.

32. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

a. **In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of “traditional values”?**

Response: I am not familiar with the quoted language and unaware of the context in which it was published.

b. **President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁵**

⁵ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

- i. **Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: As a judicial nominee, it would be inappropriate for me to comment on statements made by political figures or political disputes under the Code of Conduct for United States Judges.

- ii. **Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: Please see my response to Question 32(b)(i).

- iii. **If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: If confirmed, I would properly evaluate this and any other affiliation pursuant to 8 U.S.C. § 455, the Code of Conduct for United States Judges, and all other controlling laws or rules.

- c. **During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: No.

- d. **Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- e. **Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: No.

33. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: No.

34. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No.

35. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: No.

36. The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: No.

37. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?**

Response: No.

- 38. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: During the selection process, I spoke with one individual associated with ADF who offered general words of encouragement.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: No.

- 39. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I am not aware of any such donations in support of my nomination. Canon 4(C) of the Code of Conduct for United States Judges provides that “a judge should not personally participate in fundraising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose. A judge should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fundraising mechanism.” If confirmed, any advocacy or donations supporting or opposing my nomination would have no bearing on my decisions as a judge. To the extent this question seeks my views on legal or policy issues concerning any such donations, it would be inappropriate for me to comment further. *See* Code of Conduct for United States Judges, Canons 3(A)(6) and 5.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: If confirmed, any advocacy or donations supporting or opposing my nomination would have no bearing on my decisions as a judge. Moreover, I commit to following 28 U.S.C. § 455; the Code of Conduct for United States Judges; and all other controlling laws or rules whenever recusal could be proper. To the extent this question seeks my views on legal or policy issues concerning any such donations, it would be inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canons 3(A)(6) and 5.

- f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?**

Response: Please see my responses to Questions 39(d). and 39(e).

**Nomination of Trevor Pemberton
Nominee to the U.S. District Court for the Northern District of Oklahoma
Questions for the Record
Submitted September 23, 2026**

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. You said in your questionnaire that you have been a member of the Federalist Society since 2023. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

- a. Leonard Leo?

Response: No.

- b. Anyone affiliated with an entity led or funded by Leonard Leo?

Response: Please see my response to Question 1(a).

- c. Carrie Severino?

Response: Please see my response to Question 1(a).

- d. Mike Davis?

Response: Please see my response to Question 1(a).

- e. Anyone affiliated with The Article III Project?

Response: Please see my response to Question 1(a).

- f. Mark Paoletta?

Response: Please see my response to Question 1(a).

2. You criticized the Oklahoma Supreme Court’s ruling that found a woman has “the inherent right to terminate a pregnancy when necessary to preserve her life.” Is your position that a woman does not have the right to terminate a pregnancy even when her life is at risk?

Response: In *Oklahoma Call for Reproductive Justice v. Drummond*, 2023 OK 24, ¶ 9, 526 P.3d 1123, the Oklahoma Supreme Court held “that the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life.” The Court “define[d] th[at] inherent right to mean: a woman has an

inherent right to choose to terminate her pregnancy if at any point in the pregnancy, the woman's physician has determined to a reasonable degree of medical certainty or probability that the continuation of the pregnancy will endanger the woman's life due to the pregnancy itself or due to a medical condition that the woman is either currently suffering from or likely to suffer from during the pregnancy." It further stated, "[a]bsolute certainty is not required, however, mere possibility or speculation is insufficient."

That decision is binding precedent, and I would faithfully apply it in any case calling for its application. Beyond that, under the Code of Conduct for United States Judges, it would be inappropriate for me to comment further on an issue that could come before me.

3. Does the U.S. Constitution protect interstate travel to access abortion?

Response: Because this question concerns matters that are the subject of ongoing litigation and an issue that could come before me if confirmed, it would be inappropriate for me to respond under the Code of Conduct for United States Judges.

4. Is *Griswold v. Connecticut* settled law?

Response: *Griswold v. Connecticut*, 381 U.S. 479 (1965) is binding precedent that I would faithfully apply where applicable.

**Senate Judiciary Committee
Hearing on Nominations
September 16, 2026
Questions for the Record
Senator Amy Klobuchar**

For Trevor Pemberton, to be U.S. District Judge for the Northern District of Oklahoma

In March 2023, you stated that the Oklahoma Supreme Court’s decision in *Oklahoma Call for Reproductive Justice v. Drummond*, which held that under the state constitution, a woman has “the inherent right to terminate a pregnancy when necessary to preserve her life,” was “remarkably troubling.”

- Do you believe the federal government is empowered to require hospitals that receive federal funds to provide emergency care when necessary to save the life of the mother?

Response: Because this question presents an issue that could arise in a case before me if I am confirmed as a district judge, it would be inappropriate for me to respond under the Code of Conduct for United States Judges.

**Nomination of Trevor Pemberton
to the United States District Court for the Northern District of Oklahoma
Questions for the Record
Submitted September 22, 2026**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: The Constitution assigns the Senate with advice and consent responsibility for judicial nominees. I trust that the Senate will appropriately exercise that responsibility as it carefully considers each judicial nominee's qualifications.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: I am humbled and deeply grateful to be a judicial nominee. I believe that I have the responsibility to demonstrate to this Committee, the Senate, and the American people that I should be confirmed for this position, and that this includes giving my best efforts in the advice and consent process. I have endeavored to provide full and complete answers to the Committee's questions to the best of my ability and in good faith.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: I drafted every response that I am providing to you. I received limited feedback on my proposed responses from the Department of Justice's Office of Legal Policy. I finalized my answers and authorized them to be submitted to this Committee. All answers are my own.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: Yes, if the response is consistent with the nominee's views.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: As I drafted responses to your questions, I reviewed the answers of other judicial nominees to ensure that I understood all of your questions.

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Other than responses that are “yes” or “no,” not to my knowledge.

- 4. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case or matter if confirmed? If so, explain fully.

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

Response: No.

- 5. In your Senate Judiciary Questionnaire, you note that President Trump called you on August 18, 2026, to inform you that he planned to nominate you to a judgeship.

- a. How long did the call last?

Response: The call lasted approximately one minute.

- b. What topics or issues were discussed?

Response: The President shared his intent to nominate me and congratulatory remarks.

- c. Other than you and President Trump, did anyone else join the call? If so, who?

Response: No.

- 6. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: Charlie Geister of Hartzog, Conger & Cason in Oklahoma City has long modeled to the greater legal community and me how to conduct oneself ethically and

professionally. Regardless of the circumstances, Charlie consistently chooses the ethical course while remaining an effective advocate for his clients.

7. How would you describe your judicial philosophy?

Response: Federal judges exercise the judicial power granted by Article III by interpreting and applying the law to the cases and controversies before them—not by making or changing the law. In doing so, a judge must faithfully and impartially apply the governing constitutional, statutory, and regulatory text and follow binding Supreme Court and circuit precedent. A judge’s personal policy views or moral preferences have no place in that process.

8. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: If confirmed, I would faithfully apply the controlling precedent of the Supreme Court and the Tenth Circuit. As the Supreme Court explained in *Dobbs v. Jackson Women’s Health Organization*, the Fourteenth Amendment’s Due Process Clause “has been held to guarantee some rights that are not mentioned in the Constitution,” but any such right must be “‘deeply rooted in this Nation’s history and tradition’ and ‘implicit in the concept of ordered liberty.’” 597 U.S. 215, 231 (2022) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997)).

- a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes.

- b. Would you consider whether the right is deeply rooted in this nation’s history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation’s history and tradition?

Response: Yes. The Supreme Court’s decisions in *Dobbs* and *Glucksberg* are examples of the source types appropriate for a court to consult.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes. If fortunate enough to be confirmed, I would faithfully apply controlling precedents of the Supreme Court and the Tenth Circuit. If neither has addressed the asserted right in binding precedent, I would consider decisions from other courts of appeals in analyzing the issue.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent? If so, how does the existence of a similar right impact your analysis?

Response: Yes. The existence of a similar right may be relevant to the analysis depending upon the issue in the case.

- e. What other factors would you consider?

Response: If fortunate enough to be confirmed, I would apply factors set out in binding precedents of the Supreme Court and the Tenth Circuit.

- 9. The 22nd Amendment states: “No person shall be elected to the office of the President more than twice.”

- a. Was President Trump elected to the office of the President twice?

Response: Yes.

- b. If President Trump were elected again in 2028, how many times in total would he have been elected to the office of the President?

Response: Three.

- c. Is President Trump eligible to be elected President for a third term in 2028?

Response: No.

- 10. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: Pursuant to Article II, “[t]he person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed.” U.S. Const. art. II, § 1, cl. 3. In 1804, the country adopted the 12th Amendment, which provides in part that “[t]he person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed.” U.S. Const. amend. XII. Thus, following Congress’s counting of the electoral votes and certification of the election, the candidate who receives the constitutionally required majority becomes President at noon on January 20. See U.S. Const. amend. XX, § 1.

- 11. At your hearing, Senator Blumenthal asked you who won the 2020 election. You agreed with fellow nominee Daniel Ballou’s response that “Joe Biden was certified the winner of the 2020 election.”

- a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

Response: No.

- b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election? If so, please explain. If not, please explain how you, without any outside input, made the decision to reply with who was *certified* the winner when asked about who *won* the 2020 election.

Response: No.

- c. Do you believe that you would face any adverse professional consequences if you directly stated, during your hearing or otherwise on the record, that President Trump lost the 2020 election, or that President Biden won the 2020 election? Please explain.

Response: No.

12. The *New York Times* reported that on March 25, 2026, President Trump stated the following at a National Republican Congressional Committee event: “The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country. The decisions that they hand down and hurt our country.”

- a. Is it a crime for a judge to rule against President Trump’s desired outcome in a particular case?

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues or statements by any political figure. *See* Code of Conduct for United States Judges, Canons 3(A)(6) and 5.

- b. Do you think that judges ruling against President Trump’s desired outcome should be “crack[ed] down on”?

Response: Please see my response to Question 12(a).

- c. Is it possible for a judge’s decision to be correct, as a matter of fact and law, even if it differs from President Trump’s desired outcome?

Response: Yes.

- d. Do you agree with President Trump that we need a “tough new crime bill” that “cracks down on rogue judges”?

Response: Please see my response to Question 12(a).

- e. Do you think that rhetoric like the example quoted above could discourage a judge from ruling against President Trump’s desired outcome?

Response: Please see my response to Question 12(a).

- f. If you were confirmed and you ruled against President Trump’s desired outcome in a case, would you consider yourself a “rogue judge[]” and a “criminal[]”?

Response: Please see my response to Question 12(a).

- g. Do you think statements like those made by President Trump quoted above make federal judges more or less safe?

Response: Please see my response to Question 12(a).

- 13. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: If fortunate enough to be confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other controlling laws, rules, and practices.

- 14. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts’ existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: If fortunate to be confirmed, I would follow binding statutes in making sentencing decisions and the recommendations of the Sentencing Commission.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Congress has provided that “terminat[ing] a term of supervised release” early may in appropriate circumstances serve “the interest of justice,” which could include providing an incentive for individuals to rehabilitate. 18 U.S.C. § 3583(e)(1).

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes.

15. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: If fortunate enough to be confirmed, I would faithfully apply all relevant binding precedent of the Supreme Court and the Tenth Circuit. Beyond that, this question concerns current political disputes and ongoing litigation on which it would be inappropriate for me, as a judicial nominee, to comment.

16. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: The Supreme Court has held, “the ‘constitutional right to travel from one State to another’ is firmly embedded in our jurisprudence.” *Saenz v. Roe*, 526 U.S. 489, 498 (1999). And the “freedom to travel throughout the United States has long been recognized as a basic right under the Constitution.” *United States v. Guest*, 383 U.S. 745, 758 (1966).

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: As you assume, if I am fortunate enough to be confirmed, I would faithfully apply all relevant binding precedent of the Supreme Court and the Tenth Circuit. According to the Tenth Circuit, “[l]aws burdening the right of interstate travel are . . . subject to strict scrutiny.” *Maehr v. U.S. Dep’t of State*, 5 F.4th 1100, 1118 (10th Cir. 2021) (internal citation omitted). The Tenth Circuit has also

looked to *Saenz v. Roe*, 526 U.S. 489 (10th Cir. 1999). See *Abdi v. Wray*, 942 F.3d 1019, 1029-30 (2019). The Court in *Saenz* explained that the right to travel “protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Saenz*, 526 U.S. at 500.

17. Do you believe that the Constitution protects a fundamental right to privacy?

Response: If fortunate enough to be confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Tenth Circuit. The Supreme Court has recognized a constitutional right to privacy in certain contexts, including in *Griswold v. Connecticut* and in *Lawrence v. Texas*. See *Obergefell v. Hodges*, 576 U.S. 644, 701 (2015) (Roberts, C.J., dissenting). At the same time, the Court has declined to recognize “a general constitutional ‘right to privacy’” under the Fourth Amendment. *Katz v. United States*, 389 U.S. 347, 350 (1967).

- a. Do you agree that that right protects a woman’s right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: In *Griswold*, the Supreme Court recognized a right to use contraception. See, e.g., *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 262 (2022); *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997).

18. What specific method of analysis do you apply when interpreting constitutional provisions?

Response: I first determine whether binding precedent has defined the provision or prescribed the method for interpreting it. If so, I would faithfully apply that precedent. If not, I would apply the interpretive method commonly known as originalism, which focuses on the Constitution’s original public meaning.

- a. Why do you apply this method of analysis? On what grounds do you conclude this method is the correct one to apply?

Response: That method respects the Constitution as written and constrains judges from substituting their own policy preferences for the meaning of the text.

19. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Supreme Court has held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). At the

same time, the Court has recognized that Congress may adopt rules governing “aliens that would be unacceptable if applied to citizens.” *Demore v. Kim*, 538 U.S. 510, 522 (2003). If confirmed, I would faithfully apply the controlling precedent of the Supreme Court and the Tenth Circuit to any due process claim before me. To the extent the question concerns hypothetical cases or matters currently in litigation, it would be inappropriate for me, as a judicial nominee, to comment further. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

20. What was the holding of the Supreme Court’s ruling in *Trump v. Barbara*? Will you faithfully apply that precedent if confirmed?

Response: In *Trump v. Barbara*, 609 U.S. ____ 2026, the Supreme Court held that children born in the United States to parents who are unlawfully or temporarily present are “subject to the jurisdiction” thereof and receive automatic citizenship at birth under the Fourteenth Amendment’s Citizenship Clause. If confirmed, I would faithfully apply this precedent to applicable cases and controversies before me.

21. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: Federal courts have several tools available to ensure compliance with their orders, including status reports and hearings, sanctions, and civil or criminal contempt. The Supreme Court has cautioned, however, that the contempt power is “a delicate one, and care is needed to avoid arbitrary or oppressive conclusions.” *Bloom v. Illinois*, 391 U.S. 194, 202 (1968). If confirmed, I would faithfully apply the governing rules and precedent to any contempt issue that came before me.

22. What facts, circumstances, and authoritative precedent would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: Regarding frivolous pleadings, motions, and other papers, I would apply Federal Rule of Civil Procedure 11 and related precedent, including *Dodd Insurance Services, Inc. v. Royal Insurance Co. of America*, 935 F.2d 1152, 1155 (10th Cir. 1991), which provides, “[i]n deciding whether to impose Rule 11 sanctions, a district court must apply an objective standard; it must determine whether a reasonable and competent attorney would believe in the merit of an argument.”

For vexatious multiplication of proceedings, I would apply 28 U.S.C. § 1927, which provides that “[a]ny attorney ... who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.” In *Steinert v. Winn Group, Inc.*, 440 F.3d 1214, 1221 (10th Cir. 2006), the Tenth Circuit reiterated that such sanctions “are appropriate when an attorney acts recklessly or with indifference to the law. They may also be awarded when an attorney is cavalier or bent

on misleading the court; intentionally acts without a plausible basis; [or] when the entire course of the proceeding was unwarranted.” (citation omitted).

Regarding abusive discovery, I would apply Federal Rules of Civil Procedure 26(g)(3) and 37, including the sanctions provided by those rules, along with controlling precedent.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: Please see my response to Question 22.

23. What role, if any, should the practical consequences of a particular ruling play in a judge’s rendering of a decision?

Response: A judge should decide cases based on the rule of law, including binding precedent and the governing constitutional, statutory, or regulatory text—not nonlegal considerations, personal preferences or experiences, or perceived policy consequences.

24. What role, if any, should a judge’s personal life experience play in his or her decision-making process?

Response. Please see my response to Question 23.

25. What role, if any, should empathy play in a judge’s decision-making process?

Response: Please see my response to Question 23.

26. What case or legal matter are you most proud of having worked on during your career?

Response: I am proud to have worked on a wide variety of matters, and because each was often among the most important matters in a client’s life, I struggle to single out one. That said, I am particularly proud of my role in negotiating motor vehicle and tobacco compacts with numerous Indian tribes in Oklahoma. Those agreements were the product not only of significant legal research and analysis, but also of relationship building and meaningful collaboration with tribal leaders and their counsel.

27. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: If confirmed, I would consider adopting such a standing order. Providing junior attorneys meaningful opportunities to argue before the court can help develop their advocacy skills, benefiting both their clients and the administration of justice.

- a. How else would you support the skills development of junior lawyers appearing before you?

Response: Throughout my time in private practice, in government service, and on the state bench, I have made mentoring younger lawyers a priority and provided opportunities for them to develop their skills by arguing in court, preparing witnesses, and advising clients. If confirmed, I would encourage lawyers appearing before me to provide similar opportunities where appropriate and would continue looking for ways to support the development of junior lawyers.

28. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I would approach hiring law clerks much as I have approached hiring and working with lawyers throughout my career—including while serving on the Oklahoma Court of Civil Appeals, in government service, and, more recently, as a partner in private practice. I would seek recommendations from judges and lawyers whose judgment I respect, carefully review application materials and writing samples, and personally interview candidates. Above all, I would look for people of high character and integrity who are honest, hardworking, respectful, and dependable, with strong legal abilities and a commitment to faithfully and impartially applying the law.

- a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: It would be inappropriate for me, as a judicial nominee, to opine on this issue, which involves potential legislation and a matter of political controversy.

29. Recently, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found that the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

- a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: If confirmed, I would foster a chambers culture in which everyone is treated with dignity and respect, beginning with my own example. I would make those expectations clear, prioritize character in hiring, encourage employees to raise concerns, and promptly and professionally address any issues that arose. I would also follow all applicable court policies and procedures.

- b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see my response to Question 29(a).

- c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would first take appropriate steps to protect anyone affected. I would then address the matter carefully and promptly, consistent with applicable judicial policies and procedures and without unnecessarily exposing the affected individual or the person who raised the concern. Depending on the circumstances, that could include consulting the judge, the chief judge, or other appropriate judicial officials.

30. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: The characterization of the events at the U.S. Capitol on January 6, 2021, has arisen in litigation in courts across the country. *See, e.g., Trump v. Anderson*, 601 U.S. 100 (2024); *Smith v. Trump*, No. 25-CV-03602 (CJN), 2026 WL 1034931, at *1 (D.D.C. Apr. 16, 2026); *Boardman v. Trump*, No. 25-CV-0513-BHL, 2025 WL 2926187, at *1 (E.D. Wis. Oct. 15, 2025); *Radin v. Trump*, No. 25-CV-00385-LTB-RTG, 2025 WL 4662122, at *1 (D. Colo. Mar. 25, 2025); *Lilly v. Trump*, No. 3:25-CV-215-HL, 2025 WL 895394, at *1 (D. Or. Mar. 24, 2025); *Bros. v. Trump*, No. CIV-25-00166-JD, 2025 WL 699935, at *1 (W.D. Okla. Mar. 4, 2025); *Gross v. Trump*, No. CV SAG-25-463, 2025 WL 487370, at *1 (D. Md. Feb. 13, 2025); *Castro v. Fontes*, No. CV-23-01865-PHX-DLR, 2023 WL 8436435, at *1 (D. Ariz. Dec. 5, 2023) (reporting that “[t]his case is one of at least 27 filed across the country by Plaintiff”). Because the issue remains the subject of litigation, it would be inappropriate for me, as a judicial nominee, to offer an opinion on it. *See* Code of Conduct for United States Judges, Canon 3A(6).

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: Please see my response to Question 30.

31. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: As the question recognizes, the President possesses constitutional authority to issue pardons. *See* U.S. Const. art. II, § 2; *see also Trump v. United States*, 603 U.S. 593, 608 (2024) (quoting *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 638 (1952) (Jackson, J., concurring)); *United States v. Klein*, 80 U.S. 128, 147 (1871). Beyond that, it would be inappropriate for me, as a judicial nominee, to express an opinion on the political or policy considerations surrounding the exercise of that authority. *See* Code of Conduct for United States Judges, Canons 3(A)(6) and 5.

32. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see my response to Question 31.

33. During your hearing, Senator Durbin asked about your comments regarding the Oklahoma Supreme Court’s 2023 decision in *Oklahoma Call for Reproductive Justice v. Drummond*, which held that under Oklahoma’s state constitution, a woman has “the inherent right to terminate a pregnancy when necessary to preserve her life.” At a Rotary Club event in Oklahoma on March 27, 2023, you said that the Oklahoma Supreme Court had “effectively amended the Constitution.” You also stated that the Oklahoma Supreme Court’s definition of the abortion right was “remarkably troubling.” Senator Durbin asked you whether your comment that the Oklahoma Supreme Court’s decision was “remarkably troubling” represents your view today. In response, you told him that there was more context to your comments than was offered.

- a. What additional context explains these comments that you made in 2023?

Response: In comments to the Enid Rotary Club, I referred to the Oklahoma Supreme Court’s complete holding and analysis in *Oklahoma Call for Reproductive Justice v. Drummond*. There, the court held “that the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life[,]” and further created a flexible standard governing that right.

The Oklahoma Supreme Court’s decision in *Oklahoma Call for Reproductive Justice v. Drummond* is binding precedent on an issue of state law, and I would faithfully apply it in any case to which it applies.

- b. Given that additional context, what did you mean when you said that the Oklahoma Supreme Court’s definition of the state’s abortion right was “remarkably troubling”?

Response: Please see my response to Question 33(a).

- c. Do you maintain the view that the Oklahoma Supreme Court's definition of the state's abortion right is "remarkably troubling"?

Response: Please see my response to Question 33(a).

Questions for the Record for Justice Trevor Scott Pemberton
Submitted by Senator Richard Blumenthal
September 23, 2026

1. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: I will recuse from any case in which I have been involved. More broadly, if confirmed, I will carefully evaluate any actual or potential conflict under 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other applicable laws, rules, and practices. The Supreme Court has explained that under 28 U.S.C. § 455(a), “what matters is not the reality of bias or prejudice but its appearance.” *Liteky v. United States*, 510 U.S. 540, 548 (1994). “This inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.” *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000). Accordingly, if such an objective observer “might reasonably ... question[]” my “impartiality,” I would recuse. 28 U.S.C. § 455(a).

- a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: I will recuse from any case in which I have been involved. More broadly, if confirmed, I will carefully evaluate any actual or potential conflict under 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other applicable laws, rules, and practices. Where a potential conflict arises, I would disclose all relevant information to the parties, hear from them, and resolve any recusal motion under the applicable authorities and guidance. It would be inappropriate, however, for me to prejudge any hypothetical recusal motion.

- b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my response to question 1(a).

- c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my response to question 1(a).

2. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

- a. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Please see my response to Question 2.

- b. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Please see my response to Question 2.

- c. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Please see my response to Question 2.

- 3. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: Yes.

- a. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Please see my response to Question 2.

- b. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Please see my response to Question 2.

- c. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: Please see my response to Question 2.

- 4. The House Republican-authored budget reconciliation bill for Fiscal Year 2026 had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or

Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as “inherent in all courts” and “essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice.” Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

- a. Do you believe the contempt power is “essential . . . to the due administration of justice[?]”

Response: The Supreme Court has stated that “[t]he power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and, consequently to the due administration of justice.” *Bessette v. W. B. Conkey Co.*, 194 U.S. 324, 327 (1904). If confirmed, I will faithfully apply this and all other binding precedent.

- b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me as a judicial nominee to weigh in on this question because it implicates ongoing political disputes and presents an issue that could come before me if confirmed.

5. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that “[j]udges aren’t allowed to control the executive’s legitimate power.” This raises an extremely concerning specter of Executive Branch defiance of court orders.

- a. If confirmed, would you have the ability to issue orders?

Response: Yes.

- i. Would you have the ability to enforce those orders?

Response: Yes.

- ii. What powers would you have to enforce those orders?

Response: When proper procedures are followed, federal courts may impose sanctions, including through civil or criminal contempt proceedings. Courts may also order parties or litigants to appear and show

cause regarding compliance with a court order or otherwise provide information concerning their compliance efforts.

- b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court.

There are some potential, narrow exceptions. For instance, Professor William Baude has canvassed authority suggesting that “[a] court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong.” William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008); see also *In re Sawyer*, 124 U.S. 200, 220 (1888) (“Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.”). If it is impossible for a party to comply with a court’s order, that can sometimes excuse compliance with the order. See *Shillitani v. United States*, 384 U.S. 364, 371 (1966) (“[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court’s order.” (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))). And there are some interlocutory orders, particularly in the discovery context, that a party may need to disobey in order to preserve the party’s rights and be able to immediately appeal. For example, in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), the Court declined to allow an interlocutory appeal of an attorney-client privilege issue because a “long-recognized option” for parties was “to defy a disclosure order and incur court-imposed sanctions.” *Id.* at 111.

- c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Please see my response to question 5(b).

- d. What would make a court order unlawful?

Response: A court order could be described as unlawful, for example, if it was entered without justification.

- i. What is the process a party should follow if it believes a court order to be unlawful?

Response: Please see my response to Question 5(b).

- ii. Is it ever acceptable to not follow this process? When and why?

Response: Please see my response to question 5(b).

- 6. Were you in Washington, D.C. on January 6, 2021?

Response: No.

- a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

- 7. In a 2023 speech to the Enid Rotary Club, you stated that you found the Oklahoma Supreme Court's decision in the case of *Oklahoma Call for Reproductive Justice v. Drummond*, which upheld a woman's right to terminate a pregnancy when necessary to preserve her life, "remarkably troubling." If confirmed, how can future litigants trust that you will remain unbiased on reproductive rights issues?

Response: If I am so fortunate as to be confirmed and take the judicial oath, in every case I will set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference.

- 8. While sitting on the Oklahoma Court of Civil Appeals, you adjudicated the case of *Martinez v. City of Tulsa*, which involved, in part, a Fourteenth Amendment Equal Protection claim brought by a same-sex couple who had married in Washington, D.C. prior to the Supreme Court's decision in *Obergefell v. Hodges*. In the case, you applied rational basis review on the grounds that the couple were legally unmarried in Oklahoma at the time of the alleged Fourteenth Amendment violation, and so did not merit application of higher scrutiny.

- a. If confirmed, will you uphold the Supreme Court's ruling in *Obergefell v. Hodges*?

Response: *Obergefell* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application.

- b. If confirmed, can future litigants trust that you will remain unbiased on LGBTQ+ issues or in cases involving parties in same-sex marriages?

