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Tuesday, March 23, 2010



Obama Amps Up Liberal Court Nominee

by Jillian Bandes

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Until now, Obama's lower court nominees up have been fairly milquetoast – run-of-the-mill liberals with relatively tame political agendas. But judicial observers say that Goodwin Liu, President Obama's nominee to the Ninth Circuit court, is a horse of a different color.



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"In Goodwin Liu's world, the Constitution requires redistribution of economic resources pretty much on a Marxist basis, to those according to their need from those according to their ability," said Ilya Shapiro, a legal analyst with the libertarian Cato Institute. "He thinks that because there's a social consensus he believes people should have things like food and health care, as a matter of policy."



Indeed, in 2006, Liu argued that the 14th Amendment should be interpreted to include "basic employment supports such as expanded health insurance, child care, transportation subsidies, job training, and a robust earned income tax credit."

Liu's record also includes explicit support for extending these rights to illegal aliens. In his view, the United States government is obligated to provide child care and health insurance to everyone within our borders.

Do you believe the Executive Order Bart Stupak and President Obama came to agreement on over abortion language in the healthcare bill is good enough?

- yes, the executive order is better than nothing
- no, anyone who voted for the healthcare bill is not pro-life



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"We should not use the concept of citizenship to deny education to noncitizen children, not least because the Equal Protection Clause extends to 'persons,'" he wrote.

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This assessment of the 14th Amendment, and the Equal Protection clause, is one of the most severe examples of liberal constitutional interpretation in recent memory, says Shapiro. But Liu's appointment as Associate Dean and Professor of Law at the University of California Berkeley School of Law makes him uniquely suited to disseminate those views from an authoritative platform.

Liu is widely published in legal journals and has held high-ranking positions in the American Civil Liberties Council of California, as well as the liberal American Constitution Society of Northern California and the National Women's Law Center. He's testified in front of Congress on numerous occasions, and his opinion frequently appears in national media outlets.

"He purports to advocate an approach based on constitutional fidelity," said Shapiro. "What this means to Liu is fidelity policy ideas of progressive judges that are interpreting the Constitution."

Liu staunchly against a traditional view of marriage and has ruled in favor of lawsuits protesting the mention of "God" in the Pledge of Allegiance. Before becoming a judge and academic, Liu practiced law for only two years.

There are enough Democratic Senators to make Liu's confirmation, slated for next month, a likely prospect. But momentum has not yet build around this nominee, and given his record, that might not be a good thing for him.

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About The Author

Jillian Bandes is the National Political Reporter for Townhall.com

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