



Karen Byrne <kbyrne@cincinnatirighttolife.org>

Feedback via the Judicial Candidate Survey 2020 [#88]

1 message

EmailMeForm <burst@emailmeform.com>

Fri, Jan 24, 2020 at 3:42 PM

Reply-To: burst@emailmeform.com

To: kbyrne@cincinnatirighttolife.org

Check that you have read and understand the following: Surveys may be submitted by mail, email, or online. Upon submission, this survey will be posted to our website and published in the CRTL News Bulletin as public information. We will redact your contact information before posting to our website. The completed survey is required for endorsement consideration. Direct questions to KByrne@CincinnatiRighttoLife.org

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Position and District Sought*: Judge, Ohio's Twelfth District Court of Appeals

Are you an incumbent for this office?*: NO

Have you previously held an elected position?*: YES

: Warren County Republican Party Central Committee Member
Hamilton County Republican Party Central Committee Member

: I have been endorsed by: (1) Warren County Right to Life, (2) Warren County Republican Party, (3) Madison County Republican Party, (4) Ohio Citizens PAC, and (5) the Conservative Republican Leadership Committee.

I am currently seeking endorsements from: (1) Cincinnati Right to Life, (2) Right to Life Action Coalition of Ohio, (3) Ohio Right to Life, (4) Buckeye Firearms Association, and (5) the National Rifle Association.

: As a judge, my top priorities would be: (1) to decide cases impartially and fairly, based on the requirements of the law, without imposing my own personal preferences, and (2) to decide cases based on the original public meaning of the constitutional, statutory, regulatory, or other text at issue in the case.

1. Which former U.S. president's political philosophy best matches your own?: Ronald Reagan

Comments - Question 1: I admire Ronald Reagan greatly for his principled conservatism, seen in his commitment to smaller government, low taxes, a strong national defense, and, of course, life. To me, he represents full-spectrum conservatism, including its social conservative, fiscal

conservative, and national security conservative branches.

I worked in President George W. Bush's White House and agree with much of President's Bush's political philosophy. I will always be proud of my work in his White House, and in serving such a good man.

I also greatly admire and agree with President Trump's forceful advocacy for conservative policy goals. I am very thankful that President Trump has done an excellent job moving the federal judiciary in a constitutional originalist/textualist direction.

2. Which U.S. Supreme Court Justice's legal philosophy best matches your own?: the late Justice Scalia

Comments - Question 2: I am a great admirer of Justices Scalia, Thomas, Gorsuch, and Alito. I hope that Justice Kavanaugh will follow in their footsteps. On some issues I may lean towards one or the other of these justices, but overall my views are closest to those of Justice Scalia.

3. Rate your judicial philosophy regarding the U.S. Constitution on a scale of 1-10 with "living/evolving document" being 1 and "strict constructionist" being a 10:: 10

Comments - Question 3: My judicial philosophy certainly is a 10! However, I prefer the terms "constitutional originalist" and "textualist" rather than "strict constructionist." Conservatives who are active in the conservative legal movement and who believe that the Constitution should be interpreted according to its original meaning—in other words, who believe in the same judicial philosophy as Justice Antonin Scalia, Justice Clarence

Thomas, Justice Neil Gorsuch, etc.—usually prefer to be called originalists/textualists. Justice Scalia specifically denounced the term "strict constructionism" as inaccurate in his essay "A Matter of Interpretation." I believe that the Constitution should be interpreted based on the original public meaning of its text. In other words, the Constitution is NOT a living document; it is a legal document (like a contract) and its meaning does not change over time. I believe the same thing as Justice Scalia: "As it is, however, the Constitution that I interpret and apply is not living but dead—or, as I prefer to put it, enduring. It means today not what current society (much less the Court) thinks it ought to mean, but what it meant when it was adopted." My career-long involvement in the Federalist Society demonstrates my strong commitment to constitutional originalism and textualism. Notably, Justice Scalia was the first academic advisor to one of the first Federalist Society chapters.

