



## **REPORT ON THE NOMINATION OF RICHARD HONAKER TO THE DISTRICT COURT FOR THE DISTRICT OF WYOMING**

On March 19, 2007, President Bush nominated Richard H. Honaker to be a district judge of the United States District Court for the District of Wyoming. Mr. Honaker's nomination should be rejected by the United States Senate. His view that federal law should agree with, and indeed be based on, his own understanding of Christian biblical "truth" makes him singularly unfit for any adjudicative role in the federal government, let alone a lifetime federal judgeship. This view is inconsistent with the Framers' command that federal law must not advance any religion. The risk that Mr. Honaker would use the authority of the federal court to establish his religious views as part of the law applicable to people who come before him seeking justice is too grave to be tolerated. The Senate should heed the words of James Madison, who said "an alliance or coalition between Government and religion cannot be too carefully guarded against,"<sup>1</sup> and reject this nomination. The report below summarizes information made available with Mr. Honaker's questionnaire, as well as a comprehensive survey of newspaper articles quoting Mr. Honaker during his tenure as a state legislator from the *Wyoming State Tribune* (now the *Wyoming Tribune-Eagle*).

### **BRIEF BIOGRAPHY OF RICHARD HONAKER**

Richard H. Honaker was born in Laramie, Wyoming, on March 10, 1951. He graduated *cum laude* from Harvard College with a B.A. in 1973 and received his J.D. from the University of Wyoming College of Law in 1976. After his graduation from law school, Mr. Honaker spent short stints as Assistant Attorney General for the State of Wyoming and State Public Defender. Since 1981, he has been employed as a sole practitioner or as part of a two- or three-lawyer partnership in which he was the senior and managing partner. In addition to his legal practice, which focuses on personal injury and other civil litigation, Mr. Honaker was a Member of the Wyoming House of Representatives from 1987-1993, where he served on the House Judiciary Committee. He was defeated in his 1994 reelection bid.

Since 1992, Mr. Honaker has served as a member of the board of the Home School Legal Defense Association,<sup>2</sup> and he is a member of the conservative Federalist Society.

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<sup>1</sup> Letter from James Madison to Edward Livingston (Jul. 10, 1822), *available at* [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions66.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions66.html).

<sup>2</sup> The Home School Legal Defense Association is "an organization run by politically active fundamentalist conservatives" with a "tendency to champion as benignly "pro-parent" causes that are pointedly conservative. The HSLDA is on the record, for instance, as vociferously in favor of corporal punishment and gun ownership and against gay rights and the United Nations." Helen Cordes, *Battling For the Heart and Soul of Home-Schoolers*, SALON, Oct. 2, 2000, *available at*

According to his questionnaire, Mr. Honaker and his spouse co-chaired campaigns for both Senator Mike Enzi (R-WY) and former Senator Craig Thomas (D-WY) in Sweetwater County, Wyoming.

Mr. Honaker has been rated unanimously well-qualified by the American Bar Association's Standing Committee on the Federal Judiciary.

**HONAKER'S PUBLIC STATEMENTS AND WRITINGS DEMONSTRATE  
THAT HE IS UNLIKELY TO SEPARATE HIS RELIGIOUS BELIEFS FROM  
HIS WORK AS A JUDGE**

Mr. Honaker's public statements and written work raise serious concerns about his ability and desire, if confirmed, to remain objective in cases in which Supreme Court and other precedent conflicts with his religious beliefs. This is because he believes that certain Christian religious doctrine should be infused into the law and that judicial precedent is less important than fealty to his conception of a higher law. In his public statements, he has spoken repeatedly about the need for "absolute values" and the danger of considering "the circumstances surrounding" a case.<sup>3</sup> Yet the primary responsibility of a federal judge is to make decisions based on consideration of particular facts and circumstances, and the constitutional "cases and controversies" requirement ensures that judicial role. He has criticized this method of decisionmaking, which he calls "situational ethics," as "antithetical to justice."<sup>4</sup> Thus, he wrote "We are seeing vicious political battles over judicial appointments that would not have occurred had the Court not politicized itself by creating rights rather than construing them."<sup>5</sup> In a similar vein, in a 2005 speech to the Homeschoolers of Wyoming Convention, he criticized legal education, saying, "Law students don't study the law; they study what the judges say the law is. They study appellate opinions. They don't concern themselves with the source of law, with the source of justice."<sup>6</sup> He has also made dismissive and disrespectful statements about the Supreme Court, its precedents, and federal courts in general. His extreme legal views do not befit a lifetime appointment to the federal district court.

