

Questions for the Record
Chairman Charles E. Grassley of Iowa
The Nomination of Mr. Zachary P. West
to be a U.S. District Judge for the Eastern 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 spent your entire career in public service—as a federal law clerk to two great judges, in support of Senator Cruz on this Committee, and in the Oklahoma Attorney General's Office.

What guiding principles have driven your commitment to public service?

Response: My parents raised me with a foundational principle that the world does not revolve around me. Rather, I have responsibilities to serve my family, my church, my community, my country, and so on. My parents modeled these principles by dedicating much of their careers to the public school system in Oklahoma City; my mother worked for decades with children with disabilities, and my dad taught music to elementary students. For my part, I have chosen to serve by working inside the justice systems in our country, both state and federal.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Zachary Paul West
Nominee to be U.S. District Judge for the Eastern District of Oklahoma
September 23, 2026

1. In 2010, while you were in law school, you wrote an article in which you stated: “If you support universal health care and a woman’s right to an abortion, you’re not really pro-choice, even on your own terms. You’re pro-abortion. Or you just haven’t thought through the logical implications of your supposedly ‘pro-choice’ beliefs.”

Do you still hold the view that people who support universal health care and a woman’s right to choose are “pro-abortion”?

Response: Respectfully, it would be inappropriate as a judicial nominee to discuss my present personal views on topics of political and public debate. As you have observed, I wrote that column in the opinion page for the University of Oklahoma’s student newspaper when I was in law school 16 years ago. And the role of a college newspaper opinion columnist is very different from the role of a federal judge, where my goal would be to put my political opinions aside and apply the law objectively and in an unbiased manner.

2. You have defended a 2021 executive order by the Governor of Oklahoma that bars transgender people from changing the gender marker on their birth certificates. The state previously allowed individuals to make these corrections, going back to at least 1997. It is hard to see this case and your role in it as anything more than another attack in the latest culture war on LGBTQ people.

Considering your record, why should any transgender person have confidence that you will treat them fairly if you are confirmed to serve as a federal judge?

Response: In the referenced litigation I have been serving as an attorney representing the State of Oklahoma’s sovereign interests. And thus far, the State has prevailed in federal district court and the U.S. Supreme Court in that litigation. Regardless, if confirmed as a federal judge, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

3. In your Questionnaire you note that you assisted then-Oklahoma Attorney General Mike Hunter’s effort to help former Army First Lieutenant Michael Behenna obtain a presidential pardon. Mr. Behenna was convicted by a jury of unpremeditated murder and sentenced to 25 years after killing an Iraqi prisoner. Notably, Mr. Behenna had significant family connections to law enforcement and the Justice Department, as well as the support of several prominent political figures. President Trump pardoned Mr. Behenna in May 2019. You do not mention advocating for the pardons of any other convicted murderers in your Questionnaire.

What message do you think it sends when the President pardons individuals convicted of murder in violation of the military's own code of justice?

Response: As my questionnaire indicates, I assisted with that pardon effort in my official capacity as a lawyer representing the Attorney General's Office. To the best of my recollection, I have not participated in a pardon effort for anyone else in my career. Instead, for numerous convicted murderers, I have repeatedly and successfully advocated in court for the constitutionality of Oklahoma's execution protocol and processes.

Moreover, whether the President's pardon here or elsewhere sends an implicit message is a matter of opinion and political debate, ergo it would not be appropriate for me to weigh in under the Code of Conduct for U.S. Judges.

4. Did President Trump lose the 2020 election?

Response: President Biden was certified the winner of the 2020 election by Congress, having received more Electoral College votes than his general election opponent, Donald Trump. He then served four years as President of the United States.

5. Where were you on January 6, 2021?

Response: I was defending a deposition in Sacramento, California.

6. Do you denounce the January 6 insurrection?

Response: Canon 3(A)(6) prohibits judges from commenting "on the merits of a matter pending or impending before any court," and Canon 5 indicates that judges "should refrain from political activity." And the broader characterization of the events of January 6, 2021, at the U.S. Capitol is a matter of ongoing political debate. Moreover, whether January 6 was an insurrection has been the subject of highly publicized litigation, *e.g.*, *Trump v. Anderson*, 601 U.S. 100 (2024), and it matters under Section 3 of the Fourteenth Amendment. Thus, in discussing these events, I prefer to use the language the U.S. Supreme Court has used in cases before it, recognizing the inexcusable assaults on police officers and a breach of the Capitol. I denounce that violence and breach unconditionally.

7. 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: Whether the President's pardons here or elsewhere were prudent is a matter of political debate, ergo it would not be appropriate for me to weigh in under the Code of Conduct for U.S. Judges.

8. 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: Generally, litigants can file motions for reconsideration, they can wait until later in a case’s progression to renew an argument, they can seek a stay, or they can attempt an appeal. I have utilized these methods numerous times as a practicing attorney.

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

Response: My understanding is that federal court orders must be followed in nearly every circumstance, except for perhaps in situations where compliance is truly impossible or where there is a total lack of jurisdiction on the part of the federal court. *See, e.g., United States v. Rylander*, 460 U.S. 752, 757 (1983) (“Where compliance is impossible, neither the moving party nor the court has any reason to proceed with the civil contempt action.”). If confirmed, I would expect parties to follow my orders.

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

Response: Generally, the judicial branch is responsible for determining whether a federal court order is lawful. That said, the executive and legislative branches must also make such determinations, in relevant situations, as part of their duties. The executive branch, for instance, must determine whether to contest an adverse order or appeal, and the legislative branch must determine whether any relevant law should be changed if a court issues an order.

9. 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.*, the U.S. Supreme Court held that universal injunctions “likely exceed the equitable authority that Congress has granted to federal courts.” 606 U.S. 831, 837 (2025). I have not had the opportunity to research whether this holding extends to all non-party injunctions. Moreover, the scope of *CASA* is likely pending or impending in litigation across the country, so it would not be appropriate for me to comment further. If confirmed, I would follow *CASA* and any other binding decision on point from the Supreme Court or the Tenth Circuit.

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

Response: Please see my response to Question 9.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 9.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: Even before *CASA* was issued, the office in which I currently work generally did not seek universal or non-party relief as a plaintiff in cases I was involved with, to the best of my recollection, unless it was seeking vacatur under the Administrative Procedure Act. *See CASA*, 606 U.S. at 847 n.10 (“Nothing we say today resolves the distinct question whether the Administrative Procedure Act authorizes federal courts to vacate agency action.”). For instance, in litigation challenging the Biden Administration’s removal of funding from the Oklahoma State Health Department under Title X, the Oklahoma Attorney General’s Office “sought a preliminary injunction to keep the [particular] grant in place during the litigation.” *Oklahoma v. HHS*, 107 F.4th 1209, 1216 (10th Cir. 2024), *certiorari granted, judgment vacated* by 145 S. Ct. 2837 (2025).

It is possible that, over the course of a decade, I have participated in cases (say, a multistate case where Oklahoma was not the lead State) where a non-party or universal injunction was sought, even outside of the context of the Administrative Procedure Act. I do not recall any such case at present, however. And it is often difficult to discern, given that Administrative Procedure Act claims are frequently intertwined with traditional injunction requests. For instance, in 2024 litigation challenging the Biden Administration’s Title IX rules, the Oklahoma Attorney General’s Office obtained a preliminary injunction “limited to the State of Oklahoma.” *Oklahoma v. Cardona*, 743 F. Supp. 3d 1314, 1334 (W.D. Okla. 2024). While alluding to this narrower relief, however, the State’s brief also referenced the Administrative Procedure Act and asked for vacatur, while simultaneously phrasing the injunction request more broadly at times, as well.

10. 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.

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

Response: The Twenty-Second Amendment states that “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.”

12. 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...”¹

- 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 under the Code of Conduct for U.S. Judges for me to weigh in on commentary from a political figure.

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

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

13. 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”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³

- 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 12.a.

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

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

- 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?

¹ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

² Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

³ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

Response: Since my nomination there have been multiple pictures of me posted online, shaded or backdropped in red, by organizations opposing my confirmation. I am not comfortable with these pictures, but they will not prevent me from striving to interpret the law correctly and without bias, if confirmed. That is the job of a federal judge, to act without fear or favor, regardless of criticism or comfort-level.

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

Response: Lower courts are bound to follow all U.S. Supreme Court precedents, unless those precedents have been overruled or abrogated by the Supreme Court itself.

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

Response: One important instance in which a circuit court should overturn its own precedent is when that precedent conflicts with or contravenes a newer U.S. Supreme Court decision. Generally, circuits follow standardized rules and procedures for overturning prior precedent, and those procedures vary based on the circuit, in my understanding. If confirmed as a district court judge, I would follow all binding precedents from the Tenth Circuit and Supreme Court.

