

www.theTaskForce.org

Washington, DC

1325 Massachusetts Avenue, NW
Suite 600
Washington, DC 20005
Phone: 202.393.5177
Fax: 202.393.2241

New York, NY

80 Maiden Lane
Suite 1504
New York, NY 10038
Phone: 212.604.9830
Fax: 212.604.9831

Los Angeles, CA

8704 Santa Monica Boulevard
Suite 200
West Hollywood, CA 90069
Phone: 310.855.7380
Fax: 310.358.9415

Cambridge, MA

1151 Massachusetts Avenue
Cambridge, MA 02138
Phone: 617.492.6393
Fax: 617.492.0175

Miami, FL

3510 Biscayne Boulevard
Suite 206
Miami, FL 33137
Phone: 305.571.1924
Fax: 305.571.7298

Minneapolis, MN

810 West 31st Street
Minneapolis, MN 55408
Phone/Fax: 612.821.4397

May 29, 2007

Senator Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Hon. Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Leahy and Senator Specter:

On behalf of the National Gay and Lesbian Task Force, Inc. a non-partisan civil rights and advocacy group organizing nationwide to secure lesbian, gay, bisexual, and transgender (LGBT) equality, I urge you to oppose the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. Judge Southwick has a disturbing record on LGBT rights. His statements during his confirmation hearing and written responses do not allay our concerns about how he would approach cases involving the rights of gay, lesbian, bisexual, and transgender Americans.

While on the Mississippi Court of Appeals, Judge Southwick joined an opinion removing an eight-year-old child from the custody of her mother, citing in part that the mother had a lesbian home. This decision was based on a negative perception about the sexual orientation of the biological mother and ignored findings by the American Psychological Association, along with every other credible psychological and child welfare group that lesbian and gay people are equally successful parents as their heterosexual counterparts.

Further, Judge Southwick was the only judge in the majority to join a deeply troubling concurrence written by Judge Payne. The concurrence asserts that sexual orientation is a choice and an individual who makes that choice must accept the negative consequences, including loss of custody. This statement underscores Judge Southwick's disregard for commonly accepted psychiatric and social science conclusions that sexual orientation is not a choice. Regardless, it also demonstrates Judge Southwick's callous disregard for the rights of LGBT families.

A nominee to the federal bench bears the burden of demonstrating a commitment to rigorously enforce the principles of equal protection and due process for *all* Americans. The judicial record of Judge Southwick makes clear that he cannot meet that burden. It also makes clear that the individual and equal protection rights of LGBT families would be in real jeopardy if he were confirmed.

We therefore oppose his nomination and request that you vote against his confirmation. It would be unconscionable for this Senate to confirm any judge who has illustrated such a clear anti-LGBT bias to a lifetime seat on the federal bench.

Sincerely,

A handwritten signature in black ink that reads "Matt Foreman". The signature is written in a cursive, slightly slanted style.

Matt Foreman
Executive Director