Instead of judicial precedent, Mr. Honaker favors adherence to religious doctrine. He has criticized the Supreme Court for "no longer talk[ing] about America as a Christian nation or about the Christian underpinnings of the law," saying, "Historically, such an intellectual movement away from the concept of higher law, though the movement initially espouses liberty and autonomy, leads to tyranny, to totalitarianism."<sup>7</sup> His statements reject court decisions and focus on another source of law, saying "human law

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[http://archive.salon.com/mwt/feature/2000/10/02/homeschooling\\_battle/print.html](http://archive.salon.com/mwt/feature/2000/10/02/homeschooling_battle/print.html) (last visited Feb. 26, 2008).

<sup>3</sup> Richard Honaker, Address to the Wyoming Chapter of the Christian Legal Society (Sept. 17, 1992) (on file with Alliance for Justice).

<sup>4</sup> *Id.*

<sup>5</sup> Richard Honaker, *Heralding the Good News of Jesus Christ*, REFORMED HERALD, at <http://incolor.inebraska.com/stuart/justice.htm> (last visited Feb. 26, 2008).

<sup>6</sup> Richard Honaker, Address to the Wyoming Chapter of the Christian Legal Society (Sept. 17, 1992) (on file with Alliance for Justice).

<sup>7</sup> *Id.*

[should] be fashioned after and subject to a higher law – the higher law of God” rather than being “no more than what the judges say it is.”<sup>8</sup> In 1992, Honaker wrote two articles for *The Reformed Herald* about the cultural clash in the United States, and these articles contain a glimpse of his religion-based approach to the law.<sup>9</sup> The articles included the following quotes:

- “I came to know that if the Bible is true, if Christianity is true, then it is true in family life. It is true in economics. It is true in law, and it is true in all facets of human endeavor.”
- “The idea of neutrality relied upon the myth that law and government can function without relying upon shared moral premises [sic]. The upshot of neutrality was that some moral premises could be considered in the formulation of law and policy, but that Christian moral premises could not.”
- “Autonomy is the new secular religion sanctioned by The United States Supreme Court. The Supreme Court no longer talks about America as a Christian nation or about the Christian underpinnings of the law. In moving even beyond the pale of neutrality, it openly advances the idea of autonomy, stating that ‘personal dignity and autonomy are central to the liberty protected by the Fourteenth Amendment.’”
- “It doesn’t take a legal scholar to perceive that the nation’s highest court, its universities and law schools, its political institutions, and its news media, have moved racially [sic] away from a Christian base toward a secular base in which man, not God, is the creator of values, of rights, of law, and of justice. It is less clear to what degree these institutions reflect changes in views of the American people, changes in the state of the American mind - or to what degree the institutions of [sic] led the charge.”
- “The secularists have successfully banished Christians from law, politics, and government, and they won’t want to let them back in. While it is ‘politically incorrect’ to attack the most reprehensible, immoral conduct, and while it is ‘politically incorrect’ to wish not to pay for obscene art, Christians are fair game.”

