

2006 North Carolina Voter Guide

Questionnaire for State Judicial Candidates



Candidate Information

(Please Print or Type)

Candidate Name RUSTY DUKE Party Affiliation REPUBLICAN
(optional)
Office Sought CHIEF JUSTICE, NC Sup Ct. District/Seat STATE
Campaign Address 425 W. Longmeadow Rd City Greenville State NC Zip 27858
Campaign Phone/Fax (252) 717-9903 / 252-758-1841 Campaign Website www.rustyduke.com
Candidate Signature Rusty Duke Date 8-3-06
(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
- 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

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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

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

Candidate Signature
(required)

A handwritten signature in black ink, appearing to read "R. R. Johnson, Jr.", written over a horizontal line.

Date

8-3-06

Additional Comments to be added to the North Carolina Family Policy Council Questionnaire:

This, I believe:

First, I believe, that as Human Beings created in the image of God, our Creator has given us certain unalienable rights, among these are Life, Liberty and the pursuit of Happiness.

Second, I believe in the Rule of Law. Governments are instituted among us to protect our natural rights. We live under a government of laws and not of men. Judges have only the authority to interpret the law, not make law.

Third, I believe that all Human Beings, from the moment of Conception to Natural Death, are entitled to the Protection of the Law.

Fourth, I believe in the Sanctity of Marriage, an institution established by our Creator and recognized by the Law for centuries as the Foundation of Civil Society for the nurturing and rearing of Children.

And Fifth, I believe that the Right to Property derives from the Natural Right to Life and Liberty. Life and Liberty are mainly jeopardized through the violation of Property Rights — government's demands on the Citizens bear most immediately and visibly on their Property, whether through direct Taxation, Confiscation of Property, or Regulation of the Use of Property.

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