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Reply to: DC Office

March 16, 2010

The Honorable [Senator Name]
[Senator Location] Senate Office Building
Washington, DC 20515

Re: Nomination of Goodwin Liu

Dear Senator [Senator Last Name]:

Liberty Counsel is a non-profit litigation, education and policy organization with offices in Florida, Virginia, Texas and Washington, D.C., and hundreds of affiliate attorneys across the Nation. As an organization that defends the Constitution, Liberty Counsel writes on behalf of Americans concerned about political activism in the judicial branch.

As you know, President Barack Obama recently nominated Goodwin Liu for the United States Court of Appeals for the Ninth Circuit. As you consider the Committee hearing regarding Liu, Liberty Counsel encourages you to consider his ideology and judicial philosophy, and when you vote regarding whether to report the nomination and have it placed on the Senate's Executive Calendar, we ask that you vote no.

After you consider Goodwin Liu's ideology and judicial philosophy, we are confident you will conclude that Liu is not qualified for a federal judgeship. He graduated from law school less than twelve years ago and after graduating, practiced law for only two years, never gaining experience as a trial attorney. His inexperience becomes obvious when considering statements Liu made on a number of important issues, one of which being the interpretation of the Constitution of the United States.

It is important for you to engage Liu regarding how he intends to interpret the Constitution, and just as he said in reference to Chief Justice Roberts' confirmation, this "should be the central focus of the Senate confirmation process," because a federal judge sits "with life tenure." In that regard, it is central to note that Goodwin Liu is an unapologetic judicial activist.

Rather than construing the Constitution in accordance with the intent of its drafters, Liu argues that constitutional scrutiny “requires adaptation” because of the “evolving norms of our society.”

Liu’s concept of the Constitution is so misguided he has stated that when adjudicating questions involving social values and concerns, courts should look to “public policies, institutions, and practices as well as predictive judgment,” rather than to the Constitution and related legislation. Liu has even confounded the Constitution to the extent of propagating the idea that individuals have a constitutional right to welfare.

Liu not only lacks sufficient understanding of the Constitution to sit on the Ninth Circuit, but he is also decidedly biased on a number of issues. This is evident based on his association with organizations like the American Constitution Society, the ACLU, the National Women’s Law Center, and the Chinese for Affirmative Action. He has also been vocal on a number of issues, including same-sex marriage and abortion, denouncing the California Marriage Amendment and advocating for abortion, including federally funded abortion.

Liu’s lack of understanding about America, its judicial system and its economic system were further illuminated when he commented that Chief Justice Roberts was unqualified because of his belief in free enterprise, private ownership of property, and limited government.

Confirming Liu would only add more chaos in a circuit that is already overturned more than any other circuit in the nation (in one term 94% of the Ninth Circuit cases reviewed by the Supreme Court were overturned). Liberty Counsel asks that you weigh Liu’s inexperience, lack of understanding about the Constitution, and obvious biases in considering his nomination.

Your vote is one of the most important and lasting votes a senator can make, and to prevent an individual like Goodwin Liu from legislating from the bench is a key purpose of the “advice and consent” process and the duty of the Senate Judiciary Committee.

Respectfully,

A handwritten signature in black ink, appearing to read "Mathew D. Staver". The signature is written in a cursive, somewhat stylized font.

Mathew D. Staver

MDS/mc