



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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## ISSUE UPDATE

**DATE:** October 29, 2007

**TO:** Concerned Parties

**FROM:** Hilary O. Shelton, Director, Washington Bureau

### **Extremist Judicial Nominee Leslie Southwick Confirmed by U.S. Senate**

#### **THE ISSUE:**

On October 24, 2007, the United States Senate by a vote of 59 yeas to 38 nays confirmed the nomination of President Bush's latest troubling nominee to the 5<sup>th</sup> Circuit Court of Appeals, Leslie Southwick. Based on Judge Southwick's abysmal record as a judge when considering cases involving race and civil rights, the NAACP strongly opposes this nomination. The 5<sup>th</sup> Circuit, which covers Louisiana, Mississippi and Texas has the highest concentration of racial and ethnic minorities in the country.

Judge Southwick's record as a judge on the Mississippi State Court of Appeals clearly demonstrates that he is an inappropriate nominee for the US Court of Appeals for the 5<sup>th</sup> Circuit. In one case Judge Southwick joined a 5-4 ruling upholding the reinstatement of a white state social worker who had been fired for referring to an African American co-worker as "a good ole n....." at an employment-related conference. To demonstrate how out-of-touch Judge Southwick is with modern judicial issues, that ruling was later unanimously reversed by the Supreme Court of Mississippi. The NAACP is further disturbed by Judge Southwick's rulings on race discrimination in jury selection. These decisions demonstrate a clear lack of support for, or even understanding of the basic the civil rights of African Americans in the American legal system. Dozens of cases in this area reveal a pattern in which Judge Southwick rejected the claims that the prosecution was racially motivated in striking African American jurors while upholding claims that the defense struck white jurors on the basis of their race.

While the 5<sup>th</sup> Circuit Court of Appeals has a history of protecting and even promoting the civil rights of the racial and ethnic minorities living within its jurisdiction, the current court does not appear to be following this trend; indeed they appear more interested in curbing civil rights protections and retarding the realization of civil liberties. Given Southwick's well established record, he appears prepared to perpetuate this sad trend.

Finally, given Mississippi's long and troubling history of racial apartheid, disenfranchisement, interposition, nullification and massive resistance, it is unfathomable that President Bush has not nominated a single African American to serve on the Court of Appeals for the 5<sup>th</sup> Circuit or any of the district courts during his tenure in office. While it certainly is the President's prerogative to nominate the individuals of his choice to the federal judiciary, and while the NAACP does not advocate the nomination of unqualified individuals simply because of the color of his or her skin, we unequivocally reject the notion that there are no qualified African Americans to fill vacancies on the 5<sup>th</sup> Circuit. Leslie Southwick's confirmation continues a stark pattern of racial disparities and racial exclusion in appointments by President Bush in a state and a region that continues to need integration.

SEE HOW EACH SENATOR VOTED ON THE FOLLOWING PAGE

**SOUTHWICK CONFIRMATION / Roll Call Vote #393**

Confirmation of Judge Leslie Southwick to serve as a Judge on the US Court of Appeals for the 5<sup>th</sup> Circuit. *The nomination was confirmed on October 24, 2007, by a vote of 59 yeas to 39 nays.*

**THE NAACP OPPOSED THE CONFIRMATION.****ALABAMA**

Shelby ▽  
Sessions ▽

**ALASKA**

Stevens ▽  
Murkowski, L. ▽

**ARIZONA**

McCain ▽  
Kyl ▽

**ARKANSAS**

Lincoln ▽  
Pryor ▽

**CALIFORNIA**

Feinstein ▽  
Boxer ?

**COLORADO**

Allard ▽  
Salazar, Ken ▲

**CONNECTICUT**

Dodd ?  
Lieberman ▽

**DELAWARE**

Biden ▲  
Carper ▲

**FLORIDA**

Nelson, Bill ▲  
Martinez ▽

**GEORGIA**

Chambliss ▽  
Isakson ▽

**HAWAII**

Inouye ▲  
Akaka ▽

**IDAHO**

Craig ▽  
Crapo ▽

**ILLINOIS**

Durbin ▲  
Obama ▲

**INDIANA**

Lugar ▽  
Bayh ▲

**IOWA**

Grassley ▽  
Harkin ▲

**KANSAS**

Brownback ▽  
Roberts ▽

**KENTUCKY**

McConnell ▽  
Bunning ▽

**LOUISIANA**

Landrieu ▲  
Vitter ▽

**MAINE**

Snowe ▽  
Collins ▽

**MARYLAND**

Mikulski ▲  
Cardin ▲

**MASSACHUSETTS**

Kennedy ?  
Kerry, John ▲

**MICHIGAN**

Levin, Carl ▲  
Stabenow ▲

**MINNESOTA**

Coleman ▽  
Klobuchar ▲

**MISSISSIPPI**

Cochran ▽  
Lott ▽

**MISSOURI**

Bond ▽  
McCaskill ▲

**MONTANA**

Baucus ▲  
Tester ▲

**NEBRASKA**

Hagel ▽  
Nelson, Ben ▽

**NEVADA**

Reid, Harry ▲  
Ensign ▽

**NEW HAMPSHIRE**

Gregg ▽  
Sununu ▽

**NEW JERSEY**

Lautenberg ▲  
Menendez ▲

**NEW MEXICO**

Domenici ▽  
Bingaman ▲

**NEW YORK**

Schumer ▲  
Clinton ▲

**NORTH CAROLINA**

Dole ▽  
Burr ▽

**NORTH DAKOTA**

Conrad ▽  
Dorgan ▽

**OHIO**

Voinovich ▽  
Brown ▲

**OKLAHOMA**

Inhofe ▽  
Coburn ▽

**OREGON**

Wyden ▲  
Smith, Gordon ▽

**PENNSYLVANIA**

Specter ▽  
Casey ▲

**RHODE ISLAND**

Reed, Jack ▲  
Whitehouse ▲

**SOUTH CAROLINA**

Graham ▽  
DeMint ▽

**SOUTH DAKOTA**

Johnson ▽  
Thune ▽

**TENNESSEE**

Alexander ▽  
Corker ▽

**TEXAS**

Hutchison ▽  
Cornyn ▽

**UTAH**

Hatch ▽  
Bennett ▽

**VERMONT**

Leahy ▲  
Sanders ▲

**VIRGINIA**

Warner ▽  
Webb ▲

**WASHINGTON**

Murray ▲  
Cantwell ▲

**WEST VIRGINIA**

Byrd ▽  
Rockefeller ▲

**WISCONSIN**

Kohl ▲  
Feingold ▲

**WYOMING**

Enzi ▽  
Barrasso ▽

**VOTE KEY**

▽ = voted for the confirmation and against the NAACP position

▲ = voted against the confirmation and for the NAACP position

? = Did not vote