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

Response: The Supreme Court has explained its process for overruling its own precedents at length in cases like *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), emphasizing the quality of the prior decision's reasoning, the workability of the precedent, the precedent's effect on other areas of the law, and the reliance interests. As a judicial nominee, it would not be appropriate under the Code of Conduct for U.S. Judges for me to critique or grade the Supreme Court's approach to stare decisis.

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

a. *Brown v. Board of Education*

Response: Yes. Although it is almost always inappropriate for judicial candidates to critique or grade Supreme Court decisions, two primary exceptions have emerged throughout the years. *Brown* is one of them, and *Loving v. Virginia* is the other. Both were unanimous, landmark decisions rejecting racial discrimination and "separate but equal" arguments, and I believe both cases were correctly decided under the U.S. Constitution. For any other Supreme Court decisions, I respectfully decline to comment on their merits, and I will follow them if confirmed.

b. *Plyler v. Doe*

Response: Please see my response to Question 17.a.

c. *Loving v. Virginia*

Response: Yes. Please see my response to Question 17.a.

d. *Griswold v. Connecticut*

Response: Please see my response to Question 17.a.

e. *Trump v. United States*

Response: Please see my response to Question 17.a.

f. *Dobbs v. Jackson Women's Health Organization*

Response: Please see my response to Question 17.a.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Response: Please see my response to Question 17.a.

h. *Obergefell v. Hodges*

Response: Please see my response to Question 17.a.

i. *Bostock v. Clayton County*

Response: Please see my response to Question 17.a.

j. *Masterpiece Cakeshop v. Colorado*

Response: Please see my response to Question 17.a.

k. *303 Creative LLC v. Elenis*

Response: Please see my response to Question 17.a.

l. *United States v. Rahimi*

Response: Please see my response to Question 17.a.

m. *Loper Bright Enterprises v. Raimondo*

Response: Please see my response to Question 17.a.

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

Response: Yes, as a general matter. The U.S. Supreme Court has routinely sought to ascertain the original public meaning of constitutional text, *see, e.g., New York State Rifle & Pistol Assoc., Inc. v. Bruen*, 597 U.S. 1, 36 (2022), and I would be required to do the same as a district judge, should the opportunity arise in the appropriate context. If confirmed, however, I would follow Tenth Circuit and Supreme Court precedent regardless of whether it is based on the original meaning of the Constitution.

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

Response: Foremost, district courts are bound by precedent. Thus, a district court should analyze the original meaning of a constitutional provision if binding precedent looks to the original meaning. And if a court is faced with a novel constitutional issue, which occasionally happens, the original meaning should likely play an important role in a court’s analysis based on the Supreme Court’s originalist approach in many cases.

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

Response: Again, it would be inappropriate for me as a judicial nominee to grade U.S. Supreme Court decisions. Thus, here it would be inappropriate to grade or criticize *Obergefell* based on its adherence to the Constitution’s original meaning.

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

Response: As discussed above, *Loving v. Virginia* has been treated by past nominees as a landmark exception to the prohibition on critiquing Supreme Court decisions, and I have stated my belief that it was correctly decided. I also believe it is defensible on originalist grounds, as some scholars have argued over the years.

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

Response: The Fourteenth Amendment holds that no State shall “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.”

For the Equal Protection Clause, the Supreme Court has typically analyzed challenged laws to see if people similarly situated are treated differently, and it has utilized tiers of scrutiny depending on who the laws target or affect. Racial classifications, for example,

receive strict scrutiny, and “laws that classify by sex are subject to what is known as intermediate scrutiny.” *West Virginia v. B.P.J.*, 146 S. Ct. 2356, 2374 (2026). Overall, the Equal Protection Clause “must coexist with the practical necessity that most legislation classifies for one purpose or another, with resulting disadvantage to various groups or persons.” *Id.* (quoting *United States v. Skrmetti*, 605 U.S. 495, 509 (2025)). Thus, most laws receive only rational basis review, which is deferential.

The Due Process Clause has been interpreted to have both substantive and procedural protections. On the substantive side, the Supreme Court has reiterated its caution that courts should “exercise the utmost care whenever we are asked to break new ground in this field, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the” judiciary. *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 240 (2022) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997)). Thus, a substantive due process “right must be ‘deeply rooted in this Nation’s history and tradition’ and ‘implicit in the concept of ordered liberty.’” *Id.* at 231 (quoting *Glucksberg*, 521 U.S. at 721). Any inquiry on this point must involve “a careful analysis of the history of the right at issue.” *Id.* at 238.

To go beyond these general descriptions would risk wading into topics that are currently the subject of litigation or impending litigation. I would follow the Tenth Circuit and Supreme Court precedents in these areas.

23. 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 U.S. Supreme Court has long held that these Fourteenth Amendment provisions protect individuals from discrimination based on sex and sexual orientation. To go beyond this general description would risk wading into topics that are currently the subject of litigation or impending litigation. I would follow the Tenth Circuit and Supreme Court precedents in these areas.

24. 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 18.

25. 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 18.

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

Response: The First Amendment is phrased broadly, and the U.S. Supreme Court has applied it broadly, to a wide variety of individuals, corporations, organizations, and the like. Of course, the level of scrutiny or protection may vary based on factors such as age

and location. To go beyond this general description would risk wading into topics that are currently the subject of litigation or impending litigation. I would follow the Tenth Circuit and Supreme Court precedents interpreting the First Amendment.

27. 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: The U.S. Supreme Court has held that “Government action that suppresses speech because of its message ‘contravenes this essential [First Amendment] right.’” *TikTok, Inc. v. Garland*, 604 U.S. 56, 70 (2025). As to how to determine the difference between a content-based and a content-neutral law, the Supreme Court has explained that “a law is content based on its face if it ‘applies to particular speech because of the topic discussed or the idea or message expressed.’” *Id.* (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)). Additionally, “a facially content-neutral law is nonetheless treated as a content-based regulation of speech if it cannot be justified without reference to the content of the regulated speech or was adopted by the government because of disagreement with the message the speech conveys.” *Id.* at 70-71 (cleaned up and citation omitted). These decisions are binding, thus in analyzing this issue I would need to ask whether the law applies to speech because of the topic or message, whether the regulation can be justified without referencing the content of the speech, and whether the government adopted the regulation because of disagreement with the message. To go beyond this general description would risk wading into topics that are currently the subject of litigation or impending litigation. I would follow the Tenth Circuit and Supreme Court precedents interpreting the First Amendment.

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

Response: In *Counterman v. Colorado*, the U.S. Supreme Court held that, to qualify as having made a true threat outside the First Amendment’s protections, a defendant must be proven to have “had some subjective understanding of the threatening nature of his statements”—“a mental state of recklessness,” at minimum. 600 U.S. 66, 69 (2023). In sum, “[t]he State must show that the defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence.” *Id.* To go beyond this general description would risk wading into topics that are currently the subject of litigation or impending litigation. I would follow the Tenth Circuit and Supreme Court precedents interpreting the First Amendment and true threats.

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

Response: In *Zadvydas v. Davis*, the U.S. Supreme Court held that “once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” 533 U.S. 678, 693 (2001). Beyond that, this question involves matters and issues that are currently being debated and litigated, ergo it

would not be appropriate for me to comment as a judicial nominee under the Code of Conduct for U.S. Judges. If confirmed, I would follow *Zadvydas* and any other Supreme Court or Tenth Circuit precedent on point.

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

Response: Respectfully, this question implicates current political debates as well as potential litigation, ergo it would not be appropriate for me to weigh in under the Code of Conduct for U.S. Judges.

31. 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: In *Trump v. Barbara*, the U.S. Supreme Court held that the phrase “subject to the jurisdiction” in the Fourteenth Amendment’s Citizenship Clause encompasses children born in the United States even if their parents are unlawfully or temporarily present in the country. 146 S. Ct. 2438 (2026). The only exceptions are “familiar” ones such as children of ambassadors. *Id.* at 2456. I would follow Supreme Court and Tenth Circuit precedent such as *Barbara* if confirmed.

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 29.a.

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

Response: As I stated at the hearing, diversity can be a good thing. Demographically, federal service, judicial or otherwise, should be based on competency, skill, and merit, considering qualified persons from all backgrounds. Canon 3(B)(3), for instance, states that a “judge should exercise the power of appointment fairly and only on the basis of merit, avoiding unnecessary appointments, nepotism, and favoritism.” And professionally, having judges come from different backgrounds (such as public service or the private sector) is healthy in providing a more robust intellectual atmosphere. Anecdotally, I have seldom regretted seeking the opinion of someone with a different perspective than me on a legal matter; even where I disagreed, I usually gained something from the encounter.

33. 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: I have not studied the First Step Act in depth, but as a federal law it would bind me as a district judge, as well as any relevant precedents interpreting the Act from the Supreme Court and the Tenth Circuit. Without commenting on any case or situation that could come before me, if confirmed I would strive to implement and apply the Act and any other federal laws on sentencing to the best of my abilities.

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: Please see my response to 33.a.

