



April 22, 2010

Senator Patrick Leahy
Chairman, Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Senator Jeff Sessions
Ranking Member, Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Re: Goodwin Liu

Dear Chairman Leahy and Senator Sessions:

We are writing on behalf of Constitutional Accountability Center (CAC), a public interest law firm, think tank and action center dedicated to fulfilling the progressive promise of the Constitution's text and history, to state CAC's strong support for the confirmation of Goodwin Liu to the United States Court of Appeals for the Ninth Circuit. As demonstrated by his exceptional record of accomplishments, his "well qualified" rating by the American Bar Association, and his testimony at his confirmation hearing on April 16, Professor Liu is overwhelmingly qualified to sit on the Court of Appeals. We urge that the Senate quickly confirm him.

Most important from CAC's perspective as an organization dedicated to the Constitution's text and history, Professor Liu testified that the "the original meaning and of course the text of the Constitution" are critical in every constitutional case and that, in many cases, these sources can be determinative. Professor Liu also responded to critics who have suggested that he believes in a "living" Constitution not only by making it clear that this is not how he views our Nation's charter, but also by expressly stating that the Constitution is not "malleable."

Professor Liu is not only a brilliant and accomplished legal scholar and teacher, he is also someone who plainly understands the difference between being a scholar and being a judge. As Professor Liu testified, it is the job of a legal scholar to think and write creatively about the law, but it is the job of a judge to follow precedent, the law, and the Constitution, and to resolve controversies in an impartial and objective manner. Professor Liu's articulate and restrained testimony should have put to rest unfounded concerns that, as a judge, he could not be counted on to be faithful to the law and the Constitution as written.

Professor Liu has demonstrated that he has the qualifications, the intellect, the temperament, and the commitment to fidelity to the rule of law to serve with great distinction on the Ninth Circuit. We urge every Senator to support his confirmation.

Respectfully,

A handwritten signature in cursive script that reads "Doug Kendall". The signature is written in black ink and is positioned above the printed name and title.

Douglas T. Kendall
President

Judith E. Schaeffer
Vice President