

Pro-Family Leaders Predict Judicial Fight

By Pamela Pearson Wong

Last November 3, about the same time President Bush declared victory, Sen. Arlen Specter (R-Pennsylvania), likely incoming chairman of the powerful Senate Judiciary Committee, threw down the gauntlet. He warned the President not to nominate judges who might overturn *Roe v. Wade*, which brought abortion on demand into our culture.

Specter's comments mobilized pro-family Americans [see page 9] in a way that shows how deeply they care about the judiciary. They recognize that judges' decisions widely influence our culture. A poll of 1,000 adults conducted before Election 2004 by Wirthlin Worldwide for the Beverly LaHaye Institute supports that concern. Among voters who said family issues were most important to them, 41 percent said the types of judges likely to

be appointed would be most important in their decision of which candidate to support.

President Bush's nominations to the federal judiciary during his first four years met constant difficulties. Under Sen. Tom Daschle's leadership (D-South Dakota), Democrats repeatedly blocked nominees who had been deemed qualified even by the American Bar Association.

Without precedent, Democrats of the 108th Congress used the filibuster to block the confirmation of 10 nominees to the circuit courts of appeal. They used it to prevent an up-or-down vote by all senators.

Then, just days before the November 2 election, the media reported that Chief Justice William Rehnquist was hospitalized with thyroid cancer. This announcement brought the Supreme Court into focus. With the Chief Justice's illness and the likelihood of up to three retirements, the next President would leave an indelible mark on the Supreme Court, and therefore on our culture.

"This is a battle for all the issues we are concerned about," said Jan LaRue, Concerned Women for America's (CWA's) chief counsel and expert on the judiciary. "Judges gave us abortion on demand. Judges destroyed marriage in Massachusetts. Judges declared virtual child pornography protected by the first Amendment and sodomy a right of liberty under our Constitution."

Indeed, key cases will soon be coming before the Supreme Court:



CWA's Jan LaRue spoke at a rally against Sen. Specter becoming Judiciary Committee chairman. She is flanked above by (far left) Rev. Rob Schenk of the National Clergy Council and (far right) Rev. Patrick Mahoney of the Christian Defense Coalition.

Oregon's physician-assisted suicide law: John Ashcroft, in one of his last acts as U.S. attorney general, asked the U.S. Supreme Court to review a 9th Circuit decision involving Oregon's physician-assisted suicide law. In the last six years, 170 people have used this law to end their lives, according to the Associated Press.

The Supreme Court will decide this year whether to hear the case. Its decision would have a profound impact on whether federally controlled drugs may be prescribed under so-called death with dignity laws.

The Ten Commandments: The high court will hear arguments early this year on whether Ten Commandments displays may be permitted in public places, specifically on government property in Kentucky and Texas.

Partial-Birth Abortion: Three lawsuits overthrowing the ban of partial-birth abortion, which President Bush signed into law in 2003, are now in the federal circuit courts of appeal. It is highly likely that they will wind up in the Supreme

Court, which will rule on the constitutionality of the ban of this barbaric abortion procedure.

Defense of Marriage Act (DOMA):

The federal DOMA, which protects states' rights not to recognize another state's marriage and defines marriage under federal law as between a man and a woman, is being challenged in Florida.

In the Specter matter, pro-family Americans won round #1 in the battle for the Supreme Court, but others lay ahead.

One is changing the rule on ending debate on the Senate floor. Senate Democrats have abused this rule with the filibuster, refusing to allow votes on President Bush's judicial nominees in committee or by the entire Senate. Majority Leader Bill Frist (R-Tennessee) has proposed changing this rule so that only a simple majority, rather than 60 votes, is needed to end debate and move to a vote.

Another challenge will be President Bush's nominee as Chief Justice, if William Rehnquist indeed resigns. One person reportedly under consideration is Justice Clarence Thomas, who fulfills President Bush's desire for someone who upholds the original intent of the U.S. Constitution, rather than changing it to meet culture's "evolving" standards. So does Justice Antonin Scalia.

"Both Scalia and Thomas generally share Rehnquist's philosophy of judicial restraint," LaRue says. "The appointment of either would not change the so-called balance of the Court; therefore, vigorous opposition to either one

based on their 'conservatism' doesn't hold water."

In these and other battles to come, Americans concerned about our nation must continue to communicate their support – or lack of it – for judicial nominees and the Senate's treatment of them.