34. 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: It would not be appropriate for me as a judicial nominee to speculate on what the Federalist Society meant by that phrase.

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.⁴**

⁴ 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 under the Code of Conduct for U.S. Judges for me to weigh in on commentary from a political figure.

- 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 34.b.i.

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

Response: Yes.

- 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: I have not spoken with Leonard Leo or Steven G. Calabresi during my selection process. Over the last year and a half, during my selection process, I have spoken with individuals who are members of the Federalist Society about any number of topics, including my selection. More recently, I have received congratulations and encouragement from a number of people, some of which are Federalist Society members and local chapter officers. I do not recall having spoken to anyone employed by the Federalist Society, however.

- 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: As indicated in my questionnaire, I have spoken at several events sponsored by student Federalist Society chapters here in Oklahoma. I have also assisted with administration and event planning matters for the Oklahoma City Lawyer Chapter of the Federalist Society for several years, although I have not served as an officer.

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

Response: I do not recall having been paid an honoraria by the Federalist Society for any of my speaking engagements or assistance.

35. 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: I am not aware of who is associated with the Teneo Network. I have not spoken with Leonard Leo during my selection process. I recall hearing Whitney Hermandorfer say at her nomination hearing that she was a member of the Teneo Network, and I did speak with her last year about legal matters in which our respective offices had mutual interests. Later, I congratulated her on her judicial nomination and confirmation.

- 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.

36. 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: I have not spoken with Kevin D. Roberts.

Roger Severino works for the Heritage Foundation and is a longtime family friend. I spoke with him and his wife when I came to Washington, D.C. to interview at the White House Counsel’s Office in early March 2026. The conversations were in our personal capacities, on our personal time, and they consisted of us catching up about each other’s families and children and me informing them that I was in town because I was being considered for a federal judgeship. I have updated Roger on the nomination process, and he sent me a congratulatory message when the nomination was announced.

Steve Chartan works for the Heritage Foundation and is a longtime friend and former colleague from my time in Senator Ted Cruz's office. I spoke with Steve several times during the last year, when I was under consideration.

- 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: Not that I recall. I have attended various events at the Heritage Foundation over the years, especially when I worked in Washington, D.C. for Senator Cruz, but I do not recall being asked to speak or present at an event, much less to provide research or analysis.

- 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.

- 37.** 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: I am unfamiliar with who might be associated with AFPI. To the best of my knowledge, the answer is 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.

- 38.** 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: I am unfamiliar with who might be associated with AFLI. To the best of my knowledge, the answer is No, as I have not spoken to or corresponded with Stephen Miller, Gene Hamilton, or Daniel Epstein during my selection process.

- 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: I collaborated with Gene Hamilton and AFLI on several litigation-related matters at the Oklahoma Attorney General's Office, but those occurred in 2024 and earlier and I do not recall providing services to AFLI as part of that collaboration.

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

Response: No.

39. 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: I am unfamiliar with who might be associated with the Article III Project. To the best of my knowledge, the answer is no, since I have not spoken with Mike Davis, Will Chamberlain, or Josh Hammer during my selection process.

- 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.

40. 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: Yes. I have recently communicated with a friend who works at ADF, in order to confirm the dates and details of my ADF speaking engagements. I have also received numerous messages of congratulations, encouragement, and prayer from friends after my nomination was announced, including from friends associated with ADF. Overall, my selection process has been lengthy, stretching back nearly a year and a half. During that time, I have talked about my potential nomination with friends associated with ADF, and I have received advice, encouragement, and prayers from them.

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

Response: Yes. As disclosed in my questionnaire, I interned for ADF, I have spoken at several ADF events throughout the years, and I have mentored law students through the Blackstone Legal Fellowship. I have also attended several reunion gatherings for the Blackstone Legal Fellowship, as well as other ADF events. The Oklahoma Attorney General’s Office has also worked with ADF on litigation in the past, thus I have discussed legal research, analysis, and advice in that capacity, although I do not think that could be described as providing services to ADF.

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

Response: Yes. My personal records show I was paid \$750 for my speaking engagement in 2017. It is possible I was paid honoraria for other speeches, although it does not show up in my records.

41. 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: I am unfamiliar with who might currently be associated with The Concord Fund. I have not spoken with Leonard Leo during my selection process. Carrie Severino is a longtime family friend, and I spoke with her and her husband when I came to Washington, D.C. to interview at the White House Counsel's Office in early March 2026. The conversations were in our personal capacities, on our personal time, and they consisted of us catching up about each other's families and children and me informing them that I was in town because I was being considered for a federal judgeship. Carrie sent me a congratulatory message when the nomination was announced.

- 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: It would not be appropriate for me as a judicial nominee to answer a hypothetical that involves funding, free speech, and other issues of current political debate and litigation. And it is a hypothetical: I have not solicited any donations to support my nomination, nor am I aware of any donations that have been made to support (or oppose) my nomination. Moreover, as I stated in response to Question 13.c, public advocacy for or against my nomination will not prevent me from striving to interpret the law correctly and without bias, if confirmed. That is the job of a federal judge, to act without fear or favor.

- 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: Please see my response to Question 41.d. Moreover, as I have explained in my questionnaire and elsewhere in my QFR responses, regarding recusal questions I would first review the laws and rules pertaining to recusal, including 28 U.S.C. § 455 and Canon 3 of the Code of Conduct for U.S. Judges. I would then carefully review the facts and circumstances of the situation to determine whether a conflict, or even the appearance of a conflict, existed, and if

so whether the law and rules called for a recusal. In doing so, I would likely consult my fellow jurists, especially those more experienced with such matters, and I might also consult resources available from both the federal and state legal systems.

- 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 41.d and 41.e.

**Nomination of Zachary West
Nominee to the U.S. District Court for the Eastern 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 were a 2013 Fellow at the Claremont Institute, where John Eastman is a Senior Fellow and the Founding Director of the Institute's Center for Constitutional Jurisprudence.

a. Do you know John Eastman? If so, how do you know John Eastman?

Response: I met John Eastman as part of the 2013 John Marshall Fellowship, and I interacted with him several times in the years following that event. To the best of my recollection, I have not communicated with him since around 2017, when I left Washington, D.C. to return to Oklahoma.

2. You said in your questionnaire that you have been a member of the Federalist Society since 2015. 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: I have received messages of personal congratulations and encouragement from numerous individuals regarding my nomination. It is possible that a message or messages came from individuals affiliated with an entity led or funded by Leonard Leo, although I am unaware of which entities are so led or funded at present.

c. Carrie Severino?

Response: Carrie Severino is a longtime family friend, and I spoke with her and her husband when I came to Washington, D.C. to interview at the White House Counsel's Office in early March 2026. The conversations were in our personal capacities, on our personal time, and they consisted of us catching up about each other's families and kids and me informing them that I was in town because I was being considered for a federal judgeship. Carrie sent me a congratulatory message when the nomination was announced.

d. Mike Davis?

Response: No.

e. Anyone affiliated with The Article III Project?

Response: I have received personal messages of congratulations and encouragement from numerous individuals regarding my nomination. It is possible that a message came from someone affiliated with The Article III Project, but I am unaware of anyone affiliated with that group other than Mike Davis, and I have not communicated with him.

f. Mark Paoletta?

Response: No.

3. Please describe your understanding of natural law.

Response: My understanding of natural law is perhaps most succinctly explained by pointing to the Declaration of Independence, where our Founders held “these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Natural law, that is, involves self-evident truths.

a. What authority does natural law carry in federal case law?

Response: I have not researched this issue recently, and I am unaware of federal case law discussing the role of “natural law” in judging. That said, the Declaration of Independence is cited occasionally in federal case law, if memory serves. Regardless, the U.S. Supreme Court has focused on the written text and original meaning of federal statutes and the Constitution, and I would follow the Court’s approach and interpretative methodologies to the best of my abilities.

b. When do you think it is appropriate for a federal judge to rely on natural law?

Response: Please see my response to Question 3.a.

c. If confirmed, do you plan to incorporate natural law into your decisions?

Response: Please see my response to Question 3.a.

4. 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: I am unaware of where I have criticized, in any public statement or writing, the Oklahoma Supreme Court’s ruling in *OCRJ v. Drummond*, 526 P.3d 1123 (Okla. 2023).

In the referenced case I defended the constitutionality of a longstanding Oklahoma abortion statute that contained—and still contains—an express exception to protect the life of the mother. *See* 21 Okla. Stat. § 861 (“unless the same is necessary to preserve her life”). I litigated this case, and others like it, as an attorney representing the State of Oklahoma’s sovereign interests.

In any event, it would be inappropriate, as a judicial nominee, for me to express my personal views about political questions and matters that could appear before a court.

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

Response: According to the U.S. Supreme Court, 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). Beyond that, it would risk contravening the Code of Conduct of U.S. Judges to weigh in on a political debate that could come before a court.

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

Response: *Griswold* is a binding precedent of the U.S. Supreme Court that, if confirmed, I would follow as a federal district court judge.

