

Written Questions of Senator Jeff Flake
U.S. Senate Committee on the Judiciary
Claude John Kelly III
Judicial Nominations
May 18, 2016

1. **What is your approach to statutory interpretation? Under what circumstances, if any, should a judge look to legislative history in construing a statute?**

Response: I would always look to the text of the statute. If the text is unambiguous, I would base my decision on the statute's plain meaning. If there was any ambiguity, I would apply the canons of statutory construction, including looking to Supreme Court and Fifth Circuit case law. I would look to legislative history as appropriate, according to Supreme Court and Fifth Circuit guidance.

2. **What is the proper scope of the 10th Amendment to the Constitution? In what circumstances should a judge apply it?**

Response: The 10th Amendment is a very important limiting principle. All powers not delegated to the federal government are reserved for the states. I will faithfully adhere to the strictures of this amendment. The Supreme Court has offered guidance on when to apply the 10th Amendment. See *New York v. United States*, 505 U.S. 144 (1992) and *Printz v. United States*, 521 U.S. 898 (1997). I would apply this and all other precedent as directed by the Supreme Court.

3. **Does current standing doctrine foster or impede the ability of litigants to obtain relief in our legal system?**

Response: The standing doctrine stems from the case or controversy requirement of the judicial power of Article III of our Constitution. The Supreme Court has provided guidance in many cases including *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). I do not have an opinion about the standing doctrine fostering or impeding litigants. I would follow Supreme Court and Fifth Circuit precedent.