

2006 North Carolina Voter Guide

Questionnaire for State Judicial Candidates



Candidate Information

(Please Print or Type)

Candidate Name PAUL G. GESSNER Party Affiliation N/A
(optional)
Office Sought SUPERIOR COURT JUDGE District/Seat 10-C
Campaign Address PO BOX 307 City RALEIGH State NC Zip 27602
Campaign Phone/Fax 919 219 1686 Campaign Website www.judgegessner.org
Candidate Signature Paul Gessner Date 8/23/2006
(required)

Candidate Questionnaire

Please indicate your position on the following questions by placing a mark in the appropriate space.
You may provide additional comments and explanations for your responses on a separate sheet of paper.
(Failure to answer will result in a listing of "No Response" in the 2006 Voter Guide.)

- Which of the current justices of the United States Supreme Court most closely reflects your judicial philosophy?
 Alito Breyer Ginsburg Kennedy X Roberts Scalia Souter Stevens Thomas
- On a scale of 1—10, please rate your constitutional judicial philosophy, with a "living document" approach being a "1" and a "strict constitutionalist" or "originalist" approach being a "10."
 1 2 3 4 5 6 X 7 8 9 10
- Do you believe that a judge has the right to display the Ten Commandments in his or her courtroom?
 X Yes No Undecided
- In *Lawrence v. Texas*, 539 U.S. 558 (2003), the United States Supreme Court recognized a right to homosexual sexual relations under the United States Constitution. Do you agree with the *Lawrence* decision, which recognizes a constitutional right to homosexual sexual relationships?
 Yes No Undecided See attached letter
- In *Roe v. Wade*, 410 U.S. 113 (1973), the United States Supreme Court recognized a right to abortion under the United States Constitution. Do you agree with the *Roe* decision, which recognizes a constitutional right to abortion?
 Yes No Undecided See attached letter

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6. In *Lofton v. Secretary of the Department of Children and Family Services*, 358 F.3d 804 (11th Cir. 2004), the United States Court of Appeals for the Eleventh Circuit upheld the State of Florida's position that individuals who "engage in current, voluntary homosexual activity" do not have the right to adopt children under the United States Constitution. Do you agree with the *Lofton* decision, which recognizes that individuals engaged in current, voluntary homosexual activity do not have a constitutional right to adopt children?

Yes No Undecided

See Attached letter

7. In *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000), the United States Supreme Court ruled that a student-initiated, student-led invocation over the loudspeakers before a public high school football game was unconstitutional. Do you agree with the *Santa Fe Independent School District v. Doe* decision, which recognizes that student-initiated, student-led invocations prior to a public high school football game violate the United States Constitution?

Yes No Undecided

See Attached letter

8. In *Kelo v. City of New London*, 126 S. Ct. 2655 (2005), the United States Supreme Court ruled that a governmental entity's use of eminent domain powers to take private property for economic development purposes did not violate the Fifth Amendment to the United States Constitution. Do you agree with the *Kelo* decision, which recognizes that governmental entities can constitutionally take private property for economic development purposes?

Yes No Undecided

See Attached letter

Candidate Signature
(required)

Paul Sherman

Date

8/23/2006

Paul Gerard Gessner

August 23, 2006

Mr. William J. Brooks, Jr., President
North Carolina Family Policy Council
Post Office Box 20607
Raleigh, NC 27619

Dear Mr. Brooks,

Thank you for the opportunity to submit information regarding my candidacy for election to Superior Court seat 10-C. I appreciate the efforts you and the members of your organization have taken in educating the citizens about judicial elections.

Last year we had the opportunity to observe the United States Senate confirmation hearings for Chief Justice John Roberts and Associate Justice Samuel Alito. During Justice Robert's hearings he reiterated on numerous occasions the impropriety of a sitting judge commenting on issues that may come before him. As a member of the United States Supreme Court Bar, and a sitting trial judge, I feel that I must follow the Chief Justice's example and decline to answer some of the questions in your questionnaire. Further, I believe that this position is in accordance with the Canons and Code of Judicial Conduct, to which I am bound. For the past ten years I have served as a District Court Judge, and have established a record of fairness and impartiality. Oftentimes I have been called upon to make decisions which are contrary to my personal views, yet required under the law. These are difficult decisions to make, but ones which I swore to uphold in my oath of office.

On my website, www.judgegessner.org, you will find more information concerning my judicial philosophy and biographical information that may better assist in your endeavors to provide information to the public. In particular, my wife and I are both practicing Catholics and are active parishioners at St. Francis of Assisi Catholic Church. This spring we were blessed with a beautiful, healthy son and together we look forward to raising him in a loving Christian home. If I can be of further assistance please feel free to contact me directly or through my website.

Sincerely,



Paul Gessner

Enclosure