

2006 Washington State Supreme Court Voters Guide



FRC Action

The Legislative Action Arm of FAMILY RESEARCH COUNCIL

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2006 Voters Guide for Supreme Court Candidates in Washington State Primary Election, September 19, 2006 • General Election, November 7, 2006

A Supreme Court Candidate who receives more than 50% of the vote in the Primary Election will run unopposed in the General Election.

Candidates for elective judicial office may express their views on legal and political issues. *Republican Party of Minnesota v. White*, 536 U.S. 765, 122 S.Ct. 2528, 153 L.Ed.2d 694 (2002). Family Research Council Action recognizes that all candidates' responses are subject to the Washington State Code of Judicial Conduct, which states that judicial candidates should not "make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office" or "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court." Canon 7(B)(1)(c). The candidates' responses indicate their current view on the legal issues and do not constitute any pledge, promise, or commitment to rule in any particular way if the legal issue involved comes before them for a decision.

* A response of "Decline" indicates that the candidate believes that he or she is prohibited from answering this question by Canon 7(B)(1)(c) of the Washington State Code of Judicial Conduct, which states that judicial candidates should not "make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office" or "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court."

During the Past 10 Years...	I have been a member of the following national, state, or local nonprofit organizations:	I have contributed more than \$500 to the following national, state, or local nonprofit organizations:	I have provided more than 100 hours of volunteer services to the following national, state, or local non-profit organizations:	I have been employed by the following national, state, or local nonprofit organizations:	The following national, state, or local nonprofit organizations have endorsed me for public office:	Political committees affiliated with, or leaders in, the following national, state, or local nonprofit organizations have contributed to a campaign committee supporting my candidacy for any public office:	I have received awards from the following national, state, or local nonprofit organizations:
Michael Johnson <i>No Campaign Website</i>	Michael Johnson did not answer this questionnaire. He provided a candidate statement, the text of which can be read in full at www.frcaction.org .						
Stephen Johnson <i>johnsonforsupremecourt.com</i>	<ul style="list-style-type: none"> St. James Church, Kent, WA Valley Cities Consulting & Consultation 	<ul style="list-style-type: none"> St. James Church, Kent, WA Green River College Foundation 	None	WA State Senate	<ul style="list-style-type: none"> WA State Republican Party WA Farm Bureau Faith & Freedom Network WA Assoc. of Realtors Assoc. of WA Businesses Others 	<ul style="list-style-type: none"> WA Farm Bureau Bldg. Industry Assoc. of WA No, under WA Judicial Canons, candidates are not to know their contributors 	<ul style="list-style-type: none"> WA State Bar Assoc. WA Council of Police & Sheriffs NFIB AWB
Richard Smith <i>No Campaign Website</i>				did not answer			
Norman J. Ericson <i>No Campaign Website</i>				did not answer			
Susan Owens <i>justicesusanowens.com</i>	Susan Owens did not answer. A list of endorsements can be found at justicesusanowens.com						
John Groen <i>groenforjustice.com</i>	<ul style="list-style-type: none"> Avondale Bible Church Woodinville Alliance Church American Bar Assoc. WA State Bar Assoc. Building Industry Assoc. of Washington Assoc. of Washington Business 	<ul style="list-style-type: none"> Baja Christian Ministries Gospel for Asia Campus Crusade for Christ Frontiers Woodinville Alliance Church Avondale Bible Church 	<ul style="list-style-type: none"> Baja Christian Ministries City Team Ministries Woodinville Alliance Church Avondale Bible Church 	Pacific Legal Foundation	<ul style="list-style-type: none"> WA State Republican Party WA Assoc. of Realtors Affordable Housing Council Bldg. Industry Assoc. of WA Human Life Coalition Citizens Alliance for Property Rights WA Liability Reform Coalition Others 	As a judicial candidate, I keep myself fully insulated from any knowledge of the source of campaign contributions.	<ul style="list-style-type: none"> WA State Bar Assoc. 2003, 2004 and 2005 pro bono Public Service Commendation for substantially exceeding the goals for public service.
Gerry L. Alexander <i>justicealexander.com</i>	Gerry Alexander did not answer. A list of endorsements can be found at justicealexander.com						
Jeanette Burrage <i>burrageforsupremecourt.com</i>	<ul style="list-style-type: none"> Boy Scouts of America –Committee Chairman, Committee Member, & Den Mother Southminster Presbyterian Church–Finance & Admin. Chairman 	Church	Close to 100 hours with Boy Scouts	None	<ul style="list-style-type: none"> Human Life PAC Kitsap County Republicans 	501(c)(3) organizations cannot contribute. I am on Pastors Pick List of Rev. Joe Fuiten.	None
Tom Chambers <i>tomchambers.com</i>	Tom Chambers did not answer. A list of endorsements can be found at tomchambers.com						

