

Received(Date): 8 MAY 2003 13:38:41

From: [REDACTED] P6/b(6)

To: SRushton@CommitteeforJustice.org (SRushton@CommitteeforJustice.org [UNKNOWN]),
Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO]), barbara_ledeen@src.senate.gov (barbara_ledeen@src.senate.gov [UNKNOWN]), mark_rodgers@src.senate.gov (mark_rodgers@src.senate.gov [UNKNOWN]), Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO]), lleo@fed-soc.org (lleo@fed-soc.org [UNKNOWN]), Manuel_Miranda@frist.senate.gov (Manuel_Miranda@frist.senate.gov [UNKNOWN])

Subject: : Fwd: FW: Salem NNPA Spotlight--Marking Two Years of Judicial Nominees Languis...
[P_00Q9G003_WHO.TXT_1.html](#)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: [REDACTED] P6/b(6)

CREATION DATE/TIME: 8-MAY-2003 13:38:41.00

SUBJECT:: Fwd: FW: Salem NNPA Spotlight--Marking Two Years of Judicial Nominees Languis...

TO:SRushton@CommitteeforJustice.org (SRushton@CommitteeforJustice.org [UNKNOWN])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

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TO:barbara_ledeen@src.senate.gov (barbara_ledeen@src.senate.gov [UNKNOWN])

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TO:mark_rodgers@src.senate.gov (mark_rodgers@src.senate.gov [UNKNOWN])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:lleo@fed-soc.org (lleo@fed-soc.org [UNKNOWN])

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[172.20.83.138]) by air-xn02.mail.aol.com (v93.12) with ESMTTP id

MAILINXN24-81c23eba9465293; Thu, 08 May 2003 13:31:17 -0400

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rly-xn05.mx.aol.com (v93.12) with ESMTTP id MAILRELAYINXN53-64d3eba943b363;

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Received: from nnpa01 (polly.srnnews.com [38.200.2.35] (may be forged)) by

mailbag.wava.com (8.11.4/8.11.4) with SMTP id h48HU8w17338; Thu, 8 May

2003 13:30:08 -0400

Date: Thu, 8 May 2003 13:29:43 -0700

From: "David Halbrook" <dhalbrk@srnnews.com>

Subject: FW: Salem NNPA Spotlight--Marking Two Years of Judicial Nominees
Languishing

To: "Bill Wichterman \ (Frist)" <Bill_Wichterman@frist.senate.gov>

Cc: "Russell Shubin" <russells@salem.cc>, "David Spady" <davids@salem.cc>

Message-id: <NDBBLAMOILLJCGCLOFBKAENBCDAA.dhalbrk@srnnews.com>

MIME-version: 1.0

X-MIMEOLE: Produced By Microsoft MimeOLE V5.50.4807.1700

X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)

Content-type: multipart/alternative;

boundary="Boundary_(ID_Y2vrftcqbrxQXdu79JzPsA)"

Importance: Normal

X-Priority: 3 (Normal)

X-MSMail-priority: Normal

FYI: This National News and Public Affairs Spotlight went out across Salem Communication's network of talk hosts and producers Wednesday, May 7, 7:02 p.m.

-----Original Message-----From: David Halbrook (mailto: [dhalbrk@srnnews.com])
Sent: Wednesday, May 07, 2003 7:02 PM
To: Russell Shubin
Subject: Salem NNPA Spotlight--Marking Two Years of Judicial Nominees Languishing

Spotlight

SALEM NATIONAL NEWS AND PUBLIC AFFAIRS

May 7, 2003

Also available on SONnetwork

Obstruction Day! on May 9 to Highlight Judicial Blockade

SUMMARY

On May 9th 2001, the President of the United States nominated his first class of 11 judges. Today, most of them are still languishing in the confirmation process while nominees like Miguel Estrada and Priscilla Owen (and possibly James Leon Holmes of Arkansas) are being filibustered as part of a radical new course of judicial obstructionism by liberal Democrats. Knowing they have lost both the House and Senate, and with scant hopes of regaining the White House in 2004, liberal Senators beholden to far-left special interests are engaged in a campaign to prevent the president from exercising his right to nominate judges subject to a majority vote in the Senate of the United States.

