

March 23, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510
Fax: (202) 224-9516

The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510
Fax: (202) 224-9102

Re: Federal Judicial Nomination of Goodwin H. Liu, U.S. Court of Appeals for the Ninth Circuit

Dear Chairman Leahy and Ranking Member Sessions:

We are a bipartisan group of 22 leaders in education law, policy, and research who support the nomination of Professor Goodwin Liu to be a judge on the U.S. Court of Appeals for the Ninth Circuit. Your committee will undoubtedly receive much commentary about Professor Liu's scholarly work in constitutional law. We write to highlight his scholarship and reputation in the field of education law and policy. Collectively, we have read his work in this area; we have seen him speak at many panels and conferences; and some of us have worked closely with him on research projects or on policy issues when he served in the U.S. Department of Education. Based on his record, we believe Professor Liu is a careful, balanced, and intellectually honest scholar with outstanding academic qualifications and the proper temperament to be a fair and disciplined judge.

Professor Liu is one of the nation's leading experts on educational equity. His scholarly work on topics such as school choice, school finance, desegregation, and affirmative action is unified by a deep and abiding concern for the needs of America's most disadvantaged students. In analyzing problems and proposing solutions, Professor Liu's writings are thorough, pragmatic, and scrupulously attentive to facts and evidence. His work is nuanced and balanced, not dogmatic or ideological. For example:


- He has argued for more resources for low-performing schools while also advocating greater opportunities, including school vouchers, to enable disadvantaged students to choose better schools.
- He has argued for greater equity in school finance while also urging reforms that would loosen regulations and increase local control over spending decisions.
- He has praised the No Child Left Behind Act for focusing education policy on achievement outcomes and inequities while also urging reforms to ameliorate the Act's unintended negative consequences.

- He has argued that the Fourteenth Amendment guarantee of national citizenship encompasses a duty to provide adequate education while emphasizing that the responsibility for enforcement belongs to Congress, not the judiciary.
- He has written in support of affirmative action while also emphasizing that affirmative action primarily benefits middle- and high-income minorities and does not do enough to promote socioeconomic diversity.

We do not necessarily agree with all of Professor Liu's views. But we do agree that his record demonstrates the habits of rigorous inquiry, open-mindedness, independence, and intellectual honesty that we want and expect our judges to have. His writings are meticulously researched and carefully argued, and they reflect a willingness to consider ideas on their substantive merits no matter where they lie on the political spectrum. Moreover, we are confident in Professor Liu's ability to decide cases based on the facts and the law, regardless of his policy views. His scholarship amply demonstrates that kind of intellectual discipline, and our high regard for his work is widely shared. Indeed, the Education Law Association selected Professor Liu in 2007 to be the first-ever recipient of the Steven S. Goldberg Award for Distinguished Scholarship in Education Law.

In short, Professor Liu is exceptionally qualified to serve on the federal bench. He would make an outstanding judge, and we urge his speedy confirmation.

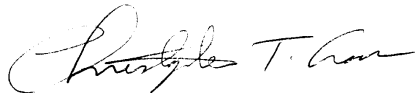
Sincerely,



Cynthia G. Brown
Vice President for Education Policy, Center for American Progress Action Fund



Michael Cohen
President, Achieve, Inc.; Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, 1999–2001



Christopher T. Cross
Chairman, Cross & Joftus LLC; Assistant Secretary for Educational Research and Improvement, U.S. Department of Education, 1989–91



Linda Darling-Hammond
Charles E. Ducommun Professor of Education, Stanford University

/S/

James Forman Jr.
Professor of Law, Georgetown University Law Center; Co-Founder and Board Chair, Maya Angelou Public Charter School*



Patricia Gándara
Professor of Education and Co-Director of The Civil Rights Project/Proyecto Derechos Civiles, UCLA

/S/

James W. Guthrie
Senior Fellow and Director of Education Policy Studies, George W. Bush Institute



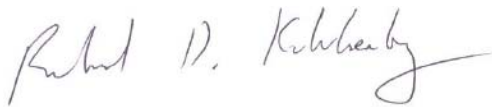
Eric A. Hanushek
Paul and Jean Hanna Senior Fellow, Hoover Institution, Stanford University



Frederick M. Hess
Director of Education Policy Studies
American Enterprise Institute



Paul Hill
John and Marguerite Corbally Professor and Director of the Center on Reinventing Public Education, University of Washington



Richard D. Kahlenberg
Senior Fellow, The Century Foundation*



Joel I. Klein
Chancellor, New York City Department of Education; Assistant Attorney General, Antitrust
Division, U.S. Department of Justice, 1997–2001



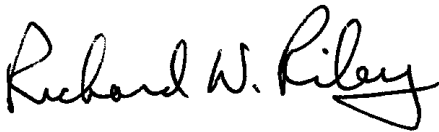
Ted Mitchell
President and Chief Executive Officer, NewSchools Venture Fund



Gary Orfield
Professor of Education, Law, Political Science, and Urban Planning and Co-Director of The Civil
Rights Project/Proyecto Derechos Civiles, UCLA



Michael J. Petrilli
Vice President for National Programs and Policy, Thomas B. Fordham Institute; Research
Fellow, Hoover Institution, Stanford University; Associate Assistant Deputy Secretary, Office of
Innovation and Improvement, U.S. Department of Education, 2001–05



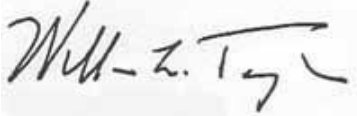
Richard W. Riley
Partner, Nelson Mullins Riley & Scarborough LLP; U.S. Secretary of Education, 1993–2001;
Governor of South Carolina, 1979–87



Andrew J. Rotherham
Co-Founder and Publisher, Education Sector

/S/

James E. Ryan
William L. Matheson & Robert M. Morgenthau Distinguished Professor of Law, University of
Virginia School of Law



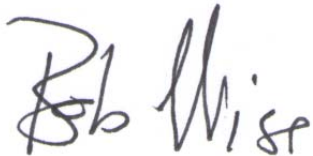
William L. Taylor
Chairman, Citizens' Commission on Civil Rights



Martin R. West
Assistant Professor of Education, Harvard University



Judith A. Winston
Principal, Winston Withers & Associates, 2002-2009; General Counsel, U.S. Department of Education, 1999-2001, 1993-97



Bob Wise
President, Alliance for Excellent Education; Governor of West Virginia, 2001-2005; Member, U.S. House of Representatives, 1983-2001

(* affiliation listed for identification purposes only)