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

For Zachary West, to be U.S. District Judge for the Eastern District of Oklahoma

You defended Oklahoma’s abortion restrictions in *Oklahoma Call for Reproductive Justice v. Drummond*. In that case, the Oklahoma Supreme Court recognized a right to abortion to protect the life of the mother.

- What would you say to litigants who question that you can be evenhanded in applying the law, including to women facing life-threatening medical emergencies trying to vindicate their rights?

Response: In the referenced case, I defended the constitutionality of a longstanding Oklahoma abortion statute that contained—and still contains—an express exception to protect the life of the mother. *See* 21 Okla. Stat. § 861 (“unless the same is necessary to preserve her life”). I litigated this case, and others like it, as an attorney representing the State of Oklahoma’s sovereign interests. If confirmed as a federal judge, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

**Nomination of Zachary West
to the United States District Court for the Eastern 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: Yes.

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: Yes, and I also have a responsibility to answer in accordance with the Code of Conduct for U.S. Judges.

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 wrote all my responses and then submitted them to the Office of Legal Policy for review. I then incorporated the Office of Legal Policy's suggestions as I saw fit, performed additional editing and cite-checking, and then finalized my responses.

- 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: I have endeavored not to do so, but I do not believe it would be inappropriate if a previous nominee answered a question in a way that a later nominee agreed with.

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

Response: Yes, at times.

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

Response: I do not believe so, aside from one-word answers (“Yes” and “No.”).

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 a minute or two, at most.

- b. What topics or issues were discussed?

Response: President Trump informed me that he was nominating me to the federal district court, congratulated me, and asked how I felt. I expressed my deep gratitude for the honor. We then briefly discussed my home state of Oklahoma.

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

Response: The only other person I recall hearing was an individual who formally introduced the President at the beginning of the call. I did not hear her name if she gave it, and I do not know whether she was in the room for the call.

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

Response: My two main role models are the two federal judges I clerked for: The Honorable Bobby R. Baldock on the U.S. Court of Appeals for the Tenth Circuit, and the Honorable J. Leon Holmes, who sat on the U.S. District Court for the Eastern District of Arkansas. Both men conducted themselves and their chambers with the utmost care,

humility, and respect—respect for others and for the rule of law—and I would strive to emulate their examples.

7. How would you describe your judicial philosophy?

Response: I have generally described myself as an originalist and a textualist. Perhaps less formally, I have said that judges should apply the law as written and understood at the time it was passed, regardless of whether they would prefer the law to say or mean something else.

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: In 2022, the U.S. Supreme Court reiterated its caution that courts should “exercise the utmost care whenever we are asked to break new ground in this field, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the” judiciary. *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 240 (2022) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997)). Thus, a substantive due process “right must be ‘deeply rooted in this Nation’s history and tradition’ and ‘implicit in the concept of ordered liberty.’” *Id.* at 231 (quoting *Glucksberg*, 521 U.S. at 721). Any inquiry on this point must involve “a careful analysis of the history of the right at issue.” *Id.* at 238. If confirmed, I would follow *Dobbs* and any other Supreme Court or Tenth Circuit precedent on point.

- 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. I would consult the types of sources analyzed by the U.S. Supreme Court in cases like *Dobbs*, including historical case law, statutes, and treatises, and I would consider any sources the parties might present to me.

- 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: If a right has already been recognized by the Supreme Court or the Tenth Circuit, then it would bind me, if confirmed, and I would follow that precedent. The precedent of another court of appeals would be persuasive, but not binding, authority.

- 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 level of impact would depend on the level of similarity, presumably, and it would depend on whether the precedent was binding (from the U.S. Supreme Court or Tenth Circuit) or merely persuasive (from other circuits).

- e. What other factors would you consider?

Response: I would consider any other factors found in U.S. Supreme Court precedent or Tenth Circuit precedent. I would also consider factors raised by the parties, if such factors could reasonably be found in the relevant precedents.

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. President Trump was certified the winner of the 2016 presidential election and the 2024 presidential election, having received the most Electoral College votes.

- 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 times, in that scenario.

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

Response: No. The Twenty-Second Amendment speaks for itself.

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: In our constitutional system the official winner of the presidential election is the person who receives the most Electoral College votes, is certified by Congress as having done so, and gets to serve in office. I do not mean to impugn or downplay the role of Congress with any of my responses; quite the opposite.

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: In advance of the hearing, I studied, pondered, and prepared numerous potential answers to questions, including answers about the 2020 election. For sources, I reviewed the Constitution, relevant federal laws and rules, Supreme Court case law, prior nomination hearings, past QFR responses (including those of Justice Ketanji Brown Jackson), and the Code of Conduct for U.S. Judges.

- 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: Please see my response to Question 11(a). Moreover, my answers at the hearing were my own. I have chosen to use the word “certified,” like many prior nominees before me, because it is accurate and legally precise and because publicly commenting on the results of an election more generally, as Justice Jackson indicated in her QFR responses, is inappropriate for a judicial candidate.

- 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: No, unless the judge is violating some other kind of law in doing so.

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

Response: As a judicial nominee, it would be inappropriate under the Code of Conduct for U.S. Judges for me to weigh in on commentary from a political figure.

- 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 5.b.

- 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 5.b.

- 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 5.b.

- 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 5.b.

- 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: As I stated in my questionnaire, I would first review the laws and rules pertaining to recusal, including 28 U.S.C. § 455 and Canon 3 of the Code of Conduct of U.S. Judges. I would then carefully review the facts and circumstances of the situation to determine whether a conflict, or even the appearance of a conflict, existed, and if so whether the law and rules called for a recusal. In doing so, I would likely consult my fellow jurists, especially those more experienced with such matters, and I might also consult resources available from both the federal and state legal systems.

- 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: Yes.

- 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: Yes.

- 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: If confirmed, I will review the relevant law and guidance from the Sentencing Commission.

- 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: This question involves matters and issues that are currently being debated and litigated, ergo it would not be appropriate for me to comment as a judicial nominee under the Code of Conduct for U.S. Judges.

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

Response: According to the U.S. Supreme Court, 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: I would study Supreme Court cases like *Guest*, as well as their progeny over the past half-century in lower courts, and especially the Tenth Circuit. Of course, I would also consider whatever materials the parties presented.

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

Response: The U.S. Supreme Court has recognized a right to privacy in a variety of contexts. For instance, this year, the Supreme Court held in the context of the Fourth Amendment that an “individual has a reasonable expectation of privacy in records about his cell phone’s location, and police intrude on that constitutionally protected interest when they demand the information—even though for only a limited time, and from a third-party tech company.” *Chatrue v. United States*, 146 S. Ct. 2193, 2199 (2026). If confirmed, I would follow those decisions, as well as any decisions on privacy from the Tenth Circuit.

- 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 v. Connecticut*, the U.S. Supreme Court held that “notions of privacy surrounding the marriage relationship” mean that a State cannot constitutionally prohibit the use of contraceptives in that context. 381 U.S. 479, 485-86 (1965). And in *Eisenstadt v. Baird*, the Supreme Court held that a “prohibition on contraception per se, violates the rights of single persons,” as well. 405 U.S. 438, 443 (1972). If confirmed, these decisions would be binding on me and I would follow them.

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

Response: I have generally described myself as an originalist and a textualist. Thus, in interpreting constitutional provisions I would seek the original public meaning of the words the Framers used. As with interpreting statutes, this might involve consulting context, dictionaries, historical sources such as the Federalist Papers, and canons of construction, especially if there are ambiguities present. That said, as a district judge, my first place to look would be to Tenth Circuit and U.S. Supreme Court precedent regarding the text. If binding precedent is on point, then it controls, regardless of whether I might interpret the text in a different way in a vacuum.

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

Response: Most important here, the U.S. Supreme Court has placed much emphasis on the text and original public meaning, and I would follow the Court's lead if confirmed. I also find this method of analysis conducive to the role of an Article III judge, in that it is an effort to find an objective, fixed, and historic meaning in the written text outside of my personal preferences.

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

Response: In *Zadvydas v. Davis*, the U.S. Supreme Court held that “once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” 533 U.S. 678, 693 (2001). Beyond that, this question involves matters and issues that are currently being debated and litigated, ergo it would not be appropriate for me to comment as a judicial nominee under the Code of Conduct for U.S. Judges. If confirmed, I would follow *Zadvydas* and any other Supreme Court and Tenth Circuit precedent on point.

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*, the U.S. Supreme Court held that the phrase “subject to the jurisdiction” in the Fourteenth Amendment's Citizenship Clause encompasses children born in the United States even if their parents are unlawfully or temporarily present in the country. 146 S. Ct. 2438 (2026). The only exceptions are “familiar” ones such as children of ambassadors. *Id.* at 2456. I would follow that precedent if confirmed.