Response: As the judicial oath provides, if confirmed, I will "administer justice without respect to persons, and do equal right to the poor and to the rich, and ...

faithfully and impartially discharge and perform all the duties incumbent upon”
me “under the Constitution and laws of the United States.”

**Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
"Nominations"**

September 16, 2026

Questions for Trevor Scott Pemberton (U.S. District Court for the Northern District of Oklahoma):

1. The following are yes or no questions related to the 2020 election:

- a. According to Wisconsin's certified 2020 General Election results, did Joe Biden receive more than 19,000 votes more than Donald Trump?

Response: I have not reviewed Wisconsin's 2020 General Election results, and it would be inappropriate under the Code of Conduct for United States Judges to offer an opinion on a matter of political debate. But Joe Biden was certified as the winner of the 2020 Presidential Election.

- b. According to Pennsylvania's certified 2020 General Election results, did Joe Biden receive more than 80,000 votes more than Donald Trump?

Response: I have not reviewed Pennsylvania's 2020 General Election results, and it would be inappropriate under the Code of Conduct for United States Judges to offer an opinion on a matter of political debate. But Joe Biden was certified as the winner of the 2020 Presidential Election.

- c. According to Georgia's certified 2020 General Election results, did Joe Biden receive more than 11,000 votes more than Donald Trump?

Response: I have not reviewed Georgia's 2020 General Election results, and it would be inappropriate under the Code of Conduct for United States Judges to offer an opinion on a matter of political debate. But Joe Biden was certified as the winner of the 2020 Presidential Election.

- d. According to Arizona's certified 2020 General Election results, did Joe Biden receive more than 10,000 votes more than Donald Trump?

Response: I have not reviewed Arizona's 2020 General Election results, and it would be inappropriate under the Code of Conduct for United States Judges to offer an opinion on a matter of political debate. But Joe Biden was certified as the winner of the 2020 Presidential Election.

- e. According to Nevada's certified 2020 General Election results, did Joe Biden receive more than 20,000 votes more than Donald Trump?

Response: I have not reviewed Nevada's 2020 General Election results, and it would be inappropriate under the Code of Conduct for United States Judges to offer an opinion on a matter of political debate. But Joe Biden was certified as the winner of the 2020 Presidential Election.

- f. According to Michigan's certified 2020 General Election results, did Joe Biden receive more than 154,000 votes more than Donald Trump?

Response: I have not reviewed Michigan's 2020 General Election results, and it would be inappropriate under the Code of Judicial Conduct to offer an opinion on a matter of political debate. But Joe Biden was certified as the winner of the 2020 Presidential Election.

- g. Setting aside the precise vote totals, do you accept that, according to each state's certified results, Joe Biden received more votes than Donald Trump in Wisconsin, Pennsylvania, Georgia, Arizona, Nevada, and Michigan in the 2020 General Election?

Response: Pursuant to the process set forth by the Constitution and federal law, President Biden was certified as the winner of the 2020 Presidential Election and served as the 46th President of the United States.

- h. Are you aware of any evidence that Joe Biden did not win more votes than Donald Trump in each of the states listed above? If so, please explain.

Response: Please see my responses to Questions 1(a)-(f).

- 2. Some judicial nominees have stated that Joe Biden "legally" won the 2020 election or won the election "as a matter of law." Setting aside any legal characterization: as a matter of fact, did Joe Biden win the 2020 presidential election?

Response: Pursuant to the process set forth by the Constitution and federal law, President Biden was certified as the winner of the 2020 Presidential Election and served as the 46th President of the United States.

- 3. Do you have any reason to believe that the outcome of any state's presidential vote was impacted by irregularities or fraud? If so, please explain.

Response: As a judicial nominee, it would be inappropriate under the Code of Conduct for United States Judges to offer an opinion on this matter of political debate.

- 4. On January 7, 2021, a joint session of Congress certified 306 electoral votes for Joseph Biden and 232 electoral votes for Donald Trump. Joe Biden received more votes than Donald Trump across 25 states, DC, and NE-02 in the 2020 election.

- a. Do you have any reason to believe that Congress was wrong to certify each state's electoral votes?

Response: Pursuant to the process set forth by the Constitution and federal law, President Biden was certified as the winner of the 2020 Presidential Election and served as the 46th President of the United States.

5. On January 6, 2021, a mob attacked the United States Capitol and more than 140 law enforcement officers were assaulted. President Trump has repeatedly described that day as "a day of love."

- a. Do you believe that January 6, 2021 was a "day of love"?

Response: How the events at the Capitol on January 6, 2021, are characterized remains a matter of political debate and was at issue in *Trump v. Anderson*. Moreover, the legal effect of pardons issued to individuals prosecuted for conduct related to those events remains the subject of ongoing litigation and could arise in a case before me if confirmed. Accordingly, under the Code of Conduct for United States Judges, it would be inappropriate for me, as a judicial nominee, to comment on these issues.

6. More than 60 federal and state lawsuits, including those presided over by judges appointed by Republican presidents, dismissed legal challenges to the 2020 presidential election results for lack of evidence, lack of standing, or lack of merit.

- a. Do you have any reason to believe that any of those courts reached the wrong conclusion?

Response: As a judicial nominee, it would be inappropriate for me to comment on or pass judgment on the decisions of other courts under the Code of Conduct for United States Judges.

- b. Do you have any reason to believe that any one of those judges -- many of whom were appointed by Republican presidents, including President Trump -- acted improperly or in bad faith in dismissing those challenges?

Response: Please see my response to Question 6(a).

7. Have you ever, publicly or in an official capacity, questioned or disparaged: (i) the legitimacy of the 2020 presidential election results; (ii) Congress's certification of those results; or (iii) any federal or state court ruling rejecting legal challenges to those results? If so, please explain.

Response: No.

8. To the extent you would decline to answer any election-related question on the ground that the 2020 result is a “subject of political debate,” please identify what you believe remains genuinely debatable about whether Joe Biden received more votes than Donald Trump in the states at issue, given that those results were certified by the responsible state officials and upheld in more than sixty state and federal proceedings.

Response: Questions involving the 2020 Presidential Election have become matters of political controversy that are often raised by political leaders of both parties, and they are also related to ongoing litigation. Consistent with the precedent established by past judicial nominees, including Justice Ketanji Brown Jackson, as a judicial nominee, it would be inappropriate for me to comment further.

9. Do you believe in a constitutional right to privacy? If so, please explain the constitutional basis for that right.

Response: The Supreme Court has held that the Constitution protects a right to privacy in certain circumstances. For example, in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), the Court stated that “[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.” *Id.* at 453. If confirmed, I would faithfully follow this and all other binding precedent.

- a. Do you believe that *Griswold v. Connecticut* was correctly decided?

Response: *Griswold* is binding Supreme Court precedent, which I would faithfully and impartially apply if confirmed. Beyond that, as a judicial nominee, it would be inappropriate for me to comment on the merits of a Supreme Court decision where related issues could come before me.

