

# *National Coalition to End Judicial Filibusters*

The Honorable Ted Stevens  
The Honorable William H. Frist, M.D.  
The Honorable Mitch McConnell  
The Honorable Rick Santorum  
The Honorable Jon Kyl  
The Honorable Kay Bailey Hutcheson  
The Honorable Elizabeth Dole  
The Honorable Arlen Specter  
The Honorable Trent Lott  
The Honorable John McCain  
The Honorable Mike Dewine  
The Honorable Lindsay Graham  
*and all Republican Senators.*  
United States Senate  
U.S. Capitol  
Washington, DC

June 30, 2005

Dear Senators:

As the representatives of millions of American voices, we write again to urge you to end judicial filibusters. If elections are to mean anything, and they must mean something, you must end the obstruction.

We commend Leader Frist and the Republican leadership for the recent extraordinary allocation of Senate time to judicial nominations and for standing up for *principle*, and not just for party, in readying to end judicial filibusters. You took the road of statesmen.

We believe, however, that the May compromise by 14 senators to avoid the use of the Constitutional Option, while it may well have been a temporary pragmatic and political success in getting several circuit judges confirmed and defeating the litmus test of ideology and religion, was a defeat of principle that dishonored the Constitution, ignored an election, and went entirely in the wrong direction. It created a *de facto* Senate Judiciary Committee with powers unprecedented and unchecked in Senate rules or tradition.

The so-called "Deal" legitimized the judicial filibuster and altered the *checks and balances* provided in the Constitution by diminishing the Presidency in favor of the Senate.

We urge you to test the "Deal" and ready yourselves again to end judicial filibusters as soon as possible. We know that Senate leadership can trump each and every device that the minority can use to slow down Senate business, and there are few single items of Senate business that are as important as its special stewardship of the Judiciary.

We also write to express our support for the confirmation of **Henry Saad of Michigan** to the 6<sup>th</sup> Circuit Court of Appeals. We ask that you schedule him to be voted out of the Judiciary Committee (again) and onto the Senate Calendar at the earliest moment.

As you know, Judge Saad was one of two judicial nominees abandoned by the May compromise. In opposing Judge Saad, the minority has picked yet another nominee who sings in his church choir. Judge Saad is a Board Member of the Greater Detroit Interfaith Roundtable of the National Conference of Christians and Jews. He serves on the Executive Committee of the American Arabic and Jewish Friends and he is a recipient of the Arab-American and Chaldean Council Civic and Humanitarian Award. Judge Saad also serves on the Board of Visitors of the Ave Maria School of Law

He is happily married with four grown children.

We fear that in blocking Judge Saad, the minority has introduced *a new and insidious tactic* by suggesting that there is something untoward in Judge Saad's FBI file to justify obstruction. It is no wonder that the uncharitable and unethical use of this tactic brought an immediate response from Arab American leaders who decried it as a slur on all Arab Americans in an era after 9/11.

We are assured that there is nothing to warrant obstruction, as evidenced by **four nominations or re-nominations** by two presidents and the recommendation of all Republican senators who voted Judge Saad out of the Judiciary Committee in 2004, including **Senators Graham and Dewine**.

We believe that the minority is betting that some Republican senators are prone to surrender to the mere allegation of an impropriety, and the minority knows that Republicans (like all other senators) are obliged not to discuss FBI files in public.

Finally, even after the minority's impugnation, the **American Bar Association**, which Democrats once argued was the gold standard of nominations, recently raised Judge Saad's rating from "Qualified" to "Well-Qualified," the ABA's highest rating.

The minority also points to a **misdirected email letter** to suggest intemperateness. In 2003, at the peak of the Daschle filibusters, a Michigan supporter forwarded to Judge Saad a form letter issued by Senator Stabenow's office to defend her obstruction of judicial nominees. Through inadvertence, Judge Saad misdirected his reply to Senator Stabenow's office believing he was replying to a friend.