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

Response: I would first investigate the context and details of the refusal. Federal judges have tools at their disposal for ensuring compliance with orders, such as contempt proceedings, fines, and the like, and I would want to review those options, hear from the parties, and consult with colleagues, if possible, before acting.

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: Whether a party is engaging in abusive litigation tactics is highly context-specific. Some facts and circumstances that might be relevant are a party's (or counsel's) past practices and history, the magnitude of any accusations, and the alleged prejudice to any party or counsel. I would also want to research binding decisions from the U.S. Supreme Court and Tenth Circuit for the standards and applications that have triggered or should have triggered district court actions in the past.

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

Response: The answer depends on the context. Generally, a repeat offender who is unrepentant or defiant is going to require a different solution, such as monetary sanctions under Rule 11, compared to a first-time offender who is conciliatory or apologetic.

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

Response: Judges should rule based on what the law requires and not based on what the consequences might be. There are instances where judges may consider consequences as a matter of law, however. Perhaps most familiar to me is the preliminary injunction context, where irreparable harm is a factor to be considered, as well as the equities of the situation.

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

Response: Judges should strive to make all decisions objectively, without bias based on personal experiences or preferences. That objectivity, and the avoidance of even the appearance of impropriety, is critical to the healthy functioning of our judicial system.

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

Response: Judges should strive to apply the law correctly and completely, regardless of sympathies they may have for any party. Judges should attempt to understand and respect the parties and counsel, certainly, but they should be careful to dole out that empathy on an equal and unbiased basis. A judge who is only empathetic to prosecutors but not defense attorneys, or who sympathizes with criminal defendants but not victims, is not properly fulfilling the judicial role.

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

Response: Professionally, the federal trial that I participated in and won in 2022 as part of our Oklahoma Solicitor General Unit stands out as one of my most significant endeavors as a lawyer. The case was highly significant, with several dozen plaintiffs having challenged the State of Oklahoma's execution protocol on constitutional grounds, in a case that lasted many years. It was also complex, with numerous expert witnesses testifying about the efficacy of various execution drugs and approaches. Even with the media spotlight and intricate issues, our team excelled in discovery, depositions, and trial.

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: Yes, I would consider encouraging participation by more junior attorneys, either through a standing order or some other means. That is one reason that I joined a Solicitor General Unit a decade ago—they have a well-earned reputation for allowing junior attorneys opportunities to argue significant cases in court.

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

Response: As I have demonstrated throughout my career, I am always open to mentoring opportunities. In this context, it would need to be done appropriately in light of the judge/attorney relationship. But I would very much enjoy working with younger attorneys to encourage their development.

28. Discuss your proposed hiring process for law clerks.

Response: I have not fully considered how I will hire law clerks, if confirmed. I will use the OSCAR online system, although I will likely require hard-copy applications. I will do in-person interviews with the final candidates, if possible, in part because I would want them to visit Muskogee, Oklahoma, to understand where they would spend at least a year of their life. Perhaps most important to me, for term law clerks, is that I want to make clear and readily available the annual schedule on which I am hiring. Having been on the other side of the judge/clerk hiring divide, I appreciate the value of transparency in the process.

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

Response: This is a topic of current debate and potential litigation, ergo I do not believe it would be appropriate for me to respond under the Code of Conduct for U.S. Judges.

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 will treat those in my chambers with respect, as I have done throughout my legal career with people working around me. I will also put in place policies to ensure that everyone else in chambers does the same. In doing so, I will consult with my judicial colleagues and their staff, as well as with outside entities like the Administrative Office of the Courts, to ensure that I have considered various possibilities and options for implementing a respectful and healthy chambers environment.

- 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. If concerns arise, I will want to consult with available colleagues and utilize available resources to make sure the concerns are addressed.

- 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: Please see my response to Questions 29.a and 29.b.

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 of January 6, 2021, at the U.S. Capitol is a matter of ongoing debate and litigation, ergo it would not be appropriate for me to respond under the Code of Conduct of U.S. Judges.

- 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: Canon 3(A)(6) prohibits judges from commenting “on the merits of a matter pending or impending before any court,” and Canon 5 indicates that judges “should refrain from political activity.” Again, the broader characterization of the events of January 6, 2021, at the U.S. Capitol is a matter of ongoing political debate. Moreover, whether January 6 was an insurrection has been the subject of highly publicized litigation, *e.g.*, *Trump v. Anderson*, 601 U.S. 100 (2024), and it matters under Section 3 of the Fourteenth Amendment. Thus, in discussing these events, I prefer to use the language the U.S. Supreme Court has used in cases before it, recognizing the inexcusable assaults on police officers and a breach of the Capitol. I denounce that violence and breach unconditionally.

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: Whether the President’s pardons of January 6 defendants were prudent or should have been issued is a matter of ongoing political debate, ergo it would not be appropriate for me to share my personal beliefs publicly under the Code of Conduct of U.S. Judges.

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. I am concerned about the lack of trial experience you would bring to this lifetime position as a trial judge. During your hearing, Senator Tillis asked you about your litigation experience. Senator Tillis asked you how many civil trials you have litigated (you responded “one”), how many of those were jury trials (you responded “no jury trials”), how many you were lead counsel on (you responded “none”), and how many criminal trials you litigated (you responded “I have not litigated any criminal trials”).

- a. To confirm your statement to Senator Tillis, have you ever served as lead counsel in any case that has gone to trial? If so, was the trial a bench trial or a jury trial?

Response: I have not served as lead counsel in a case that has gone to trial. As I stated in my questionnaire and above, I served as an associate counsel in a week-long bench trial concerning death-row inmates and the Eighth Amendment. I have served as lead counsel at several high-profile hearings in federal district court, including those involving death-row inmates facing imminent execution, and I assisted with every facet of civil and criminal federal trials, both bench and jury, in my two years clerking in the U.S. District Court for the Eastern District of Arkansas.

- b. How many sentencing hearings have you participated in?

Response: As a law clerk over a four-year period, I assisted two federal judges with dozens of sentencing hearings. The Tenth Circuit judge for whom I clerked (The Honorable Bobby R. Baldock) would occasionally sit by designation in the U.S. District Court for the District of New Mexico, and I was the designated law clerk to handle his district court cases, given my two prior years of experience as

a federal district court clerk. In one instance, I assisted Judge Baldock with nearly 50 sentencings in a one-week period in Las Cruces, New Mexico.

- c. Have you ever delivered an opening statement in any trial?

Response: I have not; I have presented oral arguments to the Oklahoma Supreme Court, the U.S. Court of Appeals for the Tenth Circuit, and several state and federal district courts.

- d. Have you ever delivered a closing argument in any trial?

Response: Please see my response to Question 33.d.

- e. Why are you qualified to serve as a federal trial judge when you have so little trial experience?

Response: I spent the first four years of my career working on federal district court matters, for two stellar federal judges. This included involvement in various trials, civil and criminal, jury and bench, as well as numerous sentencings. Subsequently, I have spent nearly a decade litigating in federal and state trial courts. In doing so, I have participated in discovery in several cases. Specifically, I have taken around ten depositions and defended around five depositions, engaged in motions practice, filed and responded to motions in limine, and I actively took part in a critical federal bench trial concerning the Eighth Amendment and the death penalty in Oklahoma. In addition, I have substantial experience litigating appeals at the Oklahoma Supreme Court, the Tenth Circuit, and the U.S. Supreme Court, which is valuable for a district court.

34. In your questionnaire, you said that you were self-employed as a “background extra/actor” between 2020 and 2024, years during which you were also employed at the Oklahoma Attorney General’s Office.

- a. Roughly how many hours per week did you spend working as a background extra/actor?

Response: Over about a five-year period, I worked on roughly one movie per year. And on each movie, with one exception, I only worked for a couple days or nights at most. On *Twisters*, for instance, my daughter and I worked three night-times in a row. And on *American Underdog*, I only worked for one day. *Killers of the Flower Moon* was the exception. There I worked around two weeks total, stretched over the course of a year. For that movie, I made up for time spent on set by working at night and on weekends for the Attorney General’s Office.

- b. Please list the productions (movies, television shows, etc.) in which you participated as background extra/actor, whether or not your participation was included in the final cut of the production.

Response: I have participated as a background extra in four movies, and as a minor actor in one independent film directed by a friend. In each movie, to the best of my knowledge, my participation was included in the final cut to some extent.

American Underdog (released 2021) (extra)

Killers of the Flower Moon (released 2023) (extra)

Reagan (released 2024) (extra)

Twisters (released 2024) (extra)

Perpetual Love (released 2025) (actor)

- c. Why did you stop working as a background extra/actor in 2024?

Response: Over time, I stopped applying for extra work primarily because I had achieved my childhood goal of participating in a significant movie filmed in my home state, and then some. We had also grown busier as a family, with children's extracurricular activities, that made it more difficult to carve out the time to participate.

- d. Do you have any plans to resume working as a background extra/actor if confirmed to the federal bench?

