



GEORGIA RIGHT TO LIFE COMMITTEE JUDICIAL CANDIDATE QUESTIONNAIRE

Please return by August 20, 2008

INTRODUCTION

In *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), the U.S. Supreme Court recently held unconstitutional a canon of judicial ethics that prohibited candidates for elective judicial office from announcing their views on disputed legal or political issues. The canon violated the First Amendment because it prohibited speech on the basis of content and burdened speech of political candidates – a category of speech at the core of First Amendment freedoms. **Judicial candidates may now clearly express their views on legal and political issues without fear of being sanctioned by judicial or legal ethics authorities for doing so.**

The Georgia Right to Life Committee certainly recognizes that judicial candidates should maintain actual and apparent impartiality. Thus, the Georgia Right to Life Committee recognizes that judicial candidates should not pledge or promise certain results in particular cases that may come before them. Nevertheless, in judicial elections, voters need to know the views of judicial candidates in order to make intelligent and conscientious decisions regarding candidates' general views on the law and personal values. This questionnaire is intended to elicit candidates' views on issues of vital interest to the constituents of the Georgia Right to Life Committee without subjecting candidates answering its questions to accusations of impartiality or requiring candidates to recuse themselves in future cases.

* * * * *

1. **VALUE OF EARLY HUMAN LIFE.** Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, in accord with the position of the Georgia Right to Life Committee, **I believe that the unborn child is biologically human and alive and that the right to life of human beings should be respected at every stage of their biological development.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

*This response indicates that I believe in good faith that, under a reasonable construction of applicable Canons of Judicial Conduct or because my recusal would be subsequently required, I must decline to respond to this particular question.

2. **LEGAL ABORTION.** The Georgia Right to Life Committee believes that unborn children should be protected by law and that abortion should be permitted only when necessary to prevent the death of the mother. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, state your personal view on when, if ever, abortion should be legal.

a. **I believe that abortion should be permitted only to prevent the death of the mother.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

b. **I believe that abortion should be permitted only to prevent the mother's death, in cases of incest, and in reported cases of forcible rape.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

Other (please explain)

3. **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. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, **I believe that *Roe v. Wade* was wrongly decided.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

4. **STATE CONSTITUTIONAL RIGHT TO ABORTION.** Aside from the federal constitutional "right to abortion" recognized in *Roe v. Wade*, several *state* courts have held that there is a *state* right to abortion under their *state* constitutions. Thus far, the courts of Georgia have not recognized a "right to abortion" under our Georgia Constitution. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, **I believe that there is no provision in our current Georgia Constitution which is intended to protect a right to abortion.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

*This response indicates that I believe in good faith that, under a reasonable construction of applicable Canons of Judicial Conduct or because my recusal would be subsequently required, I must decline to respond to this particular question.

5. **STATE RIGHT TO ABORTION FUNDING.** 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. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, **I believe that there is no provision of our current Georgia Constitution which is intended to require the use of public funds for abortion or to require public or private health care facilities must provide or permit abortions on their premises.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

6. **STATE RIGHT TO ASSISTED SUICIDE.** In *Washington v. Glucksberg*, 117 S. Ct. 2258 (1997), the U.S. Supreme Court held that there is no right to assisted suicide under the U.S. Constitution. In a companion case, *Vacco v. Quill*, 117 S. Ct. 2293 (1997), the Supreme Court also held that equal protection of law under U.S. Constitution was not violated by a ban on physician assisted suicide for the terminally ill, although the law permits life-sustaining treatment to be withheld or withdrawn from the terminally ill. The state Supreme Courts of Florida and Alaska have held that their state constitutions do not protect a right to assisted suicide. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, **I believe that there is no provision of our current Georgia Constitution which is intended to protect a right to assisted suicide.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

7. **DISPOSITION OF HUMAN BEINGS IN VITRO.** Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, in accord with the position of the Georgia Right to Life Committee, **I believe that human beings whose lives begin by in vitro fertilization or cloning and who exist outside the body of a woman are not personal property and should be treated in accord with their best interests in any dispute over their disposition.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

*This response indicates that I believe in good faith that, under a reasonable construction of applicable Canons of Judicial Conduct or because my recusal would be subsequently required, I must decline to respond to this particular question.

8. **WRONGFUL LIFE.** Suits have been brought in several states by infants born with disabilities through their parents, claiming that those responsible for maternal health care during pregnancy are financially liable for their "wrongful lives" because their mothers were not afforded the opportunity to abort them by being told that they would be born with a disability. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, **I do not believe that a person should be able to sue another because he or she was born alive with a disability rather than aborted.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

9. **WRONGFUL BIRTH.** Suits have been brought in several states by parents of children born with disabilities against maternal health care providers for the care and upkeep of their disabled children because the mothers were not provided the opportunity to have their unborn children tested for disabilities so that a "wrongful birth" could have been avoided by aborting any disabled child. Recognizing the judicial obligation to follow binding precedents of higher courts and applicable constitutional and statutory provisions, to honor stare decisis, and to decide any future case based on the law and facts of that case, **I do not believe that parents should be able to sue because their child was born alive with a disability rather than aborted.**

_____ Agree _____ Disagree _____ Undecided _____ Decline*

Signature

Date

Name

Street, City, Zip

Phone #

*This response indicates that I believe in good faith that, under a reasonable construction of applicable Canons of Judicial Conduct or because my recusal would be subsequently required, I must decline to respond to this particular question.