

## Constitution Project Sends Letter from Former Law Enforcement Officials Rejecting Death Penalty Attacks on Goodwin Liu

---

4/14/2010

### Similar letter sent last week from Co-Chairs of Project's Death Penalty Committee

FOR IMMEDIATE RELEASE

CONTACT: Matthew Allee, (202) 580-6922 or [mallee@constitutionproject.org](mailto:mallee@constitutionproject.org)

WASHINGTON – Yesterday, in a letter organized by the Constitution Project and sent to the Senate Judiciary Committee, 27 former judges and prosecutors expressed concern with the recent attacks on Professor Goodwin Liu, President Obama's nominee to the United States Court of Appeals for the Ninth Circuit, regarding his views on the death penalty. While not taking a position on Professor Liu's nomination, the signatories to the letter, including both supporters and opponents of capital punishment, stated that the attacks on Professor Liu for his view on the death penalty are erroneous and misleading.

The former judges and prosecutors rejected the analysis the Criminal Justice Legal Foundation recently submitted to the Senate Judiciary Committee, which alleged that, if confirmed, Professor Liu would advance an "anti-death penalty agenda." An independent examination requested by the Constitution Project of Professor Liu's record found that he "takes no position on the death penalty... other than to state that he believes 'the Supreme Court has the ultimate responsibility for ensuring fairness in the administration of the death penalty.'"

According to the signatories to the letter, Professor Liu's commitment to ensuring fairness in death penalty cases is essential for a judicial nominee.

The letter states, in part:

"Professor Liu has expressed a belief that every United States judge must exercise the utmost care to ensure that the fundamental due process rights of persons accused of crimes are protected. While our individual views about the propriety of the death penalty may vary, we all believe that it is the appropriate role of an appellate judge to ensure that these due process rights have not been violated and that every defendant is afforded a fair trial. This is especially true in death penalty cases, where the nature of the punishment is uniquely irreversible.

"We applaud Professor Liu's commitment to ensuring the constitutional rights of defendants facing the death penalty. Contrary to his critics' claims, his commitment to the Constitution is commendable and vital for anyone seeking a position in what is often the court of last resort for individuals seeking to protect their constitutional rights."

Late last week, two Co-Chairs of the Constitution Project's Death Penalty Committee, former Texas Governor Mark White, and former Chief Justice of the Florida Supreme Court Gerald Kogan, sent a similar letter to the Senate Judiciary Committee, rejecting the assertions about Professor Liu's views on the death penalty.

In their letter, they state in part:

"As a former governor of Texas who oversaw the executions of 19 condemned criminals, and a former Florida Supreme Court justice who upheld numerous death sentences and, before that, headed the Dade County capital crimes prosecution unit, we are well-acquainted with the death penalty and its application. We decry the baseless claim that Professor Liu's commitment to upholding constitutional safeguards, such as competent counsel, a fair trial, and full judicial review, is anything other than appropriate -- indeed vital -- for any judge, particularly in capital cases where a person's life hangs in the balance."

Additionally, Bob Barr, former Republican member of Congress from Georgia and a member of the Project's Death Penalty Committee, yesterday wrote a column for the *Atlanta Journal-Constitution*, similarly rejecting the criticism of Professor Liu's stance on the death penalty, stating, "[w]hile there may be many reasons to oppose Liu's confirmation, his concern for due process in capital cases should not be among them. And in fact, his views are shared by many scholars, lawyers, and public officials from across the ideological spectrum."

To view a copy of the letter from former judges and prosecutors, sent to the Senate Judiciary Committee, go to:

<http://www.constitutionproject.org/manage/file/388.pdf>

To view a copy of the letter from Governor Mark White and Justice Gerald Kogan, also sent to the Senate Judiciary Committee, go to:

<http://www.constitutionproject.org/manage/file/387.pdf>

To view Congressman Bob Barr's column in the *Atlanta Journal-Constitution*, go to:

<http://blogs.ajc.com/bob-barr-blog/2010/04/12/nominees-death-penalty-views-being-distorted/>