10. What judges or justices would you consider foundational to your judicial philosophy, and why?

Response: The Chief Judge of the United States District Court for the Northern District of Oklahoma John Heil diligently applies the law as written, without fear or favor, and does so in a timely manner. If fortunate enough to be confirmed, I commit to doing the same. A judge’s role is not to impose personal policy preferences, but to faithfully interpret and apply the Constitution and laws.

11. If confirmed, cases involving reproductive rights -- including access to abortion, contraception, and assisted reproductive technology -- may come before you. Do you believe that individuals have any constitutionally protected right to make reproductive healthcare decisions? Please explain.

Response: The Supreme Court has held that the Due Process Clause protects the right to use contraceptives. *See Griswold v. Connecticut*, 381 U.S. 479, 485–86 (1965). It has also held that the Constitution does not guarantee a right to abortion. *Dobbs v. Jackson Women’s*

Health Org., 597 U.S. 215 (2022). Other precedent and legal doctrines may bear on cases involving reproductive rights. If confirmed, I would faithfully apply the governing law to the facts of each case before me.

12. Judicial clerkships serve several important professional roles. They are a meaningful opportunity for recent law graduates to learn from an experienced mentor, and they serve as an important -- and often necessary -- step toward the highest levels of our legal profession. Too often, students from diverse backgrounds are overlooked for these opportunities despite equivalent qualifications.

- a. Do you believe that diversity at all levels of the federal judiciary is important? Please explain your view.

Response: No individual should be prejudiced in seeking to serve in the judiciary based on race, sex, ethnicity, or other characteristics unrelated to their merit and ability to impartially apply the law in cases and controversies o.

- b. When selecting your law clerks, will you commit to considering qualified applicants from a broad range of backgrounds, including candidates from a variety of law schools, from varying socioeconomic circumstances, and of differing races, ethnicities, religions, gender identities, sexual orientations, and abilities?

Response: My response to Question 12.a. represents my unwavering belief, and I commit to consistent conduct.

- c. Please describe how you plan to find and hire law clerks. Will you consider candidates from various law schools and backgrounds, including first-generation lawyers?

Response: If confirmed, I would approach hiring law clerks much as I have approached hiring and working with lawyers throughout my career—including while serving on the Oklahoma Court of Civil Appeals, in government service, and more recently, as a partner in private practice. I would seek recommendations from judges and lawyers whose judgment I respect, carefully review application materials and writing samples, and personally interview candidates. Above all, I would look for people of high character who are honest, hardworking, respectful, and dependable, with strong legal abilities and a commitment to faithfully and impartially applying the law.

- d. Will you make your clerkship hiring criteria and application process transparent and accessible to applicants who lack the networks or institutional connections that often drive clerkship hiring?

Response: Please see my response to Question 12(c).

- e. If confirmed, how will you personally ensure diversity among your law clerk classes?

Response: Please see my response to Question 12(c).

13. I want to give you an opportunity to discuss your views on the 22nd Amendment.

- a. What does the 22nd Amendment state?

Response: The 22nd Amendment states:

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

- b. Under the text of that amendment, is there any basis on which an individual who has already been elected President twice could lawfully be elected to a third term?

Response: No.

- c. Donald Trump was elected President in 2016 and again in 2024. How many times has Donald Trump been elected President?

Response: Donald Trump has been elected President two times.

- d. Are you aware of any provision of the Constitution, federal statute, or judicial precedent that would permit Donald Trump to be elected to a third term?

Response: No.

- e. If a case came before you challenging the eligibility of any individual to appear on a presidential ballot in violation of the 22nd Amendment and you concluded a candidate was ineligible under that amendment, would you have any hesitation in ruling against them regardless of that individual's political standing or the political consequences of your decision?

Response: I will decide every case that comes before me based solely on the law, without regard to the political standing of any party or the potential political consequences of the decision.

14. If confirmed, cases involving discrimination claims brought by LGBTQ+ individuals under Title VII or other federal civil rights statutes may come before you. Will you commit to treating these individuals with dignity by ensuring that your courtroom is a forum where all LGBTQ+ litigants, witnesses, and counsel are addressed respectfully -- including by use of their correct name and gender identity -- and where their claims receive the same full and fair consideration afforded to all parties?

Response: It is critically important that every litigant appearing before me be treated with respect and that every party's claims receive full and fair consideration. How best to address a litigant, witness, or attorney may depend on the circumstances, so it would be inappropriate for me as a judicial nominee to commit in advance to a uniform approach. I can—and do—commit, however, to treating everyone who appears before me with the same degree of dignity and respect.

15. Do you believe that individuals in immigration removal proceedings, including those who entered the United States without authorization, are entitled to the due process protections guaranteed under the US Constitution? Please explain.

Response: The Fifth Amendment's Due Process Clause applies to all "person[s]." As the Supreme Court has held that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). If confirmed, I would faithfully apply this and all other binding precedent.

16. If confirmed, will you commit to ensuring that every person who appears before you is treated with dignity and afforded the full protection of the Constitution and federal law regardless of their immigration status, national origin, or language?

Response: Yes.

17. What recourse do you believe is available to a federal judge whose orders are not followed?

Response: Courts have multiple tools available to enforce orders. Such tools include, but are not necessarily limited to, the imposition of sanctions and the commencement of contempt proceedings.

18. In the documents you provided the Senate Judiciary Committee, have you identified every publicly accessible -- or previously publicly accessible -- social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform?

If not, please identify any publicly accessible social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform. Please include any non-private (or any previously non-private) accounts on Twitter/X, Facebook, Instagram, LinkedIn, YouTube, TikTok, Truth Social, Substack, Reddit, any personal blogs or websites, or any comparable platforms. For each account, please state:

- a. the platform or service;
- b. the username, handle, screen name, and any display name associated with the account;
- c. the approximate dates the account was active;
- d. whether the account was maintained in your own name, under a pseudonym, or anonymously; and
- e. the account's current status (active, deactivated, deleted, or set to private).

Response: I have maintained personal social media accounts at times. I have disclosed all responsive materials in my Senate Judiciary Questionnaire.

19. Since you were first under consideration for this nomination, have you deleted, deactivated, archived, restricted the visibility of, or removed content from any online account, or directed or requested that anyone do so on your behalf? If so, please identify the account and describe what was changed or removed and when.

Response: In 2026, I hibernated my LinkedIn account.

20. Article III states that federal courts decide "cases" and "controversies."

- a. What do you look for when deciding whether a matter before you is actually a dispute constituting a "case" or "controversy?"

Response: In the words of James Madison, I would first determine whether "the question presented" is "of a Judiciary Nature." *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 (2006) (quoting 2 Records of the Federal Convention of 1787, p. 430 (M. Farrand ed. 1966)). Of particular importance is the threshold requirement of Article III standing, which mandates that "[a] plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." *Id.* (internal citation omitted). Other essential considerations include whether the matter is ripe, moot, or merely hypothetical. Ultimately, "a federal court may resolve only 'a real controversy with real impact on real persons.'" *TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021) (internal citation omitted).