The minority has used this misdirected, private email to argue that Judge Saad is intemperate and that his email suggests a violation of Senate tradition. But no one objected when Judge Charles Pickering went on television news shows and 60 Minutes to express his frustration over Democrats' obstruction of his nomination. Moreover, given that Judge Saad was first nominated to the federal court in 1992 and re-nominated in 2001, Judge Saad's comment (below) shows **remarkable temperateness**.

Judge Saad wrote: “We know, of course, that this is the game they play. Pretend to do the right thing while abusing the system and undermining the Constitutional process. Perhaps some day she will pay the price for her misconduct.” **What is intemperate about saying that to a friend?**

The ideological objection to Judge Saad’s nomination is negligible. A full review of Judge Saad’s record shows him to be a judge who follows the law, and that **he is an umpire who is neither pro-pitcher nor pro-batter**. Notably, Judge Saad has the support of the UAW and AFL-CIO, as well as the Michigan Chamber of Commerce and all of us.

In fact, Judge Saad has wide bi-partisan support among Michigan political leaders, fellow judges and editorial boards.

**Judge Saad’s personal story is compelling. When confirmed he will be the first Arab-American to serve on the 6<sup>th</sup> Circuit Court of Appeals. Filling a Michigan seat, Judge Saad will represent the state with the highest concentration per capita of Arab Americans.**

The symbolic significance of Judge Saad’s nomination is no small matter. U.S. District Court Judge George Steeh of Michigan, himself an Arab American appointed by President Clinton put it this way: “[Bush’s nomination of Saad in the wake of the September 11 attacks] conveys an important message to all citizens and residents of this country that we embrace and welcome diversity and that we are extending the American dream to anyone who is prepared to work hard.”

We believe that Senate Republicans should **not** now send an opposite message. We expect that you will agree.

Sincerely yours,

Paul Weyrich, Coalitions for America  
 Roy Innis and Niger Innis, Congress of Racial Equality (CORE)  
 David A. Keene, American Conservative Union  
 Grover Norquist, Americans for Tax Reform  
 Gary L. Bauer, American Values  
 C. Boyden Gray, Committee for Justice  
 Harvey Tettlebaum, Republican National Lawyers Association  
 Roberta Combs and Jim Backlin, Christian Coalition of America  
 Tom Minnery, Focus on the Family  
 Manuel A. Miranda, Third Branch Conference  
 James J. Fotis, Law Enforcement Alliance of America  
 Connie Mackey, Family Research Council  
 L. Brent Bozell III, Conservative Victory Campaign  
 Mark R. Levin, Landmark Legal Foundation, author of *Men in Black*

Duane Parde, ALEC (American Legislative Exchange Council)  
Dr. Virginia Armstrong, Eagle Forum's Court Watch  
Beverly LaHaye and Jan La Rue, Concerned Women for America  
Dr. Carl Herbster, AdvanceUSA  
Donald E. Wildmon, American Family Association  
Stephen M. Crampton, AFA Center for Law & Policy  
Tim Clinton, American Association of Christian Counselors  
Dr. John C. Eastman, The Claremont Institute Center for Constitutional Jurisprudence  
Kelly Shackelford, Liberty Legal Institute  
Dr. James H. Broussard, Citizens Against Higher Taxes  
Dr. Richard Land, Southern Baptist Ethics & Religious Liberty Commission  
Dr. Barrett Duke, Southern Baptist Ethics & Religious Liberty Commission  
Jeffrey Mazzella, Center for Individual Freedom  
Kay R. Daly, Coalition for a Fair Judiciary  
Bill May, Catholics for the Common Good  
Kerri Houston, Frontiers of Freedom  
Jonathan Moseley, Legal Affairs Council  
James L. Martin, 60 Plus Association  
Charles W. Jarvis, USA Next (United Seniors Association)  
Rick Schatz, National Coalition for the Protection of Children & Families  
Tom Shields, Coalition for Marriage and Family  
Mark Sutherland, National Policy Center  
C. Preston Noell III, Tradition, Family, Property, Inc.  
Dr. D. James Kennedy, Coral Ridge Ministries  
Dr. Gary Cass, Center for Reclaiming America  
Rev. Louis P. Sheldon and Andrea Lafferty, Traditional Values Coalition  
Rev. Rick Scarborough, Vision America  
Pastor Rod Parsley, Center for Moral Clarity  
Rev. William Owens, Coalition of African-American Pastors  
Thomas A. Glessner, National Institute of Family and Life Advocates  
Robert Peters, Morality in Media  
Fr. Frank Pavone, Priests for Life  
Austin Ruse, Culture of Life Foundation  
Joseph A. Brinck, Sanctity of Life Foundation  
Dr. Patricia McEwen, Life Coalition International  
Rev. Miguel Rivera, National Coalition of Latino Clergy & Christian Leaders  
J. C. Willke, MD, International Right to Life Federation  
Bradley Mattes, Life Issues Institute  
Chuck Muth, Citizen Outreach  
Helen Chenoweth-Hage and J. Thomas Smith, America 21  
Robert R. Galbreath Jr., Citizens for a Constitutional Republic  
Colin A. Hanna, Let Freedom Ring  
Janet L. Folger, Faith2Action  
Christopher Carmouche, GrassTopsUSA  
Deborah Hamilton, Hamilton Strategies  
Larry Cirignano, CatholicVote.org

