

## Southwick Nomination Passes Judiciary Committee

by Bob Roehr  
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One of the most contentious of President George W. Bush's remaining judicial nominations moved out of the Judiciary Committee to the full Senate on Aug. 2, because of the vote of Dianne Feinstein, D-Calif.

Leslie Southwick was nominated to a seat on the U.S. Court of Appeals for the 5th Circuit, based in New Orleans. Civil rights leaders have charged that he is a racist. Gay advocates have focused on a ruling he made while on the Mississippi Court of Appeals that removed an eight-year-old child from her biological mother, in part because the mother is a lesbian.

"No parent should face the loss of a child simply because of who they are," said Human Rights Campaign (HRC) legislative director Allison Herwitz in a letter to the Judiciary Committee opposing the nominee. "If he believes that losing a child is an acceptable 'consequence' of being gay, Judge Southwick cannot be given the responsibility to protect the basic rights of gay and lesbian Americans."

Southwick was first put forward in June 2006, and again in January of this year with the new Congress. Reaction to the nomination has largely been along party lines, and Committee Chairman Patrick Leahy stalled a vote on him until ranking Republican Arlen Specter ( Pennsylvania ) charged excessive partisanship.

Feinstein cast the deciding vote in the 10-9 committee vote. In a statement issued by her office, she noted that Southwick had received the highest rating from the American Bar Association, had served in Iraq in the Judge Advocate General's Corps, and declined to run for reelection to the Mississippi court because he had been nominated to the federal bench. Though she thought he had made a few bad decisions.

HRC president Joe Solmonese said, "Judge Southwick demonstrated a willingness to base the most important decision imaginable—separating a parent from her child—upon antigay prejudice. He is unfit to serve on the court, and we strongly encourage the full Senate to reject his nomination."

**"It would be unconscionable for Congress to confirm Leslie Southwick to a lifetime seat on the federal bench. The fact that this nomination has gotten this far is an outrage, given Southwick's troubling civil rights record," said Matt Foreman, executive director of the National Gay and Lesbian Task Force.**

He suggested a page from the Republicans' own tactics, that controversial matters require a 60-vote majority. Absent a filibuster, it seems likely that Southwick will receive a slim majority for confirmation but could not pass that higher threshold.