

Questions for the Record
Senate Committee on the Judiciary
Senator Thom Tillis

Irma Carrillo Ramirez
Nominee, U.S. District Judge for the Northern District of Texas

- 1. Some individuals have argued that the United States Constitution is a “living document,” subject to different interpretations as society changes. Do you subscribe to this point of view?**

Response: As a U.S. Magistrate Judge for the past 14 years, I have been and continue to be bound to apply precedent from the Supreme Court and the Fifth Circuit Court of Appeals concerning the interpretation of the Constitution. The Constitution can only be changed through the amendment process pursuant to Article V.

- 2. What role, if any, should societal pressure or popular opinion play in interpreting statutes or the United States Constitution?**

Response: Judicial decisions should be guided by controlling precedent. As a U.S. Magistrate Judge, I have been and continue to be bound to apply precedent from the Supreme Court and the Fifth Circuit Court of Appeals concerning the interpretation of statutes or the Constitution.

- 3. Please define judicial activism. Is judicial activism ever appropriate?**

Response: Black’s Law Dictionary defines judicial activism as “a philosophy of judicial decision-making whereby judges allow their personal views about public policy, among other factors, to guide their decisions, usually with the suggestion that adherents of this philosophy tend to find constitutional violations and are willing to ignore governing texts and precedents.” Black’s Law Dictionary (10th ed. 2014). It is never appropriate.

- 4. When, if ever, is it appropriate for a federal court to rule that a statute is unconstitutional?**

Response: The Supreme Court has held that a statute should be held unconstitutional if Congress has exceeded its authority or enacted a law in violation of the Constitution. There is a presumption that a statute is constitutional, however, and a court should not determine the

constitutionality of a statute unless that determination is necessary for resolution of the case.

5. What is a fundamental right? From where are these rights derived?

Response: A fundamental right is a right which 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 [it was] sacrificed.’” *See Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997) (internal citations omitted). A fundamental right is derived from the United States Constitution and Supreme Court precedent.

6. Do you believe the First Amendment or any other provision of the United States Constitution protects private citizens and businesses from being required to perform services that violate their sincerely held religious beliefs?

Response: The Supreme Court has held that the government may not enact laws that suppress religious beliefs or practices. *See Church of the Lukumi Babalu Aye, Inc., v. City of Hialeah*, 508 U.S. 520, 523 (1993). Additionally, in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), the Supreme Court held that under the Religious Freedom Restoration Act, private citizens and businesses could not be substantially burdened in the exercise of their sincerely held religious beliefs.

7. What level of scrutiny is constitutionally required when a statute or regulation related to firearms is challenged under the Second Amendment of the United States Constitution?

Response: The Supreme Court has held that a heightened level of scrutiny is required when reviewing a challenge to a statute or regulation related to firearms under the Second Amendment. *See District of Columbia v. Heller*, 554 U.S. 570, 628 n. 27 (2008).

8. Do you believe it is constitutional for states to require voters to show photo identification before being eligible to cast their vote?

Response: The Supreme Court has held that it is constitutional for states to require photo identification in order for voters to be eligible to cast votes. *See Crawford v. Marion County Election Board*, 553 U.S. 181 (2008); *but see Veasey v. Abbott*, __ F.3d __, 2016 WL 3923868 (5th Cir. 2016) (finding that

the district court did not clearly err in finding that the state law's photo identification requirement had a discriminatory effect on voting rights).

- 9. One challenge you will face as a federal judge is managing a demanding caseload. If confirmed, how will you balance competing priorities of judicial efficiency and due process to all litigants involved in the cases on your docket? Will you give certain cases priority over others? If so, please describe the process you will use to make these decisions.**

Response: Application of the Speedy Trial Act will require prioritization of criminal cases in which it has not been waived, and requests for temporary restraining orders and preliminary injunctions may require prioritization over older civil matters in some instances. Otherwise, I will continue my efforts to efficiently and fairly manage my docket based on my federal judicial experience, active case management, effective and informed use of all available resources and personnel, and hard work.

- 10. Do you believe the death penalty is constitutional? Would you have a problem imposing the death penalty?**

Response: The Supreme Court has held that the death penalty is constitutional, and I would faithfully apply all controlling precedent.