4. In Roe v. Wade, 410 U.S. 113 (1973), the U.S. Supreme Court recognized a "right to privacy" under the Constitution that includes abortion. The Constitution does not include this right.: Agree

Comments - Question 4: There is no reference to a "right to privacy" in the Constitution. The Supreme Court essentially admitted this when it stated that the "right to privacy" was found in a "penumbra" (or shadow) of the Constitution.

5. Judges should refrain from "legislating from the bench." The translation of public policy into law and the creation, extension, modification or limitation of citizens' rights (and governmental authority) are properly within the province of the legislative, not judicial, branch of government.: Agree

Comments - Question 5: I agree, but clarify that the courts do have a role in limiting governmental authority where government acts in a manner inconsistent with the Constitution or its lawful authority.

6. An unborn child is biologically human at every stage of his or her biological development, beginning at fertilization.: Agree

Comments - Question 6: I agree. This is a biological, scientific reality.

7. The law should be applied to pro-life demonstrators in the same manner as is applied to environmental, anti-war and labor demonstrators.: Agree

Comments - Question 7: I agree in the sense that the law should always be applied equally to all. However, I would decide any case presented to me based on the applicable facts and law.

8. There is no provision in the current Ohio Constitution intended to require the use of public funds for abortion.: Agree

Comments - Question 8: I am currently unaware of any such provision in the Ohio Constitution, but I would decide any case on this question based on the arguments presented to me.

9. The judiciary does not possess the authority to expand the definition of marriage to include anything but one man and one woman.: Agree

Comments - Question 9: I agree. That being said, as a judge I would be required to decide cases consistently with applicable precedents from higher courts.

10. The law protects individuals' and organizations' rights of conscience from being forced to participate in abortion or other practices contrary to their moral or religious convictions.: Agree

Comments - Question 10: I am unable to answer this question because I am uncertain what specific statute or regulation is referenced by the question's generic reference to "the law." In addition, I wish to avoid making any statements regarding legal arguments that may come before me as a judge. I am aware of the "right to conscience" provision in Ohio's state constitution.

11. Laws, regulations, or ordinances that restrict individuals' and organizations' rights of conscience are unconstitutional.: Undecided

Comments - Question 11: This question lacks sufficient specificity for me to be able to answer the question. I am uncertain which laws, regulations, or ordinances are referenced by this question. In addition, I am unable to answer this question as it requests that I make a legal judgment regarding issues that could come before me as a judge. However, I can state that, as a general policy matter, individuals' and organizations' rights of conscience are important and can sometimes be protected as a matter of law, as outlined in the Ohio Constitution, the Supreme Court's Hobby Lobby decision, and elsewhere.

12. Laws that require businesses or religious organizations to work for or provide services to gay, lesbian, bisexual and transgender persons despite these entities' religious or moral objections are unconstitutional.: Undecided

Comments - Question 12: I am unable to answer this question as it requests that I make a legal judgment regarding issues that could come before me as a

judge. It also lacks sufficient specificity for me to be able to answer the question. I am uncertain what laws are referenced, and I am uncertain of the particular situations to which the question refers.

13. List all organizations to which you have contributed time or money in the past four years.:
- Pregnancy Center East (I am on the Advisory Board)
 - Federalist Society (I was the Cincinnati Lawyers Chapter from 2014 to 2019)
 - Cincinnati Right to Life
 - Warren County Right to Life
 - Ruah Woods
 - Elizabeth New Life Center
 - Community Pregnancy Center
 - LIFE Pregnancy Center
 - Citizens for Community Values
 - St. Margaret of York Catholic Church (Education Commission Member and President, Reader, and more)
 - St. Margaret of York School
 - Warren County Republican Party
 - Lincoln Day and other event tickets purchased from multiple county Republican Parties
 - National Rifle Association
 - Warren County Friends of the NRA
 - Saint Thomas More Lawyers Guild of Greater Cincinnati
 - American Enterprise Institute
 - Goldwater Institute
 - EmpowerU
 - Bush Cheney Alumni Network
 - Multiple Republican political campaigns
 - Leukemia and Lymphoma Society
 - LitWorld
 - Turkey Day (event in Lebanon, OH)
 - Goodwill