

Merkley lambastes Smith's vote to confirm Southwick

by Bend_Weekly_News_Sources

PORTLAND, Ore. — Speaker Jeff Merkley strongly criticized Senator Gordon Smith's vote today to confirm President Bush's nomination of Judge Leslie Southwick to the Fifth Circuit Court of Appeals. Southwick has a very troubling history on the Mississippi Court of Appeals, routinely deciding against plaintiffs in cases involving racial discrimination, injured workers, and consumers.

“It isn't surprising that Gordon Smith gave the thumbs-up to another one of Bush's judicial nominees,” Merkley said. “Southwick has built his judicial career on denying justice to workers and minorities. When the President packs the bench with judges like Southwick, he pits the government against the very people it should be serving.”

Southwick's decisions include one reinstating a white employee who was fired for using a vulgar racial epithet in reference to a black co-worker. At his Senate hearing he readily defended the decision, saying he failed to see any evidence that usage of that word was “so serious that every workplace is permanently damaged.” Southwick also joined a court opinion which found that a mother's sexual orientation alone was grounds for denying her custody of her children.

“Leslie Southwick has no business deciding cases on the federal bench,” Merkley said. “It is very troubling that Gordon Smith voted to promote a judge who sees no serious problem with racial slurs against employees and who puts his narrow-minded values ahead of providing a nurturing home for children.”

“Senator Wyden did the right thing, rejecting Southwick’s nomination, but as usual, Gordon Smith cancelled out his vote,” Merkley said. “Oregon needs two Senators who will move America forward, but Gordon Smith is doing everything he can to take us backward.”

Gordon Smith has voted in favor of every controversial nominee to the federal bench that Bush has offered during his term in office. Although Smith spends his time in Oregon trying to distance himself from the President’s abysmal record, his votes in the Senate paint a very different picture. Among the nominees Smith favored were:

• J. Leon Holmes, U.S. District Court for the Eastern District of Arkansas. In addition to being a very conservative judge, Holmes was also a past president of Arkansas Right to Life. Holmes wrote that “concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snowfall in Miami.” He advocated for an amendment to the Arkansas constitution that would ban abortion under all circumstances, and equated pro-choice advocates with Nazis. Smith voted yes; Senator Ron Wyden voted no.

• Charles Pickering, Fifth Circuit Court of Appeals. Like Southwick, Pickering also had a very checkered past on civil rights issues. He favored strengthening Mississippi’s laws against interracial marriage, appealed for leniency in a cross-burning case, and personally opposed the Democratic Party’s integration of the Mississippi’s national convention delegation. Smith voted yes; Wyden voted no.

Â· Miguel Estrada, D.C. Circuit Court of Appeals. Estrada had a long history of opposition to workerâ€™s rights, civil rights and the environment. He also stonewalled the Senate Judiciary Committeeâ€™s questions on his judicial philosophy and the Bush administration refused to turn over documents he wrote as a Justice Department lawyer. Smith voted yes seven times; Wyden voted no.

Â· William Pryor, Eleventh Circuit Court of Appeals. Pryor, who called the Voting Rights Act an â€œaffront to federalism,â€• opposed a provision that protects minority voting rights. Against the position of 36 other state Attorneys General, he asked the Supreme Court to strike down the Violence Against Women Act. Smith voted yes four times; Wyden voted no.

â€œGordon Smith has put his stamp of approval on the most offensive judges President Bush has offered,â€• Merkley said. â€œLike 90 percent of the votes he casts in D.C., Smith is in lockstep with President Bush, but way out of step with the people he represents. And heâ€™s hoping Oregonians wonâ€™t notice or wonâ€™t care.â€•

â€œGordon Smith showed his true allegiance to George Bushâ€™s far right agenda today,â€• Merkley said. â€œSmith had a chance to take a stand for fair treatment of all Americans. Instead, he stood up for the kind of divisive politics that is tearing America apart. Oregon deserves and demands much better.â€•

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