At the same time that he has promoted Christianity as the appropriate source of American law, he has demeaned other religious faiths. He emphatically said that “liberty springs from Christianity” and has criticized President Bush for stating that America’s ideal of freedom has been sustained by “the truths of Sinai, the Sermon on the Mount, the words of the Koran, and the varied faiths of our people.”<sup>10</sup> Indeed, in a speech to the State Home School Convention on May 21, 2005, Mr. Honaker said, “[A]nyone who has studied the history of the western world knows that the Koran and the Islamic faith played no role in the reformation or in the development of Western political thought.”<sup>11</sup> He went on to say, “We would like to see political liberty established in an Islamic country—Iraq—but the question is, how will political liberty sustain itself in the absence

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<sup>8</sup> Richard Honaker, *Heralding the Good News of Jesus Christ*, REFORMED HERALD, at <http://incolor.inebraska.com/stuart/justice.htm> (last visited Feb. 26, 2008).

<sup>9</sup> *Id.*

<sup>10</sup> Richard Honaker, “Liberty,” Address to the Wyoming State Home School Convention (May 21, 2005) (on file with Alliance for Justice).

<sup>11</sup> *Id.*

of a Judeo-Christian base? . . . [w]e must remember that democracy—when not restrained by the concept of a higher moral authority—can be just as much a threat to liberty as a one-man dictatorship can be.”<sup>12</sup> In the same speech, Mr. Honaker opined, “It seems to me that these political models will have a chance to succeed in the long term only if these countries guarantee and protect religious liberty for Christians. . . . With the liberty to practice the Christian religion, and the liberty to evangelize, Christians can play a major role in helping to secure long-term freedom in countries like Iraq.”<sup>13</sup> These statements call into question Mr. Honaker’s ability to treat all litigants fairly, especially in cases involving parties who do not adhere to his brand of Christianity, or those who challenge government promotion of Christianity.

As set forth in more detail below in the description of his legislative record, the most important manifestation of Mr. Honaker’s Christianity-based legal views involves his criticism and attacks on the line of Supreme Court cases establishing a right to privacy. In a speech to the Wyoming Christian Legal Society, he said, “In the abortion debates, [I say] that abortion is the killing of an innocent, living human being, and it’s wrong, and *no one should have the right to do what is wrong.*”<sup>14</sup> He has also argued that *Planned Parenthood v. Casey* is a “wholesale abandonment of the concept that a fabric of common values binds this nation together,” and that the abortion issue is “not settled until its [sic] settled right.”<sup>15</sup> He further analogized the debate over abortion to the debate over slavery and compared *Roe v. Wade* to the *Dred Scott* decision, saying “In these debates, one side [the anti-abortion or anti-slavery side] advances an absolute value. The other side advances an ethical choice based on varying situations. . . . But this nation was founded upon absolutes. It could not have been otherwise.”<sup>16</sup>

At the same time that Mr. Honaker criticizes the Anglo-American system of precedent and court decisions, he relies upon a flawed grasp of that system to minimize the effect that his imposition of religion on litigants would have. In a letter dated March 24, 2007, in reference to his record on abortion, he wrote, “In any event, on such a controversial subject, the losing party would appeal to the Tenth Circuit, and perhaps on to the United States Supreme Court, and nobody would remember what the trial judge did anyhow.”<sup>17</sup> This statement represents a fundamental misunderstanding of the important role a trial court judge plays in establishing the record for appeal and ruling on interlocutory motions. It also disregards the time and expense required to appeal a federal district court decision, and it evidences disrespect for the plight of litigants in federal court.

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Richard Honaker, Address to the Wyoming Chapter of the Christian Legal Society (Sept. 17, 1992) (on file with Alliance for Justice).

<sup>15</sup> *200 Turn Out During Pro-Life Rally*, ROCK SPRINGS DAILY ROCKET-MINER (date unknown) (on file with Alliance for Justice).

<sup>16</sup> Richard Honaker, Address to the Wyoming Chapter of the Christian Legal Society (Sept. 17, 1992) (on file with Alliance for Justice).

<sup>17</sup> Letter from Richard Honaker to Sharon Breitweiser (Mar. 24, 2007).

