


# 2006 North Carolina Voter Guide

## Questionnaire for State Judicial Candidates



### Candidate Information

(Please Print or Type)

Candidate Name MARK E KLAS Party Affiliation \_\_\_\_\_ (optional)  
Office Sought Superior Court Judge District/Seat 22nd Judicial District  
Campaign Address P.O. Box 1343 City Lexington State NC Zip 27292  
Campaign Phone/Fax 336-250-4040 / N/A Campaign Website N/A  
Candidate Signature  Date 8-19-06  
(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  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  7  8  9  10
- Do you believe that a judge has the right to display the Ten Commandments in his or her courtroom?  
 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 enclosed Exhibit A
- 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 enclosed Exhibit B

(OVER)

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6. In *Lofton v. Secretary of the Department of Children and Family Services*, 358 F.3d 804 (11<sup>th</sup> 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

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

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 enclosed Exhibit C

Candidate Signature  
(required)

A large, stylized handwritten signature in black ink, written over a horizontal line.

Date

8-14-06

North Carolina Family Policy Council  
2006 North Carolina Voter Guide  
Questionnaire for State Judicial Candidates

MARK E. KLASS

Exhibit A  
Regarding Question 4

As a Superior Court Judge, it is my job to follow law set by the Legislature and the Supreme Court of the United States as well as law set by the Legislature and the Supreme Court of the State of North Carolina. Whether or not I agree or disagree with any of the laws, it is not fair to the people of the State to let my personal opinion govern my decision. This results in costing the taxpayers a great expense in retrying cases if my decision is reversed.

Exhibit B  
Regarding Question 5

As in Exhibit A, I do not feel my personal opinion as to the right of abortion, under the United State Constitution in the case of *Rose v. Wade*, has any relevance on my decision since I am bound to follow the law. The Superior Court of North Carolina has no bearing on the subject of abortion whatsoever. These are not matters that come before us, and it is not something we are concerned with. Superior Court Judges are sworn to uphold the laws of North Carolina not inconsistent with the laws of the Constitution of the United States of America.

Exhibit C  
Regarding Question 8

I feel the Superior Court cannot change the decisions made by the Supreme Court of the United States. Whether or not I agree or disagree has no bearing on my decisions. I am sworn to uphold the laws of the North Carolina not inconsistent with the law of the Constitution of the United States. Because of this, it is incumbent on a judge to follow the law until which time the people, by way of electing legislators, change the law.



*State of North Carolina  
General Court of Justice  
Superior Court District 22*

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August 16, 2006

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

Dear Mr. Brooks,

Enclosed please find my completed Questionnaire for State Judicial Candidates. Also please see enclosed for additional comments regarding three questions.

Thank you,



Mark E. Klass  
Senior Resident Judge, Superior Courts of North Carolina

MEK/jb

Enclosures