

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

Answers of Winfield D. Ong,
Nominee, U.S. District Judge for the Southern District of Indiana

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: First, I would look for controlling precedent from the Supreme Court and the Seventh Circuit Court of Appeals. Next, a judge should always look to the plain and ordinary meaning of the specific provisions of the statute applicable to the issue. If the plain meaning of the text is not clear, I would look to the statute in its entirety. I would also apply the canons and precedents regarding statutory interpretation. Only as a last resort, and consistent with binding Supreme Court and Seventh Circuit Court of Appeals precedent, would I look to legislative history to construe a statute.

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

Response: The Tenth Amendment to the Constitution reserves all powers not expressly delegated to the federal government in the Constitution to the states. Should I be confirmed I would follow all Supreme Court precedent in determining how the Tenth Amendment should be applied. *See, e.g., New York v. United States*, 505 U.S. 144 (1992).

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

Response: As a general matter, the standing doctrine is a threshold requirement a putative plaintiff must satisfy in order to maintain their suit in court. In that respect, it is an impediment—albeit an impediment critical to the fair and expeditious administration of justice—to obtaining relief.