



Volume 1 Number 4

May 24, 2005

In Today's Report:

1. Filibuster Betrayal!
2. Victory for Texas Marriage Amendment
3. Supreme Court to take up abortion again
4. AFL-CIO's support for gay marriage challenged
5. Action Items

FILIBUSTER BETRAYAL

My friends, I have rarely been more sickened than I am at this moment. Last night, a group of 14 Senators - including seven Republicans - reached a so-called compromise to derail the Constitutional Option and preserve the permanent filibuster.

In return for up-or-down votes on three pending nominations, the Republicans - John McCain, John Warner, Mike DeWine, Lincoln Chaffee, Susan Collins, Olympia Snow and Lindsey Graham - agreed to vote against any attempt to reform the Senate's rules to end the filibuster.

The sickening aspect of this so-called "compromise" is that it maintains the status quo in the Senate, which means that any future nominee to fill a Supreme Court vacancy can expect to be filibustered as an "extremist."

Christian conservatives like myself, have played by the rules, working hard to elect a conservative Christian President because we understood that he would then be able to appoint judges who would hold a conservative judicial philosophy. For over four years we have witnessed an unprecedented assault on the values we hold dear as principled and qualified men and women like Judge Priscilla Owens and Judge Janice Brown have been denied their right to an up or down vote because they were smeared as "extremist."

Now we find that when the Republican majority is about to end this

unconstitutional abuse by the minority, they weren't extremist after all, and the left is more than willing to allow them to be voted on.

The left is crowing about this, as well it should. Senate Minority Leader Harry Reid called it a "significant victory." Nancy Keenan of the National Abortion Rights Action League said she was "heartened" by the move and exalted that the so-called compromise will preserve the filibuster for "upcoming Supreme Court nominations." Exactly! ***The Republicans didn't compromise . . . they capitulated!***

McCain and his fellow "moderate" Republicans have put their imprimatur on an un-Constitutional, un-democratic tactic. Historically, the role of the Senate has been to debate nominees, and then vote on them - not to indefinitely block a discussion and a vote by use of this device. Liberals have given themselves a minority veto over conservative candidates for the federal judiciary. Incredibly, seven Republicans (in name only?) are willing to go along with this travesty.

This is not what Christian conservatives or the majority of Americans want. They elected George Bush twice with the expectation that he would nominate conservatives to the federal bench. They gave Republicans a 55-45 majority in the Senate; with the expectation that qualified Bush nominees would be confirmed.

Instead, in exchange for three nominees reaching the floor, seven Republicans have given the likes of Ted Kennedy and Hillary Clinton the ability to block any other nominee they've determined to destroy because they hold pro-life and pro-family views.

This devil's bargain must not be allowed to stand and I give you my word we are expressing our outrage. I spoke with one prominent Senator this morning and expressed these same thoughts in an interview with the Congressional Weekly. Stay tuned for more.

SUPREME COURT TO REVISIT ABORTION

On Monday, the US Supreme Court announced that it would again take up abortion in the fall. The last time it did so, five years ago, it threw out Nebraska's partial-birth abortion law. Unless the composition of the court changes dramatically between now and the fall term - when it's expected to hear the case - don't expect any better this time.

The court will consider the constitutionality of a New Hampshire law requiring parental notification for a minor's abortion. By the way, this doesn't mean parents can stop their child from having an abortion, only that they have to be told about it in advance.

The law, enacted in 2003, was overturned by the US Court of Appeals for the First Circuit last November, because it lacks a "health exception" - not an exception for the mother's life (which the law has) but an escape clause for the mother's "health." That means that if a physician is willing to certify that not having an abortion will endanger the mother's state of mind, her parents don't have to be notified. Naturally, this will nullify the law, which is exactly what pro-aborts want.

Having created a right-to-abortion out of thin air in 1973, liberal justices jealously guard that "right" against even the most modest and reasonable restraints. By comparison, the rights of parents mean nothing, in their eyes.

This highlights why the current argument about judicial nominations and judicial tyranny is so vitally important. A law passed by the duly elected representatives of the people of New Hampshire, signed into law by the elected governor, favored by an overwhelming majority of citizens, may soon be thrown out by five unelected judges - not on the basis of what's in the Constitution, but rather what they're willing to read into it. If the Supreme Court follows past trends, it should stoke the fires of judicial reform.

