



February 23, 2012

Question 1	Do you wish to receive the endorsement of the Stonewall Democrats of Austin (SDA)?
3rd Court of Appeals Diane Henson	Yes.
167th District Efrain De La Fuente	Yes!
David Wahlberg	I would be honored to earn the endorsement of Stonewall Democrats because I am a strong believer in GLBT rights (including marriage, parenting, spousal benefits, inheritance rights and the essential right to be free from discrimination).

Question 2	Should you receive this endorsement, would you publicize our endorsement in your campaign advertisements and campaign literature?
3rd Court of Appeals Diane Henson	Yes - if endorsements are mentioned in the advertising and/or we print new literature.
167th District Efrain De La Fuente	Yes!
David Wahlberg	I will proudly publicize your endorsement because GLBT involvement in the political process is essential to achieving a fair society and also because your endorsement will help reinforce my position as the most progressive candidate in this race.

Question 3	Please tell us why you are seeking the endorsement of SDA. Do you have a history of involvement in Democratic politics? If so please briefly describe this history.
3rd Court of Appeals Diane Henson	I want the support of the gay and lesbian community and I believe SDA will help publicize my candidacy to its members. I would also hope that SDA would consider contributing funds to my campaign (assuming it has any funds to contribute).



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<p>167th District Efrain De La Fuente</p> <p>David Wahlberg</p>	<p>I believe diversity is what makes for strong communities, and the Stonewall Democrats have brought a great deal of awareness of GLBT issues to the public. I value inclusion, diversity, awareness, and education, and I believe my values and the values of Stonewall Democrats are the same. It is important for every individual in our community to have a voice in our justice system. I would be proud to earn the endorsement of Stonewall Democrats. I have experienced a different form of discrimination in my life as a Latino and a migrant farm worker, and I greatly value and respect organizations that stand up for equality and stand against prejudice.</p> <p>In addition to my responses to 1 and 2 above, I see the endorsement process as an opportunity to help you understand my outlook, and I know that your endorsement will carry weight with progressive Democrats in Travis County.</p>
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<p>Question 4 Why are you seeking this public office? (Please be brief)</p>	
<p>3rd Court of Appeals Diane Henson</p> <p>167th District Efrain De La Fuente</p>	<p>I was elected to this office in 2006 and am running for re-election. We need outstanding judges who are independent, impartial, and fair and who are not beholden to any politician, extreme political ideology, or special interest group. I understand the critical importance of the judiciary's role as an independent check and balance under our Constitution. I will continue to bring a balanced approach with no hidden political agenda.</p> <p>Throughout my life, I have chosen to work in roles that will have the greatest impact on improving the community in which I live. Whether it was fighting for the rights of political dissidents around the world as they sought asylum in the United States, protecting migrant workers from fraudulent land deals in the Attorney General's office, serving our country as a public defender in the United States Army JAG Corps, or prosecuting serious felony crimes in Travis County, I have strived to dedicate my life to serving others and serving our community. I believe that I will be able to have an even greater impact as a District Judge.</p>

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<p>David Wahlberg</p>	<p>I am seeking this bench because 35 years of practicing law in Travis County has convinced me that we need a judge who is well qualified, who will be independent, and who shares our community values-- a judge who will bring a fresh perspective to the bench. Let me elaborate: Well-Qualified: I have worked hard to achieve a high level of competence in my profession, something that we should look for in any prospective judge. • I graduated from the University of Texas School of Law in 1973</p> <ul style="list-style-type: none"> • I am a board certified specialist in criminal law (for 23 years - longer than Mr. de la Fuente has been licensed to practice law.) • I have handled thousands of criminal cases, including hundreds as a public defender. • I am supported by the best criminal lawyers in Austin, reflecting the judgment of my peers. • I have been honored by Texas Monthly as a "Texas Super Lawyer;" I am rated AV-Preeminent by Martindale-Hubbell • I was a founding member of the Austin Criminal Defense Lawyers Association. • I regularly speak at Continuing Legal Education seminars. <p>Balanced and Independent: Justice requires a level playing field. Our judges should not be closely allied with either side. However, five of our seven criminal district judges assumed the bench directly from the district attorney's office (the other two previously served about 20 years apiece on other courts). Both of my opponents are career prosecutors (14 years for de la Fuente; 25 years for Case). Not only does this career choice reflect a certain outlook but a career prosecutor has years of relationships with police and other prosecutors that are impossible to completely set aside. Thirty five years in private practice provide the independence we deserve. Shared Community Values: Austin is a progressive community, and its judges should be part of that community. I have been an Austin resident for over 50 years. I have long been a member of the ACLU, Sierra Club, and other progressive organizations. I have also handled hundreds of pro-bono cases through my practice. I'm a lifelong Democrat. Travis County residents should know that their judges, like their jurors, come from their community. I do. Beyond these basic reasons for my candidacy, I also have ideas on how we can improve our courts. You can read about those at wahlbergforjudge.com/proposals</p>
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<p>Question 5</p>	<p>Do the words "homosexual" and "heterosexual" describe the deep and relatively unchanging orientation of an individual or only the character of the particular sexual acts of an individual?</p>
<p>3rd Court of Appeals</p>	
<p>Diane Henson</p>	<p>I would use them to describe orientation.</p>
<p>167th District</p>	
<p>Efrain De La Fuente</p>	<p>They describe the deep and relatively unchanging orientation of an individual.</p>
<p>David Wahlberg</p>	<p>I believe a person's sexual orientation is an innate and immutable part of his or her physical and psychological makeup and that the terms "homosexual" and "heterosexual" describe that general orientation.</p>

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Question 6	Is there implicit or explicit “right to privacy” in the Constitution of the United States and/or of the State of Texas a guaranteed to all its citizens?
3rd Court of Appeals Diane Henson	Yes.
167th District Efrain De La Fuente	Yes, there is an explicit right to privacy.
David Wahlberg	The Constitution does not contain the term "right to privacy," but that inherent right is the conceptual basis of our most important rights, including freedom of expression, assembly, religion and the right to be free from unwarranted governmental intrusion into our homes and lives.

