



2006 Family Action Council of Tennessee Voters' Guide Questionnaire for Judicial Candidates

1. Which of the following former U.S. presidents best represents your political philosophy?

Jimmy Carter / Bill Clinton / George Bush (former) / Ronald Reagan / Gerald Ford

2. Which of the following current or former Justices of the United States Supreme Court most reflects your judicial philosophy?

Stevens / Ginsburg / O'Connor / Rehnquist / Scalia

3. "Strict constructionism" is a view that a constitution's provisions should be construed according to the plain and ordinary meaning accorded the words found therein at the time of the provisions' adoption or ratification. There is an opposite view, a "living constitution approach," that holds that constitutional provisions should be construed according to what the words mean today or should be interpreted according to currently held values and opinions. On a scale of 1 to 10, 1 being the strict constructionist approach and 10 being the living constitution approach, where does your view of constitutional interpretation lie?

1 2 3 4 5 6 7 8 9 10

4. PROTECTED CLASSES. I do not believe that a person's sexual behavior, desire, orientation or preference is the same as race or sex under the Tennessee Constitution.

Agree Disagree Undecided Decline* Refuse to Respond

5. STATE CONSTITUTIONAL RIGHT TO SAME-SEX MARRIAGE. I do not believe that any provision in the current Tennessee Constitution mandates the recognition of same-sex marriage.

Agree Disagree Undecided Decline* Refuse to Respond

6. FEDERAL CONSTITUTIONAL RIGHT TO ABORTION. In its 1973 ruling in *Roe v. Wade*, 410 U.S. 113 (1973), the U.S. Supreme Court found a "right to abortion" under the U.S. Constitution that invalidated the abortion statutes of all 50 states. I believe that *Roe v. Wade* was incorrectly decided.

Agree Disagree Undecided Decline* Refuse to Respond

7. STATE CONSTITUTIONAL RIGHT TO ABORTION. In its 2000 opinion in *Planned Parenthood of Middle Tennessee v. Sundquist*, 38 S.W.3d 1, 2 (Tenn. 2000), the Tennessee Supreme Court held that "a woman's right to terminate her pregnancy is a vital part of the right to privacy guaranteed by the Tennessee Constitution" and is a "fundamental" right. I believe that *Planned Parenthood of Middle Tennessee v. Sundquist* incorrectly found a right to abortion grounded in the Tennessee Constitution's right to privacy.

Agree Disagree Undecided Decline* Refuse to Respond



Questionnaire, continued

8. STATE RIGHTS RELATED TO ABORTION. In several decisions, the U.S. Supreme Court has upheld under the U.S. Constitution the decisions of federal, state, and local governments to prohibit the use of public funds or facilities for abortion when the mother's life was not at stake. However, several *state* courts have held under *state* constitutions that public funds and facilities must be made available to fund and facilitate abortion when a physician deems abortion "necessary" for any reason. State supreme courts in New Jersey and Alaska have held that under state law abortion must be provided in even private non-religious facilities that serve the public at large or when abortion would otherwise be unavailable in a locale.

A. I do not believe that there is any provision in the current Tennessee Constitution that is intended to require the use of public funds for abortion.

Agree

Disagree

Undecided

Decline*

Refuse to Respond

B. I do not believe that there is any provision in the current Tennessee Constitution that is intended to require that public or private health care facilities provide or permit abortions on their premises.

Agree

Disagree

Undecided

Decline*

Refuse to Respond

9. STATE PROHIBITION OF THE DEATH PENALTY. I do not believe that the Tennessee Constitution prohibits imposition of the death penalty.

Agree

Disagree

Undecided

Decline*

Refuse to Respond

10. EVOLUTION AND ALTERNATIVE THEORIES. In recent years there has been much debate over teaching of certain theories of evolution that are based on the premise that nature is all there ever was and has developed over time by means of random, unguided changes. Others believe that there is an "intelligence" or "creator" from which came the origins of nature. I believe that the Tennessee Constitution permits the teaching of both theories of the origins of nature in the state's public schools.

Agree

Disagree

Undecided

Decline*

Refuse to Respond

11. I believe that human life begins at conception.

Agree

Disagree

Undecided

Decline*

Refuse to Respond

* This response indicates that I believe that I am prohibited from answering this question by Canon 7(B)(1)(c) of the Pennsylvania Canons of Judicial Conduct, which states that judicial candidates may not "make pledges or promises of conduct in office" or "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court," and that I will have to disqualify myself as a judge in any proceeding concerning this matter on account of Canon 3(C)(1) because my "impartiality might reasonably be questioned" if I answered this question.