

**Senator Ted Cruz
Questions for the Record**

**Steven Paul Logan
Nominee: U.S. District Judge for the District of Arizona**

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: While applying binding precedent, a judge must always keep an open mind and carefully apply the law to the facts of the case. If confirmed as a United States District Judge, I will continue to meet the standards I have set during my judicial career by continuing to apply binding precedent of the United States Supreme Court and Ninth Circuit Court of Appeals. I have not compared or contrasted the judicial philosophy of any Supreme Court Justice to identify if I have a judicial philosophy analogous to a current or past Justice of the United States Supreme Court.

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: In several cases, such as *District of Columbia v. Heller*, 554 U.S. 570 (2008), the United States Supreme Court employed originalism to interpret the United States Constitution. If confirmed as a United States District Judge, I will continue to follow all applicable United States Supreme Court and Ninth Circuit Court of Appeals precedent.

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 I am confirmed as a United States District Judge and a decision is controlling precedent, I would not overrule that 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: I will continue to follow all United States Supreme Court precedent regardless of my personal views, including the binding precedent in *Garcia v. San Antonio Metro Transit Authority*, 469 U.S. 528, 552 (1985).

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 held that Congress has the authority to regulate the use of the channels of interstate commerce, the instrumentalities of interstate commerce, and activities that substantially affect interstate commerce. *United States v. Lopez*, 514 U.S. 549, 558-559 (1995); *United States v. Morrison*, 529 U.S. 598, 608-609 (2000). If confirmed as a United States District Judge, I will continue to follow all binding United States Supreme Court and Ninth Circuit Court of Appeals precedent.

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

Response: The United States Supreme Court in *Youngstown Sheet & Tube Company v. Sawyer*, 343 U.S. 579, 635-38 (1952), held that the President can take executive action or issue executive orders if the United States Constitution or the United States Congress grants the authority to do so. In a judicable case or controversy, a federal judge can enforce that limitation if the President exceeds such authority.

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

Response: The United States Supreme Court has held that only fundamental rights and liberties "which are 'deeply rooted in the Nation's history and tradition' and 'implicit in the concept of ordered liberty'" qualify for protection under the Due Process Clause. *Chavez v. Martinez*, 538 U.S. 760, 775 (2003) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720-721 (1997)). If confirmed as a United States District Judge, I will continue to follow binding United States Supreme Court and Ninth Circuit Court of Appeals precedent.

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

Response: Heightened scrutiny under the Equal Protection Clause is appropriate when a classification burdens a fundamental right or when it is based on categories such as race, national origin or gender. *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 440 (1985); *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307, 312 (1976). If confirmed as a United States District Judge, I will continue to follow binding United States Supreme Court and Ninth Circuit Court of Appeals precedent.

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: I do not possess any expectations regarding any form of preferences for public higher education. If confirmed as a United States District Judge, I will continue to follow binding United States Supreme Court and Ninth Circuit Court of Appeals precedent.