William Greene, RightMarch.com  
 Mike Krempasky, RedState.org  
 Brian McCarthy, Irish American Republicans  
 Gary J. Palmer, Alabama Policy Institute  
 Dr. Ronald Konopaski, United For Life- San Francisco  
 Mathew D. Staver, Liberty Counsel  
 John Stemberger, Florida Family Action, Inc  
 Michael N. Duff, United Families Idaho  
 Mary T. Ericksen, Illinois Citizens for Life  
 Peter LaBarbera, Illinois Family Institute  
 Tom Brejcha, Thomas More Society, Pro-life Law Center (Chicago)  
 Micah Clark, American Family Association of Indiana  
 Kim Lehman, Iowa Right to Life Committee  
 Dr. Don Racheter, Iowa Association of Scholars  
 Lisa E. Roche, Esq, Maine Right to Life Committee  
 Douglas P. Stiegler, Family Protection Lobby - Maryland  
 Kris Mineau, Massachusetts Family Institute  
 Barb Listing, Michigan Right to Life  
 Gary Glenn, American Family Association of Michigan  
 Kent Ostrander, The Family Foundation of Kentucky  
 Gene Mills, Louisiana Family Forum  
 Steve Lemke, New Orleans Baptist Theological Seminary  
 Karen Testerman, Cornerstone Policy Research  
 Harry Levine, Victory New Hampshire  
 Dr. Steven J. Kidder, New York State Family Policy Council, Inc.  
 Bill Brooks, North Carolina Family Policy Council  
 Phil Burress, Citizens for Community Values  
 Pastor Russell Johnson, American Restoration Project  
 Diane Gramley, American Family Association of Pennsylvania  
 Rev. Reece Yandle, South Carolina Association of Christian Schools  
 Oran P. Smith, Palmetto Family Council  
 Robert E. Regier, South Dakota Family Policy Council  
 Bobbie Patray, Tennessee Eagle Forum  
 Dr. Theodore C. Brown, Jr., Richmond, Virginia, Young Republican Federation of VA  
 Kenneth and Margaret Whitehead, Falls Church Republican Committee (Va)  
 Dr. Ken Hutcherson, Antioch Bible Church, Redmond, WA  
 Hiram Lewis, Candidate for U.S. Senate, West Virginia  
 Mark Coyle, former Communications Director, WV Republican Party  
 Martha Zoller, Radio host (Georgia)  
 Chris Dickson. "The Dickson/Chappell Report", (Midwest)  
 Russell Christian and Frank Vernuccio, Ave Maria School of Law  
 Jeffrey Lord, author of *The Borking Rebellion*

**A Project of the Third Branch Conference**  
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