

2008 North Carolina Voter Guide

Questionnaire for State Judicial Candidates



Candidate Information

(Please Print or Type)

Candidate Name ROBERT N. HUNTER JR. Party Affiliation REPUBLICAN
(optional)
Office Sought JUDGE N.C. COURT OF APPEALS District/Seat Arrowood / Levinson
Campaign Address PO BOX 38713 City Greensboro State NC Zip 27438
Campaign Phone/Fax 919-468-1490 Campaign Website 919-468-4902
Candidate Signature [Signature] Date AUG. 5, 2008
(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 a question will result in a listing of "No Response" in the 2008 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)

Date Aug. 5, 2008

Bob Hunter

P.O. Box 38713
Greensboro, NC 27438

August 15, 2008

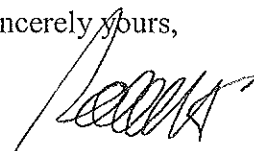
Mr. John L. Rustin
Vice President & Director of Government Relations
North Carolina Family Policy Council
P.O. Box 20607
Raleigh, NC 27619

Dear Mr. Rustin,

Thank you for giving me the opportunity to respond to your candidate questionnaire. I appreciate the cover letter which was included acknowledging the duty of a judge to enforce the law even if the judge disagrees with an appellate court holding. Many of the issues your questionnaire addresses seem to me will never come before the Court of Appeals. While I have chosen Justice Kennedy as the Justice which most closely reflects my judicial philosophy, I don't think that any one Justice currently on the court reflects my philosophy overall. I would agree with Justice Scalia (See *Apprendi vs. N.J.* or in his originalist approach to the constitution) in some matters, and in others, would agree with Justice Stevens (flag burning and redistricting).

The questions asked do not really give a candidate an opportunity to express his views on complex issues. The questions asked truncate the holdings in these seminal cases and the factual context of many of these cases qualifies my answers. The wording of the questions with regard to *Lawrence v. Texas* and *Roe v. Wade* is particularly troubling because it tends to indicate that the decisions create a right to engage in immoral conduct. I do not think there is an unrestricted constitutional right to engage in immoral conduct nor does it seem to me to be supported by these decisions. As a respondent, I don't know how to answer these questions if the premise of the question is inexact. After reading these cases, I do not think they stand for the principle articulated in the questions, but underline a fundamental interest for privacy in matters between adults, which is subject to some governmental regulation—hence the privilege or right affirmed is not an absolute “constitutional right” but a right subject to reasonable governmental regulations. Likewise in the *Sante Fe* case, it appears that the school district engaged in a long standing practice of proselytizing for one denomination over others. I think this history would have influenced the court. I have no objection to any citizen or group of citizens praying, displaying the Ten Commandments or otherwise proselytizing for a denomination so long as the government is not coercing such activity.

Sincerely yours,



Robert N. (Bob) Hunter, Jr.