

December 6, 2017

Dear Senator,

On behalf of Alliance for Justice, a nationwide association representing a broad array of groups committed to justice and civil rights, I write to oppose the nomination of Mark Norris to a seat on the U.S. District Court for the Western District of Tennessee.

During his career as an attorney and as a local and state legislator in Tennessee, Norris has spread offensive anti-refugee and anti-Muslim rhetoric, sought to undermine the rights of immigrants in Tennessee, and vigorously fought against LGBTQ equality and the right of women to decide whether to have an abortion. He has undertaken efforts to make it harder for African-American children to receive a quality education, made it more difficult for African-Americans, the elderly, and students to exercise their right to vote, undercut workers' rights and protections, and made it more difficult to hold corporations accountable when they break the law.

As a state senator, Norris has repeatedly demonstrated a disdain for the Constitution. Despite taking an oath "to support the Constitution of [Tennessee] and of the United States," Norris has on many occasions supported unconstitutional actions. Among other things, Norris filed a lawsuit trying to block the federal government from settling refugees in Tennessee, which the state's attorney general and Jeff Sessions's Justice Department said was baseless. Norris was instrumental in passing a law enhancing criminal sentences for undocumented immigrants in Tennessee, despite the fact that courts have struck down similar measures. He supported legislation that directly conflicted with the Supreme Court's decision in *Obergefell v. Hodges*, a bill that, as one supporter noted, was passed to "compel courts to side with the late Supreme Court Justice Antonin Scalia and his dissent." In addition, ignoring legal advice from the state attorney general that *Obergefell* applied to state divorce and child custody proceedings, Norris tried to intervene in a matter in order to prevent a state court from applying *Obergefell*. Not only was Norris's legal position in direct conflict with Supreme Court precedent, the judge in the case noted that Norris's actions "constitute[d] an attempt to bypass the separation of powers provided for by the Tennessee Constitution."

With regard to the reproductive rights of women, Norris supported requirements that abortion providers must have hospital admitting privileges and abortion clinics must meet hospital-level surgical standards. The state dropped its defense to these unconstitutional laws after the Supreme Court struck down nearly-identical Texas laws in *Whole Woman's Health v. Hellerstedt*. Norris also supported the "Tennessee Infants Protection Act," which bans abortion after 20 weeks, ignoring the Republican state attorney general who advised that the bill was "constitutionally suspect."

As a federal judge, Norris would be charged with faithfully applying Supreme Court precedent and federal laws. Given that Norris seems unable to uphold the oath he took as a state senator to

uphold the U.S. Constitution as interpreted by the Supreme Court, AFJ has grave concerns about his willingness to respect the Constitution as a judge.

Finally, with regard to judicial temperament, there are serious concerns about Norris's statements and behavior. Norris has made ignorant and offensive comments about Muslims, suggesting that being Muslim was synonymous with being a terrorist. He has bemoaned that, among refugees, there are too "few Syrian Christians." He has shown a disturbing practice of discounting facts that conflict with his ideological biases: for instance, dismissing analysts who explained why there were not more Christian refugees from Syria. He has justified his anti-refugee position on an alleged public health risk based on evidence not from a reputable health source, but from Breitbart News. He has also argued that federal refugee resettlement imposes financial burdens on the state of Tennessee, using figures his state's governor has strongly refuted.

Moreover, Norris regularly dismisses those who disagree with him, a disturbing trait for a potential federal judge. When Muslims in Tennessee raised concerns about the state's treatment of Muslims, Norris dismissed their concerns, saying "I understand that there are some groups that are paid to foment that kind of unrest." When Norris led an effort to give election officials the discretion to require proof of citizenship to vote, opponents argued that this would result in "racial profiling." Again, rather than attempting to address these legitimate concerns, Norris was indifferent.

Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following link <https://www.afj.org/our-work/nominees/mark-norris>, we call on the Judiciary Committee to reject Mark Norris as a candidate for the U.S. District Court for the Western District of Tennessee. We stand ready to answer any questions you may have about our conclusions regarding this nominee.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nan Aron