

Responses of Catherine Caldwell Eagles
Nominee to the U.S. District Court for the Middle District of North Carolina
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: I do not believe the Constitution is constantly evolving as society interprets it.

- 2. Since at least the 1930s, the Supreme Court has expansively interpreted Congress’ power under the Commerce Clause. Recently, however, in the cases of *United States v. Lopez*, 514 U.S. 549 (1995) and *United States v. Morrison*, 529 U.S. 598 (2000), the Supreme Court has imposed some limits on that power.**

- a. Do you believe *Lopez* and *Morrison* consistent with the Supreme Court’s earlier Commerce Clause decisions?**

Response: Yes.

- b. Why or why not?**

Response: In *Gonzales v. Raich*, 545 U.S. 1 (2005), the Supreme Court stated that its decisions in *Lopez* and *Morrison* are consistent with earlier Commerce Clause decisions.

- 3. In *Roper v. Simmons*, 543 U.S. 551 (2005), Justice Kennedy relied in part on the “evolving standards of decency” to hold that capital punishment for any murderer under age 18 was unconstitutional. I understand that the Supreme Court has ruled on this matter, but do you agree with Justice Kennedy’s analysis?**

Response: If confirmed, my views will not be part of the decision-making process and I would follow applicable Supreme Court and Fourth Circuit Court of Appeals precedent. The *Roper* decision is precedent that, if confirmed as a District Judge, I would be required to follow and would follow.

- a. How would you determine what the evolving standards of decency are?**

Response: I would follow precedents of the Supreme Court and Fourth Circuit Court of Appeals.

- b. Do you think that a judge could ever find that the “evolving standards of decency” dictated that the death penalty is unconstitutional in all cases?**

Response: I do not think that a District Judge could make such a finding.

c. What factors do you believe would be relevant to the judge's analysis?

Response: The analysis would be controlled by precedent from the Supreme Court and the Fourth Circuit Court of Appeals.

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

Response: I know of no circumstances under which it would be appropriate for a District Judge to rely on foreign or international law in determining the meaning of the Constitution.

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

Response: Not applicable.

b. Do you believe foreign nations have ideas and solutions to legal problems that could contribute to the proper interpretation of our laws?

Response: No.

c. Would you consider foreign law when interpreting the Eighth Amendment? Other amendments?

Response: No.