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Republicans Filibuster Left-Wing Lawyer's Nomination to Key Appeals Court; Block Confirmation of Goodwin Liu

by [Hans Bader](#) on May 20, 2011 · [0 comments](#)

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“Goodwin Liu’s nomination to the Ninth Circuit Court of Appeals [appears to be done for](#)” thanks to a Republican filibuster, says David Freddoso of the *Washington Examiner*. The Senate has [blocked his nomination](#) to sit on the Ninth Circuit Court of Appeals, which has jurisdiction over the western fifth of the United States. By a [52-to-43](#) vote, the Senate failed to override a Republican filibuster. All Republicans except Lisa Murkowski of Alaska voted against Liu. All Democrats [except Ben Nelson](#) of Nebraska voted for Liu.

Liu, a Berkeley law professor, [has many radical positions](#), and is a big user of politically-correct psychobabble designed to hide judicial activism. For example, he has written that a judge is supposed to be a “[culturally situated interpreter of social meaning](#)” rather than an impartial umpire who interprets the law in accord with its plain meaning or its framers’ intent. Cato Institute’s Ilya Shapiro notes that Liu has suggested that the Constitution creates a [right to welfare entitlements](#) in areas like health care.

The defeat of Liu’s nomination could affect a great many high-profile cases. As lawyer and former federal appeals court clerk Ted Frank [notes](#),

“The Ninth Circuit is a court that was one vote away from striking down the Pledge of Allegiance; regularly abuses the law to disregard states’ wishes to impose capital punishment; has ordered California to release 25% of its prisoners; has forbidden Los Angeles from enforcing laws against sleeping on sidewalks; has said it has seen no reason why animals should not be allowed to sue the federal government; held an ex-police officer could sue his employer for firing him for running a porn site in his uniform; said that gun manufacturers could be held civilly liable for the shooting sprees of the mentally ill.”

Liu, a law professor at the University of California at Berkeley, has virtually [no experience](#) in the courtroom, and has argued that “[free enterprise, private ownership of property, and limited government](#)” are right-wing ideological “[code words](#).” Liu is a big supporter of [race-based busing](#), arguing it should be required not merely *within* school districts, but [across school district lines](#) to create what are effectively region-wide racial quotas, a radical claim rejected by the Supreme Court [long ago](#)). The slippery Liu now

claims to oppose racial quotas, but he [supports](#) mandating fixed racial percentages, which is what racial quotas are, under a dictionary definition of “[quota](#).”

(Racial quotas in the schools are sometimes [implemented](#) at the urging of left-wing [academics](#) who harbor divisive and offensive racial stereotypes, such as “[diversity](#)” [consultants](#) who claim that whites are coldly “[impersonal](#)” and “[intellectual](#)” and thus need to be [racially balanced](#) with minorities who are “[emotional](#)” and “[personal](#).”)

Tagged as: [confirmation](#), [Dave Freddoso](#), [David Freddoso](#), [filibuster](#), [Goodwin Liu](#), [judicial](#), [Lisa Murkowski](#), [Ninth Circuit](#), [Ninth Circuit Court of Appeals](#), [Senate](#), [Ted Frank](#)