Response: I have no plans to continue working as an extra or actor if I am confirmed to the federal bench.

Questions for the Record for Zachary Paul West
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: As stated in my questionnaire, regarding recusal questions I would first review the laws and rules pertaining to recusal, including 28 U.S.C. § 455 and Canon 3 of the Code of Conduct for U.S. Judges. I would then carefully review the facts and circumstances of the situation to determine whether a conflict, or even the appearance of a conflict, existed, and if so whether the law and rules called for a recusal. In doing so, I would likely consult my fellow jurists, especially those more experienced with such matters, and I might also consult resources available from both the federal and state legal systems.

- 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: Please see my response to Question 1.

- 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.

- 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.

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 follow all the relevant ethical rules and obligations regarding *ex parte* communications or any other communications. Canon 3(A)(4) of the Code of Conduct for U.S. Judges, for example, provides that “a judge should not initiate, permit, or consider *ex parte* communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a judge receives an unauthorized *ex parte* communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if

requested.” There are several listed exceptions, however, including “when circumstances require it ... for scheduling, administrative, or emergency purposes, but only if the ex parte communication does not address substantive matters and the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication.”

- d. 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.

- e. 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.

- f. 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. Notably, Canon 3(A)(6) provides that “[a] judge should not make public comment on the merits of a matter pending or impending in any court,” though “[t]he prohibition on public comment on the merits does not extend to public statements made in the course of the judge’s official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education.”

- 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.

- g. 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: If confirmed, I will study and follow all relevant ethical rules and obligations regarding gifts, whether in the Code of Conduct for U.S. Judges or elsewhere.

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

Response: If confirmed, I will study and follow all relevant ethical rules and obligations regarding privately funded travel, hospitality, or entertainment, whether in the Code of Conduct for U.S. Judges or elsewhere.

- i. 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: Yes.

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: This quotation appears to come from the U.S. Supreme Court decision *Ex parte Robinson*, 86 U.S. 505, 510 (1873). If confirmed, I would follow that decision, as well as decisions like *Michaelson v. United States*, 266 U.S. 42, 65 (1924), where the Supreme Court similarly held that "the power to punish for contempts is inherent in all courts, has been many times decided and may be regarded as settled law. It is essential to the administration of justice."

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

Response: As your question notes, this topic is one of current political debate in the United States House of Representatives and Senate, ergo it would be inappropriate for me as a judicial nominee to offer my opinion on the matter.

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: Federal judges have various tools at their disposal for ensuring compliance with orders, such as contempt proceedings, fines, attorneys' fees, and the like.

- 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: My understanding is that federal court orders must be followed in nearly every circumstance, except for perhaps situations where compliance is truly impossible or where there is a total lack of jurisdiction on the part of the federal court. *See, e.g., United States v. Rylander*, 460 U.S. 752, 757 (1983) ("Where compliance is impossible, neither the moving party nor the court has any reason to proceed with the civil contempt action."). If confirmed, I would expect parties to follow my orders.

- 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: Any number of things could make a court order unlawful. I have already listed the most drastic circumstances, such as a lack of jurisdiction. But a court could also simply misinterpret the law or misapply it in a particular case.

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

Response: Generally, litigants can file motions for reconsideration, they can wait until later in a case's progression to renew an argument, they can seek a stay, or they can attempt an appeal. I have utilized these methods numerous times as a practicing attorney.

- 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. I was defending a deposition in Sacramento, California, on January 6, 2021.

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

Response: No.

7. You have, on multiple occasions, demonstrated yourself to be a strong opponent of reproductive rights. From 2022 to 2023, in *Oklahoma Call for Reproductive Justice v. Drummond*, you defended the State of Oklahoma’s abortion restrictions before the Oklahoma Supreme Court. You also co-authored, in 2023, an Oklahoma Attorney General opinion in which you argued that physicians who performed abortions in Oklahoma might be liable to be prosecuted. If confirmed, how can future litigants trust that you will remain unbiased on reproductive rights issues?

Response: I litigated these cases, and co-authored the referenced Attorney General Opinion, as an attorney representing the State of Oklahoma’s sovereign interests. If confirmed as a federal judge, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

8. In 2022, in a letter to an Oklahoma state legislator, you argued that “[t]o eliminate objective biology in favor of subjective identity as the basis for restroom usage threatens the privacy and safety of countless students,” and encouraged the Oklahoma legislature to pass legislation to address the issue. While serving at the Oklahoma Attorney General’s office you also represented Governor Stitt in his official capacity in litigation arising from his 2021 executive order prohibiting transgender individuals from changing the gender marker on their birth certificates. If confirmed, how can future litigants trust that you will remain unbiased on transgender rights issues?

Response: These activities were undertaken in my role as an attorney representing the State of Oklahoma’s sovereign interests. If confirmed as a federal judge, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

9. In October 2022, as Oklahoma’s Solicitor General, you submitted an amicus brief to the U.S. Supreme Court in the case of *Klein v. Oregon Bureau of Labor and Industries*, on behalf of Oklahoma and 16 other states, in which you argued that, owing to First Amendment protections, wedding cake designers could not be compelled to make cakes for same-sex weddings.

- a. Do you believe that *Obergefell v. Hodges* was correctly decided?

Response: With limited exceptions, it would not be appropriate for me, as a judicial nominee, to opine on or grade the correctness of U.S. Supreme Court

decisions. If confirmed, I will follow all Supreme Court precedents, including *Obergefell*.

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

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

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

Response: The referenced amicus brief was submitted in my role as an attorney representing the State of Oklahoma's sovereign interests. Moreover, the brief did not question the validity of *Obergefell*. Rather, the multistate coalition repeatedly relied on the U.S. Supreme Court's binding assurances in *Obergefell* that the "First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling to their lives and faiths." 576 U.S. 644, 679-80 (2015).

In any event, if confirmed as a federal judge, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

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

September 16, 2026

Questions for Zachary Paul West (U.S. District Court for the Eastern 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 am not familiar with the individual state vote tallies from the 2020 election. Overall, to the best of my knowledge and recollection, President Biden received the most officially certified individual votes in the 2020 General Election, taking all states into account. That number is irrelevant to the outcome in our system, however, which focuses on who receives the most Electoral College votes, Congress's certification of that tally, and who assumes the Office of President. To go further would be to wade into matters of political debate surrounding an election, which numerous nominees have indicated is inappropriate, including Justice Ketanji Brown Jackson.

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

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

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

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

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

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

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

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

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

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

- 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: Please see my response to Question 1.a.

- 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 response to Question 1.a.

- 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: President Biden was certified the winner of the 2020 election, by Congress, after receiving the most Electoral College votes, and he then assumed the Office of President and served for four years as 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: Please see my response to Question 1.a.

- 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: Please see my response to Question 1.a.

- 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: As a judicial nominee, it would be inappropriate under the Code of Conduct for U.S. Judges for me to weigh in on commentary from a political figure.

- 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: I have not studied and am not personally familiar with any of these lawsuits. Given the sheer number of cases cited here, it seems highly likely that there is litigation still pending or impending touching on these matters and it would be inappropriate under the Code of Conduct for U.S. Judges to “make public comment on the merits of a matter pending or impending in any court.” And regardless, under the Code it would be inappropriate to publicly comment on other judges’ decisions.

- 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: Numerous nominees, including Justice Ketanji Brown Jackson, have declined to wade into matters of political debate surrounding the election. Please see also my response to Question 1.a, where I discussed the certified vote totals.

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

Response: The U.S. Supreme Court has recognized a right to privacy in a variety of contexts, based on different provisions in the Constitution. For instance, just this year, the Supreme Court held in the context of the Fourth Amendment that an “individual has a reasonable expectation of privacy in records about his cell phone’s location, and police intrude on that constitutionally protected interest when they demand the information—even though for only a limited time, and from a third-party tech company.” *Chatrie v. United States*, 146 S. Ct. 2193, 2199 (2026). If confirmed, I would follow those Supreme Court decisions, as well as any decisions on privacy from the Tenth Circuit.

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

Response: *Griswold* is a binding precedent of the U.S. Supreme Court that, if confirmed, I would follow as a federal district court judge. Beyond that, it would be inappropriate as a judicial nominee to grade or critique an opinion of the U.S. Supreme Court.

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

Response: My two main role models are the two federal judges I clerked for: The Honorable Bobby R. Baldock on the U.S. Court of Appeals for the Tenth Circuit, and the Honorable J. Leon Holmes, who sat on the U.S. District Court for the Eastern District of Arkansas. Both men conducted themselves and their chambers with the utmost care, humility, and respect—respect for others and for the rule of law—and I would strive to emulate their examples.

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: In *Griswold v. Connecticut*, 381 U.S. 479 (1965), and *Eisenstadt v. Baird*, 405 U.S. 438 (1972), the Supreme Court held that there is a protected right to contraception. In *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022), the Supreme Court reversed *Roe v. Wade* and held that this right does not extend to abortion. I would follow these precedents, as well as any decisions on these issues from the Tenth Circuit. Going further on these topics would risk contravening the Code of Conduct for U.S. Judges by commenting on political controversies that are being litigated in courts.

