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### **MIERS' NOMINATION WITHDRAWN**

Earlier today, Harriet Miers asked the president to withdraw her name from nomination to fill a vacancy on the Supreme Court. Thus ends a controversial and contentious episode.

Initially, I was inclined to support the president's choice to replace Sandra Day O'Connor. As I indicated at the time, Mr. Bush has done a superlative job with his nominations for the federal appeals court.

At the time, my advice was trust - but verify. Miers never served on the bench, or had much to do with constitutional issues. I had hoped that at her confirmation hearings, information would be forthcoming (including her testimony) that would assure us that she would not join the Court's activist bloc, but would instead stand for sound constitutional principles.

A number of my colleagues in the conservative movement disagreed. Several withheld their support, while others actively opposed her nomination. I respect their decision, as I am sure they respect mine.

As time went by, more and more details came to light which raised serious doubts in my mind. Most recently, it was disclosed that in 1993 speech, Miers declared that "self-determination" (for the mother, not the child) should govern the abortion debate and that it was a mistake to try to legislate religion or morality. Equally disturbing, as examples of courage, Miers cited left-wing actress Barbra Streisand and Justice Ruth Bader Ginsburg -- a judicial activist par excellence.

Well, all of that is, as the saying goes, water under the bridge. Rather than regrets or recriminations, we should instead focus on what comes next. Now, the president has an opportunity to nominate an authentic judicial conservative -- an individual whose constitutional philosophy is an open book.

I pray the president will gird himself for battle with Senate liberals and nominate a committed champion of constitutionalism. Such a choice would unite and energize his base and help us to educate the American people on the nature of judicial tyranny and the need to return to the Constitution's original meaning.

## **HATE CRIMES BILL: GOOD NEWS AND BAD NEWS**

In September, the House of Representatives passed an amendment to the Child Safety Act which would make homosexuals a protected class for the purposes of federal hate-crimes law. It was the first time such a measure has received House approval.

The good news is that last week, a version of the Child Safety Act without the hate-crimes language was approved by the Senate Judiciary Committee. If it passes the Senate, the legislation will go to a conference committee, where there's a good chance the offending language could be removed.

The bad news is that Senator Edward Kennedy is threatening to introduce the hate-crime amendment, when the bill comes before the full Senate.

In early November, Reverend Ake Green will go on trial in Sweden for citing Scripture on homosexuality. At his arraignment, the presiding judge admitted that Green was doing no more than quoting the Bible. However, the judge went on to

say that, in terms of not offending what are called sexual minorities, the word of God posed a problem!

Recall that Supreme Court justices like Anthony Kennedy and Stephen Breyer believe the opinions of foreign tribunals should be a basis of constitutional law. In light of the foregoing, adding homosexuals to US hate-crime law is a clear and present danger to religious freedom and freedom of expression. Pass on the word to your Senators.

## **RE: JUDICIAL ACTIVISM - THE PEOPLE GET IT**

The American Bar Association was shocked by the results of a poll it commissioned. According to the survey by the Opinion Research Group, criticism of the judiciary extends far beyond what its defenders like to call right-wing activists.

A majority of respondents agreed that judicial activism has reached crisis proportions.

With the statement, "Judges routinely overrule the will of the people, invent new rights and ignore traditional morality," 56% either strongly or somewhat agreed. The same percentage said judges who operate in this manner should be impeached - something we've been saying practically forever. Somewhat less (46%) said judges were "arrogant, unaccountable and out-of-control."

The people are with proponents of judicial reform. Now, if we can just convince timorous legislators of that reality, and help voters to understand the direct connection between those they elect to public office and the judges they get, we'll be well on the way to dethroning the imperial courts.

## **THE WAR ON CHRISTIANS AND THE VALUES VOTER IN 2006 -- OMNI SHOREHAM HOTEL, Washington, DC, MARCH 27-28, 2006**

I am excited to announce that to date our confirmed speakers include Alan Keyes, Gary Bauer, Congressman Tom DeLay and Janet Parshall. The

conference will be an important stage in Vision America's campaign to activate, educate, energize and mobilize the values vote in 2006. For more information on the conference, visit the Vision America website, [www.visionamerica.us](http://www.visionamerica.us).

## **TEXAS VOTERS**

"Texas Senate passed a constitutional marriage amendment May 21, making it the fifth state this year to send such an amendment to voters."

"The amendment, which would protect the traditional definition of marriage by banning both "gay marriage" and civil unions, will go to voters Nov. 8."(quoted from bpnews.net)

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