

Received(Date): 20 JUN 2003 11:45:26
From: Sean Rushton <SRushton@CommitteeforJustice.org> (Sean Rushton
<SRushton@CommitteeforJustice.org> [UNKNOWN])
To: SRushton@CommitteeforJustice.org (SRushton@CommitteeforJustice.org [UNKNOWN])
Bcc: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
Subject: : Buckley on Pryor.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> (Sean Rushton
<SRushton@CommitteeforJustice.org> [UNKNOWN])
CREATION DATE/TIME:20-JUN-2003 11:45:26.00
SUBJECT:: Buckley on Pryor.
TO:SRushton@CommitteeforJustice.org (SRushton@CommitteeforJustice.org [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pryor dares to say the unthinkable
William F. Buckley - June 19, 2003

The attorney general of Alabama, William Pryor, is the most refreshing thing to happen to Washington since William Faulkner said the reason he wouldn't be going to President Kennedy's Nobel prize-winner party at the White House was that Washington was a long way to go for dinner. Listen to Pryor being grilled by Sen. Russ Feingold, D-Wis. The senator was fishing about trying to add to Mr. Pryor's list of disqualifications to serve as judge. Wasn't he associated with the Republican Attorneys General Association (RAGA), which made contributions to Republican contenders for election as attorneys general?

Feingold: Will you provide to the committee a comprehensive list of RAGA's contributors and the amounts and dates of their contribution?

Pryor: I don't have such a list, Senator.

Feingold: Who does?

Pryor: The Republican National Committee.

Feingold: Will you urge them to provide that list?

Pryor: If you need that kind of list, then you really need to seek it from them.

Feingold: You oppose a disclosure of this information?

Pryor: I'm not saying that I oppose it or I favor it.

Feingold: I'm taking this as a refusal to urge the release of this information.

In street talk, this would read: You want that? Well, stir ass and get it. Don't use me as your research assistant.

Attorney General Pryor has run into the high risk of sassing critically

situated senators. Not that there was ever any possibility that Sen. Feingold would vote to confirm the nomination of Pryor to the court of appeals. The 41-year-old Pryor had given the committee an answer to the big question. He said it with a straight face. Said it as matter-of-factly as if he had been asked by the short-order cook if he wanted his steak well-done. The great question:

"Mr. Pryor, you once said that you thought the Supreme Court's decision in *Roe v. Wade* was 'the worst abomination of constitutional law in our history.' Do you still think that?"

"Oh yes," said Pryor.

When asked whether he thought that that decision had had moral consequences, he said, oh yes. He explained: "It has led to the slaughter of millions of innocent unborn children."

Does the attorney general of Alabama know nothing about governing protocols in dealing with proud liberal senators? You never say "unborn children" when referring merely to -- fetuses. What you do is you tilt the language around a bit and talk about the rights of the mother. But Pryor -- who almost certainly will not be confirmed -- hadn't come to Washington to disguise his personal views on child pornography, homosexual practices, gun laws or prayer in school. What he said was that he respected the right of the state legislatures to promulgate laws governing these matters, provided they did not violate constitutional postulates, for instance, the right to pray or to exhibit the Ten Commandments in a judge's chambers.

What is admirable about Mr. Pryor's personal deportment is his refusal to cavil. He came to conclusions about *Roe v. Wade* no different from those taken by Supreme Court justices who voted against the majority opinion in 1973. If a lawyer isn't free to believe that *Roe* was wrong as constitutional exegesis, and mischievous as political sociology, he isn't free to think, except as spokesperson for People for the American Way.

The only proper concern for the Senate Committee, passing on a nomination by the president, who is given that authority by the Constitution, is whether the potential judge would enforce the law. And Pryor would do so, even laws based on opinions he thought wrong. He has more than once argued, as attorney general, to enforce the law based on judicial rulings with which he did not sympathize.

But people who are in favor of abortion don't want anybody around courthouses who thinks abortions immoral, let alone illegal. Because, of course, if they are, then those in favor of abortion are supporting immoral activity. Politicians don't want that kind of invidious language. That's why they talk about women's rights (which include the right to be immoral). Get this: One senator wanted to know whether Pryor had canceled a visit to Disney World with his children, which visit would have fallen on Gay Day at Disney World.

"We made a value judgment and changed our plan and went another weekend."

To spare the kids from embarrassment? Hardly. The two girls were 4 and 6. No. Mr. Pryor was saying to Disney, Look, if you want to celebrate Gay Day, count me out as a participant in the celebration. I'll come another

day. Fair enough.

Pryor has a superb record as lawyer and attorney general, but of course the Democrats won't vote for him, and they'll seek an Arlen Specter or two to dissent from Mr. Bush's nomination. The thought police are busy, and they're looking for a couple of Republican senators to help make the point that some thoughts are unthinkable.

William F. Buckley, Jr. is editor-at-large of National Review, a TownHall.com member group.

ÿ

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC20004

202-481-6850 phone

P6/b6

www.committeeforjustice.org

ÿ