



Volume 1 Number 33

November 2, 2005

Given the importance of the Alito nomination to the fight to return sanity to the federal judiciary, I've decided to devote this issue of the Rick Scarborough Report entirely to the president's historic move.

WHAT THE ALITO NOMINATION MEANS TO THE FUTURE OF REPRESENTATIVE GOVERNMENT

The president's nomination of Judge Samuel Alito for the United States Supreme Court was perhaps the most encouraging development in his second term. If the president's base was dubious of Harriet Miers (his first choice to replace retiring Justice Sandra Day O'Connor) it was excited and energized by the Alito nomination.

Alito's qualifications are impeccable - Yale Law School (where he was editor of the law review), assistant solicitor general (where he argued 12 cases before the Supreme Court), crime-fighting US Attorney for New Jersey and 15 years on the Third Circuit Appeals Court. In terms of his background, Alito is the most qualified Supreme Court nominee in the past 70 years.

More importantly, with the Alito nomination, the president has fulfilled his campaign pledge to appoint Supreme Court justices like Clarence Thomas and Antonin Scalia. In fact, the similarities between the reasoning of Alito and Scalia are hard to miss

Alito's opinions reflect a commitment to original intent. Here is a jurist who refuses to substitute his judgment for that of voters and legislators. Alito will join Scalia, Thomas and Roberts in moving the Court away from judicial activism and back to an interpretation of the Constitution based on sound principles and the logical meaning of words, instead of the whims of activist judges.

All of this has the usual suspects fuming. The way they're talking, you'd think they had won the last election, instead of being rejected by the American people in seven of the last ten presidential contests.

Sen. Patrick Leahy warned "This is a needlessly provocative nomination. Instead of uniting the country through his choice, the president has chosen to reward one faction of his party, at the risk of dividing the country."

Did Clinton's nomination of ACLU stalwart Ruth Bader Ginsburg unite the country? Did the American people rally around Ginsburg's extreme pro-abortion views? Were Ginsburg's advocacy of lowering the age of consent for sexual relations and her suggestion that there was a constitutional right to prostitution unifying factors for the American people?

For leftists like Leahy, Schumer and Hillary Clinton, it's heads-I-win, tails-you-lose. When Clinton was president, there was no talk of consensus candidates. (Ginsburg was the "consensus" candidate only if the base consisted of the ACLU, People for the American Way, Americans United for Separation of Church and State and the NOW.) There should be none now.

Assuming the candidate is qualified, a president has a right to nominate judges and justices who share his judicial philosophy.

Voters were under no illusions. In the last election, the president said he wanted judges who would allow legislatures to put restraints on abortion. He said he wanted judges who wouldn't read nonexistent rights into the Constitution. He promised to appoint justices who understood that "one nation under God" in the Pledge of Allegiance does not violate the First Amendment's Establishment Clause.

Those who voted for the Bush-Cheney ticket expected just that. By blocking his judicial choices, the left is trying to nullify the will of the majority and - to that extent - reverse the election.

In this, they are destined to fail.

As we mentioned in the last Rick Scarborough Report, a recent survey (commissioned by the American Bar Association, no less) showed the American people unalterably opposed to the judicial activism whose grip on the Supreme Court Leahy and company are determined to maintain.

For instance, the Opinion Research Group poll showed 56% of the public either strongly or somewhat agree with the statement: "Judges routinely overrule the will of the people, invent new rights and ignore traditional morality" - precisely what Judge Alito won't do.

We should welcome the left's opposition to Judge Alito, including the extremist views of their minions in the Senate. A fight over the nomination will help us to educate the American people on the ways liberal judges have betrayed the vision of the Founding Fathers, subverted democracy, and diminished liberty in the name of pseudo-rights.

With what's shaping up to be an historic election next year, it couldn't come at a better time.

We will continue to monitor developments closely and faithfully report on and analyze this crucial contest. In the meantime, let us thank God for the Alito nomination.

ACTION ITEMS

TEXAS MARRIAGE VOTE

On November 8, Texans will vote on an amendment to our state constitution defining marriage as God does in Genesis. It would prevent both homosexual "marriage" and so-called civil unions. Early voting is in progress. Texas readers of the Rick Scarborough Report are urged to vote their faith here.

THE WAR ON CHRISTIANS AND THE VALUES VOTER IN 2006

Our March 27-28th conference at the Omni Shoreham Hotel in Washington, DC promises to be a must-attend event. We expect to have the schedule finalized by the end of this month. To date, confirmed speakers include Congressman Tom DeLay, Janet Parshall, Gary Bauer and Alan Keyes. For more details, see the Vision America website - www.visionamerica.us.

AN ORTHODOX RABBI WEIGHS IN ON ALITO NOMINATION

My dear friend Rabbi Daniel Lapin (president of Toward Tradition) has written an extraordinary open letter to the Jewish community, titled: "Embrace The Values of Judaism, Instead of Secular Fundamentalism, By Encouraging Your Senator To Confirm Judge Samuel Alito." Rabbi Lapin is a courageous man of principle and an eloquent spokesman for Judeo-Christian values. I urge you to read his thoughtful statement at www.towardtradition.org

Help us fight the War on Faith - Get involved by following the action items above and by forwarding this alert to your friends and family. Your financial contributions are always appreciated. [Click here to contribute](#).
Dr. Rick Scarborough is the president of [Vision America](#) and chairman for the [Judeo-Christian Council](#).