

**Questions for the Record**  
**Senator Ted Cruz**

**Carlos Mendoza,**  
**Nominee: U.S. District Judge for the Middle District of Florida**

**Describe how you would characterize your judicial philosophy, and identify which U.S. Supreme Court Justice's judicial philosophy from the Warren, Burger, or Rehnquist Courts is most analogous with yours.**

Response: As a trial court judge my judicial philosophy is guided by patience, impartiality and respect for the rule of law. If confirmed as a federal judge, I will continue applying those principles in maintaining the efficient and effective administration of the judicial process. I am unfamiliar as to the specific judicial philosophies of the Supreme Court justices from the Warren, Burger and Rehnquist Courts, in order to analogize their philosophies to my own.

**Do you believe originalism should be used to interpret the Constitution? If so, how and in what form (i.e., original intent, original public meaning, or some other form)?**

Response: Yes. The Supreme Court has looked to original public meaning to interpret the Constitution in cases such as *District of Columbia v. Heller*, 554 U.S. 570 (2008). If confirmed I will abide by the *Heller* decision and all decisions promulgated by the United States Supreme Court and the Eleventh Circuit Court of Appeals.

**If a decision is precedent today while you're going through the confirmation process, under what circumstance would you overrule that precedent as a judge?**

Response: If confirmed, I will not overrule binding precedent.

**Explain whether you agree that "State sovereign interests . . . are more properly protected by procedural safeguards inherent in the structure of the federal system than by judicially created limitations on federal power." *Garcia v. San Antonio Metro Transit Auth.*, 469 U.S. 528, 552 (1985).**

Response: A hallmark of our system of justice is the strict adherence to binding legal authority. If confirmed, I will not abandon my impartial role by injecting personal views into the decision making process. I will follow the *Garcia* decision and all decisions by the United States Supreme Court and the Eleventh Circuit Court of Appeals, regardless of whether I agree or disagree.

**Do you believe that Congress' Commerce Clause power, in conjunction with its Necessary and Proper Clause power, extends to non-economic activity?**

Response: The United States Supreme Court has been critical of Congress' authority under the Commerce Clause to regulate certain types of non-economic activity. In *United States v. Lopez*, 514 U.S. 549 (1995), for example, the Court defined three broad categories of activity Congress could lawfully regulate under the Commerce Clause and found the federal law at issue in that case to be unconstitutional in part because it regulated non-economic activity. If confirmed, I would strictly adhere to this and all binding precedent.

**What are the judicially enforceable limits on the President's ability to issue executive orders or executive actions?**

Response: The President's authority to act must come from the United States Constitution or from Congress. Disputes arising over the exercise of presidential executive authority are properly resolved by the judiciary consistent with Justice Jackson's concurring opinion in *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 579 (1952), which has subsequently been adopted by the Supreme Court in *Medellin v. Texas*, 552 U.S. 491, 524-25 (2008).

**When do you believe a right is "fundamental" for purposes of the substantive due process doctrine?**

Response: A right is fundamental through the prism of the substantive due process doctrine when the right is "objectively, deeply rooted in this Nation's history and tradition, . . . and implicit in the concept of ordered liberty, such that neither liberty nor justice would exist if they were sacrificed." *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997) (internal citations and quotations omitted). The Supreme Court further requires "a careful description of the asserted fundamental liberty interest" in substantive due process cases. *Id.* If confirmed, I will follow this and all binding legal authority.

**When should a classification be subjected to heightened scrutiny under the Equal Protection Clause?**

Response: The United States Supreme Court opined that legislative classifications based on race, alienage, national origin, gender or illegitimacy require a heightened scrutiny analysis under the Equal Protection Clause. "Similar oversight by the courts is due when state laws impinge on personal rights protected by the Constitution." *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1995). If confirmed, I will follow this and all binding legal authority.

**Do you "expect that [15] years from now, the use of racial preferences will no longer be necessary" in public higher education? *Grutter v. Bollinger*, 539 U.S. 306, 343 (2003).**

Response: The quote is a prediction by the Supreme Court that racial preferences "will no longer be necessary to further the interest approved today." *Grutter v. Bollinger*, 539 U.S. 306, 343 (2003). If confirmed, I will strictly follow precedent and set any personal beliefs and expectations aside.