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**From:** Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )

**To:** Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] ), Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] ), Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP@EOP [ WHO ] ), Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )

**Cc:** [REDACTED] P6/b6, Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] ), Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )

**Subject:** : Daily Update - August 13, 2002

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CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )

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TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN

TO:Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:joschal@att.net @ inet ( joschal@att.net @ inet [ UNKNOWN ] )

READ:UNKNOWN

CC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

CC:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )

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Colleagues:

fyi: 1 Pledge/ACLU, 2 Owen, and 3 cloning, from FOCUS ON THE FAMILY

warmly

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CITIZENLINK

August 13, 2002

SHOWDOWN OVER OWEN NOMINATION SOON:

One of the president's judicial nominees will soon face the Democrat-led Senate Judiciary Committee.

<http://www.family.org/cforum/fnif/news/A0021777.html>

ABA POISED TO ENDORSE CLONING:

The American Bar Association may take the unusual step of endorsing therapeutic cloning.

<http://www.family.org/cforum/fnif/news/A0021773.html>

## CITIZENLINK NEWS:

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### Legal Group Files Suit on Behalf of Pledge

The American Center for Law and Justice (ACLJ), a pro-family legal organization, has filed a legal brief with the 9th U.S. Circuit Court of Appeals on behalf of members of Congress, asking the appeals court to reconsider a recent decision in which a three-judge panel declared the phrase "One Nation under God" unconstitutional in the Pledge of Allegiance.

According to Jay Sekulow, chief counsel of the ACLJ, the decision is not only flawed in a legal sense, but it ignores Supreme Court precedent protecting such language.

"It is critical that a larger panel of the 9th Circuit re-hear this case and correct the faulty conclusions reached by the three-judge panel," Sekulow said. "Not only is there tremendous public support for reversing this damaging decision, but there is ample legal precedent to do so as well. At the end of the day, we're confident the Pledge of Allegiance that includes the phrase 'One nation under God' will be upheld as constitutional."

The ACLJ filed its brief on behalf of 17 Republican members of the U.S. House of Representatives: Reps. Robert Aderholt (Ala.); Todd Akin (Mo.); Chris Cannon (Utah); Michael Collins (Ga.); Jo Ann Davis (Va.); John Doolittle (Calif.); Jeff Flake (Ariz.); Virgil Goode, Jr. (Va.); Lindsey Graham (S.C.); Duncan Hunter, (Calif.); Ernest Istook, Jr. (Okla.); Donald Manzullo (Ill.); Charles Pickering, Jr. (Miss.); Bob Riley (Ala.); Jim Ryun (Kan.); J.C. Watts, Jr. (Okla.); and Dave Weldon, M.D. (Fla.).

Sekulow said the ACLJ is also sending letters to state school superintendents outside of the 9th Circuit to make sure that students will continue to have the opportunity to voluntarily recite the Pledge.

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### Showdown Over Owen Nomination Soon

By David Brody, Washington, D.C., correspondent

**SUMMARY:** One of the president's judicial nominees will soon face the Democrat-led Senate Judiciary Committee.

One of the biggest battles in Congress predicted for September will take place in the Senate Judiciary Committee, where the fate of Judge Priscilla Owen will be decided.

Owen is a controversial judicial nominee, because, her

critics claim, she's a judicial activist when it comes to her rulings on abortion. In fact, as a justice on the Texas Supreme Court, Owen voted with the minority to uphold a parental notification provision for minors seeking abortions -- a provision which was nonetheless struck down, 4-3.

Liberal special interest groups are out in force to stop her nomination.

Tom Jipping, a legal affairs analyst with Concerned Women for America, said it will be a sad day if Owen doesn't get past the committee.

"It does not look good at this point," Jipping said. "There have only been six nominees in the last 60 years that the Judiciary Committee has not permitted the full Senate to even consider. And if Priscilla Owen is the second one of this Congress -- the first one being Charles Pickering -- it will signal an unprecedented partisan shutdown of the confirmation process."

Does the nominee have enough votes? At this point, it looks like her supporters are one vote short. Ten Democrats are expected to vote against her, with nine Republicans voting for her, according to John Nowacki, with the Free Congress Foundation's Judicial Monitoring Project.

