

# 2009 PA PRIMARY JUDICIAL RACES INFORMATION

PROVIDED BY SUSQUEHANNA VALLEY MORAL ISSUES COALITION

FROM PA FAMILY INSTITUTE VOTER GUIDE									(S)UPPORTED BY														
PFI Question <sup>1</sup> Number:		1	2	3	5	6	7	8	Life <sup>2</sup>	Examples From Candidate Websites <sup>3</sup>													
COURT	Q 1-3: see choices with the questions below. Q 4: Answers next page Q 5-8: (C)orrectly Decided (I)ncorrectly Decided (Y)es / (N)o / (U)ndecided (D)ecline to answer - = Chose not to respond * = Comments next page Blank = No Response (All were contacted)	(D)emocrat and / or (R)epublican	Preferred President	Preferred Supreme Court Justice	Living Document/Constitutionalist	Roe v. Wade Decided Rightly	10 Commandments In Courts	Same-Sex Marriage	Student Led Graduation Prayer	Planned Parenthood PA PAC	PA Pro-Life Federation PAC	Life PAC	Gay/Lesbian Group(s)	Firearm Owners Against Crime	National Rifle Association	PA Bar Association	PA Chamber of Business & Industry	PA NOW PAC	PA State Education Association	PA State Troopers Association	Unions: Local or PA AFL-CIO	Unions Labor (Multiple)	
	CANDIDATES																						
SUPREME	ELECT 1	Jack Panella	D							S										S	S		
		Cheryl Allen	R	Reag	Robt	10	I	Y	N	Y	S	S <sup>4</sup>		S <sup>4</sup>									
		Joan Melvin	R	Reag	Scal	10	D*	D*	D*	D*	S				S		S		S	S			
		Paul Panepinto	R								S	S <sup>4</sup>			S	S			S <sup>4</sup>				
SUPERIOR	ELECT 3	Robert Colville	D												S			S		S	S		
		Anne Lazarus	D	-	-	-	-	-	-	-			S			S		S	S		S	S	
		Kevin McCarthy	D										S			S					S	S	
		Tom Munley	D								S												
		Paula Patrick	D								S					S							
		John Younge	D	-	-	-	-	-	-	-			S			S		S			S	S	
		Sallie Mundy	R	Reag	Robt	10	D*	D*	D*	D*		S											
		Judy Olson	R	Reag	Robt	9-10	I*	Y*	N*	Y*		S				S							
		Temp Smith	R	Reag	Robt	10	D*	D*	D*	D*		S	S			S							
COMMONWEALTH	ELECT 2	Daniel Bricmont	D												S		S	S			S		
		Barbara Ernsberger	D										S				S					S	
		Linda Judson	D										S			S		S	S			S	
		Jimmy Lynn	D								S	S							S		S	S	
		Stephen Pollock	D													S			S		S	S	
		Michael Sherman	D	Kenn	Sout	3	U*	Y	U	Y						S							
		Kevin Brobson	R	Reag	Robt	*	*	*	*	*		S				S			S	S		S	
		Al Frioni	R	Reag Bush	Robt	9	I*	D*	D*	D*		S	S		S		S			S	S		
		Patricia McCullough	R	Reag	Scal	9	I	Y	N	Y		S											
SNYDER UNION <sup>5</sup>		Brian Kerstetter	D/R	Reag	Thom	9	D*	D*	D*	D*													
		Michael Sholley	D/R	No response on PFI site by 5/13																			
		Martin Wilson	D/R	No response on PFI site by 5/13																			

<sup>1</sup>PA Family Institute Voter Guide Questions (boldface portions of choices are used in the chart above).