This Friday, May 9th, the president will be delivering remarks on the judicial crisis from the White House. Additionally, a rally will be held at noon at the Capitol in Washington, D.C. marking the second anniversary of the president's first batch of nominees. The event will take place in the Senate swamp (between the Capitol and Russell Senate Office building), to focus attention on the radical left's overt political hijacking of President

Bush's electoral mandate. Radio listeners can participate with those demonstrating at the nation's Capitol by contacting senators in the districts, phoning and faxing their elected officials urging them to end the

filibusters and hold up and down votes on Bush judicial nominees.

CONSTITUTIONAL CRISIS

The Democrats' judicial blockade has created nothing less than a Constitutional crisis
<http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=32362> , in that the Constitution forbids the Senate from imposing a supermajority rule for confirmations.

* The tactic is unconstitutional, according to Harry Edwards, a respected Carter-appointed appeals judge, explaining that "the Senate, acting unilaterally, could thereby increase its own power at the expense of the President" and "essentially take over the appointment process from the President."

* The essence of the democratic system of government "is beautiful in its simplicity," says constitutional expert Senator John Cornyn (R-TX), because "Majorities must be permitted to govern. As the Supreme Court has unanimously held, our Constitution is premised on the democratic doctrine of majority rule."

* Article II of the Constitution provides: The President "shall nominate, and with the Advice and Consent of the Senate, shall appoint Judges of the Supreme Court, and all other Officers of the United States"

* During the First Congress and throughout most of this nation's history, the Senate has both recognized and exercised its constitutional responsibility under Article II to hold majority, up-or-down votes on a President's nominees with a reasonable time after nomination.

TALKING POINTS

* Democrats have finally admitted why they are so enamored of litmus tests and nominees' personal views. Sen. Durbin described the "extraordinary power" of federal judges this way: "Most of us in the Senate will come and go, and they will still be sitting on the bench with gavel in hand, in their black robes, meting out justice according to their own values. So it is important that we ask questions and make inquires as to what those values might be." That's what leftists really believe, that judges decide their cases "according to their own values." Not according to law, but their own values. Since judges decide cases according to their own views, nominees with insufficiently leftist views are unlikely to render sufficiently leftist decisions. Hence, to leftists, such folks are simply unqualified to sit on the bench. [from Jipping

<http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=32362>]

* Today, a minority of obstructionist senators is using the filibuster, not simply to ensure adequate debate, but to actually block many of our nation's numerous judicial vacancies from being filled.

* As it stands, the judicial confirmation process has been

completely paralyzed by this unprecedented tactic, which can only be ended with a 2/3 supermajority of 60 votes. Indications are that both Estrada and Owen would be approved by a simple majority under a straight up-and-down vote.

* The far-left has resorted to this litmus test: "Does the candidate's record bear the slightest hint of a conservative, moral base?" to effectively disqualify all Bush nominees suspected of one day resisting their agenda.

* These lower circuit judges exert the biggest impact on the issues of liberty, values, and culture in our country. More than 8,000 appeals have been directed to the Supreme Court in 2003, but only 80 of those were decided. Federal circuit courts, however, decide 99.9 percent of appeals cases nationwide.

* In recent years a growing, liberal activist minority has come to view the courts as stealth political bodies to be used to reshape the face of American culture. This radical bloc, scorning the longstanding role of government (and the people's will) in determining law especially on issues like abortion, bioethics, gay rights, the definition of marriage and the protection of traditional family values now view the judiciary as a potent weapon of liberal extremism.

* As a result, the far-left fears conservative judges who have established records of ruling according to the original meaning of the Constitution, and are more determined than ever to appoint patently liberal activist judges known to improvise, or re-write left-leaning principles into their rulings.

* If liberals are successful in blocking Estrada, Owen, and other Bush nominees from appointment to the federal appeals bench, then radical court decisions such as the Ninth Circuit Court of Appeals ban of the Pledge of Allegiance in schools, and upcoming cases aimed at legalizing gay marriage will continue.