"It's going to be a very, very tight vote and the Democrats apparently feel they have the votes right now (to sink the nomination)," Nowacki said. "What conservatives need to be doing is contacting some of these Senators who might be more willing to look at her record for themselves, like Joe Biden (of Delaware), Herb Kohl (of Wisconsin), maybe even Russ Feingold (of Wisconsin)."

But Nowacki admits that convincing a Democrat will be a tall order, given the positions the Senate majority has already taken on some nominees.

"The Democrats have demonstrated that they're willing to do pretty much anything to block otherwise qualified nominations just simply because they want judges that are going to have their own political views," Nowacki said.

The vote is expected the first week of September.

**TAKE ACTION:** Please contact the members of the Senate Judiciary Committee -- especially if they represent your state -- and ask them to support Priscilla Owen's judicial nomination.

Democrats:

Patrick Leahy (Vt.) - 202-224-4242  
Edward Kennedy (Mass.) - 202-224-4543  
Joseph Biden (Del.) - 202-224-5042  
Herbert Kohl (Wis.) - 202-224-5653  
Dianne Feinstein (Calif.) - 202-224-3841  
Russell Feingold (Wis.) - 202-224-5323  
Charles Schumer (N.Y.) - 202-224-6542  
Richard Durbin (Ill.) - 202-224-2152  
Maria Cantwell (Wash.) - 202-224-3441  
John Edwards (N.C.) - 202-224-3154

Republicans:

Orrin Hatch (Utah) - 202-224-5251  
Strom Thurmond (S.C.) - 202-224-5972  
Charles Grassley (Iowa) - 202-224-3744  
Arlen Specter (Pa.) - 202-224-4254  
Jon Kyl (Ariz.) - 202-224-4521  
Mike DeWine (Ohio) - 202-224-2315  
Jeff Sessions (Ala.) - 202-224-4124  
Sam Brownback (Kan.) - 202-224-6521  
Mitch McConnell (Ky.) - 202-224-2541

For other help in contacting senators, please see our  
Legislative Action Center:  
<http://www.family.org/citizenaction>

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ABA Poised to Endorse Cloning  
By David Brody, Washington, D.C., correspondent

SUMMARY: The American Bar Association may take the unusual step of endorsing therapeutic cloning.

The American Bar Association (ABA) is expected to vote on the issue of research -- or "therapeutic" -- cloning this week at their annual meeting in Washington.

At first glance, it may seem strange that a bunch of lawyers would even take up an issue such as cloning human embryos so that scientific experiments may be performed. But the ABA is a very powerful lobbying organization and, since the cloning issue is still undecided by Congress, an endorsement could mean key support for those who favor therapeutic cloning.

Michael Manganiello, with the Coalition for the Advancement of Medical Research, said his group supports this type of cloning and would welcome ABA support.

"There are still senators out there that haven't made up their minds on it and I think (the opinion) of an organization like the ABA, with its hundreds of thousands of members and (influence) on Capitol Hill, would matter," Manganiello said.

Paige Cunningham, with the Center for Bioethics and Human Dignity, said the ABA has a clear agenda.

"What we need senators to realize is that the ABA has become a political organization," Cunningham said. "(It is) not really a professional organization anymore. It tends to be controlled by a handful of (extreme liberals)."

Cunningham said if lawyers endorse cloning, they are missing the bigger picture: "It just means another professional organization has chosen expediency and a utilitarian argument over the issue of what's really involved and that is: Who is part of the human community? Who are we going to recognize as human and who are going to exclude?"

In the Senate, California Democratic Sen. Dianne Feinstein's bill on therapeutic cloning would allow the creation of human embryos in order to harvest their stem cells for medical purposes. The embryos are then killed. Another bill in the Senate, however, sponsored by Kansas Republican Sen. Sam Brownback, would ban all forms of cloning.

#### TAKE ACTION

Please contact your senators and ask them to support only Sen. Sam Brownback's total ban on all forms of cloning, S. 1899, and to oppose all other cloning bills -- especially Sen. Dianne Feinstein's bill allowing so-called "therapeutic" cloning, S. 2439.

The Capitol switchboard number is 202-224-3121. For additional help in contacting your senators, please see our Legislative Action Center:  
<http://www.family.org/citizenaction>