Question 7	What does the term “equal protection of the law” mean to you?
3rd Court of Appeals Diane Henson	That similarly situated persons should not be treated differently by the state.
167th District Efrain De La Fuente	All people should be treated equally by the courts and law enforcement, regardless of their gender, race, creed, or sexual orientation.
David Wahlberg	"Equal protection of the law" is embodied in the 5th and 14th Amendments and flows from the language of the Preamble ("all men are created equal"), but throughout history our nation has frequently failed to achieve the ideal that circumstances of race, religion, gender, age and sexual orientation are not relevant to the establishment or enforcement of our laws.

Question 8	What does the term “family” mean to you?
3rd Court of Appeals Diane Henson	The people in your life that you are closest to - sometimes relatives, sometimes not.
167th District Efrain De La Fuente	When I think of family, I think of a group of people who love each other and are there for each other. That’s all that really matters, and family is an important part of our community. We should do more to encourage families of all different types.
David Wahlberg	"Family" means more than simple biological connection and includes the group of people with whom we choose to have relationships and the bonds we establish with them.

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Question 9	What does the term “community standards” mean to you and who, if anyone, sets these standards?
3rd Court of Appeals Diane Henson	Depending on the context - the term “community standards” is sometimes used by persons to justify discrimination against people who are in the minority. It is a term often utilized by certain extremist groups. The majority may not impose its religious beliefs, etc, on others. We are supposed to be a tolerant society.
167th District Efrain De La Fuente	Within any given society, those in the minority should not be subject to what a majority of people believe is appropriate or acceptable within the law. Community standards can be misused to justify discrimination and should be regarded with suspicion, particularly in matters of the law.
David Wahlberg	"Community standard" is such a vague term that it is essentially meaningless and is generally used by those who seek to impose their own norms on others without regard for the rich and widely varied differences in our communities.

Question 10	What does the term “homosexual panic” mean to you?
3rd Court of Appeals Diane Henson	That is not a term I’ve really heard used and so I don’t know what context to place it in.
167th District Efrain De La Fuente	There is nothing to fear about homosexuality, and I condemn any effort to use homosexuality to scare individuals or groups.
David Wahlberg	"Homosexual panic" is a term sometimes used in an attempt to excuse behavior that is actually a hate crime.

Question 11	How would you characterize the US Supreme Court’s decision overturning the Texas sodomy statute?
3rd Court of Appeals Diane Henson	Correctly decided.
167th District Efrain De La Fuente	For too long, these types of laws have been selectively applied as a tool to persecute homosexuals and their friends and families.

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David Wahlberg	The decision of the US Supreme Court in Lawrence v. Texas is a milestone in the recognition of GLBT rights, especially because it clearly goes against the proposition that there is legitimate basis for governmental intrusion into relationships between consenting adults.
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Question 12	Does the language in the Texas constitution, which bans same-sex marriage or “any legal status identical or similar to marriage,” potentially affect domestic partnership benefits or gay foster/adoptive parents?
3rd Court of Appeals	
Diane Henson	These matters may become an issue before the Court of Appeals, and I would have to recuse myself if I prejudged the matters at this time.
167th District	
Efrain De La Fuente	Unfortunately, yes. However, as a community we should be doing more to safeguard families of all types, instead of breaking up families who love and care for each other.
David Wahlberg	The language in the Texas Constitution banning same-sex marriage (or an equivalent legal relationship) has the potential to eliminate domestic partner benefits and the ability of GLBT couples to become foster/adoptive parents and should therefore be repealed.

Question 13	If elected, how would you stay informed of the concerns and interest of gay, lesbian, bi-sexual and transgendered citizens?
3rd Court of Appeals	
Diane Henson	I regularly read several newspapers and magazines that address these issues. I have friends and contacts who are active in the gay, lesbian, bi-sexual, and transgendered community.
167th District	
Efrain De La Fuente	I would do my best to stay abreast of the concerns of all members of our community, including gay, lesbian, bi-sexual, and transgendered citizens. I will strive to have regular meetings with members of the GLBT community to listen to their specific concerns. I will be the type of judge that remains in our community. I will be visible and continue to build partnerships to strengthen our criminal justice system. I will not just sit on the bench and then go home every day.
David Wahlberg	35 years of practicing law has taught me the importance of listening, so I will continue to listen to my friends, neighbors and anyone who cares to discuss GLBT issues. As a Democratic elected official, I will also continue to be an active member within the Democratic community, including this club.



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Question 14 Have you attended other events in the gay and lesbian community? Which events?	
3rd Court of Appeals Diane Henson	Events sponsored by HRC as well as events to benefit AIDS Services of Austin and related organizations. I have ridden twice in the Hill Country Ride for AIDS and am signed up to ride in the event this year as well.
167th District Efrain De La Fuente	I was proud to march in last year's PRIDE Parade, and I have also attended recent events with an emphasis on GLBT issues.
David Wahlberg	Other than the pride parade (which coincides with the Stonewall riots), the only events I have attended are occasional parties or other social gatherings hosted by GLBT friends.