

# POSITION PAPER ON POPULAR ISSUES\*

by D. W. Duke

The following sets forth my position on various important topics facing Americans today. Since these issues address morality and federal law, they do not involve matters likely to come before me if I prevail in my candidacy for a position as a superior court judge.

1.     Abortion: While many oppose abortion, I am probably the only person you have encountered who believes that within the lifetime of most of us, we will see abortion rendered obsolete.

Any effort taken to deal with the issue of abortion must take into consideration the rights of the mother. There are, after all, two lives in issue. Abortion must be addressed on three levels.

First, educating young people about the consequences of reckless sexual behavior, both in terms of STDs and unwanted pregnancies, is paramount. In our modern society of promiscuity this is critical.

Secondly, medical science should work to achieve the ability to safely remove a fetus from the body of a mother, at any age of gestation, and placed in the body of either a human or artificial surrogate mother. The baby would then be placed for adoption after delivery.

Third, once medical science has achieved this goal, there would be no reason to terminate the life of the unborn and abortion will become obsolete. I anticipate this will occur within two decades.

2. Immigration: America is a nation of immigrants. It is what makes our nation great. However, today immigration is out of control. The first step in solving this crisis is to build a wall on the Southern border of sufficient height that it cannot be scaled and of sufficient depth to prevent tunneling under.

The second step in getting control of immigration is to address the immigrants already here. Simply dumping millions of people at the border is not the answer. A process needs to be established whereby people here unlawfully can be assessed. They should not go to the front of the line, but some might be candidates for naturalization such as a young person who was brought here as an infant who is now in his teens. Clearly they would have no where to go and would be lost if deported. Blanket amnesty is too broad and is unfair to those immigrating lawfully. Any amnesty plan needs to be focused and candidates need to be assessed and properly vetted and processed. Those who have felony backgrounds, should be deported.

3. Guns: The Second Amendment is clear and exists for a reason. Efforts to say that it only applies to the military are misplaced. The Ninth Circuit Court of Appeal was correct in saying San Diego County's "good cause" requirement violates the Second Amendment. There should be no requirement of showing "good cause" to own something guaranteed in the Constitution.

The argument that outlawing guns will eliminate gun related crimes has been shown to be erroneous. The cities with the toughest gun control laws still have the highest gun related crime rates per capita. Why is that? Because criminals don't care about laws and hence they become the only ones with guns thus eliminating the defense of the innocent.

The Second Amendment provides: "A well regulated militia, being necessary to the

security of a free state, the right of the people to keep and bear arms shall not be infringed.” As the United States Supreme Court observed in *District of Columbia vs. Heller*, (2008), the Second Amendment was based upon the English Bill of Rights of 1689, wherein the Crown was prohibited from disarming the citizens. Further, this was an individual right based on the ancient right of citizens to protect themselves, as part of the ancient right to life. The only way the right to bear arms in the Second Amendment can lawfully be infringed would be by a Constitutional Amendment and not by a city ordinance, state law, act of Congress or executive order of the president. It would require a Constitutional Amendment which requires a 2/3s majority of both houses and ratification by 3/4s of the state legislatures.

4. World Terrorism. Deut: 25:19 admonishes the Israelites to destroy the seed of Amalek. This is number 188 of the 613 mitzvahs given to the Israelites. Scholars have debated the meaning of this phrase because it is a mitzvah for all time, not just when the Israelites were searching for the Promised Land. Does that mean that the Bible is instructing us to practice genocide against those we believe are descended from Amalek, the evil king and descendant of Esau, who attacked the Israelites at every turn? Of course not. So what does it mean today?

I submit that there is wisdom in this mitzvah if we understand its true meaning. Amalek figuratively refers to terrorism, which was the practice in which Amalek engaged. This mitzvah means “Do not tolerate terrorism in any way shape or form, not even for one minute”. Why? Because we are to destroy even the seed. In other words, terrorism is not to be permitted to grow beyond a seedling.

A campaign of allies with an interest in the Middle East, should set a time table, whether

it be six weeks or three months, wherein they will launch a full scale assault against ISIS until every last member has been eliminated or put behind bars. Given that the leader in the fight against ISIS has been King Abdullah of Jordan, I would proposed that he be the point man, and the US should provide weapons and aircraft to accomplish this task, along side Jordan and any other nation that would participate.

5. Syrian Refugees: America has been a nation of compassion that has assisted refugees throughout the world. We should continue that effort but never at the expense of the safety of American citizens. We can allow a reasonable number of refugees into the United States, but only if they can be fully vetted to assure they have no affiliations with terrorists. Bear in mind, that we do not have to bring refugees here to help them. We can also help them resettle in other locations closer to home.

6. Iran Nuclear Agreement: As someone who has worked with Iranians for almost a decade, in the area of human rights, I consider the nuclear deal with Iran to be devastating for the people of Iran. During the Green Revolution in 2009 the Iranian people were within a stone throw of uprooting the Khomeini regime. Ayatollah Khomeini even had a jet at the airport, with the engines running, 24 hours per day ready to flee on a moment's notice to Russia who had offered him sanctuary. The reason the Green Revolution was so successful is that every detail was being broadcast on CNN as events unfolded and the entire world was watching. Then Michael Jackson died and suddenly all media shifted to cover that story. Once the cameras were turned off, the brutality began and the revolution was put down within a matter of weeks. Queen Rania of

Jordan went so far as to comment, “Did Michael Jackson destroy the Green Revolution.” She saw what the rest of us saw. The attention of the public on Michael Jackson destroyed the momentum of the revolution because once the cameras were turned off, the world was not watching the brutality, and the IRI was free to brutalize its victims.

The nuclear deal with Iran will pump hundreds of billions of dollars into this evil regime rendering it so powerful that the possibility of the Green Revolution reemerging is virtually non-existent. By funding the IRI in this fashion, we have shattered the hope of a successful overthrow of this regime. Even worse, the agreement says nothing about Iran’s human rights abuses including their continued execution of minors.

7.     Obamacare: Health care for everyone is a noble achievement. However, forcing all Americans to participate in such a program is problematic. Obamacare did precisely that. It took options away and drove the cost of health care for all Americans to unprecedented heights.

8.     America’s Greatest Threat: I believe the greatest threat facing America today is militant atheism. Militant atheism is hostile toward all religions and seeks to destroy religion. It is an affront to the First Amendment free exercise clause of the United States Constitution and it was at the root of the formation Soviet Empire. Sadly, it is prevalent in America today.

Militant atheism maintains that religion and science are incompatible and that science has outgrown religion. Of course, it is easily refuted simply by saying, if science has all the answers then science should be able to recreate the universe, which, of course, it cannot. One of the common claims of militant atheists is that religion has been at the root of all human rights

abuses. Of course, they are silenced when you remind them that atheism was the cause of 60 to 80 million deaths in the Soviet Union between 1917 and 1989, and another 80 million in China from 1949 through the present date.

The foregoing are some of the topics most commonly discussed in America today. This brief summary is intended to provide some insight into my thoughts on these matters.

\* Judges and candidates for judicial office are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety. Judicial independence, impartiality, and integrity shall dictate the conduct of judges and candidates for judicial office. (Excerpt from Canon 5 of the California Code of Judicial Ethics.)

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