1. Which of the following former U.S. presidents best represents your political philosophy?  
John F. **Kennedy** George **Bush** (former) Jimmy **Carter** Bill **Clinton** Ronald **Reagan**
2. Which one of the current justices of the U.S. Supreme Court most reflects your judicial philosophy?  
**Roberts** / **Stevens** / **Scalia** / **Kennedy** / **Thomas** / **Souter** / **Ginsburg** / **Breyer** / **Alito**
3. Rate your judicial philosophy on a scale of 1-10 with  
"living document" approach being a "1" and "strict constitutionalist" or "originalist" being a "10."
4. List the 5 **organizations** in which you are most involved as a member, through contributions, &/or through volunteering-see p. 2.
5. Do you believe that Roe v. Wade, 410 U.S. 113 (1973), insofar as it recognizes a "right to privacy" that includes abortion under the United States Constitution, was correctly or incorrectly decided?
6. Do you believe that the Pennsylvania Constitution permits display of the Ten Commandments in courtrooms?
7. Do you believe the Pennsylvania Constitution recognizes a right to same-sex marriage?
8. Do you believe the Pennsylvania Constitution permits student-led graduation prayers in public schools?

<sup>2</sup>PA Pro-Life Federation PAC "recommends" candidates marked (S)upports. Our similar Fall '07 guide had data from Planned Parenthood. We found no guide by them for this primary but they often support candidates PA Pro-life Federation does not.

<sup>3</sup>A blank row indicates no website found or no endorsements found on the website.

<sup>4</sup>Supported this candidate in the past.

<sup>5</sup>Elect 1: Snyder/Union County Court of Common Pleas, the only county court included in this guide. See pafamily.org for more.

# 2009 PA PRIMARY JUDICIAL RACES INFORMATION

PROVIDED BY SUSQUEHANNA VALLEY MORAL ISSUES COALITION

---

## ORGANIZATIONS LISTED IN RESPONSE TO QUESTION #4.

**Cheryl Allen:** Women Without Walls, Pittsburgh Leadership Foundation, Hosanna House, Cornerstone Television Advisory Board, Waynesburg University Board of Trustees. **Joan Melvin:** Imani Christian Academy, Prevention/Intervention Education Program for Children and Teens on Internet Safety, Salvation Army, Soldiers and Sailors Memorial Museum, Auberle Development (Families in Crisis). **Sallie Mundy:** Trinity Lutheran School, Pennsylvania Bar Association, Tioga Lawrenceville Little League, Washington & Jefferson College Alumni, Deane Center for the Performing Arts. **Judy Olson:** American Heart Association, Children's Hospital of Pittsburgh, Diocese of Pittsburgh. **Temp Smith:** Southminster Presbyterian Church, Republican Committee of Mt Lebanon, Mt Lebanon Nature Conservancy. **Michael Sherman:** Komen Race for the Cure, Habitat for Humanity, Attorneys Against Hunger, Mt Lebanon Daycare Program, St Bernard Church. **Kevin Brobson:** Dauphin County Bar Association, Middle Paxton Township Planning Commission, James S. Bowman Chapter - American Inns of Court, Jump Street, St Catherine Labourer Church. **Al Frioni:** Scoutmaster, Boy Scout Troop 22, Boy Scouts of America, Mt Lebanon Baseball Association – volunteer coach, St Bernard's Church, Mt Lebanon High School Facilities Committee, Community Subcommittee, Mt Lebanon Municipal Parking Authority. **Patricia McCullough:** St John Capistran Church, Pittsburgh Leadership Foundation, Women Without Walls, Storehouse for Teachers, Spirit and Life Center. **Brian Kerstetter:** Susquehanna Valley Law Enforcement Camp Cadet, Relay for Life, Muscular Dystrophy Association, Clear-view Rod & Gun Club.