- b. What harms could arise if a court were to decide a dispute that fails to meet the case-or-controversy requirement?

Response: Deciding matters that do not present a case or controversy risks disrupting the “tripartite allocation of power set forth in the Constitution.” *DaimlerChrysler*, 547 U.S. at 341 (internal citation omitted).

- c. If neither party raises that requirement — even if both parties are satisfied with their positions or purported settlement agreements — does a judge still have an independent obligation to ensure that any case before them meets all constitutional requirements?

Response: The Supreme Court has held that “federal courts are under an independent obligation to examine their own jurisdiction, and standing ‘is perhaps the most important of [the jurisdictional] doctrines.’” *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990) (internal citation omitted).

- d. What recourse is available to a judge who concludes the parties before them are not adverse as constitutionally required?

Response: Courts should dismiss matters that do not present an Article III case or controversy.

21. During your confirmation hearing, Senator Blumenthal asked whether the U.S. Capitol was attacked on January 6, 2021. Judge Ballou, a sitting Kentucky state circuit court judge, answered first: “I did watch enough to see it certainly appeared like there were people attacking the Capitol. When you're slinging around barriers, breaking glass and punching cops ... it appeared like some people were attacking the Capitol.”

After Judge Ballou’s answer, you stated that you instead agreed with only Judge Bennett’s subsequent answer. Judge Bennett had asserted that “characterizing it as an attack, I believe, weighs into a matter of political controversy, and it's inappropriate for me to comment on that under the canons.”

- a. Which specific canon of the Code of Conduct for United States Judges do you believe barred you from answering whether the Capitol was attacked?

Response: The question implicates Canons 3(a)(6) and 5 of the Code of Conduct for United States Judges.

- b. Do you believe Judge Ballou's answer was inconsistent with the canons of judicial ethics? If not, explain why the canons barred you from giving the same answer.

Response: It would be inappropriate for me to comment on a statement made by another nominee. Please also see my response Question 21(a).

Questions for the Record

Trevor Pemberton – Nominee to be United States District Judge for the Northern District of Oklahoma

Sen. Adam Schiff (D-CA)

1. How would you define public corruption as a matter of federal law?

Response: Federal law addresses public corruption in various contexts, including in honest-services fraud and bribery cases. If confirmed and the issue arose, I would apply the definition supplied by the governing statute and binding precedent.

- a. If one of your law clerks used their position to give or steer money to their friends, would you consider that public corruption?

Response: As I noted in my response to Question 1, there are various contexts in which federal law addresses public corruption. Accordingly, I would need to evaluate the relevant facts and law before making such a determination.

2. Do you agree that Article III Courts are courts of limited subject-matter jurisdiction?

Response: Yes.

- a. Describe the Article III cases and controversies requirement.

Response: Article III limits the federal judicial power to “Cases” and “Controversies.” That requirement confines federal courts to actual, justiciable disputes rather than hypothetical or advisory questions. Among its essential requirements is Article III standing. To establish standing, the Supreme Court has held that a plaintiff “must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). The case-or-controversy requirement also encompasses other justiciability doctrines, including ripeness and mootness. Ultimately, “a federal court may resolve only ‘a real controversy with real impact on real persons.’” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021) (internal citation omitted).

- b. Are federal courts limited to cases and controversies where the parties have adverse legal interests?

Response: Yes.

- c. Would a lawsuit where the plaintiff and defendant are the same individual be frivolous?

Response: Under the Code of Conduct for United States Judges, Canon 3(A)(6), it would be inappropriate for me to comment on this issue, which may come before if I am confirmed.

- d. How does the legal profession typically respond to frivolous lawsuits?

Response: A variety of tools are available to parties and courts. Specifically, Rule 11 of the Federal Rules of Civil Procedure empowers courts to sanction parties engaged in frivolous litigation.

3. How would you describe your judicial philosophy?

Response: Under Article III, federal judges exercise the “judicial Power of the United States” by interpreting and applying the law to cases and controversies before them—not by making or changing the law. Judges must impartially apply governing law and binding precedent, without regard to personal policy or moral preferences.

4. How would you describe your philosophy regarding statutory interpretation?

Response: I am a textualist, which means that I interpret statutory provisions according to their original meaning. And as a lower court judge, I would be bound to faithfully apply binding precedent regardless of the interpretative approach taken.

- a. What methodology do you use to ensure your rulings are predictable and properly constrained within the bounds of the law?

Response: Please see my responses to Questions 3 and 4. If confirmed, I will ensure the law is applied impartially and as written, without fear or favor.

5. When confronted with an ambiguous statute, how do you consider legislative history in your decision-making process?

Response: The Tenth Circuit has said that “[i]f a statute is ambiguous, a court may seek guidance from Congress’s intent, a task aided by reviewing the legislative history.” *In re Geneva Steel Co.*, 281 F.3d 1173, 1178 (10th Cir. 2002). If confirmed, I would apply this and other binding precedent addressing legislative history.

6. How do you define judicial activism?

Response: Judicial activism is generally understood to describe judicial decision-making that goes beyond interpreting and applying the law and instead reflects a judge’s own policy preferences or desired outcomes.

7. Supreme Court Justice Clarence Thomas has argued that a judge has a constitutional duty to overrule past Supreme Court precedent if it is “demonstrably erroneous,” regardless of *stare decisis*.

- a. Do you agree with this argument? Why or why not?

Response: If fortunate enough to be confirmed as a United States District Judge, I would be bound by Supreme Court precedent and would have no authority to overturn it. Beyond that, it would be inappropriate for me, as a judicial nominee, to opine upon statements made by a Supreme Court Justice.

- b. If you do agree, what factors would you consider to determine if precedent is “demonstrably erroneous”?

Response: Please see my response to Question 7(a).

- c. What is your approach to considering *stare decisis*?

Response: If confirmed, I will faithfully follow binding precedent of the Tenth Circuit and the Supreme Court regarding the applicability of *stare decisis*.

8. In March 2023, you spoke at an Enid Rotary Club event in Oklahoma in which you expressed concerns about the Oklahoma Supreme Court’s decision in *Oklahoma Call for Reproductive Justice v. Drummond*, which held that the “Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life.” You asserted that “The Oklahoma Constitution doesn’t say that anywhere, nor does it come close.”

- a. Do you believe that a woman has a right to make decisions over her own body?

Response: If confirmed, I will apply all applicable binding precedent regardless of my personal views of a case. Beyond that, as a judicial nominee, it would be inappropriate for me, under the Code of Conduct for United States Judges, to express my personal view on issues of political debate and issues that may also come before me if I am confirmed. This question calls for my personal views, and as a judicial nominee, it would be inappropriate for me to comment. As Ranking Member Durbin previously explained, “[t]he Judicial Conference of the United States has directed both sitting judges and judicial nominees not to share their personal opinions.” See Ranking Member Sen. Dick Durbin, Durbin Delivers Opening Statement During Latest Nominations Hearing (Sept. 21, 2022), <https://perma.cc/6FU7-V8PS> (brackets omitted).