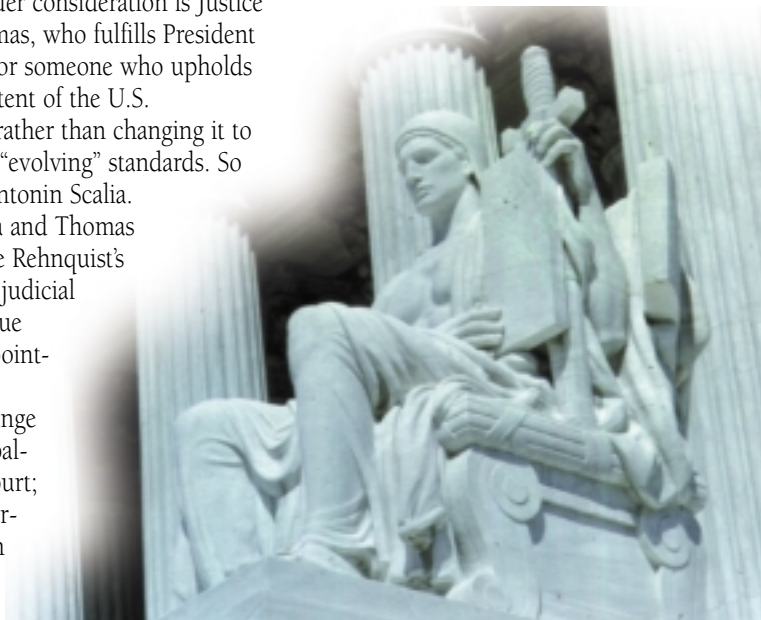
We must do so for the generations to come. ■

Pamela Wong is editor of Family Voice.

CWA works to see that our judiciary consists of judges who desire to interpret the law instead of make the law. Please help us by using the enclosed form to send your generous gift to CWA today.

To Learn More:

Read CWA's paper, *The American Judiciary: Understanding Federal and State Courts*. Visit www.cwfa.org, or call 1-800-323-2200 to request your copy.



Specter Muzzled

The day after the November 2 election, remarks made by Sen. Arlen Specter, arguably the Republicans' most liberal, pro-abortion senator and the one in line to become chairman of the powerful Senate Judiciary Committee, shocked pro-family Americans. The remarks told them that Sen. Specter wouldn't handle the president's judicial nominees fairly.

So CWA led the charge in questioning his suitability for leading the committee.

"Sen. Specter has repeatedly made it clear that he will block appointments of federal judges who he deems to be 'extreme,' meaning that they don't share his 'living and growing' theory of the Constitution," said Jan LaRue, Concerned Women for America's (CWA's) chief counsel and expert on the judiciary. "It goes without saying that it is absolutely unacceptable to use 'specter vision' to critique judicial nominees."

CWA sent out regular e-mail alerts to call its members to act, and Americans responded overwhelmingly. In less than two weeks, the office of Senate Majority Leader Bill Frist (R-Tennessee) reported receiving an unprecedented number of e-mails – and that doesn't even count contacts to members of the judiciary committee and other Republican senators.

LaRue commented widely in the media about the Specter matter. Her quotes were published in *The New York Times*, *Philadelphia Inquirer* and *Los Angeles Times*, among others. She appeared on news broadcasts such as CNN and *Newsweek*

radio. Along with daily press releases from CWA, these efforts informed the public and kept up the political heat on Capitol Hill.

LaRue also spoke at a November 16

rally outside the Dirksen Senate Office Building in Washington, saying, "Allowing Arlen Specter to chair the Senate Judiciary Committee makes no more sense than Michael Moore becoming chairman of the RNC [Republican National Committee]."

She cited Specter's many positions that oppose those of President Bush – and many CWA members – including his view of the malleability of the

Constitution, enabling it to "adjust" to current sensibilities; as well as abortion, human cloning, "gay" marriage, school choice, the International Criminal Court and others.

At the same time, CWA of Pennsylvania was working on the issue in Specter's home state. State Director Nancy Staible spoke to the media and organized demonstrations at Specter's state offices.

Despite the outcry from American citizens, Republicans on the judiciary committee expressed their unanimous support publicly, and Specter promised to quickly and fairly consider the president's nominees.

Specter's fate will be decided ultimately when all the Republican senators vote sometime this month. We will be watching to make sure that he keeps his word. ■

To Learn More:

Visit "Specter Watch" at www.cwfa.org.



Sen. Arlen Specter