

**Senator Grassley
Questions for the Record**

**Edward Lesley Stanton III
Nominee, U.S. District Judge for the Western District of Tennessee**

- 1. As United States Attorney, you have discussed the need to show love and compassion to young men who are troubled in the community. If confirmed, how would you do this as a judge?**

Response: First and foremost, if confirmed, I will always apply and adhere to the rule of law and the binding precedent of the Supreme Court and the Sixth Circuit in any matter that should come before me as a judge. If confirmed, and there is no conflict with my duties and oath as a judge or the Code of Conduct for United States Judges, I hope to continue to speak to youth groups when called upon to encourage them to make the right decisions in life. The full context of the comments I made on this topic is from general remarks where I have stated that society should not give up on the young people in our community. I also said that we should use our best efforts to give back to our next generation by volunteering and mentoring youths when possible – with the ultimate goal of intervening and steering them on the right path before they engage in unlawful conduct. In these remarks, I often refer to the support, love and compassion that many of my teachers, neighbors and family members provided me as a youth.

- 2. When you were campaigning, you made public statements about social security, health care, and the minimum wage. Can you foresee any situations where you would need to recuse yourself from presiding over a case, if the case involved one of these matters? If so, describe what matters you would recuse yourself from. If not, please explain why.**

Response: I presently do not foresee a situation where I would need to recuse myself from presiding over cases involving social security, health care or the minimum wage. Regardless of my past opinions and beliefs on any issue, if confirmed, I will always apply and adhere to the rule of law and the binding precedent of the Supreme Court and the Sixth Circuit in any matter that should come before me as a judge. In the event a question arises of whether I could be fair and impartial in any case, or involves an actual or potential conflict of interest, I would handle it by careful and diligent application of the Code of Conduct for United States Judges, as well as any other relevant canons and statutory provisions, including rescuing myself when appropriate to avoid the appearance of impropriety.

- 3. As United States Attorney, have you ever sought the death penalty for a defendant? If not, and you are confirmed, would you have any problems imposing the death penalty, if the law called for it?**

Response: Yes, my office sought the death penalty in the matter of *United States of America v. Chastain Montgomery, Sr.*, United States District Court, Western District of Tennessee, case number: 2:11-CR-20044.

- 4. You have been a proponent of the “Smart on Crime” initiative and have spoken about the need to reform sentencing laws and policies. How will your support for this initiative influence your decision making process as a judge, if at all?**

Response: If confirmed, the “Smart on Crime” initiative will have no influence or impact on my decision making process as a judge. If confirmed, I will be faithfully committed to adhering to the rule of law and binding precedents of the Supreme Court and the Sixth Circuit.

- 5. You described the Smart on Crime mandate from the Department of Justice as something that protects kids from a potentially racially biased system. How is the system potentially racially biased and what would you do as a judge to combat that?**

Response: I do not recall ever describing the Smart on Crime initiative as something that protects kids from a potentially racially biased system. I do recall making the following statement when asked by a news reporter in October 2014 about alleged racial biases in the detention of juveniles in the Shelby County, Tennessee Juvenile Court system: “[w]e want to be vigilant in holding individuals accountable, but the Constitution prevails and safeguards must be in place before doing those things.”

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

Response: The most important attribute of a judge is to have the ability to fairly and impartially apply and adhere to the rule of law and controlling precedent. I believe that I possess this attribute and, if confirmed, I will always uphold the oath of serving in a fair and impartial manner.

- 7. 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: I believe that a judge should always be well-prepared, patient, and even-tempered. A judge should also be respectful, courteous and treat every individual who comes before the court with dignity and respect. If I am fortunate enough to be confirmed, I am confident that I would meet this standard of judicial temperament.

- 8. 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: If confirmed, I will be faithfully committed to adhering to the rule of law, including binding precedents of the Supreme Court and the Sixth Circuit. I will be committed to doing so regardless of whether I personally agree or disagree with these precedents.

- 9. 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: If confirmed and presented with a case of first impression, I would first look to the plain and ordinary language of the statute, regulation, or rule at issue. If the language were clear, I would apply the plain meaning of the text. If the language were ambiguous, I would look to analogous provisions of law and to applicable rules of construction. I would also look to analogous Supreme Court and Sixth Circuit cases for persuasive authority when applicable.