- b. Do you believe a pregnant woman should have the right to terminate their pregnancy when necessary to save their life?

Response: Please see my response to Question 8(a)

- c. Do you believe the doctors or medical care providers who provide those services should be subjected to criminal or civil penalties for doing their jobs?

Response: Please see my response to Question 8(a).

- d. What is your current understanding of the legality of abortion under Oklahoma law?

Response: In *Oklahoma Call for Reproductive Justice v. Drummond*, 2023 OK 24, ¶ 9, 526 P.3d 1123, the Oklahoma Supreme Court held “that the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life.” The Court “define[d] th[at] inherent right to mean: a woman has an inherent right to choose to terminate her pregnancy if at any point in the pregnancy, the woman’s physician has determined to a reasonable degree of medical certainty or probability that the continuation of the pregnancy will endanger the woman’s life due to the pregnancy itself or due to a medical condition that the woman is either currently suffering from or likely to suffer from during the pregnancy.” It further stated, “[a]bsolute certainty is not required, however, mere possibility or speculation is insufficient.”

That decision on a matter of state law is binding precedent, and I would faithfully apply it in any case calling for its application. Beyond that, under the Code of Conduct for United States Judges, it would be inappropriate for me to comment further on an issue that could come before me.

9. In 2025, you coauthored an amicus brief on behalf of Governor Stitt in *Oklahoma Statewide Charter School Board v. Drummond*, arguing that the exclusion of religious entities from school charters undermines the state’s interests in education and parental school choice. You wrote that the Oklahoma Attorney General had launched an attack on religious liberty and educational freedom, and that his actions showed “trendy disdain for deep religious conviction.”

- a. Do you believe that the taxpayers of the State of Oklahoma should fund religious education? If the Supreme Court should find otherwise in a particular case, would you follow that precedent?

Response: I coauthored that brief on behalf of my client. As a judicial nominee, it would be inappropriate for me, under the Code of Conduct for United States Judges, to express my personal view on issues of political debate and issues that may also come before me if I am confirmed. If confirmed, I will apply all applicable binding precedent regardless of my personal views of a case.

- b. Who should determine which religious educational institutions should receive state funding?

Response: In *Drummond ex rel. State v. Okla. Statewide Virtual Charter School Bd.*, 558 P.3d 1, 15 (Okla. 2024) (*aff’d* by *equally divided Court*, 605 U.S. 165 (2025)), the Oklahoma Supreme Court held that the “State’s establishment of a

religious charter school violates Oklahoma statutes, the Oklahoma Constitution, and the Establishment Clause.” That holding is binding precedent, and if confirmed, I would faithfully apply it and all other controlling precedent in matters that come before me. Beyond that, it would be inappropriate for me to comment on matters that remain the subject to ongoing litigation or political debate.

- c. If the court sides with you, could a religious school receiving public funds engage in employment discrimination premised on the school’s religious mission? Would the same be true for a non-Christian religious school?

Response: Please see my response to Question 9(b).

- d. Do you think religion should play a role in judicial decision-making?

Response: Judicial decision-making must be based on the law, not the religious beliefs of judges.

- e. Given these statements, how would you assure litigants who appear before you who are non-religious or who hold different religious beliefs that you will fairly hear and judge their cases?

Response: Consistent with the Judicial Oath, I will “administer justice without respect to persons, and do equal right to the poor and to the rich, and ... faithfully and impartially discharge and perform” judicial duties in accordance with “the Constitution and the laws of the United States.” 28 U.S.C. § 453.

- 10. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you which candidate won the 2020 election. You responded that Joe Biden was certified by the Electoral College but refused to say which candidate won the election as a matter of fact.

- a. As a matter of fact, which of the two general election candidates lost the 2020 election?

Response: Pursuant to the process set forth in the Twelfth Amendment, Joe Biden was certified as the winner of the 2020 Presidential Election.

- b. As a matter of fact, which of the two general election candidates lost the 2024 presidential election?

Response: Pursuant to the process set forth in the Twelfth Amendment, Donald Trump was certified as the winner of the 2024 Presidential Election.

- c. As a matter of fact, did Donald Trump lose the 2020 election? Yes or no.

Response: Pursuant to the process set forth in the Twelfth Amendment, Joe Biden was certified as the winner of the 2020 Presidential Election.

- d. Aside from the Electoral College and the certification of the election, who received the most recorded votes in the 2020 presidential election?

Response: Pursuant to the process set forth in the Twelfth Amendment, which governs the selection of the president, Joe Biden was certified as the winner of the 2020 Presidential Election.

- e. Who won the majority of the electoral college votes in the 2020 presidential election?

Response: Joe Biden secured a majority of the electoral votes and was certified as the winner of the 2020 Presidential Election.

- f. Do you have any doubts about the outcome or integrity of the 2020 presidential election results?

Response: Pursuant to the process set forth in the Twelfth Amendment, Joe Biden was certified as the winner of the 2020 Presidential Election. Beyond that, and consistent with the Code of Conduct for United States Judges and the positions taken by prior nominees, as a judicial nominee, it would be inappropriate for me to weigh in on this subject of political debate.

- 11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you whether the U.S. Capitol was attacked on January 6, 2021. You refused to describe the events on January 6, 2021, as an attack on the U.S. Capitol.

- a. Was there violence at the U.S. Capitol on January 6, 2021?

Response: Yes. I am generally aware that there was trespassing and violence against law enforcement officers, which I wholly condemn.

- b. If yes, what violence are you aware of that occurred on January 6, 2021, at the U.S. Capitol? Please list any events that you recall reading about, watching, or seeing in subsequent media reports.

Response: Please see my response to Question 11(a).

- c. What level of violence would constitute an “attack” in your view? Do you consider the actions taken against law enforcement officers on January 6th at the U.S. Capitol to constitute an “attack”?

Response: This question calls for an answer that could be seen as opining on political issues or on pending or future litigation. As a judicial nominee, it would

be inappropriate for me to provide such an answer under the Code of Conduct for United States Judges.

12. At your Senate Judiciary Committee nomination hearing, you answered Senator Blumenthal's questions about the 2020 presidential election and the January 6, 2021, attack on the U.S. Capitol with a response that was substantially similar, if not identical, to the responses of recent nominees.

- a. In preparing for your hearing and your written responses, did anyone, formally or informally, direct, advise, coach, suggest, or recommend how you should answer questions about the 2020 election and the January 6, 2021, attack on the U.S. Capitol? If so, who provided that guidance?

Response: No.

- b. In preparing for your hearing and your written responses, were you directed, encouraged, or advised to review the hearing testimony or written responses of previous nominees about the 2020 election and the January 6, 2021, attack on the U.S. Capitol? If so, who provided that guidance?

Response: To familiarize myself with the process, staff from the Department of Justice's Office of Legal Policy encouraged me to review prior hearings and written responses. All testimony and answers that I have provided, however, are my own.