

2006 North Carolina Voter Guide

Questionnaire for State Judicial Candidates



Candidate Information

(Please Print or Type)

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(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
See attached.
- 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."
See attached answer to number 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 See attached answer to number 3.
- 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 answer to number 4.
- 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 answer to number 5.

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2006 North Carolina Voter Guide

Questionnaire for State Judicial Candidates — Page 2



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 answer to number 4.

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 answer to number 7.

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 answer to number 8.

Candidate Signature
(required)

Bachel Lee Hunter

Date 8/15/06

1. Which of the current justice of the United States Supreme Court most closely reflects your judicial philosophy?

See attached.

In truth, none of the current justices on the US Supreme Court accurately reflect my judicial philosophy. Judicial scholarship departed long ago. And there have been a plethora of decisions which may have been correct at the time but are no longer viewed as such. Examples are *Dred Scott* (slaves are deemed to be property), *Plessy v. Ferguson* (separate but equal), *Korematsu v. United States* (internment of Japanese during World War II) and the recent decision in *Kelo v. City of New London*, to name a few. These decisions have shown that the US Supreme Court is made up of humans who are not infallible. Therefore, I do not seek to emulate any of these individuals.

Regarding my judicial philosophy, I have expressed this repeatedly at my website at www.rachelforjustice.com. Please review my website to see what I have written in greater detail. In short, words should be given their plain meaning and judges are not free to impose their own agendas or whims on the law. Judges are not legislators. I am opposed to judicial activism whether it comes from the right or the left and I respect the separation of powers.

2. 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".

See answer to number 1.

3. Do you believe that a judge has the right to display the Ten Commandments in his or her courtroom?

By displaying the Ten Commandments, a judge is declaring him or herself to be a judicial activist.

4. In *Lawrence v. Texas*, 539 U.S. 558 (2003), the United States Supreme Court recognized a right to homosexual relations under the United States Constitution. Do you agree with the Lawrence decision, which recognizes a right to homosexual relationships?

All people have the same rights regardless of whether they are homosexual or heterosexual. I would fairly enforce the law as providing for equal rights.

5. 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?

I have set forth my position on my website. Please review my website at www.rachelforjustice.com to see what I have written in greater detail. The state supreme court has no authority to overturn *Roe v. Wade*. As long as *Roe* remains the law it must be enforced,

regardless of my personal thoughts on the decision. If it is overturned, this is a matter for the states to decide whether abortion should be allowed. I am a Catholic, however.

6.. In *Lofton v. Dept. of Children & Family Service*, 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?

See answer to number 4.

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?

The state supreme court has no authority to overturn this case. As long as *Santa Fe* remains the law it must be enforced, regardless of my personal thoughts on the decision.

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?

Kelo is almost universally criticized by everyone. However, why are the citizens not more concerned with decisions of North Carolina? In *Dept. of Transportation (DoT) v. Rowe*, 353 N.C. 671 (2001), the NC Supreme Court held that DoT could condemn eleven acres of the property owner's land without paying any compensation because it determined that the benefits of the roadway which would be built would outweigh the costs of the taking. Thus, no compensation was due.

In *Westminster Homes v. Town of Cary*, 354 N.C. 298 (2000), the NC Supreme Court held that a developer could not install gates in a buffer zone to allow the property owners to access a portion of their property. As the dissent concluded, the effect of this decision is to deprive the home owners of a portion of their property without any compensation.

Why are these decisions, in which my opponent participated and in which he joined the majority, not more thoroughly discussed?