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: As I stated at the hearing, diversity can be a good thing. Demographically, federal service, judicial or otherwise, should be based on competency, skill, or merit, considering qualified persons from all backgrounds. Canon 3(B)(3), for instance, states that a “judge should exercise the power of appointment fairly and only on the basis of merit, avoiding unnecessary appointments, nepotism, and favoritism.” And professionally, having judges or clerks come from different backgrounds (such as public service or the private sector) is healthy in providing a more robust intellectual atmosphere. Anecdotally, I have seldom regretted seeking the opinion of someone

with a different perspective than me on a legal matter; even where I disagreed, I usually gained something from the encounter.

- 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: I clerked for four years early in my career, and I am immensely grateful to two federal judges for hiring me even though I did not attend an Ivy League school and was a first-generation lawyer. If confirmed, I would focus my law clerk hiring on merit, as Canon 3(B)(3) requires, and I would consider all qualified applicants, regardless of their background, non-traditional circumstances, or path.

- 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: Yes. I have not fully considered how I will hire law clerks, if confirmed. I will use the OSCAR online system, although I will likely require hard-copy applications. I will do in-person interviews with the final candidates, if possible, in part because I would want them to visit Muskogee, Oklahoma, to understand where they would spend at least a year of their life. Perhaps most important to me, for term law clerks, is that I want to make clear and readily available the annual schedule on which I am hiring. Having been on the other side of the judge/clerk hiring divide, I appreciate the value of transparency in the process.

- 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: Yes. 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 responses to Questions 12.b and 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 Twenty-Second Amendment states in relevant part that “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.”

- 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: This question answers itself: Twice.

- 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: No.

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: If confirmed, I will treat everyone in my courtroom with dignity and respect, and I will strive to analyze all claims in an unbiased manner with the rule of law as the central consideration.

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: In *Zadvydas v. Davis*, the U.S. Supreme Court held that "once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." 533 U.S. 678, 693 (2001). Beyond that, this question involves matters that are currently being debated and litigated, ergo it would not be appropriate for me to comment as a judicial nominee under the Code of Conduct for U.S. Judges. If confirmed, I would follow *Zadvydas* and any other precedent on point from the Supreme Court or the

Tenth Circuit.

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: Federal judges have tools at their disposal for ensuring compliance with orders, such as contempt proceedings, fines, and the like. I would want to review those options, hear from the parties, and consult with colleagues, if possible, before acting in any particular instance.

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 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: Yes. To protect the privacy of myself and my family, I deactivated a private social media account this summer.

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: Article III of the United States Constitution “vests federal courts with the ‘judicial Power’ to decide ‘Cases’ and ‘Controversies.’” *First Choice Women’s Res. Ctrs., Inc. v. Davenport*, 608 U.S. 174, 183 (2026). Among other things, this means that there “is a ‘standing’ requirement consisting of three elements: ‘injury in fact, causation, and redressability.’” *Id.* (quoting *Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100, 110-11 (2025)). “Together, these elements help us distinguish cases and controversies fit for judicial resolution from questions of public policy reserved to the elected branches or abstract disputes better left to the debating hall.” *Id.* If confirmed, I would follow the Supreme Court’s precedents regarding cases and controversies, as well as any Tenth Circuit precedent.

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

Response: Courts could exceed their authority and violate the separation of powers. Moreover, courts could decide a dispute in a way that harms a party, without legal authority to do so.

- 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: Yes, as a general matter. That said, parties may settle disputes without the approval of a court.

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

Response: A judge may dismiss a case if the judge believes Article III’s Case and Controversy requirement has not been met.

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: Canon 3(A)(6) prohibits judges from commenting "on the merits of a matter pending or impending before any court," and Canon 5 indicates that judges "should refrain from political activity." And the broader characterization of the events of January 6, 2021, at the U.S. Capitol is a matter of ongoing political debate. Moreover, whether January 6 was an insurrection has been the subject of highly publicized litigation, *e.g.*, *Trump v. Anderson*, 601 U.S. 100 (2024), and it matters under Section 3 of the Fourteenth Amendment. Thus, in discussing these events, I prefer to use the language the U.S. Supreme Court has used in cases before it, recognizing the inexcusable assaults on police officers and a breach of the Capitol. I denounce that violence and breach unconditionally.

- 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 not be appropriate for me to critique another candidate's hearing answers, and especially not to accuse a fellow judicial nominee in relation to the Code of Conduct for U.S. Judges in this context. As a general matter, my agreement with Judge Bennett was just that: agreement with Judge Bennett. It was not meant to express disagreement or agreement with Judge Ballou. I respect both men for their service to our country.

Questions for the Record
Zachary West– Nominee to be United States District Judge for the Eastern 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 ways. For example, 18 U.S.C. § 201 prohibits “[b]ribery of public officials and witnesses.” If confirmed, I would interpret and apply these laws and definitions to the best of my abilities, in accordance with U.S. Supreme Court and Tenth Circuit 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: It depends on the facts and circumstances of the situation and the definitions potentially applicable in federal law. A law clerk sending part of his salary to help a friend in need is much different from a situation where a law clerk improperly uses the weight of the office to steer money.

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 of the United States Constitution “vests federal courts with the ‘judicial Power’ to decide ‘Cases’ and ‘Controversies.’” *First Choice Women’s Res. Ctrs., Inc. v. Davenport*, 608 U.S. 174, 183 (2026). Among other things, this means that there “is a ‘standing’ requirement consisting of three elements: ‘injury in fact, causation, and redressability.’” *Id.* (quoting *Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100, 110-11 (2025)). “Together, these elements help us distinguish cases and controversies fit for judicial resolution from questions of public policy reserved to the elected branches or abstract disputes better left to the debating hall.” *Id.* If confirmed, I would follow the U.S. Supreme Court’s precedents and Tenth Circuit precedent regarding cases and controversies.

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

Response: It would be inappropriate, as a judicial nominee, for me to express my views about questions that are currently a matter of political debate and legal dispute in court.

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

Response: Please see my response to Question 2.b.

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

Response: Judges, both state and federal, have several options for dealing with frivolous lawsuits. Potential sanctions include fines, attorneys' fees, and more. *See, e.g.,* Fed. R. Civ. P. 11(c)(4). Such sanctions are supposed to "be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated." *Id.*

3. How would you describe your judicial philosophy?

Response: I have generally described myself as an originalist and a textualist. Perhaps less formally, I have said that judges should apply the law as written and understood at the time it was passed, regardless of whether they would prefer the law to say or mean something else.

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

Response: Statutory interpretation should revolve around discerning the plain, ordinary, and original meaning of the written text in question, and relying on context, dictionaries, and canons of construction to resolve any ambiguities.

That said, as a district judge, my first responsibility would be to adhere to Tenth Circuit and U.S. Supreme Court precedent regarding the text. If binding precedent is on point, then it controls, regardless of whether I might interpret the text in a different way in a vacuum.

5. 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.

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

Response: Legislative history is less significant in interpreting an ambiguous statute than context, dictionaries, and canons of construction, etc. This is in part because legislative history has not gone through the bicameral process and become law. Moreover, I know from experience that legislative history can often be found pointing in multiple directions. If parties present me with legislative history, however, I will consider it.

7. How do you define judicial activism?

Response: As I understand it, the phrase is typically deployed to describe a judicial officer who acts in a way not permitted by the law, perhaps in accordance with the judge's personal or policy preferences. I have usually avoided the phrase, however. As a general matter, judges should "act" when the law requires it, and they should refrain from acting when it does not.

8. 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: It would not be appropriate for me to offer my opinion about the statements of any given Supreme Court justice, or to grade their work, as Justice Elena Kagan once put it.

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

Response: Please see my Response to Question 8.a. Moreover, as a district judge, I would not be tasked with determining if precedent is erroneous. All Tenth Circuit and U.S. Supreme Court precedents would be binding.

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

Response: Please see my responses to Questions 8.a and 8.b.

9. You have a long track record of opposing reproductive rights and defending Oklahoma’s abortion restrictions. In *Oklahoma Call for Reproductive Justice v. Drummond*, you defended the state’s abortion restrictions before the Oklahoma Supreme Court, arguing that “[t]here is no express abortion right in Oklahoma’s Constitution.”

a. Do you believe that a woman has a right to choose what happens to her body?

Response: It would not be appropriate as a judicial nominee to comment or opine on this issue, which is the topic of current political debate and litigation across the country.

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 9.a. Also, in the referenced case I defended the constitutionality of a longstanding Oklahoma abortion statute that contained—and still contains—an express exception to protect the life of the mother. See 21 Okla. Stat. § 861 (“unless the same is necessary to preserve her life”). I litigated this case, and others like it, as an attorney representing the State of Oklahoma’s sovereign interests.