- 10. 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: I would always apply the applicable rule of law and binding precedent of the Supreme Court and Sixth Circuit without reservation. Neither my personal opinions nor philosophies would ever play any role in my decisions.

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

Response: Congressional statutes are presumed to be constitutional. An Act of Congress should only be declared unconstitutional in the rare and limited circumstance where it is clear that a statute is contrary to the Constitution or when Congress has exceeded its constitutional authority with legislation.

- 12. 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: No. In my view, it is only proper for a judge to adhere to the rule of law and binding precedent of the Supreme Court and Sixth Circuit to determine the meaning of the Constitution of the United States of America.

- 13. 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: If confirmed, my decisions will be grounded in precedent and the text of the law rather than any underlying political ideology or motivation. In addition, I believe that my record as a practicing attorney and United States Attorney reflects my unequivocal respect for, and adherence to, the rule of law.

14. 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: If confirmed, I assure the Committee and future litigants who will appear before me that I will strictly adhere to and honor my oath to act with fairness, impartiality and integrity in all matters. I will always apply the rule of law even-handedly without regard to any personal views.

15. If confirmed, how do you intend to manage your caseload?

Response: If confirmed, I intend to manage my caseload in an effective and efficient manner by utilizing scheduling orders, status conferences and timely adjudicating motions. I will also hold litigants accountable to scheduling deadlines and work closely with the district's magistrate court judges for proactive case management.

16. 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: Yes, I believe judges play a large role in controlling the pace and conduct of litigation. If confirmed, I will utilize the methods described in my previous answer to effectively move cases towards final disposition in an efficient manner.

17. If confirmed, you will be charged with deciding cases and writing opinions. Please describe how you will reach a decision in cases that come before you and to what sources of information you will look for guidance.

Response: If confirmed, I would reach decisions in cases that come before me by carefully reviewing the facts and evidence presented in each case, and applying the rule of law and binding precedent of the Supreme Court and Sixth Circuit in reaching a decision.

18. President Obama said that deciding the “truly difficult” cases requires applying “one’s deepest values, one’s core concerns, one’s broader perspectives on how the world works, and the depth and breadth of one’s empathy . . . the critical ingredient is supplied by what is in the judge’s heart.” Do you agree with this statement?

Response: I am not familiar with this statement by President Obama or the context in which it was made. A judge must faithfully apply the rule of law and binding precedent

to the facts and evidence presented in every case regardless of his or her personal views or philosophies and, if confirmed, that is what I intend to do.

19. Please describe with particularity the process by which these questions were answered.

Response: I received these questions from the Department of Justice, Office of Legal Policy (OLP) on October 7, 2015. I reviewed the questions, and drafted my responses. I finalized my responses after speaking with an OLP official and authorized their submission to the Senate Judiciary Committee on my behalf.

20. Do these answers reflect your true and personal views?

Response: Yes.

Senator Jeff Flake
Questions for the Record

Edward Lesley Stanton III
Nominee, U.S. District Judge for the Western District of Tennessee

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: If confirmed and presented with a case of first impression, I would first look to the plain and ordinary language of the statute, regulation, or rule at issue. If the language were clear, I would apply the plain meaning of the text. If the language were ambiguous, I would look to analogous provisions of law and to applicable rules of construction. I would also look to analogous Supreme Court and Sixth Circuit cases for persuasive authority when applicable. When the text of a statute still remains ambiguous, I believe only then it may be appropriate to consider looking to the legislative history of 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 10th Amendment states, “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” There has been longstanding Supreme Court precedent that identifies state powers protected by the 10th Amendment. *See, e.g., New York v. United States*, 505 U.S. 144, 155 (1992). If confirmed, I will faithfully adhere to Supreme Court and Sixth Circuit precedent concerning the proper scope of the 10th Amendment to the Constitution.

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

Response: To establish Article III standing, an injury must be "concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling." *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 150 (2010). I do not have an opinion as to whether the current standing doctrine fosters or impedes the ability of litigants to obtain relief in our legal system. If confirmed, I will faithfully adhere to Supreme Court and Sixth Circuit precedent concerning standing.