

Questions for the Record
Senator Lee

Gregory N. Stivers,
Nominee, U.S. District Judge for the Western District of Kentucky

1. Mr. Stivers, how would you describe your approach to statutory interpretation?

a. To what sources would you look in deciding a case that turned on interpretation of a federal statute?

In interpreting a statute, I would first look to the text of the statute to see if its meaning was clear from the text alone or to see if there was binding U.S. Supreme Court or Sixth Circuit Court of Appeals precedent that had already interpreted the statute. If there was no binding precedent and if the statutory language was ambiguous I would look next to the canons of statutory interpretation to attempt to discern the statute's meaning.

b. Does a statute have a purpose beyond the purpose expressed in the enacted text of the legislation and if so, how would a judge be capable of adducing a statute's purpose?

Statutes are to be applied in accordance with their plain language, because the text of the statute is the best evidence of the statute's purpose. Other considerations, such as statutory intent, are to be resorted to only when the statutory language is ambiguous.

2. Mr. Stivers, what role do the text and original meaning of a constitutional provision play in interpreting the Constitution?

The U.S. Supreme Court has relied on the text and original meaning of Constitutional provisions in many cases. For instance, in *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court relied upon the Second Amendment's original public meaning. I would faithfully apply this and any other applicable precedent in interpreting the Constitution.

a. To what extent are broadly worded constitutional provisions, such as the Equal Protection Clause, limited to the applications potentially foreseeable by their Framers, as opposed to announcing enduring principles that must subsequently be applied to new unfolding circumstances?

If confirmed, I will follow the precedents established by the U.S. Supreme Court and the Sixth Circuit Court of Appeals in construing the scope of the Equal Protection Clause or other broadly worded constitutional provisions.