## LEGISLATIVE RECORD

Mr. Honaker has not provided the Senate with copies of bills he authored or sponsored during his time in the state legislature. In response to the Senate Judiciary Committee's request for official statements, testimony, or public speeches, Mr. Honker said he had "made many floor speeches in the Wyoming House of Representatives on many issues" but claimed he had "retained no copies, and...floor speeches were not recorded or journaled by the Wyoming House" during his time in public office.<sup>18</sup>

Despite Mr. Honaker's inability to provide the committee with his complete legislative record, even the incomplete record that is available disqualifies him from promotion to a lifetime appointment to the federal bench. In 1991, Mr. Honaker was the author and primary sponsor of the Human Life Protection Act, legislation that would have criminalized abortion from the moment of conception except in cases of rape, incest, or to protect the woman's life.<sup>19</sup> Under the bill, even women who were the victims of rape or incest would have been denied abortions unless they reported the incidents to the authorities within five days. The bill contained no health exception, although such an exception is clearly required by applicable Supreme Court precedent. Under the legislation, a doctor who performed an abortion could be prosecuted for a felony and sentenced to 14 years in prison.<sup>20</sup>

The bill also contained a number of legislative "findings." The bill stated, "The Legislature finds that: it is a medical and scientific fact that the life of each individual human being begins at the moment of conception."<sup>21</sup> It went on to assert, "This state has a compelling interest in protecting the lives of unborn children throughout pregnancy."<sup>22</sup> Its findings also included the statement: "Unborn children are human beings, and abortion is the taking of the life of an unborn child who is a member of the human race."<sup>23</sup> All three legislative findings are impermissible under the Supreme Court's decision in *Roe v. Wade*.<sup>24</sup>

Mr. Honaker was much more than a mere sponsor of the Human Life Protection Act. He had drafted the legislation, working with "a national organization referred to as the 'legal arm of the pro-life movement'" to defend the bill and lobby for its passage.<sup>25</sup> According to press accounts, Chicago-based Americans United for Life was instrumental in constructing the legislation, funding Mr. Honaker's all-expense paid trip to Chicago for a "Legislator's Educational Conference" and paying to fly "expert witnesses" from all over the country to testify at the legislative hearing in Wyoming.<sup>26</sup> Witnesses included Dr.

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<sup>18</sup> Richard H. Honaker, *United States Senate Judiciary Committee Questionnaire for Judicial Nominees*.

<sup>19</sup> H.B. 221, 51<sup>st</sup> Leg. Gen. Sess. (Wyo. 1991).

<sup>20</sup> Tad Segal, *Pro-Life Bill Expected to Spark Debate in Legislature*, WYOMING STATE TRIBUNE, Jan. 12, 1991, at 12.

<sup>21</sup> H.B. 221, 51<sup>st</sup> Leg. Gen. Sess. (Wyo. 1991).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Roe v. Wade*, 410 U.S. 113 (1973).

<sup>25</sup> Tad Segal, *Pro-life Organization Aided Action to Outlaw Abortions*, Jan. 29, 1991, at 1.

<sup>26</sup> *Id.*

Raymond Gasser, a professor of embryology at Louisiana State University who testified that life begins at conception, and David Smolin, a professor at Sumford University in Alabama who told the committee that the bill “would hold muster with the U.S. Supreme Court.”<sup>27</sup> Staff for Americans United for Life said they worked closely with Mr. Honaker in drafting the legislation and providing “advice on the types of witnesses to build a legislative record on the bill.”<sup>28</sup>

In a press conference highlighting his proposed legislation, Mr. Honaker echoed these findings, seeking to cast disputed moral and religious positions as inexorable “truth”: “We urge our fellow legislators not to decide this issue upon rhetoric or emotion. We ask them to come face to face with the facts about abortion, with the truth. And the truth is that abortion kills unborn children and victimizes women.”<sup>29</sup> Mr. Honaker repeatedly emphasized that his bill was intended to be a direct challenge to the Supreme Court’s decision in *Roe v. Wade*.<sup>30</sup> In an interview about the legislation, Mr. Honaker asserted, “Advances in scientific research and medical technology have now left the *Roe* decision and its trimester scheme in shambles. There is no longer any scientific or medical doubt about the fact that abortion kills innocent human beings.”<sup>31</sup>

