



WHO IS GOODWIN LIU?

Obama's Appeals Court Nominee Is "Unabashed Liberal" Who Will Use Federal Bench To Enact Obama's Far-Left Agenda

LIBERAL ACTIVISTS "ENERGIZED" WITH OBAMA'S NOMINATION OF LIU AND HIS WILLINGNESS TO PLACE "CONTROVERSIAL NOMINEES" ON THE SUPREME COURT ...

One Month Ago, "President Obama Nominated Goodwin Liu For The United States Court Of Appeals For The Ninth Circuit ... Mr. Liu Currently Serves As An Associate Dean ... At The University Of California, Berkeley School Of Law." (The White House, "President Obama Nominates Goodwin Liu For The United States Court Of Appeals For the Ninth Circuit," [Press Release](#), 02/24/10)

After Being Disappointed With Sotomayor For Not Being Liberal Enough, Leftist Legal Activists "Energized" After Liu's Nomination. "Liberal legal activists came away from last summer's confirmation hearings on Sonia Sotomayor with an empty feeling. It's not so much that they had a beef with Sotomayor, whom they supported. But her pragmatic discourses on judging and her vague remarks on constitutional interpretation were far from the soaring progressive vision of the Constitution that they had waited for years to hear from a Democratic nominee. The activists are likely to get the debate they were looking for soon enough. President Obama's nomination of Goodwin Liu ... has energized the left ..." (Robert Barnes, "Law Professor Goodwin Liu May Be Test Case For Obama Judicial Picks," [The Washington Post](#), 3/22/10)

Liu's "Hearing And The Battle Over His Nomination Could Tell Much About The Obama Administration's Willingness To Appoint Controversial Nominees To The Bench, Including The Supreme Court." (Robert Barnes, "Law Professor Goodwin Liu May Be Test Case For Obama Judicial Picks," [The Washington Post](#), 3/22/10)

Liu's Nomination For Appeals Court "Might Be The Beginning Of An Examination Of Liu's Eventual Fitness" For The Supreme Court. "It also might be the beginning of an examination of Liu's eventual fitness for a place on the high court. The Senate Judiciary Committee's hearing, scheduled for Wednesday, might serve 'as an initial referendum on Goodwin Liu as a Supreme Court nominee,' said Michael Gerhardt, a University of North Carolina law professor who advised committee Chairman Patrick J. Leahy (D-Vt.) during the Sotomayor hearings." (Robert Barnes, "Law Professor Goodwin Liu May Be Test Case For Obama Judicial Picks," [The Washington Post](#), 3/22/10)

BECAUSE "OUTSPOKEN" LIU ADVOCATES LIBERAL INTERPRETATION OF CONSTITUTION

Associated Press: "Goodwin Liu, 39, Is An Unabashed Liberal Legal Scholar Who, If Confirmed, Could Become A Force On The Federal Appeals Court For Decades ..." (Mark Sherman, "Young Appeals Court Nominee Raises Liberal Hopes," [The Associated Press](#), 3/13/10)

- **Liu "Is An Outspoken Advocate Of Liberal Causes, Including Same-Sex Marriage And Affirmative Action."** (Robert Barnes, "Law Professor Goodwin Liu May Be Test Case For Obama Judicial Picks," [The Washington Post](#), 3/22/10)

Liu Believes "Liberals" Should Not Be "Defensive" About How They Interpret The Constitution. "For too long, liberals, progressives ... have been defensive about how the Constitution should be interpreted. But an examination of the document itself and the way its principles have been applied over time reveals that the progressive view is in fact the one that has prevailed." (Goodwin Liu & Pamela Karlan, "It Is a Constitution We Are Embracing," [American Constitution Society](#), 9/3/09)

- **Liu Believes Judges Should Take Into Account "Evolving Norms And Social Understandings" And Be "Broad-**

Minded In Their View” When Interpreting The Constitution. “...the reality is, every judge really knows and every lawyer really knows, is that the job...involves fundamentally, acts of judgment...And how do people come at their judgments?...lessons learned from experience, and an awareness of the evolving norms and social understandings of our country....So I would hope that the Obama administration would appoint judges who are broad-minded in their view of the kinds of sources that are legitimate to take into account in reading, especially the Constitution, but broadly legal texts of all sorts.” (Goodwin Liu, “Prof. Goodwin Liu Interviewed At White Oak,” [The Brennan Center For Justice](#), 05/05/09)

Liu Authored Book With His Left Wing Colleagues On How Judges Should Interpret The Constitution “In Light Of Evolving Precedent, Historical Experience, Practical Consequence, and Societal Change.” “But the overarching question it poses is not simply how the Constitution would have applied during the Framing era, but rather how it should apply today in order to preserve its meaning and authority in the light of evolving precedent, historical experience, practical consequences, and societal change.” (Goodwin Liu, Pamela Karlan, Christopher Schroeder, “Keeping Faith With The Constitution,” p. 5, [American Constitution Society](#), 2009)

Liu Believes Obama’s Election Has Given Liberals “The Opportunity To Actually Get [Their] Ideas And The Progressive Vision Of The Constitution And Of Law And Policy Into Practice.” “‘This is just a tremendous opportunity for us,’ says University of California Berkeley law professor Goodwin Liu. He’s the new chairman of the board at ACS. ‘Whereas I think in the last seven or eight years we had mostly been playing defense, in the sense of trying to prevent as many — in our view — bad things from happening, now we have the opportunity to actually get our ideas and the progressive vision of the Constitution and of law and policy into practice,’ Liu says.” (Ari Shapiro, “Balance of Power Swings to Liberal Legal Group,” [NPR](#), 01/03/09)

