

**Nomination of Scott Palk to the
U.S. District Court for the Western District of Oklahoma
Questions for the Record
Submitted May 31, 2017**

QUESTIONS FROM SENATOR FEINSTEIN

1. In connection with your 2015 nomination to the Western District of Oklahoma, you submitted a Senate Judiciary Questionnaire that was signed on December 17, 2015. The Questionnaire's Question 11 requests a list of "Memberships" you hold or have held and the dates of membership or participation. On your 2015 Questionnaire, you listed the "National Rifle Association (approximately 2011-present).

With regard to your current nomination by President Trump to the same seat, you submitted another Senate Judiciary Questionnaire, this one signed on April 5, 2017. In response to the same Question 11 requesting a list of memberships, you again listed the National Rifle Association, but this time you included that you hold a "Life Membership," with the dates "approximately 2011-present."

- a. **At the time you submitted your first Questionnaire in December 2015, did you hold a Lifetime Membership with the National Rifle Association?**

Response: No.

- b. **If not, when did you become a Lifetime Member of the National Rifle Association?**

Response: March 10, 2017.

- c. **If you became a Lifetime Member of the National Rifle Association between your 2015 nomination and your current nomination in May 2017, what led you to change your membership with the organization?**

Response: The NRA offers a discounted rate for life membership, resulting in a savings over renewing annually. In addition, the one-time payment for life membership offers a convenience over maintaining the membership on an annual basis.

- d. **Will your Lifetime Membership continue if you are confirmed to the federal bench?**

Response: Yes.

- e. **Do you commit to recusing yourself from any cases that come before you that present legal issues upon which the National Rifle Association has taken a position? If not, why not?**

Response: If confirmed, I will make any determination about recusal on a case-by-case basis, after consulting 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

2. In 2015, President Obama nominated you to the Western District of Oklahoma. At the time, you participated in the American Bar Association's (ABA) evaluation of your nomination to this seat. For decades, the ABA has conducted independent, nonpartisan peer evaluations of federal judicial nominees' professional competence, integrity, and temperament. With regard to your 2015 nomination, the ABA's Standing Committee on the Federal Judiciary unanimously rated you "Qualified" for the Western District of Oklahoma.

This year, you were again nominated to the same seat by President Trump. A letter from the ABA to the Judiciary Committee on May 25, 2017, affirms their prior rating, but also indicates that you "did not respond to [the organization's] request for a personal interview" this year.

- a. **Did you respond to the ABA's request for an interview in connection with your current nomination? If not, why not?**

Response: I did not. I was advised by the Department of Justice that the White House had directed its nominees not to respond to outside, independent groups not affiliated with the White House, the Department of Justice, or the United States Senate.

- b. **Did you discuss your decision about whether to participate in an ABA interview this year with anyone at the White House or the Department of Justice? If so, with whom did you speak about your decision?**

Response: In response to the direction I received from the Department of Justice described in the response to Question 2(a), I emailed the Department to report that I had received an inquiry from the ABA, and confirm that my guidance was the same, in light of my prior interview with the ABA.

- c. **Did you base, in whole or in part, your decision on whether to interview this year with the ABA on any advice or information received from anyone in the current Administration?**

Response: Yes. My decision was based on the guidance I received from the Department of Justice.

- d. **Did anyone connected to the current Administration discourage you from participating in an ABA interview this year?**

Response: Please see the above responses to Questions 2(a) and (b).