**Republican Party of Minnesota v. White**

**Facts:** A pro-life Candidate for Minnesota Supreme Court- sues to have “announcement clause”, a state statute restricting what he can say while campaigning, declared unconstitutional.  
Announcement clause is cannon of judicial conduct that prohibits a “candidate for judicial office” from “announcing his or her views on disputed legal or political issues.” There is also   
another statute that prohibits candidates from making "pledges and promises" to get votes. This is akin to a bribery statute.

**Procedural History**,  Clause upheld by District Court and 8th Circuit. The Supreme ultimately has some question about how the 8th Circuit interpreted the announce clause,

**Issue**: Is this clause, which prohibits a candidate from announcing his position on certain issues, an unconstitutional restriction on speech and barred by the first amendment?

**Held**: Yes.   Clause is a form of content discrimination which requires the state to show a compelling interest and a narrowly tailored rule.  This clause fails the tests.(Note so far  
this is about a civil liberties issue. This is not a course in civil liberties so don't worry a about a detailed understanding of this 1st amendment issue)

**Judgement**: Reversed

**Opinions  
Justice Scalia** for the majority(Thomas Rehnquist, O'Conner and Kennedy)

In connection with the first amendment issues talks about the state's compelling interest: impartiality of the judiciary and preserving the appearance of impartiality He then  
looks at whether the "announce clause' really promotes impartiality. If not law must fail as a ban on protected speech.  
(Now we are at what is relevant to this course, what does it mean for a judge to be impartial.)

After analyzing what impartiality means, he concludes the ban does not promote it in a way that is consistent with the first amendment.

To do get here, Scalia gives a dissertation what on impartiality means. That is what we want to discuss.

**Justice O'Connor** concurring

She does not like choosing judges by partisan election, but if a sstate choose that system then the state can't enact these kinds  
of restrictions. (I classes 3 and 4 we will get to the process of judicial selection in more detail.**)**

**Justice Kennedy** concurringClassic answer to question of state trying to restrict speech, in a democracy corrective to these flaws in process is more speech not less

**Justice Stevens** dissenting  
Shouldn't treat judicial candidates like other political candidates and Scalia has a flawed view of judicial independence

**Justice Ginsburg** dissenting(Souter and Breyer)  
In addition to Stevens point of judges not being political actors, she says announce clause is about how a judge will decide a case, not generally making views known. As such it is constitutional.

**Relation to other cases**  
At this point we have not covered any other relevant cases.

**Source of Law**  
1st Amendment

**System Operation**s  
This case is about how judges should behave on the bench and in the process of getting to the bench. It tells us something about what it means to be an impartial arbiter in case.

**Impact(this is what we might look for after the case is decided)**  
There are several potential levels of impact of the case  
1. Presumably, judicial candidates in Minnesota will feel freer to express themselves in campaigns  
2. Judicial campaign may look more like all other political campaigns  
3. Other states might change their laws.  
4. It may change the kinds of people who run for office  
5. It could politicize even more judiciaries in states with judicial elections  
6. It may changes the ideological makeup of some state judiciaries since in the Supreme Court it seems the conservatives were for this kind of speech and liberals were against it.

**Values in Conflict:**(only need one set for your brief)

Free speech versus appearance of impartiality  
Federal control versus state control of judicial elections  
Liberalism vs conservatism