LIU WANTS TO CODIFY OBAMA’S LIBERAL AGENDA OF GOVERNMENT TAKEOVERS

Liu Argues That “Courts Can Do And Should Do Is To Expose Such Policy Choices To Critical Public Debate And To Ensure That The Scope Of Welfare Provision Democratically Reflects Our Social Understandings.” (Goodwin Liu, “Rethinking Constitutional Welfare Rights,” [Stanford Law Review](#), 11/2008)

Liu Believes The Fourteenth Amendment Should Be Interpreted More Broadly To Give Citizens Rights To “Expanded Health Insurance, Child Care, Transportation Subsidies, Job Training, And A Robust Earned Income Tax Credit.” “On my account of the Constitution’s citizenship guarantee, federal responsibility logically extends to areas beyond education. Importantly, however, the duty of government cannot be reduced to simply providing the basic necessities of life.... Beyond a minimal safety net, the legislative agenda of equal citizenship should extend to systems of support and opportunity that, like education, provide a foundation for political and economic autonomy and participation. The main pillars of the agenda would include basic employment supports such as expanded health insurance, child care, transportation subsidies, job training, and a robust earned income tax credit.” (Goodwin Liu, “Education, Equality, and National Citizenship, 116 [Yale Law Journal](#) 409 (2006))

Liu Believes The Supreme Court Has Been Wrong In Not Recognizing “Fundamental Rights To Education, Welfare, And Other Government Aid.” “Because the Supreme Court has refused to squarely recognize fundamental rights to education, welfare, and other government aid, we are taught to believe that no substantive obligations exist in these areas.” (Goodwin Liu, “Education, Equality, and National Citizenship, 116 [Yale Law Journal](#) 338 (2006))

Liu Wants To Bring “Reformation Of Thought” On “Welfare Rights” Through “Constitutional Adjudication.” “In that spirit, I attempt in this Article a small step toward ‘reformation of thought’ on how welfare rights may be recognized through constitutional adjudication in a democratic society.” (Goodwin Liu, “Rethinking Constitutional Welfare Rights,” [Stanford Law Review](#), 11/2008)

LIU IS CHAIRMAN OF GROUP DEDICATED TO FIGHTING “CONSERVATIVE LEGAL MOVEMENT”

Liu Is Chairman Of The American Constitutional Society, A Liberal Organization That Seeks To Counter Conservative Legal Groups. “The American Constitution Society for Law and Policy (ACS) promotes the vitality of the U.S. Constitution and the fundamental values it expresses... In recent years, an activist conservative legal movement has gained influence – eroding these enduring values and presenting the law as a series of sterile abstractions. This new orthodoxy, which threatens to dominate our courts and our laws, does a grave injustice to the American vision.” (“Mission Statement,” [American Constitutional Society](#), Accessed 3/22/10)

And Criticized Rulings Of Conservative Justices On Supreme Court As “Seriously Flawed.” “Liu presents a direct challenge to a conservative view of constitutional interpretation. The ‘originalist’ views of justices Antonin Scalia and Clarence Thomas, centered on the original meaning of the Constitution when it was written and amended, are ‘seriously flawed,’ Liu has said.” (Robert Barnes, “Law Professor Goodwin Liu May Be Test Case For Obama Judicial Picks,” [The Washington Post](#), 3/22/10)

IN 2006, LIU WAS DEMOCRATS’ CHIEF WITNESS ATTACKING JUSTICE SAMUEL ALITO

Liu Attacked Alito, Claiming That “He Is At The Margin Of The Judicial Spectrum, Not The Mainstream.” (Prof. Goodwin Liu, Testimony On Nomination Of Judge Samuel Alito To The Supreme Court, [Senate Judiciary Committee](#), 01/12/06)

Liu Criticized Alito’s Rulings In Favor Of Strong Law Enforcement. “That concern is Judge Alito’s lack of skepticism toward government power that infringes on individual rights and liberties. Throughout his career, with few exceptions, Judge Alito has sided with the police, prosecutors, immigration officials, and other....In this area, Judge Alito’s record is at the margin of the judicial spectrum, not the mainstream.” (Prof. Goodwin Liu, Testimony On Nomination Of Judge Samuel Alito To The Supreme Court, [Senate Judiciary Committee](#), 01/12/06)

Liu Fought Against Alito’s Nomination Because He Did Not Want To Give Government Tools To Fight War On Terror. “His deferential instinct toward government is at odds with the Supreme Court’s vital role in protecting privacy, freedom, and due process of law, and it deserves special concern in light of the questionable tactics being used to fight the War on Terror.” (Prof. Goodwin Liu, Testimony On Nomination Of Judge Samuel Alito To The Supreme Court, [Senate Judiciary Committee](#), 01/12/06)

AND IN 2005, LIU WENT AFTER CHIEF JUSTICE JOHN ROBERTS’ NOMINATION

Liu Called Roberts’ Conservative Credentials “A Worrisome Prospect.” “Despite his mild manner and Midwestern charm, the nomination of John G. Roberts Jr. to the Supreme Court is a seismic event that threatens to deepen the nation’s red-blue divide. Instead of choosing a consensus candidate to replace Justice Sandra Day O’Connor, President George W. Bush has opted for a conservative thoroughbred who, if confirmed, will likely swing the court sharply to the right on many critical issues. It’s a worrisome prospect.” (Goodwin Liu, “Roberts Would Swing The Supreme Court To The Right,” [Bloomberg](#), 07/22/05)

Liu Attacked Roberts’ For Wanting To “Protect Private Property.” “Even as a law student, before clerking for conservative stalwart William Rehnquist, the Supreme Court’s chief justice, Roberts wrote two law review articles urging a more active judicial role to protect private property and contracts from worker protections, land use ordinances, and economic regulation.” (Goodwin Liu, “Roberts Would Swing The Supreme Court To The Right,” [Bloomberg](#), 07/22/05)