## \*COMMENTS FROM A PA FAMILY INSTITUTE DOCUMENT SEPARATE FROM THE VOTER GUIDE

**Joan Orié Melvin: Q5.** I am a strict constructionist. I cannot comment on an issue that may come before the court because I do not want to disqualify myself from important issues. In my 23 years as a judge, I have always been endorsed by the Pro-Life Federation and all other Pro-Life organizations. My sister, Senator Jane C. Orié, the Majority Whip, is the chairwoman of the PA Pro-Life Caucus. She also changed the Values Committee at the National Convention, where she enacted the most conservative platform, on abortion, same-sex marriage, and stem-cell, in Republican history. **Q6.** As a strict constructionist, I look to the Founding Fathers. Again, I cannot comment on an issue that may come before the court because I do not want to disqualify myself from important issues. **Q7.** I am a strict constructionist. It is the legislators' role to set policy such as this and not the court. My sister, Senator Jane C. Orié, the Majority Whip, is a strong proponent of legislation that maintains the traditional definition of marriage between one man and one woman. Again, I cannot comment on an issue that may come before the court because I do not want to disqualify myself from important issues. **Q8.** Again, I cannot comment on an issue that may come before the court because I do not want to disqualify myself from important issues. All six of my children attend Christian schools. **Sallie Mundy: Q5.** In regards to *Roe v. Wade*, I join you in hoping that the Supreme Court will overturn the decision and send it back to the States. That would give the legislature the ability to set policies, and my personal position is that abortion should be outlawed except in the cases of rape, incest, or to save the life of the mother. **Q6.** The issue of displaying the Ten Commandments is an issue for the legislature, but I personally support proudly displaying the Ten Commandments. **Q7.** In regards to same sex marriage, I have always personally supported the Pennsylvania Defense of Marriage Act passed by the Pennsylvania General Assembly. I believe that marriage is between a man and a woman. **Q8.** I personally support the right of public schools to include prayer in their graduation ceremonies. **Judy Olson: Q5-8.** However, as a judge I am bound to follow binding precedents of higher courts and the laws passed by the legislature. **Temp Smith: Q5.** I personally hope that the Supreme Court will reverse *Roe v. Wade*. Until it does so, however, I, as a judge cannot be an advocate or legislator and will be constrained to follow the high court's decision. I personally oppose abortion except in cases of rape, incest or where the life of the mother is in danger. **Q6.** While the displaying of the Ten Commandments in courtrooms may be a matter for the legislature in the first instance, my personal view is that such a display should be permitted, and I am suspicious of the underlying motives of anyone who would oppose the displaying of a set of rules so in tune with our basic system of justice. **Q7.** I personally believe that the term "marriage," defines a relationship between one man and one woman, as prescribed by the Pennsylvania Defense of Marriage Law, which is the law of Pennsylvania. **Q8.** I personally believe that student-led prayer at school graduations is protected by the "free exercise" clause of the United States Constitution. **Michael Sherman: Q5.** I believe it is a moral and religious one. **Kevin Brobson: Q5.** I personally disagree with the United States Supreme Court's ruling in *Roe v. Wade*. That decision and subsequent Supreme Court decisions, however, are settled law from our United States Supreme Court. As a Commonwealth Court judge, I will faithfully uphold the law and apply it to the facts in every case that comes before me in a fair and impartial manner regardless of my personal beliefs. **Q6-8.** Because any state law, regulation, or other action relating to this subject may come before the Commonwealth Court, I feel constrained not to express any view on this particular legal question, as any such public statement could be construed as a promise that I might rule a particular way should the question come before me as a judge of that court. **Al Frioni: Q5.** However, as a Judge of the PA Commonwealth Court, I recognize and would honor my obligation to uphold the applicable laws of Pennsylvania and the United States regardless of my own personal opinions. **Q6-8.** I state most respectfully that as a candidate for judge, I do believe that it would be inappropriate and a compromise of the judicial canons for me to issue a public position on this issue as it may be an issue formally presented for adjudication before the Commonwealth Court. **Brian Kerstetter: Q5-8.** Out of an abundance of caution, given the recent amendment of Canon 7b(1)(c) on March 17, 2008 and the litigation that ensued thereafter; namely, *Democracy Rising PA v. Celluci, et al* (2009), I must respectfully decline to answer **questions 5 thru 8** as any responses the I give may be seen as committing me to decide those types of cases in a certain way should I be elected and should those matters come before me. Furthermore, I do not wish to doubt cast on my ability to decide any case that may come before me fairly and impartially.