State Supreme Court Justice	Position #2					Position #8		Position #9	
(I) = Incumbent	Michael Johnson	Stephen Johnson	Richard Smith	Norman J. Ericson	(I) Susan Owens	John Groen	(I) Gerry L. Alexander	Jeanette Burrage	(I) Tom Chambers
1) Which of the following former U.S. Presidents best represents your <u>political philosophy</u> ? John F. Kennedy / Jimmy Carter / Ronald Reagan / George H.W. Bush / William J. Clinton	did not answer	Ronald Reagan	did not answer	did not answer	did not answer	Ronald Reagan	did not answer	Ronald Reagan	did not answer
2) Which one of the current/recent Justices of the U.S. Supreme Court most reflects your <u>judicial philosophy</u> ? John Paul Stevens / Ruth Bader Ginsburg / Sandra Day O'Connor / William H. Rehnquist / Antonin Scalia	did not answer	William H. Rehnquist	did not answer	did not answer	did not answer	William H. Rehnquist	did not answer	C. Thomas	did not answer
3) "Strict constructionism" has been defined as the view that a constitution's provisions should be construed according to the plain and ordinary meaning accorded the words found therein at the time of the provisions' adoption or ratification. The "living constitution" approach has been defined as the view that constitutional provisions should be construed according to what the words mean today or should be interpreted according to currently held values and opinions. Please rate your <u>judicial philosophy</u> on a scale of 1 to 10, 1 being strict constructionist, and 10 being living constitutionalist.	did not answer	2-3	did not answer	did not answer	did not answer	3	did not answer	1	did not answer
4) I support a judge's display of the <u>Ten Commandments</u> in his or her courtroom.	did not answer	decline*	did not answer	did not answer	did not answer	decline*	did not answer	undecided	did not answer
5) In <i>In re Parentage of L.B.</i> , 155 Wash.2d 679 (2005), the Washington State Supreme Court allowed the <u>homosexual partner of a child's biological mother to petition for rights as a parent</u> . I believe that <i>In re Parentage of L.B.</i> was correctly decided.	did not answer	disagree	did not answer	did not answer	did not answer voted with majority	disagree The court judicially created a basis for parenthood not found in the uniform parentage act.	did not answer voted with majority	undecided	did not answer voted with majority
6) In the Washington State Supreme Court's recent decision in <i>Andersen v. King County</i> , published on July 26, 2006, the Court held that Washington State's <u>Defense of Marriage Act</u> , which defines marriage as between a man and a woman, is constitutional. I believe that <i>Andersen</i> was correctly decided.	did not answer	decline*	did not answer	did not answer	did not answer voted with dissent	decline* This case is pending on upcoming motions for reconsideration and therefore the judicial concerns preclude comment	did not answer voted with majority & separate concurrence	agree	did not answer voted with dissent
7) In <i>Roe v. Wade</i> , 410 U.S. 113 (1973), the United States Supreme Court decided that the Texas criminal abortion statutes prohibiting <u>abortions at any stage of pregnancy except to save the life of the mother</u> are unconstitutional. I believe <i>Roe</i> was correctly decided.	did not answer	decline*	did not answer	did not answer	did not answer	decline* A specific ethics opinion in WA precludes me from expressing any opinion about abortion.	did not answer	decline*	did not answer
8) In <i>Santa Fe Independent School District v. Doe</i> , 530 U.S. 290 (2000), the United States Supreme Court ruled that <u>prayer</u> over the loudspeakers before a public high school football game in Texas was unconstitutional. I believe <i>Santa Fe</i> was correctly decided.	did not answer	undecided	did not answer	did not answer	did not answer	undecided I have not reviewed that decision	did not answer	disagree	did not answer
9) In <i>HTK Management, LLC v. Seattle Monorail Project</i> , 155 Wash.2d 612 (2005), the Court held that the Seattle Monorail Project ("SMP") could <u>condemn a property owner's entire property</u> , and that the SMP <u>could sell or lease surplus property</u> that it condemned, in the future, for public or private use. I believe that <i>HTK Management</i> was correctly decided.	did not answer	disagree	did not answer	did not answer	did not answer voted with majority	disagree	did not answer voted with majority	disagree	did not answer voted with majority (concurred in result only)
10) In 2005, a majority in the Washington Legislature wanted to raise taxes on cigarettes and liquor but did not have the two-thirds required by Initiative 601, which was passed by voters in 1993. In <i>Washington State Farm Bureau Federation v. Reed</i> , 154 Wash.2d 668 (2005), the Washington State Supreme Court allowed an <u>emergency clause</u> to be attached to a bill that would allow the taxes to be raised by a simple majority vote. I believe that <i>Washington State Farm Bureau Federation</i> was correctly decided.	did not answer	disagree	did not answer	did not answer	did not answer voted with majority	disagree	did not answer voted with majority & separate concurrence	undecided	did not answer voted with dissent
11) Historically, Washington law has said that when a person commits "any" felony (felonies are serious crimes, including assault) during which someone dies, it is second degree murder. In <i>In re Personal Restraint of Andress</i> , 147 Wash.2d 602 (2002), the Washington State Supreme Court held that <u>assault could not lead to a conviction for second degree murder</u> . Hundreds of convicted second degree murderers were thus eligible to seek to have their convictions overturned. In 2003, the Legislature changed the law to specifically include assault. I believe that <i>In re Andress</i> was correctly decided.	did not answer	disagree	did not answer	did not answer	did not answer voted with dissent	disagree	did not answer voted with majority	undecided	did not answer voted with dissent
12) I do not believe that the Washington State Constitution prohibits imposition of the <u>death penalty</u> .	did not answer	The most recent case of <i>State vs. Cross</i> affirmed the death penalty in this state, but similar cases may well come before the court in the future so that further comment should not be made per Canon 7(b)(1)(c)	did not answer	did not answer	did not answer	decline* Existing precedent fully supports the death penalty in WA, but I cannot commit to a specific position in future cases where the question may rise again. I can say that the decision in <i>Cross</i> upholding the death penalty was correctly decided.	did not answer	decline*	did not answer