Given that its extreme language directly contradicted *Roe v. Wade*, the Human Life Protection Act spurred controversy in the state and received attention around the country. During a press conference, State Representative Chris Plant called the bill “the most pernicious and mean-spirited piece of legislation that I’ve seen in my four years in the Wyoming Legislature.”<sup>32</sup> Opponents worried that the bill’s broad language would effectively outlaw not only abortion but also some methods of contraception.<sup>33</sup> During a nearly six-hour hearing in the House Judiciary Committee, Mr. Honaker presented “specialists from around the country” to testify in favor of his bill.<sup>34</sup> Despite his efforts, the Human Life Protection Act—labeled by Wyoming press as “one of the most controversial issues to face the Legislature” that year—was defeated in committee shortly after the hearing.<sup>35</sup> Mr. Honaker reintroduced it in 1992, and it was again rejected by the committee.

After his reelection defeat, Mr. Honaker did not retire from his anti-choice advocacy. Intent on reviving the Human Life Protection Act’s restrictions, although they had been twice rejected by the state legislature, Mr. Honaker served as counsel to the Unseen Hands Prayer Circle, which was formed to place the Human Life Protection Act on the

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Tad Segal, *Pro-Life Bill Expected to Spark Debate in Legislature*, WYOMING STATE TRIBUNE, Jan. 12, 1991, at 12.

<sup>30</sup> *Id.*

<sup>31</sup> Op-Ed., *Abortion Controversial, But It Remains Murder*, WYOMING STATE TRIBUNE, Jan. 15, 1991, at 7.

<sup>32</sup> Tad Segal, *Vlastos Speaks Against Restrictive Abortion Bill*, WYOMING STATE TRIBUNE, Jan. 16, 1991, at 4.

<sup>33</sup> *Id.*

<sup>34</sup> Tad Segal, *House Hears Testimony on Controversial Abortion Bill*, WYOMING STATE TRIBUNE, Jan. 26, 1991, at 1.

<sup>35</sup> Tad Segal, *Anti-abortion bill killed by Judiciary Committee*, WYOMING STATE TRIBUNE, Jan. 29, 1991, at 1.

statewide ballot in 1994. The referendum was soundly defeated by Wyoming voters, with 58 percent rejecting the restrictions.<sup>36</sup>

Mr. Honaker's highly publicized anti-choice campaign began well before his introduction of the Human Life Protection Act. In 1989, Mr. Honaker sponsored a bill requiring written notification and parental consent before an abortion could be performed on a minor.<sup>37</sup> The American Civil Liberties Union and others opposed the bill, saying it would "significantly increase health risks to the teenager involved," but Mr. Honaker called the minor's decision "a family matter," arguing "It is more destructive to a family unit if there is no discussion."<sup>38</sup> He asserted that the proposed law would cement family ties and decrease teen pregnancies, despite testimony by representatives of Planned Parenthood of Wyoming that enactment of a similar Minnesota law had corresponded with a 38 percent increase in teen pregnancy.<sup>39</sup> The controversial measure passed, but only after the addition of a provision preventing a parent from forcing a child to have an abortion.<sup>40</sup> Oddly, Mr. Honaker opposed that amendment, saying, "The issue here is not whether a person can force another person to have an abortion."<sup>41</sup>

In his public statements, Mr. Honaker has made it clear that his extreme views are not merely his personal opinion but also constitute his legal philosophy. In a 1994 defense of his draconian Human Life Protection Act, Honaker emphasized his role as an attorney, saying, "I know the law and I know how to write it so it means what it's supposed to mean."<sup>42</sup> In his Senate questionnaire, Mr. Honaker emphasized that his time in the legislature "was a very special act of public service as a lawyer."<sup>43</sup> Discussing the responsibilities he shouldered, he said, "The non-lawyer members of the committee...relied heavily upon the lawyers to craft language that would effectuate the committee's intent."<sup>44</sup> He stressed his unique role in drafting legislation, saying, "I had a reputation in the House Judiciary Committee for being extremely precise in the crafting of language."<sup>45</sup> Mr. Honaker's statements about his role in drafting the Human Life Protection Act illustrate that the extreme language of the bill represented not only a policy choice but a legal interpretation—one which specifically and intentionally contravened existing Supreme Court precedent.

