



10. Do you recognize the ability of the executive branch, and the legislative branch, to check the judiciary (including the Supreme Court) as the Federalist Papers 78<sup>3</sup> and 81<sup>4</sup> state, and as Presidents Jefferson, Jackson, and Lincoln did during their terms of office: That the executive branch has the ability to protect Constitutionality by not enforcing illicit court decisions that plainly contradict the Constitution; That the legislative branch has the ability to defund abusive decisions from being enforced, or may limit the federal courts from certain classes of cases by regulation or exclusion, by executing their tribunal authority for federal courts, and Article 3 Section 2 authority for appellate jurisdiction of the Supreme Court? Yes \_\_\_ No \_\_\_ Undecided \_\_\_

See attached


11. Do you believe as Justices Roberts, Scalia, Thomas, and Alito did in their dissents<sup>5</sup> of Obergefell v. Hodges, that the decision of the majority is unconstitutional, and the justices abused their authority (judicial activism)? Yes \_\_\_ No \_\_\_ Undecided \_\_\_

See attached

In addition to possible endorsements, NCC will publish a voter guide which will include your answers to the above questions.

I agree  do not agree to have my answers published.

Questionnaire completed by candidate.  Questionnaire completed by staff.

  
Signature

5/10/16  
Date

Return via fax to 702-548-6980 or e-mail a scanned copy to [nccmail@earthlink.net](mailto:nccmail@earthlink.net);  
or mail to NCC PO Box 81707 Las Vegas, Nevada 89180

<sup>1</sup> "strict constructionism, n. The doctrinal view of judicial construction holding that judges should interpret a document or statute according to its literal terms, without looking to other sources to ascertain the meaning." Blacks Law Dictionary (8<sup>th</sup> ed. 2004).

<sup>2</sup> "noninterpretivism, n. In constitutional interpretation, the doctrine holding that judges are not confined to the constitutions text or preratification history but may instead look to evolving social norms and values as the basis for constitutional judgements." Blacks Law Dictionary (8<sup>th</sup> ed. 2004).

<sup>3</sup> Fed Papers 81: "We have seen that the original jurisdiction of the Supreme Court would be confined to two classes of causes, and those of a nature rarely to occur. In all other cases of federal cognizance, the original jurisdiction would appertain to the inferior tribunals; and the Supreme Court would have nothing more than an appellate jurisdiction, 'with such EXCEPTIONS and under such REGULATIONS as the Congress shall make.'"

<sup>4</sup> Fed Papers 78: "... the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments."

<sup>5</sup> A. "The majority's decision is an act of will, not legal judgment. The right it announces has no basis in the Constitution or this Court's precedent." (Justice Roberts with Thomas and Scalia in dissent of Obergefell v. Hodges)

B. "To prevent five unelected Justices from imposing their personal vision of liberty upon the American people [which is what the majority has done], the [pas!] Court has held that 'liberty' under the Due Process Clause should be understood to protect only those rights that are "deeply rooted in this Nation's history and tradition." Washington v. Glucksberg, 521 U. S. 701, 720-721 (1997). And it is beyond dispute that the right to same-sex marriage is not among those rights. See United States v. Windsor, 570 U. S. \_\_\_, \_\_\_ (2013) (ALITO, J., dissenting)(slip op., at 7). . . . For today's majority, it does not matter that the right to same-sex marriage lacks deep roots or even that it is contrary to long-established tradition. The Justices in the majority claim the authority to confer constitutional protection upon that right. . . . Today's decision usurps the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage. The decision will also have other important consequences. It will be used to vilify Americans who are unwilling to assent to the new orthodoxy." (Justice Alito with Scalia and Thomas in dissent of Obergefell v. Hodges)

**SUPPLEMENTAL RESPONSES TO CANDIDATE QUESTIONNAIRE 2016**

**JUDICIAL POSITIONS**

2. Regardless of my own judicial philosophy, I recognize that majority decisions of the United States Supreme Court are “the law of the land,” and, if applicable to the particular facts of a case in front of me, I am duty bound to follow those majority decisions even if I may personally disagree with them. *See Marbury v. Madison*, 5 U.S. 137 (1803); *Martin v. Hunter’s Lessee*, 14 U.S. 304 (1816).

3. I do my utmost to arrive at my judicial decisions based on the law and facts of the particular case that is in front of me. My individual political philosophy plays no role in my decision making.

4. A citizen’s right to engage in peaceful political and religious free speech activities is a constitutionally protected right, subject to limited time, place, and manner restrictions.

5. My role as a district (trial) court judge is to apply the law as written to the facts of the particular case and to not interject my personal beliefs into a decision. Initially, it is impossible to answer these questions “yes” or “no”, because the circumstances of each case dictate the correct legal answer. Second, I am obligated under the judicial canons to keep an open and objective mind and to not make any promises or pledges on how I would rule in any particular case. Therefore, the mandates of the judicial canons preclude me from being able to answer these questions. Finally, I will always adhere to protecting people’s rights under the Constitution of the State of Nevada and Constitution of the United States.

6. See Response #5.

7. See Response #5.

8. See Response #5.

9. See Response #5.

10. This question appears to present an issue of federal question jurisdiction over which I as a state court judge lack jurisdiction. To the extent it asks for my personal belief, please see Response #5.

11. In accordance with my judicial philosophy and interpretation of applicable law and judicial canons, I lack authority to question or challenge a majority decision of the United States Supreme Court, even if I disagreed with it. This restriction applies to every sitting judge regardless of their jurisdiction.