



Thursday, June 9, 2011

Senator Patrick J. Leahy
U.S. Senate Judiciary Chairman

Senator Chuck Grassley
U.S. Senate Judiciary Ranking Member

Dear Senator,

Concerned Women for America Legislative Action Committee (CWALAC) and its more than half-a-million members write to urge you to reject the nomination of Stephen Six to the U.S. Court of Appeals for the Tenth Circuit.

The people of Kansas know Steven Six well. Radical pro-abortion advocate Kathleen Sebelius, former Kansas Governor and now Secretary of the Department of Health & Human Services, handpicked Six to continue the work of discredited Kansas Attorney General Paul Morrison. In his short time in office, Morrison had used all his power to thwart the investigation by former Attorney General Phill Kline of a Kansas Planned Parenthood abortion clinic which he discovered was not reporting incidents of statutory rape to the proper authorities as required by law, among other things.

Despite the fact that District Court Judge James Vano found probable cause for a trial from the evidence he reviewed (charging Planned Parenthood with 107 criminal acts, including 23 felonies by falsifying medical records), Sebelius, Morrison, and Six did everything they could to protect Planned Parenthood and demonize Kline. Six actually came into office after Morrison resigned because of allegations that he used his extramarital relationship with a former employee, who at the time worked for Klein, to sabotage Klein's investigation.

Six continued the efforts to stop the investigation of Planned Parenthood, ignoring the young women who were abused through the alleged cover-up. When Klein subpoenaed the judge who had seen the Planned Parenthood records to testify, Six secretly obtained an order from the Kansas Supreme Court to prevent him from testifying. The Supreme Court eventually reversed itself after Klein appealed, but Six's trickery worked, as Klein was out of office by the time the issue was resolved. And with Klein gone, the investigation, of course, went nowhere.

Six and the others thus successfully sent the message loud and clear to anyone with even a minute inclination to pursue justice for the abused young women: "You'd better not come after Planned Parenthood, no matter what they have done."

These events prompted 90 members of the Kansas Senate and House of Representatives to demand an investigation. Six got the boot as soon as Kansans had the opportunity to vote on retaining him. And deservedly so; his conduct deserves a reprimand, not a promotion.

Six's selective amnesia regarding the case before your committee in his testimony and in his answers to written questions highlight how little confidence the public can have on this nominee's ability to be an impartial jurist. It is astounding how he tries to separate himself now from his actions and those of his office in his official capacity as state attorney general.

His appointment is an attempt to reward the very behavior for which Kansans got rid of him. With so many good candidates available, there is no reason to promote one with such a questionable past. To do so gives the American people the appearance of impropriety from the outset.

We urge you to oppose this nominee. CWALAC will score against this nomination if it reaches the Senate floor.

Sincerely,

Penny Nance
Chief Executive Officer

cc. Senate Judiciary Members