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 9.a.

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

Response: As I co-wrote in an Oklahoma Attorney General Opinion in 2023 that has been provided to the Committee, “Oklahoma law does not allow the punishment of pregnant women attempting an abortion, self-induced or otherwise. . . . This in no way indicates that abortion is lawful, as longstanding Oklahoma law prohibits the performance of—or the aiding and abetting of—every abortion throughout pregnancy except as necessary to save a pregnant woman’s life.” *See also OCRJ v. Drummond*, 526 P.3d 1123 (Okla. 2023) (upholding 21 Okla. Stat. § 861).

10. You have represented Governor Stitt and other Oklahoma executive officials in litigation arising from a 2021 executive order barring transgender people from changing the gender marker on their birth certificates. In a letter to an Oklahoma state legislator in 2022, you noted that “to eliminate objective biology in favor of subjective identity as the basis for restroom usage threatens the privacy and safety of countless students.” You have also defended Oklahoma’s laws banning transgender students from using school restrooms consistent with their gender identity and prohibiting gender-affirming care for minors.

a. Do you believe the government should interfere with the private medical decisions between a child, their parents, and their physician?

Response: It would not be appropriate as a judicial nominee to comment or opine on this issue, which is the topic of current political debate and litigation across the country. If confirmed, I would follow all Tenth Circuit and U.S. Supreme Court precedent on point.

b. Do you think federal civil rights laws extend protections to LGBTQ+ individuals?

Response: The U.S. Supreme Court held in *Bostock v. Clayton County* that, under Title VII of the Civil Rights Act, an employer cannot “fire someone simply for being homosexual or transgender.” 590 U.S. 644, 651 (2020). The applicability of *Bostock* to other civil rights laws is a topic of current legal and political dispute, and it would be inappropriate for me as a judicial nominee to wade in. I would follow all Tenth Circuit and U.S. Supreme Court precedent on point.

c. How would you assure LGBTQ+ litigants who come before you in federal court that you will render unbiased judgments in their cases?

Response: If confirmed, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

11. In an article you co-authored in 2022, you addressed the Supreme Court’s case in *Students for Fair Admissions v. Harvard*. You wrote: “United States law has long rejected the notion that racism can be good or benign, and rightly so. The one unfortunate exception to this rule has been the Supreme Court’s approval of racial discrimination in education, which has allowed discrimination against Asian students, most prominently, to fester and grow. Hopefully,

the Court will soon close that loophole, and relegate racial discrimination in higher education to the dustbin of history.”

a. Do you believe that racial diversity is a compelling interest in university admissions decisions?

Response: In 2023, the U.S. Supreme Court held that diversity interests could not sustain Harvard’s race-based admissions approach. *Students for Fair Admissions, Inc. v. Harvard*, 600 U.S. 181, 214-18 (2023). A student, the Supreme Court held, “must be treated based on his or her experiences as an individual—not on the basis of race.” *Id.* at 231. I would follow that decision, like any other Tenth Circuit or Supreme Court decision. Beyond that, it would be inappropriate for me to comment about topics of public and legal dispute that could arise in court.

b. Do you believe that religious diversity is a compelling interest in university admissions decisions?

Response: As a judicial nominee, it would be inappropriate to comment about a topic of public and legal dispute that could arise in court.

c. Do you believe that people of different races offer different experiences and perspectives on life that may be considered by a university in admissions?

Response: The Supreme Court majority’s quote in the *Harvard* case, cited in Question 10.d below, speaks for itself. As a judicial nominee, it would be inappropriate for me to offer my personal beliefs on the subject beyond what I wrote in the 2022 article.

d. Do you disagree with Chief Justice Roberts when he wrote in the majority opinion that: “Nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.” Would it be permissible for students to discuss how race affected their life choices in admission essays? How may universities consider those discussions?

Response: The Supreme Court’s comments speak for themselves, and as a judicial nominee it would be inappropriate for me to critique or grade Supreme Court opinions. The additional questions are also inappropriate for me to answer, given that they could be raised in a court decision following the *Harvard* case.

e. Given these statements, how would you assure litigants from minority backgrounds who appear before you that you will fairly hear their cases?

Response: If confirmed as a federal judge, I would strive to the best of my abilities to apply the law correctly and in an unbiased manner to all litigants who appear before me.

12. In your notes for an October 2021 event, you wrote that Justice Sotomayor had “consistently voted to approve the extinction of religious liberty rights during the pandemic.”

a. What did you mean by this statement? How specifically has she voted to extinguish religious liberty rights during the pandemic? Would you follow her opinions in the majority even if you believed personally that they extinguished religious liberty rights?

Response: My questionnaire explained that “[w]here I have provided notes, the notes may differ considerably from the remarks as delivered.” I placed the comment in question here inside a parenthetical in my personal notes, making it less likely that I made the comment in my spoken remarks. In any event, the statement came after a sentence in which I quoted Justice Sotomayor favorably to support the point that an individual’s constitutional approach or position should not typically change based on the substance of the right involved.

The statement itself was simply an aside indicating that I found her persuasiveness in that case weakened by her then-recent votes on religious liberty issues. Five years later, I do not recall the pandemic-era cases to which I was referring. It seems likely, however, that I had in mind cases like *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020), and *Tandon v. Newsom*, 593 U.S. 61 (2021), where Justice Sotomayor dissented from decisions ruling in favor of religious litigants challenging pandemic restrictions.

As is required of an Article III district judge, if confirmed I would follow all Supreme Court precedent, regardless of author and regardless of my personal beliefs about the merits of those decisions.

b. Could you specify with which of Justice Sotomayor’s decisions you disagreed with?

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

c. Do you believe that religious liberty rights should outweigh public health concerns?

Response: As a judicial nominee, it would be inappropriate to opine on politically controversial issues that could come before a court. If confirmed, I would strive to follow all Tenth Circuit and Supreme Court precedents in this area, including *Roman Catholic Diocese of Brooklyn* and *Tandon*.

d. Are there certain religious groups you believe are currently oppressed in the United States? If so, which groups? And by whom?

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

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

Response: As I wrote in my notes provided to the Committee, “Faith is foundational to who I am, so it affects every aspect of my representation of the State in some way, shape, or form. That said, as with any job, there is a distinction between my faith and the job. At times, the job will require me to do or advocate for something I don’t necessarily agree with. And that’s okay – that’s part of being a lawyer.” It is also part of being a judge.

13. 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: President Biden was certified the winner of the 2020 election by Congress, having received the most Electoral College votes, and his general election opponent, Donald Trump, was not certified as the winner.

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

Response: President Trump was certified the winner of the 2024 election, having received the most Electoral College votes, and his general election opponent, Kamala Harris, was not certified as the winner.

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

Response: See my response to 13.a.

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

Response: In our constitutional system, we determine the winner of a presidential election through the Electoral College and Congress’s certification process. Thus, in 2020, Congress certified President Biden the winner because he received the most Electoral College votes. To the best of my knowledge and recollection, President Biden also received the most officially certified individual votes in the 2020 General Election, with all states taken into account, although again, that number is irrelevant to the outcome in our system.

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

Response: Please see my response to 13.a.

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

Response: Consistent with the position taken by Justice Ketanji Brown Jackson in response to a 2020 election question, along with other prior nominees, it would be inappropriate for me as a judicial nominee to publicly opine on a subject of political debate.

14. 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. As discussed in *Fischer v. United States*, crowd members “assault[ed] members of the U.S. Capitol Police.” 144 S. Ct. 2176, 2182 (2024). Violence against police officers and violence surrounding our electoral processes have no place in our country. I condemn these assaults unconditionally.

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 13.a. I also recall seeing videos of assaults on police officers from that day and reading news articles about the events.

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: Canon 3(A)(6) prohibits judges from commenting “on the merits of a matter pending or impending before any court,” and Canon 5 indicates that judges “should refrain from political activity.” And the broader characterization of the events of January 6, 2021, at the U.S. Capitol is a matter of ongoing political debate and litigation. Moreover, whether January 6 was an insurrection has been the subject of highly publicized litigation, *e.g.*, *Trump v. Anderson*, 601 U.S. 100 (2024), and it matters under Section 3 of the Fourteenth Amendment. Thus, in discussing these events as a judicial nominee, I prefer to use the language the U.S. Supreme Court has used in cases before it, recognizing the inexcusable assaults on police officers and a breach of the Capitol. I denounce that violence and breach unconditionally.

15. 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: I prepared for my hearing as I would for an oral argument, by considering how I might answer questions that have come up in other recent hearings. My answers are my own.

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: In preparing for my hearing and written responses, I was encouraged by the Office of Legal Policy to review the hearing testimony of numerous previous nominees from the past decade, including nominees from both the Biden and Trump Administrations. I do not recall having been directed to any testimony regarding the 2020 election or January 6 in particular, although that was part of some of the broader testimony I reviewed.