LINKS

New milestones in Democrat hypocrisy [WND
<http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=32362>]

Concerned Women for America Talking Points [CWA
<[http://www.cwfa.org/articledisplay.asp?id=3226&department=LEGAL&categoryid=
=
nation](http://www.cwfa.org/articledisplay.asp?id=3226&department=LEGAL&categoryid=)>]

Data chart on judicial vacancies [Data Sheet
<<http://www.cwfa.org/articles/1799/legal/misc/index.htm>>]
Pending nominees chart [Dept. of Justice
<<http://www.usdoj.gov/olp/nominations.htm>>]

Action Points for voters [Fight the Filibuster
<<http://www.cwfa.org/articles/3508/CWA/nation/index.htm>>]

Truth A Casualty: Tom Jipping Article [CWA
<<http://www.cwfa.org/articledisplay.asp?id=3405&department=LEGAL&categoryid=404482>>]

Senate Deadlock on Owen Nomination [Wash. Times
<<http://www.washtimes.com/national/20030409-150767.htm>>]
Abortion Battle Hinges on Supreme Court [New York Times
<<http://query.nytimes.com/gst/abstract.html?res=F40F12F63D550C748DDDA0894DB404482>>]

Top Ten Arguments for a Vote on Estrada [CWA
<<http://www.cwfa.org/articledisplay.asp?id=3228&department=LEGAL&categoryid=404482>>]

How To End The Obstructionism Of President Bush's Judicial Nominees [Free Congress
<<http://www.freecongress.org/commentaries/030505pw.asp>>]

GUEST CONTACTS

Senator John Cornyn (R-TX), Chairman of the Senate Subcommittee on the Constitution; served on the Supreme Court of Texas and as the state's attorney general; penned eloquent argument on the unconstitutionality of the Senate filibuster.

Phone: contact press secretary John Drogin: 202-224-2934

Senator Saxby Chambliss (R-GA) forceful spokesperson on the issue of the Bush judicial blockade.

Phone: contact press secretary Michelle Hitt: 202-224-3521

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Phone: 202-488-7000

Boyden Gray: founder Committee for Justice and former White House Council under first President George Bush.

Phone: contact communications director Shawn Rushton:
202-481-6850

Roger Pilon, D.C. attorney and legal analyst with Center for Constitutional Studies

Phone: 202-789-5233

Mark Levin, The Great One attorney, emcee of Obstruction Day and

frequent
guest on Rush Limbaugh; colorful, articulate, and outspoken.

Phone: 703-689-2370

Senator Jim Talent, (R-MO)

Contact: Telly Lovelace
Phone: 202-224-6154

Senator Orrin Hatch, (R-UT)

Contact: Adam Elggren
Phone: 202-224-5251

John Nowacki: Director of Legal Policy at Free Congress
Foundation

Phone #: 202-204-5305

Kay Daly: Coalition for a Fair Judiciary

Phone #: 703-822-9831

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File attachment <P_00Q9G003_WHO.TXT_1>

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Sent: < /font> Wednesday, May 07, 2003 7:02 PM

To: Russell Shubin

Subject: Salem NNPA Spotlight--Marking Two Years of Judicial Nominees Languishing

Spotlight

SALEM NATIONAL NEWS AND PUBLIC AFFAIRS

May 7, 2003

Also available on SONnetwork

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SUMMARY

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LINKS

New milestones in Democrat hypocrisy [\[WND\]](#)

Concerned Women for America Talking Points [\[CWA\]](#)

Data chart on judicial vacancies [\[Data Sheet\]](#)

Pending nominees chart [\[Dept. of Justice\]](#)

Action Points for voters [\[Fight the Filibuster\]](#)

Truth A Casualty: Tom Jipping Article [\[CWA\]](#)

Senate Deadlock on Owen Nomination [\[Wash. Times\]](#)

Abortion Battle Hinges on Supreme Court [\[New York Times\]](#)

Top Ten Arguments for a Vote on Estrada [\[CWA\]](#)

How To End The Obstructionism Of President Bush's Judicial Nominees [\[Free Congress\]](#)

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&nb sp; &nbs p; Contact: Adam Elggren

&nb sp; &nbs p; Phone: 202-224-5251

; **John Nowacki** : Director of Legal Policy at Free Congress Foundation

&nb sp; &nbs p; Phone #: 202-204-5305

&nb sp; **Kay Daly**: Coalition for a Fai r Judiciary

&nb sp; &nbs p; Phone #: 703-822-9831

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