AFL-CIO SUPPORT FOR GAY MARRIAGE CHALLENGED

In an open letter to AFL-CIO President John Sweeney, a group of Christian and pro-family leaders, including yours truly, is challenging the support of union bosses for gay marriage and the homosexual agenda.

At its March 3rd. meeting in Las Vegas, the AFL-CIO Executive Committee came out adamantly against the Federal Marriage Amendment and in favor of the demands of homosexual militants. The letter to Sweeney- signed by leaders like Don Wildmon of American Family Association, Paul Weyrich and myself - notes that the AFL-CIO action flies in the face of the sentiments of the rank and file. How many truckers and dockworkers know that their dues are actually being used to advance the homosexual agenda?

Along with ten other states, last November, voters in heavily unionized Michigan approved a state marriage amendment (also condemned by the AFL-CIO) by a vote of almost 60%. An October 22nd story in The Detroit News disclosed that two-thirds of the state's union households supported the amendment.

Homosexual marriage has absolutely nothing to do with wages, work conditions or any of the other issues with which unions historically have concerned themselves. Along with major corporations and foundations, the AFL-CIO is one of many institutions captured by doctrinaire leftists and used as an assault weapon in the culture war.

Union members - most of whom must be horrified by this move -- must be made

aware of their rights under the Beck decision to demand a refund for any portion of their dues used to support political causes. Not that we expect this to stop the union bosses. But at least it will put them on notice that a revolt is brewing among the rank and file.

VICTORY FOR TEXAS MARRIAGE AMENDMENT

Due to the hard work of many of you, a marriage amendment to the Texas Constitution passed the state senate by an overwhelming bi-partisan vote of 21-to-8 on Saturday. An amendment which just last week seemed in danger of dying in committee sailed through the Senate.

Kelly Shackelford of the Free Market Foundation deserves the lion's share of the credit here. But a number of us put our oars in the water. I was in Austin last week on two separate occasions, talking to legislators. A liberal state senator mentioned my name on the floor of the Senate before he joined a mere five colleagues and voted wrong. In Texas we have a new slogan: "Don't mess with marriage!"

The amendment - defining marriage as the union of a man and a woman - will now go before the voters on November 8th of this year. Your hard work and prayers have helped to make this a reality. Sometimes, you can fight city hall!

ACTION ITEMS

Sign The Impeach Judge Bataillon Petition

As we noted in our last Report, in 2000, Nebraska voters passed a marriage protection amendment to their state constitution by a vote of 70.1%. On May 12, one man - Federal District Court Judge Joseph F. Bataillon - invalidated their democratic decision, by declaring the amendment unconstitutional.

The Judeo-Christian Council for Constitutional Restoration is calling for the impeachment and removal of Judge Bataillon. In a petition, we are calling on Congress to exercise its authority under Article II of the Constitution to remove Bataillon for "high crimes and misdemeanors" - that is to say, deliberately distorting the Constitution to achieve a political end.

The petition reads in part: "The reasoning in Judge Bataillon's opinion is so spurious that it constitutes nothing less than a naked attempt to substitute his judgment for that of the state's voters. In other words, the judge read his views into the Constitution to arrive at a foreordained conclusion that is manifestly at odds with the Constitution, rejects the will of the people of Nebraska and which makes a mockery of the democratic process.

You can sign the petition on line at <http://www.stopactivistjudges.org> . Expect

major activity on this project in the weeks and months ahead.

Complain About The Compromise That Isn't

Please call your Senators and complain about the deal to derail the Constitutional Option, which maintains the permanent filibuster of many conservative judicial nominees.

Let Senators know that you deplore this move and are determined to see the filibuster ended now or latter. You can reach your Senators through the Capitol switchboard at **(202) 224-3121**.

Help us fight the Judicial War on Faith - Get involved by following the action items above and by forwarding this alert to your friends and family. **Your financial involvement is always needed.** [Click here to contribute.](#) Dr. Rick Scarborough is the executive director for Vision America and interim director for the Judeo-Christian Council for Constitutional Restoration.