

Responses of John E. Dowdell
Nominee to be United States District Judge for the Northern District of Oklahoma
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 Constitution changes only through the amendment process, as set forth in Article V of the Constitution. A court’s job is to interpret and apply the Constitution, not to add or amend the rights contained therein.

- 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: The principles of the Constitution remain the same, unless and until the Constitution is amended, as set forth in Article V of the Constitution. If confirmed as a district court judge, I would apply the binding constitutional interpretations set forth by the Supreme Court and United States Court of Appeals for the Tenth Circuit.

- 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.

- 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: No.

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

Response: I would not consider foreign law when interpreting the Constitution unless required to do so by binding Supreme Court precedent.