

**Questions for the Record for Stephen Patrick McGlynn
From Senator Mazie K. Hirono**

1. Prior nominees before the Committee have spoken about the importance of training to help judges identify their implicit biases.

a. Do you agree that training on implicit bias is important for judges to have?

Yes.

b. Have you ever taken such training?

Yes.

c. If confirmed, do you commit to taking training on implicit bias?

Yes.

2. In 2004, you chaired the committee that developed the Illinois Republican Party Platform. The platform read in part, “The paramount right of an individual is the right to life. From the first beat of a heart to the last breath drawn, we recognize each individual’s dignity and worth. Government is obligated by law and by deed, to protect and defend each individual’s right to life, not only from government action, but also against a threat from another.”

Given this clear language against the right of women to have reproductive choices and your record of anti-choice stances, what assurances can you give this committee that as a federal judge you would uphold *Roe v. Wade*?

The Republican Party Platform of 2004 was the product of a Committee and was not intended to reflect my personal beliefs or opinions. Rather, it was the Committee’s collective decision that the Platform reflected the positions of the Illinois Republican Party in 2004.

I will fully and faithfully apply *Roe v. Wade*, as well as all other precedent of the Supreme Court and of the Seventh Circuit. I have done so for over a decade of service on the bench, serving as both an Appellate Justice and as a Circuit Judge. I have a solid record in following the law and controlling authority, as reflected by high ratings by the American Bar Association, the Illinois State Bar Association based on examination of my record for any evidence of bias, prejudice or hostility to the reproductive rights of women.

3. In 2012, you were talking about the overreach of Obamacare and how it was “bad law.” You further stated, “When a mayor can say ‘you people cannot have a soda more than 16 ounces,’ when a city says ‘you can’t sell chicken sandwiches because we don’t like your owner’s politics,’ or a senator that gets a bill governing purchasing of ammunition over the internet and he turns it into an assault weapon ban. . . . We are over litigated and we are over regulated, and the courts have to do something about that.”

You have talked about being an activist judge when it comes to fighting corruption and abuses in the system. In your view, would the Affordable Care Act, which you called a “bad law,” be something the courts “have to do something about”? If so, what do you think the courts need to do?

I will faithfully and fully follow the law as set out in the ACA and will fully and faithfully follow the controlling precedents of the Supreme Court and the Seventh Circuit with respect to the ACA.

4. Following Justice Scalia’s death, you were discussing the resulting Supreme Court vacancy and said, confirming a nominee in an election year would “result in more political upheaval than less,” and “it would not be in the country’s best interest” since that nominee would not have the “imprimatur” of the people.

If a vacancy were to occur on the Supreme Court this year, would you still believe that confirming a nominee this year would not be in the country’s best interest? If not, why not?

It is for the Senate to determine how it wishes to proceed on any nomination to fill a vacancy that may occur on the Supreme Court between now and the November election.

5. You have stated in that you agree with Justice Scalia’s dissent in *Obergefell v. Hodges* – the decision that recognized the legalization of same-sex marriage. You stated, “that’s not democracy.”

- a. **Given your statements and belief that it’s undemocratic and taking power away from the people, would you look at this ruling’s impact on the community as a way to undermine *Obergefell*?**

Thank-you for giving me the opportunity to address some misunderstanding about my comments during that interview in question. I was asked to discuss Justice Scalia and his legacy 10 days after his death. I remained neutral with respect to *Obergefell* and was merely explaining Justice Scalia’s dissent and his belief that the majority had overstepped its role as judges and became policy makers, which in his opinion, was undemocratic because policy was to be made by the elected representatives of the people and not unelected, unaccountable judges.

I will fully and faithfully apply *Obergefell* and all Supreme Court and Seventh Circuit precedent.

- b. **In your view, how is *Obergefell* undemocratic?**

I don’t believe I have expressed that view. Please see my answer to 5(b).