

**Senator Chuck Grassley
Questions for the Record**

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

- 1. As a judge, what will your approach to legislative history be? When will you consult it and which types of legislative history will you consider?**

Response: Adherence to precedent is what stabilizes our legal system. I would first start with the text of the statute. If the text is ambiguous, I would look to United States Supreme Court and Ninth Circuit Court of Appeals precedent to interpret the meaning of the text. If ambiguity remains, I would examine persuasive authority from other federal circuits that have addressed the issue and research statutory and legislative history. In this and all instances, if confirmed as a United States District Judge, I would continue to follow the precedent of the United States Supreme Court and the Ninth Circuit Court of Appeals.

- 2. What is the most important attribute of a judge, and do you possess it?**

Response: I believe integrity is the most important attribute of a judge. A judge with integrity makes decisions in a fair and impartial manner with full transparency to ensure the judicial process is carried out with faithful application of the law. I believe my experience as a United States Military Judge, United States Immigration Judge and United States Magistrate Judge demonstrates that I possess this attribute. If confirmed as a United States District Judge, I would continue to conduct all court proceedings with utmost integrity.

- 3. Please explain your view of the appropriate temperament of a judge. What elements of judicial temperament do you consider the most important, and do you meet that standard?**

Response: A judge must be patient and always conduct court proceedings in a dignified manner. It is very important to be respectful, patient and humble with all litigants, witnesses, and court staff. If confirmed as a United States District Judge, I will continue to meet the standards I have set during my judicial career.

- 4. In general, Supreme Court precedents are binding on all lower federal courts and Circuit Court precedents are binding on the district courts within the particular circuit. Please describe your commitment to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?**

Response: The rule of law in the United States is dependent upon judges showing respect and following United States Supreme Court and Circuit Court precedent. If confirmed as a United States District Judge, I would continue to follow the precedent set by the United States Supreme Court and the Ninth Circuit Court of Appeals.

- 5. At times, judges are faced with cases of first impression. If there were no controlling precedent that was dispositive on an issue with which you were presented, to what sources would you turn for persuasive authority? What principles will guide you, or what methods will you employ, in deciding cases of first impression?**

Response: I would review the plain language of the applicable statute and consider arguments raised by the parties. If the plain meaning of the statute is unclear, I would look to United States Supreme Court and Ninth Circuit Court of Appeals cases for analogous authority. I would examine the statutory history to resolve ambiguity by applying the established canons of statutory construction. Further, I would look for persuasive guidance in the decisions of other federal circuits.

- 6. What would you do if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your best judgment of the merits to decide the case?**

Response: Throughout my judicial career, I have followed controlling precedent. If confirmed as a United States District Judge, I would continue to apply the precedent of the United States Supreme Court and Ninth Circuit Court of Appeals, regardless of any personal views I may have.

- 7. Under what circumstances do you believe it appropriate for a federal court to declare a statute enacted by Congress unconstitutional?**

Response: A court should act only when presented by a justiciable case or controversy or if the statute violated a provision of the United States Constitution. Courts should not declare a statute unconstitutional unless it exceeds the authority of Congress.

- 8. In your view, is it ever proper for judges to rely on foreign law, or the views of the “world community”, in determining the meaning of the Constitution? Please explain.**

Response: A United States District Judge should only look to binding precedent when interpreting the Constitution. If confirmed as a United States District Judge, I would continue to apply the precedent of the United States Supreme Court and Ninth Circuit Court of Appeals.

- 9. What assurances or evidence can you give this Committee that, if confirmed, your decisions will remain grounded in precedent and the text of the law rather than any underlying political ideology or motivation?**

Response: The integrity of the United States legal system depends on lower court decisions supported by higher court precedent. If confirmed as a United States District Judge, I would continue to follow the precedent established by the United States Supreme Court and the Ninth Circuit Court of Appeals.

- 10. What assurances or evidence can you give the Committee and future litigants that you will put aside any personal views and be fair to all who appear before you, if confirmed?**

Response: During my 8 years as a United States Military Judge, United States Immigration Judge and United States Magistrate Judge, I have demonstrated my commitment to treat each person who appears before me fairly and with respect. If confirmed as a United States District Judge, I will continue to treat all litigants fairly and respectfully, and issue decisions grounded in precedent established by the United States Supreme Court and Ninth Circuit Court of Appeals.

- 11. If confirmed, how do you intend to manage your caseload?**

Response: As a United States Magistrate Judge, I am familiar with the caseloads for the District Judges in the District of Arizona. I have extensive experience managing a heavy docket. If confirmed as a United States District Judge, I would set strict deadlines for discovery and the filing of pretrial motions. I would make myself available for any disputes that might arise during the discovery phase. I would set firm dates for motion hearings and trials. I would ensure that the Speedy Trial Act is properly adhered to. I would also take advantage of all the current tools available in the District of Arizona to manage case progress. I would refer appropriate matters to our United States Magistrate Judges. I would also consult with District Judges to adopt new case management practices to address a more complex caseload maintained by United States District Judges in the District of Arizona.

- 12. Do you believe that judges have a role in controlling the pace and conduct of litigation and, if confirmed, what specific steps would you take to control your docket?**

Response: I believe that judges have a role in controlling the pace and conduct of litigation. If confirmed as a United States District Judge, I would utilize the case management tools that would be available to me in the District of Arizona as well as implement the tools I described in my response to Question 11.

- 13. As a judge, you have experience deciding cases and writing opinions. Please describe how you reach a decision in cases that come before you and to what sources of information you look for guidance.**

Response: I review the case record and conduct the necessary research that is required to apply the controlling law to the facts at issue in the case. I consult the applicable federal statutes, as well as United States Supreme Court and Ninth Circuit Court of Appeals binding precedent. If confirmed, I will continue to ensure that all of my decisions are well thought out and consistent with binding precedent.

- 14. According to the website of American Association for Justice (AAJ), it has established a Judicial Task Force, with the stated goals including the following: "To increase the number of pro-civil justice federal judges, increase the level of professional diversity**

of federal judicial nominees, identify nominees that may have an anti-civil justice bias, increase the number of trial lawyers serving on individual Senator’s judicial selection committees”.

- a. Have you had any contact with the AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ regarding your nomination? If yes, please detail what individuals you had contact with, the dates of the contacts, and the subject matter of the communications.**

Response: No.

- b. Are you aware of any endorsements or promised endorsements by AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ made to the White House or the Department of Justice regarding your nomination? If yes, please detail what individuals or groups made the endorsements, when the endorsements were made, and to whom the endorsements were made.**

Response: No.

- 15. Please describe with particularity the process by which these questions were answered.**

Response: I read each question carefully and I prepared my responses to the questions. After I completed all of my responses, I forwarded my responses to the Department of Justice so that my responses would be submitted to the Senate Judiciary Committee.

- 16. Do these answers reflect your true and personal views?**

Response: Yes.

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 judiciable 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.