



Written by [Dave Bohon](#) on May 6, 2011

## Former Planned Parenthood Director Named Federal Judge

The U.S. Senate confirmed John McConnell (left), a private attorney and former official with Planned Parenthood of Rhode Island, to a lifetime appointment as a federal judge on May 4. While the confirmation came on a 50 to 44 party-line vote, 11 GOP senators earlier joined their Democrat lawmakers in a vote to break a Republican filibuster of the nomination, allowing for the final vote.



As reported by [LifeNews.com](#), Senate Republicans joining all Democrats to end debate included Scott Brown of Massachusetts, Susan Collins of Maine, Lyndsey Graham of South Carolina, Johnny Isakson of Georgia, Mark Kirk of Illinois, John McCain of Arizona, Lisa Murkowski of Alaska, Olympia Snowe of Maine, and John Thune of South Dakota.

Ironically, noted the Associated Press, the vote came six years after the Republicans then in control of the Senate considered a change in procedures to make it impossible to filibuster judicial nominations, citing numerous Democratic efforts to stall former President George W. Bush's nominees. Senate Democrats called the actions of the GOP senators to filibuster McConnell's nomination hypocritical. A few years ago, Republican senators argued that filibusters of judicial nominees were unconstitutional, said Senator Patrick Leahy (D-Vt.), chairman of the Senate Judiciary Committee. They said that every nominee was entitled to an up or down vote. Well, of course they said that with a Republican President. Now suddenly things have changed.

According to LifeNews.com, Pro-life advocates say McConnell is a pro-abortion stalwart who doesn't deserve a place in the federal courts. In fact, McConnell disclosed in his public questionnaire that he was director of Planned Parenthood of Rhode Island from 1997 until 2001.

LifeNews quoted Tom McClusky of the [Family Research Council](#) as saying that over the years McConnell made multiple donations to EMILY's List, a group whose sole purpose is to support pro-choice Democratic female candidates. McConnell's close involvement with Planned Parenthood and EMILY's List would cloud his objectivity on abortion-related cases. McClusky argued that McConnell's view of law falls outside of the mainstream and indicates that he is incapable of being fair and impartial and would legislate from the bench.

[CNSNews.com](#) reported that in a January 2003 op-ed in *The Providence Journal*, McConnell explained what he thought being a Democrat meant. We as Democrats should stand for an active government, McConnell wrote. Sen. Ted Kennedy reminded us that the mission of government is not to stand on the



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sidelines, but to be active in pursuing [the principles of fairness, opportunity, equal justice] for all people.

Opponents of McConnell pointed out that peer reviews he received as an attorney should have been sufficient to derail his nomination. They pointed out, for example, that the American Bar Association gave him a below-average rating of substantial majority qualified, minority unqualified, making him one of only four of 63 current judicial nominees to receive this lackluster rating, which almost necessarily means he generated negative comments from judges before whom he has appeared and from other lawyers who know him, McClusky noted. For a practicing lawyer with 25 years of experience to obtain such a low rating speaks poorly of his legal abilities and suggests that his nomination is not about merit but is instead about being a highly-connected personal injury plaintiffs lawyer (and former state treasurer for the Rhode Island Democratic Party).

One unusual opponent of McConnells nomination was the U.S. Chamber of Commerce, which broke with tradition and called upon senators to oppose John McConnell, saying that he lacked the ability to be unbiased regarding the business defendants that may appear before him, reported the AP. The Chamber cited McConnells long record of aggressively representing plaintiffs taking on businesses and that he stands to continue to earn \$3 million a year from his prior private practice work.

Senate Democrats must have found McConnells background and qualifications somewhat troubling, because after Mr. Obama nominated him last March, the Senate declined to move ahead on his nomination and twice returned it to the President who re-nominated McConnell in early January.

Among Republican senators who lobbied aggressively against McConnells nomination was Senator John Cornyn (R-Texas), who charged that the nominee was less than forthcoming in sworn statements he had made concerning a lead paint case with which he had been involved as an attorney. Said Cornyn during debate on McConnells nomination, I dont know how I can say it any more gently. The fact is, he lied to the Senate Judiciary Committee during his confirmation process.

In expressing his opposition to the nomination, Senate Minority Leader Mitch McConnell (R-Ky.) noted that Republican senators had been working in good faith with our Democrat colleagues to confirm consensus judicial nominees in general and to fill judicial emergencies in particular. So it is disappointing that our Democrat friends have chosen to depart from this bi-partisan practice and to press the McConnell nomination, which would not fill a judicial emergency and is about as far from a consensus nomination as one could imagine.



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