After the passage of the parental consent law, Mr. Honaker became the spokesperson against efforts to repeal it. At a "Right to Life" rally in early 1990, he defended the legislation saying, "It is wrong, dead wrong, for any person to want to take from parents

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<sup>36</sup> Wyoming Elections Division, *Initiative and Referendum Summary Sheet*, Mar. 9, 2007, at <http://soswy.state.wy.us/election/IRSum.pdf> (last visited Feb. 22, 2008).

<sup>37</sup> *House Gives Initial OK to Parental Consent*, WYOMING STATE TRIBUNE, Feb. 2, 1989, at 2.

<sup>38</sup> Marnita Jondle, *ACLU Blasts Abortion Parental Consent Bill as Unhealthy*, WYOMING STATE TRIBUNE, Feb. 1, 1989, at 7.

<sup>39</sup> Donna Gordon, *Speakers Mostly Favor Parental Consent Law in Senate Committee*, WYOMING STATE TRIBUNE, Feb. 16, 1989, at 12.

<sup>40</sup> *House Gives Initial OK to Parental Consent*, WYOMING STATE TRIBUNE, Feb. 2, 1989, at 2.

<sup>41</sup> *Id.*

<sup>42</sup> Richard Honaker, Campaign Speech (Jul. 1994) (on file with Alliance for Justice).

<sup>43</sup> Richard H. Honaker, *United States Senate Judiciary Committee Questionnaire for Judicial Nominees*.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

the responsibility of protecting and caring for their children and to place that responsibility in the hands of uncaring, anonymous profiteers who will never see the girl again.”<sup>46</sup> Mr. Honaker also began preparations to introduce further abortion restrictions, announcing he would “probably introduce legislation that will make it harder for women to get abortions in Wyoming.”<sup>47</sup> In describing the content of his proposed legislation, he said, “My personal position is that abortions should be prohibited except to save the life of a mother. I think that’s what the law should be.”<sup>48</sup> Mr. Honaker later decided not to introduce a bill in the 1990 session because of restrictions requiring a two-thirds vote for passage of laws during the abbreviated “budget session.”<sup>49</sup>

Because his anti-choice advocacy was seen by the press as on the “extreme edge of the [abortion] issue,” Mr. Honaker’s public statements about his views on reproductive rights are available in numerous archived news reports.<sup>50</sup> However, given his refusal to provide floor statements or public speeches to the Senate, Mr. Honaker’s legislative record provides little insight into his views on other important topics. In addition to the voluminous press coverage of his campaign against abortion, few quotes were available from his time in public office revealing his position or votes on other topics. In 1989, he advocated for the preservation of the death penalty in Wyoming, saying, “The value of human life is demeaned when one man can take a life without paying with his own.”<sup>51</sup> In a 1992 interview, he opined, “Justice requires that if a malicious, pre-meditated murder is committed, their life will be taken away by the state.”<sup>52</sup> Mr. Honaker also voted against a domestic violence bill passed overwhelmingly by the state legislature in 1987.<sup>53</sup>

## CONCLUSION

In a 2004 speech on the Senate floor, Senator Feinstein (D-CA) spoke out against the confirmation of a district court nominee with a strikingly similar record to Mr. Honaker.<sup>54</sup> She said, “[W]here a nominee has himself said that faith must trump the law, it would be troubling at best to grant that nominee a lifetime seat on a Federal bench where law must trump all else, if our system of justice is to work.”<sup>55</sup> Senator Feinstein continued, “[T]hose who believe in natural law would subordinate the Constitution to some higher law. This

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<sup>46</sup> *Honaker Says Parental Consent Repeal Effort Can Not Be Taken Very Seriously*, WYOMING STATE TRIBUNE, Jan. 23, 1990, at 5.

