

Responses of Paul William Grimm
Nominee to be United States District Judge for the District of Maryland
to the Written Questions of Senator Tom Coburn, M.D.

- 1. Some people refer to the Constitution as a “living” document that is constantly evolving as society interprets it. Do you agree with this perspective of constitutional interpretation?**

Response: No.

a. If not, please explain.

Response: The only way that the Constitution may be changed is through the amendment process, which is laid out by the document itself.

- 2. Justice William Brennan once said: “Our Constitution was not intended to preserve a preexisting society but to make a new one, to put in place new principles that the prior political community had not sufficiently recognized.” Do you agree with him that constitutional interpretation today must take into account this supposed transformative purpose of the Constitution?**

Response: No.

a. Please explain.

Response: If confirmed as a United States District Judge, my approach to constitutional interpretation would be to first apply binding Supreme Court and Fourth Circuit precedent. If there is no applicable Supreme Court or Fourth Circuit authority, I would consider the text of the Constitution itself. If this did not resolve the issue, I would look to decisions from other Circuit Courts and District Courts interpreting the constitutional provision for guidance.

- 3. In Federalist Paper 45, James Madison wrote: “The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State Governments are numerous and infinite.” Do you agree with Madison that the powers of the Congress are fundamentally limited?**

Response: Yes. The powers of Congress are explicitly enumerated in Article I of the Constitution. The Tenth Amendment states that all “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

- 4. In your view, is it ever proper for judges to rely on foreign or international laws or decisions in determining the meaning of the Constitution?**

Response: Because the United States Constitution is a uniquely American document, I do not believe that it is ever proper for judges to rely on foreign or international law in

interpreting the Constitution, unless expressly required to do so by controlling Supreme Court precedent, and only to the extent required by that precedent.

- a. If so, under what circumstances would you consider foreign law when interpreting the Constitution?**

Response: Please see my response to Question 4.