

SENT VIA FACSIMILE: 2 pages

March 26, 2010

Sen. Patrick Leahy, Chairman
Sen. Jeff Sessions, Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Goodwin Liu for U.S. Court of Appeals for the Ninth Circuit

Dear Chairman Leahy and Senator Sessions:

The undersigned California District Attorneys have the responsibility for prosecuting violations of the criminal law within our respective counties. For many years, our ability to enforce the law and protect the citizens of our jurisdictions has been hampered by erroneous decisions of the United States Court of Appeals for the Ninth Circuit. This court has been far out of the judicial mainstream, as indicated by its frequent and often summary reversal by the Supreme Court, at a rate far above the national average.

The Supreme Court cannot reverse all of the Ninth Circuit's errors, however. Despite the efforts of Congress to rein in the federal courts with the 1996 passage and subsequent amendment of the Antiterrorism and Effective Death Penalty Act, miscarriages of justice remain routine. This is particularly true in the most heinous of crimes, those where a jury has unanimously decided that only the death penalty is sufficient punishment.

Under no circumstances should any judicial nominee be confirmed to the Ninth Circuit who would take that court even further in the wrong direction. Regrettably, the President has sent to the Senate just such a nominee. The paper written by Goodwin Liu in opposition to the nomination of Justice Samuel Alito shows that he would vote to reverse nearly every death sentence. He exaggerates minor issues in jury instructions that no one at trial thought were problems, while simultaneously brushing off the brutal facts of heinous crimes as inconsequential. He jumps to the conclusion that prosecutors are guilty of racism on scant evidence and despite the considered judgment of the state trial court to the contrary. The paper and its implications are discussed more fully in the letter of the Criminal Justice Legal Foundation submitted to the committee in this matter.

Professor Liu's paper demonstrates beyond serious question that his views on criminal law, capital punishment, and the role of the federal courts in second-guessing state decisions are fully aligned with the judges who have made the Ninth Circuit the extreme outlier that it presently is. We urge the Judiciary Committee and the full Senate to reject this nomination.

Sincerely,



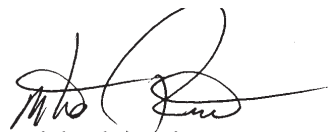
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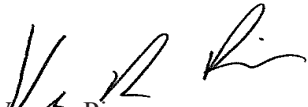
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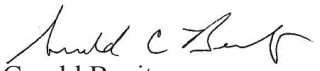


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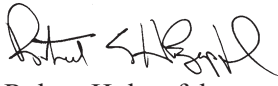

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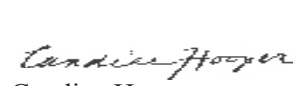

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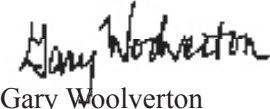

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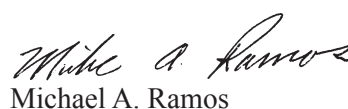

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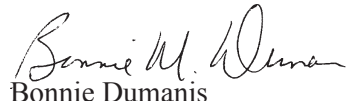

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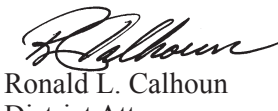

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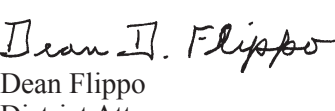

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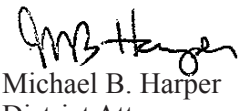

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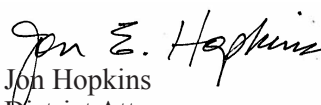

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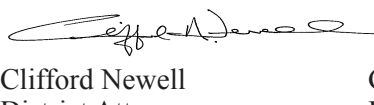

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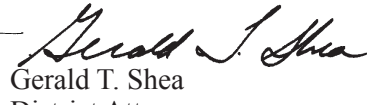

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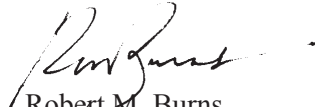

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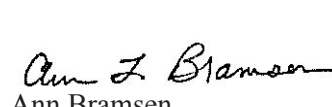

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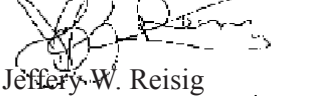

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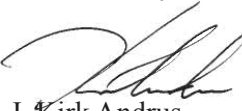

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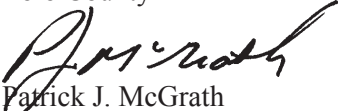

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