<sup>47</sup> Julia Prodis, *State Legislator Plans Abortion Bill*, WYOMING STATE TRIBUNE, Jul. 1, 1989, at 1.

<sup>48</sup> *Id.*

<sup>49</sup> *Honaker Sees No Abortion Bill*, WYOMING STATE TRIBUNE, Aug. 21, 1989, at 2.

<sup>50</sup> Editorial, *Honaker’s Abortion Views Overshadow Qualifications*, CASPER STAR-TRIBUNE, Mar. 22, 2007, available at <http://www.casperstartribune.net/articles/2007/03/22/editorial/editorial/e717a5b2afbe9fb1872572a400822648.txt> (last visited Feb. 26, 2008).

<sup>51</sup> *Dickey Fails to Kill State’s Death Penalty*, WYOMING STATE TRIBUNE, Jan. 23, 1989, at 1.

<sup>52</sup> Katherine Walsh, *House Kills Death Penalty Abolition, Sentence Bills*, WYOMING STATE TRIBUNE, Feb. 18, 1992, at 1.

<sup>53</sup> H.B. 246, 49<sup>th</sup> Leg. Gen. Sess. (Wyo. 1987).

<sup>54</sup> The nominee about whom Senator Feinstein spoke was J. Leon Holmes, who was confirmed to a district court judgeship during Republican control of the Senate.

<sup>55</sup> Senator Dianne Feinstein, “Statement on the Vote to Confirm of J. Leon Holmes for District Court Judge for the Eastern District of Arkansas,” 150 CONG. REC. S7541, 7549 (2004).

concept is starkly at odds with the role of a Federal judge, who must swear to uphold the Constitution.”<sup>56</sup> Senator Feinstein’s concerns apply with equal force to Mr. Honaker, who has unabashedly and repeatedly argued that absolute religious values should trump the law as interpreted by appellate courts.

Mr. Honaker’s flawed legal interpretations, in conjunction with his dismissive statements about the Supreme Court and its precedents, cast doubt upon his ability to fairly enforce the law, particularly laws he openly criticizes, from the federal bench. If confirmed, Mr. Honaker would be one of only three federal district court judges in Wyoming, wielding enormous power over the lives of people who come to the court for assistance and expect to find justice. His record provides no assurances that he will apply the law evenhandedly and fairly—instead, it sheds tremendous doubt on his ability to set aside his extreme views and enforce the Constitution and the law as enacted by Congress and interpreted by the higher courts.

Over sixty local and national organizations have formally opposed Mr. Honaker’s nomination because of his extreme views, which call into question his willingness to uphold Supreme Court precedent and enforce federal statutory law. The *New York Times* has called Mr. Honaker a “patently unsuitable judicial nomine[e]” and “an extreme anti-abortion activist with troubling views on the role of religion in public life.”<sup>57</sup> Throughout his career, Honaker has actively worked to undermine a woman’s right to reproductive freedom. His zealous advocacy for doing away with such a fundamental right, along with extreme statements he has made about the place of religion in American life, makes him the wrong choice for a lifetime appointment to the federal bench.

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<sup>56</sup> *Id.*

<sup>57</sup> Editorial, *Unworthy Nominees*, NEW YORK TIMES, Feb. 11, 2008, available at [http://www.nytimes.com/2008/02/11/opinion/11mon2.html?\\_r=2&ref=opinion&oref=slogin&oref=slogin](http://www.nytimes.com/2008/02/11/opinion/11mon2.html?_r=2&ref=opinion&oref=slogin&oref=slogin) (last visited Feb. 26, 2008).