

**Coalition Letter on the
Pledge for a Pro-Life Nomination for
Justice Scalia's Seat on the U.S. Supreme Court**

Donald Trump
President-Elect of the United States

Dear President-Elect Trump,

The undersigned urge you to fulfill your pledge to the American people concerning the U.S. Supreme Court by nominating only those who have a proven pro-life record. Exit polls in the election showed that 21% of voters felt that this issue of the Supreme Court was “the most important factor” in determining for whom they voted. Among that group of voters, you defeated your opponent by a landslide of 15%, 56-41%.¹

As you stated during the campaign and in your *60 Minutes* interview after your election, you are pro-life and you pledged to nominate justices to the Supreme Court who are pro-life. In addition, Phyllis Schlafly and other conservatives endorsed you in reliance on your public pledge to replace the late Justice Antonin Scalia with someone as close to his views as possible.

Justice Scalia never ducked the abortion issue, and always sided with the pro-life position. His replacement should be nothing less.

You indicated that you will make your nomination from a list of 21 candidates that was provided to you by others. Unfortunately, the list omits any women who have a pro-life record, and includes a total of only four women out of 21. This was probably an oversight, because many well-qualified women with pro-life records are available for nomination, and they should be considered for this important position. For example, Judge Jennifer Elrod of the U.S. Court of Appeals for the Fifth Circuit has credentials equal to or better than those on the list, and she would be an outstanding nominee for Justice Scalia's seat.

Attempts to nominate a “stealth” candidate lacking in a record on abortion was the failed approach of the past, and would be inconsistent with the transparency of your incoming Administration. Despite that, at least a half-dozen of the candidates on the list lack a pro-life record. We urge you *not* to consider these candidates lacking a pro-life record for the position of Justice Scalia's seat on the Supreme Court. Several of these judges on the list have even written or spoken in ways that are at odds with the pro-life position.

Candidates who lack a pro-life record include, for example, Judges Diane Sykes, Steven Colloton, Raymond Kethledge, and Neil Gorsuch, and Justices Allison Eid and Joan Larsen. In addition, each of these judges has either ruled against the pro-life position or has otherwise shown an unwillingness to be publicly pro-life. (See Appendix for details.) That disqualifies

¹ <http://www.cnn.com/election/results/exit-polls> (viewed 11/28/16).

them from filling Justice Scalia's seat, particularly in light of how better candidates are available to be nominated.

Outstanding Candidates

In addition to Judge Elrod as recommended above, her elder colleague Judge Edith Jones would also be a stellar choice. She is likewise a female jurist who has qualifications superior to most on the current list, and yet was inexplicably omitted.

There are several outstanding candidates who have pro-life records that would fulfill your pledge. For example, Justice Charles Canady of the Florida Supreme Court, who is on your current list, would be a fabulous nominee. Judges Elrod and Jones, and Justice Canady, are all experienced judges who have been transparent about their views and have an unblemished record on the bench. Any of these would be a tremendous addition to the U.S. Supreme Court.

Conclusion

Justice Antonin Scalia is, in many ways, impossible to replace. But several well-qualified candidates having a pro-life record are available for selection, as explained above, and the undersigned urge your nomination of one of them to fulfill your pledge of replacing Justice Scalia with someone like him. Thank you.

(list is pending review of the final version of the letter)

Sincerely,

Ed Martin
Eagle Forum Education & Legal Defense Fund
Republican National Coalition for Life

Andy Schlafly
Legal Center for Defense of Life

Donna J. Harrison M.D.
American Association of Pro-Life Obstetricians and Gynecologists

Bobby Schindler
Terri Schiavo Life & Hope Network

Bradley Mattes, President
Life Issues Institute

Tammy Kobza
Iowa Eagle Forum

Joseph Stanton
Pro-Life Lawyer's Guild of South East Pennsylvania

Sandi Ruggles
Eagle Forum Wisconsin

C.E.Pfeifer
Eagle Forum of Pennsylvania

John Eidsmoe, Lt. Colonel, USAF(Ret.)
Senior Counsel, Foundation for Moral Law

Eric Olsen
Montana Eagle Forum
Montana Shrugged Group.

Troy Newman
Operation Rescue

Jared Woodfill
President, Conservative Republicans of Texas

C. Preston Noell III
Tradition, Family, Property, Inc.

Appendix

Although included in the list of 21, the following six candidates lack any pro-life record and have even shown an unwillingness to take a pro-life position publicly:

1. Judge Diane Sykes ruled against a pro-life Indiana law and required taxpayer funding of Planned Parenthood. As a state court judge, she sentenced two veteran abortion protesters to 60 days in jail.
2. Judge Steven Colloton wrote or joined multiple pro-abortion opinions: one to eviscerate a pro-life South Dakota law, another to side with a fellow pro-abortion judge against a pro-life Nebraska law, and a third to side with a pro-abortion judge to come down hard on a pro-life internet activist.
3. Justice Joan L. Larsen has no experience as a federal judge and only recently became a state court judge. Before that she was a law professor who repeatedly mentioned *Roe v. Wade* without criticizing it. She clerked for Justice Scalia but many of his clerks were not pro-life. She is similar to David Souter in her weakness in writing ability, which makes her susceptible to influence by the liberal media.
4. Neil Gorsuch wrote about abortion using the terminology of the pro-abortion side, without ever referring to the “unborn child.” As a federal judge he has avoided mentioning abortion but has favorably cited the pro-abortion Harry Blackmun decision that gave abortionists legal standing to challenge pro-life laws. Also, while religious beliefs are not a test for public office, Gorsuch’s Episcopalian church has publicly declared its “unequivocal opposition” to pro-life laws and he has said nothing publicly pro-life.
5. Judge Raymond Kethledge joined a decision that favorably cited a precedent censoring a pro-life advertisement, and held against allowing a Christian advertisement too.
6. Justice Allison Eid has been unwilling to speak out on pro-life side. She tersely dissented from a denial of cert. before the Colorado Supreme Court in a challenge to an injunction against abortion protesters, initially on only the limited grounds of the length of the injunction and then later only on free speech grounds.