

## JUDICIAL CANDIDATE QUESTIONNAIRE – SHORT VERSION\*

[NOTE: These questions are prepared by Virginia Armstrong, Ph.D., National Chairman, Eagle Forum’s Court Watch; President, Blackstone Institute. This material is covered in other works by Dr. Armstrong – see [www.eagleforum.org/court\\_watch](http://www.eagleforum.org/court_watch); [www.BlackstoneInstitute.org](http://www.BlackstoneInstitute.org).]

- **Questions on General Philosophy:** “Nominee \_\_\_\_\_, do you agree:
- that “the word ‘person’ as used in the 14<sup>th</sup> Amendment does not include the unborn”? (*Roe v. Wade*, 410 U.S. 113 [1973]).
  - that “the government creates civil marriage . . . [and civil marriage] is a wholly secular institution”? (*Goodridge and Others v. Department of Public Health and Another*, 798 N.E.2d 941 [2003]).
  - that “At the heart of liberty is the right to define one’s own concept of existence, of meaning, . . . and of the universe?” (*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 [1992]).
- **Questions on Legal Philosophy:** “Nominee \_\_\_\_\_, do you agree:
- that “it is from the [American] people, and not God, that the state draws its powers”? (*Glassroth v. Moore*, 229 F.Supp. 2d 1290 [2002]).
  - that basing our law on Western civilization and Judeo-Christian moral and ethical standards does not, but should, take account of foreign and international authorities? (*Lawrence v. Texas*, 156 L.Ed.2d 508 [2003], summary of majority point).
  - that “The institution of rights against the government is not a gift of God, . . . [but] a complex and troublesome practice that makes the Government’s job of securing the general benefit more difficult and more expensive . . .”? (Ronald Dworkin, TAKING RIGHTS SERIOUSLY [1977]).
- **Questions on Constitution Philosophy:** “Nominee \_\_\_\_\_, do you agree:
- that the Constitution is to promote “the living development of constitutional justice” and be interpreted to elaborate an idea of what is “human” and “being” and to forge “a new moral order”? (Tribe, *supra*) (Michael Perry, THE COURTS, THE CONSTITUTION, AND HUMAN RIGHTS [1982]).
  - that “[The Constitution] is made for a people of fundamentally differing views . . .”? (*Roe, supra*).
  - that “The Constitution reflects a set of conflicting ideals and notions . . .” and “is an intentionally incomplete, often deliberately indeterminate structure for the participatory evolution of political ideals and governmental practices”? (Lawrence Tribe, AMERICAN CONSTITUTIONAL LAW [2d ed. 1988]).

\*Judges, especially at the higher federal level, “no longer function as judges in the customary sense.” Rather, as Cornell Law Dean William Forrester declared in 1977, the Supreme Court has become “the governing body” of the nation.” Lower judges share some of this power to differing degrees. Therefore, judges can no longer claim immunity from these questions as they could do when they were truly no more than “traditional courts.” Thus, Americans now have not only the right, but the responsibility, to ask of any potential judge, these tough questions central to American culture and the Constitution.