



Wednesday, March 24, 2010

Senator Patrick J. Leahy
U.S. Senate Judiciary Chairman

Senator Jeff Sessions
U.S. Senate Judiciary Ranking Member

Dear Senator,

Concerned Women for America Legislative Action Committee (CWALAC) and its more than half-a-million members write to urge you to reject the nomination of Goodwin Liu to the United States Court of Appeals for the Ninth Circuit. Throughout Mr. Liu's short career he has demonstrated beyond any reasonable doubt he is unfit to serve as an objective officer of the court. Mr. Liu's radical ideology would actually move what has been considered one of the most liberal circuits in the country, and one of the most overturned, even further away from the mainstream.

Liu believes the Constitution is a living, breathing document that must change to accommodate new progressive ideas. He has said, "The Framers deliberately chose broad words so they would be adaptable over time." The real danger of this ideology is that someone must decide what those "adaptations" to the Constitution are, and in Liu's radical world, he, as a judge, is the one that would decide how the Constitution should "evolve."

For example, he argues that judges should read into the Constitution a constitutional right to welfare. In a 2008 *Stanford Law Review* article, Liu argued that judges should "determine, at the moment of decision, whether our collective values on a given issue have converged to a degree that they can be persuasively crystallized and credibly absorbed into legal doctrine."

Another of those doctrines that, according to Mr. Liu, has evolved and should be now "crystallized" as a constitutional right is the right to a same-sex "marriage." In his left-wing radical activism, Liu offered a friend of the court brief to the California Supreme Court arguing the Court should invalidate the will and the vote of Californians to find unconstitutional the state's definition of marriage as the union between one man and one woman.

Liu's ideology is so outside the mainstream as to be hostile to some of the most basic ideas of freedom. He has said that phrases like "private ownership of property" and "limited government" are really "code words for an ideological agenda hostile to environmental, workplace, and consumer protections."

The proof of Mr. Liu's radical ideology is overwhelming. No explanation, no matter how clever, should be enough to dismiss the avalanche of evidence against him. Mr. Lui shows no sign of judicial restraint, or respect for the law and the Constitution. No one should be fooled by whatever spin the nominee tries to put on these issues at the hearings.

The bottom line is Goodwin Liu is a "loose cannon" who would be deadly to American freedom if empowered with the respect and responsibility of deciding some of the most important cases in our nation as a circuit court judge. He should never be confirmed as a judge.

Sincerely,

Penny Nance
Chief Executive Officer

cc. Senate Judiciary Members