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June 6, 2007

The Honorable Patrick Leahy
Chair,
Committee on the Judiciary
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

RE: Opposition of the Society of American Law Teachers
to the Nomination of Leslie Southwick
to the United States Court of Appeals for the Fifth Circuit

Dear Senator Leahy:

We write on behalf of the Society of American Law Teachers (SALT) to urge you and your colleagues to vote against the nomination of Leslie Southwick to serve on the United States Court of Appeals for the Fifth Circuit.

SALT is the largest voluntary membership organization of law professors in the United States, representing more than 900 professors from over 160 law schools. SALT is committed to improving the integrity, quality, and fairness of our justice system and to encouraging respect for the rule of law and equal justice under law. SALT has a particular commitment to assuring both the reality and the appearance of racial justice.

Rejection of the Southwick nomination is essential to vindicate our Nation's commitment to equal justice for all. On the Mississippi Court of Appeals, Judge Southwick created a record – to quote the New York Times' June 5 editorial – of “insensitivity toward workers, consumers and people injured by corporations.” In one case, he supported the claims of a white government employee who had referred to a black colleague as “a good ole nigger.” In another, he allowed an eight-year-old girl to be removed from the custody of her mother and joined a concurrence that argued that the “choice” of homosexuality evokes consequences, including consideration of “the homosexual lifestyle” as a basis for deciding child custody cases. As the New York Times editorial suggested, Judge Southwick's record indicates that he would not render equal justice to any litigant who is black or gay or in any other way different from the judge.

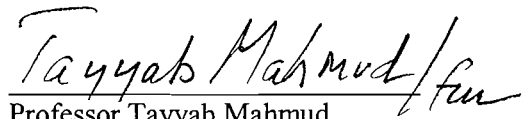
In addition to Judge Southwick's own demonstrated unfitness for the federal bench, this nomination insults all African-Americans. As the Magnolia Bar Association has pointed out, of President Bush's "seven nominations to the Fifth Circuit . . . and his 32 nominations to the district courts [in the Fifth Circuit], *not one nominee is an African-American.* * * * Of the nineteen active and senior judges on the Fifth Circuit, *only one is African-American . . .*" (Our emphases.) We agree with the Magnolia Bar Association in asking that the Committee "not approve this nomination, but instead allow President Bush to reconsider and perhaps nominate someone who will add to the Fifth Circuit's stature, diversity, and sensitivity to the need to enforce fully the civil rights laws."

Yours most respectfully,

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