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A *For Faith & Family* Ministry Partner

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"President Bush promised in 2000 and again in 2004 that he would nominate only strict-constructionist, original-intent judges and justices in the Scalia-Thomas mold. I have found the president in the 17 years I have known him personally to be a man of integrity and a man of his word. I will trust the president until I have compelling evidence to the contrary. The nomination of Judge Roberts has certainly not given me any reason at present to believe that the president has done anything other than to fulfill his campaign promises.

"Justice-nominee Roberts gives every indication of being the kind of judge that will be a neutral judicial umpire, calling them the way the Constitution sees them, not seeking to 'fix' the game by tilting judicial decisions toward those who do not offend his personal sense of right and wrong."

Dr. Richard Land

President, SBC Ethics & Religious Liberty Commission

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### Hearings on Roberts to begin Sept. 6

The U.S. Senate Judiciary Committee will open hearings Sept. 6 on the nomination of John Roberts to the Supreme Court.

Roberts and the 18 members of the panel are scheduled to make opening statements on the first day of the hearings. Senators will begin questioning the nominee Sept. 7.

Abortion-rights and other liberal advocacy organizations are pushing senators to oppose the nominee. Barring any unexpected developments, however, it appears the federal appellate judge has the votes needed for confirmation.

Pro-life, pro-family advocates have given widespread support to Roberts, who has served on the District of Columbia Circuit Court of Appeals since 2003. Most of the information uncovered so far has shown Roberts to hold a conservative viewpoint on hot-button issues.

Though Roberts has not committed himself on the *Roe v. Wade* opinion legalizing abortion, social conservatives appear content to trust his judicial philosophy, which seems to be based on operating within the constraints of the Constitution. Meanwhile, abortion-rights supporters fear Roberts will vote to overturn the 1973 ruling and have urged his defeat.

Even a report that Roberts provided assistance to advocates for homosexual rights in a 1996 Supreme Court case has failed to peel off most conservative support. At the request of a colleague in his law firm, Roberts donated his expertise to homosexual activists as part of the company's free legal work. In *Romer v. Evans*, the Supreme Court voted 6-3 to strike down a Colorado constitutional amendment that barred the state and municipalities from giving civil rights status to homosexuality.

"I understand it was Judge Roberts' standard practice to provide pro bono assistance when asked by colleagues at the firm in areas of his expertise, which certainly included constitutional law," said Ethics & Religious Liberty Commission President Richard Land. "It also is my understanding he provided between five and 10 hours of advice and counsel to the firm's lawyers who were in direct charge of the case. In other words, John Roberts did what lawyers have sworn an oath to do—that is, provide the best legal advice possible to their client, in this case a homosexual rights group that others in the firm had decided to represent.

"Everything in Judge Roberts' judicial philosophy reveals him to be an original-intent, strict-constructionist judge," Land said. "It is overwhelmingly probable as a sitting justice he would have voted the same way his mentor, Chief Justice William Rehnquist, did, which was against the majority opinion. . . . We should remember that Judge Roberts did what he had sworn an oath to do—represent his client. And when he is confirmed as a Supreme Court justice, his client will be the Constitution."

President Bush nominated Roberts, 50, to replace Associate Justice Sandra Day O'Connor, who retired July 1 after 24 years of service.

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### **Senate expected to OK funds for embryonic research**

The U.S. Senate will return Sept. 6 from its five-week recess with the expectation that it will approve federal funds for destructive embryonic stem cell research. The only question in the Senate appears to be whether it will achieve the two-thirds majority needed to override President Bush's promised veto.

Sen. Arlen Specter, R.-Pa., the measure's leading sponsor in the Senate, has predicted his side would have the 67 votes required "by the time the vote comes up." In a July 31 interview on "CBS News' Face the Nation," Specter estimated there were 62 votes for the bill at that time and another 15 senators are "thinking it over."

The House of Representatives still appears unlikely to override a veto. The House voted 238-194 for the bill in May, leaving supporters about 50 votes short of the total required for an override.

Any uncertainty about whether the Senate would pass the Stem Cell Research Enhancement Act (H.R. 810) seemed to dissolve July 29 when Majority Leader Bill Frist surprisingly endorsed the legislation. The measure would approve federal funds for research on embryos that are in storage at in vitro fertilization clinics and are donated by the parents.

The bill is designed to liberalize Bush's four-year-old policy on funding stem cell research. In August 2001, the President issued a rule permitting funds for research only on embryonic stem cell lines already in existence prior to his announcement of the policy. After Frist's announcement, the White House reiterated Bush's intention to veto the legislation if it reaches his desk.

In embryonic stem cell research, embryos in normally the first week of life are destroyed when stem cells are extracted from them.

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### **Bush makes Bolton recess appointment to U.N.**

President Bush declined to wait any longer on the Senate and appointed John Bolton as ambassador to the United Nations Aug. 1.

Bush's decision to make the former under-secretary at the State Department a recess appointment shortly after the start of a congressional break means Senate confirmation will not be required. Under a provision in the U.S. Constitution, Bolton, whose nomination was filibustered by Democrats, will be able to serve as a recess appointment until January 2007, when the next session of Congress begins.

"This post is too important to leave vacant any longer, especially during a war and a vital debate about U.N. reform," Bush said in announcing Bolton's appointment nearly five months after he nominated him. Bolton has "my complete confidence," the President said. "His mission now is to help the U.N. reform itself to renew its founding promises for the 21st century."

In a May 26 roll call, 53 Republicans and three Democrats voted to invoke cloture but fell four votes short of the 60 needed to end the filibuster.

Conservatives strongly supported Bolton, agreeing with his advocacy for the spread of democracy and for U.N. reform, as well as his criticism of oppressive regimes. Most Democrats in the Senate withheld support for Bolton. They charged him with mistreating subordinates and misusing intelligence. Democrats leading the opposition also said they blocked confirmation in order to gain information on Bolton the White House refused to release.

"The President's decision to appoint John Bolton as U.S. ambassador to the U.N. makes good sense," said Barrett Duke, vice president of public policy for the Ethics & Religious Liberty Commission. "Mr. Bolton is tough-minded and focused. He will insist on reform and accountability at the United Nations, both of which are desperately needed at the organization. I look forward to hearing of the significant contributions he makes at the U.N."

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### **White House advisor to be North Korean envoy**

President Bush has named Jay Lefkowitz, a White House domestic policy advisor, as special envoy on human rights in North Korea. The White House announced Lefkowitz's appointment Aug. 19.

In a post established by the 2004 North Korean Human Rights Act, Lefkowitz will work to promote human rights in a country considered by some observers as the most closed and repressive in the world. The White House said he "will greatly enhance our efforts to encourage North Korea to accept and abide by internationally accepted human rights standards and norms."

The United States and four other countries recently held negotiations with North Korea in an attempt to convince the communist state to shut down its nuclear weapons program. No agreement was reached.

North Korea's dictatorship under Kim Jong Il reportedly is guilty of the detention, torture—including forced abortions—and execution of political prisoners. Human rights officials estimate 200,000 political prisoners are in North Korea's gulag system and about 400,000 prisoners have died in those prisons in the last three decades. The regime has diverted foreign food aid to the military or the black market, which has contributed to the starvation of anywhere from two million to more than four million North Koreans since a famine began in 1995, it has been estimated.

Lefkowitz has served as a member of the U.S. delegation to the United Nations Human Rights Commission in Geneva, Switzerland, and the American delegation to the International Conference on Anti-Semitism.

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