



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
1156 15TH STREET, NW SUITE 915 · WASHINGTON, DC 20005 · P (202) 463-2940 · F (202) 463-2953
E-MAIL: WASHINGTONBUREAU@NAACPNET.ORG · WEB ADDRESS WWW.NAACP.ORG

ACTION ALERT

DATE: April 6, 2005
TO: Concerned Parties
FROM: Hilary O. Shelton, Director, Washington Bureau

SENATE JUDICIARY
COMMITTEE MAY VOTE AS
EARLY AS
THIS THURSDAY

NAACP OPPOSES PRISCILLA OWEN'S NOMINATION TO THE FIFTH CIRCUIT COURT OF APPEALS

THE ISSUE:

The NAACP strongly opposes the re-nomination of Texas Supreme Court Justice Priscilla Owen to a lifetime appointment to the Fifth Circuit Court of Appeals. The NAACP opposes Judge Owen for the following reasons: (1) her extremism and judicial activism, as reflected in her dissenting opinions, (2) her unwavering predisposition toward big business and corporate interests above individual rights, and (3) her serious ethical challenges and questionable judgment. Priscilla Owen's record as a state court judge reveals her hostility to NAACP priorities, specifically civil rights and the rights of consumers, and it is for this reason the NAACP has consistently opposed her nomination when it has come before the US Senate (Ms. Owen's nomination was rejected by the full Senate 4 times in 2003, due largely to our concerns). If the U.S. Senate confirms her nomination, Owen will serve on the Court of Appeals for the Fifth Circuit—which covers Texas, Louisiana and Mississippi and has the greatest percentage (over 27%) of African Americans and other racially ethnic minorities (44%) of any circuit in the country— for the rest of her life.

Justice Owen's dissenting opinions are to the extreme right of the right-wing Texas Supreme Court. In *Quantum Chemical Corp. v. Toennies*, the Texas Supreme Court ruled that a plaintiff could prove age discrimination by showing that discrimination was "a" motivating factor in the employee's termination rather than "the" motivating factor. Justice Owen dissented, arguing for a much more demanding standard that would require a plaintiff to prove that discrimination was the sole determinative factor. This standard would have erected a near insurmountable barrier to recovery for alleged discrimination.

[More...](#)

THE ACTION WE NEED YOU TO TAKE:

Contact both your Senators **and LET THEM KNOW OF YOUR OPPOSITION TO CONFIRMING PRISCILLA OWEN TO SERVE ON THE 5TH CIRCUIT COURT OF APPEALS.** To contact your Senators you may:

✓ **Make a Phone Call:**

Call your Senators in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senators' office. The switchboard phone number is **(202) 224-3121** (see message section, below).

✓ **Send a Fax**

If you would like to send a fax, call your Senators' office (through the Capitol switchboard--**(202) 224-3121**) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).

✓ **Send an E-Mail**

To send an e-mail to your Senators, simply go to www.senate.gov, click on Senators, then click on Contacting Senators (by name or by state). This selection will also help you to identify your two Senators.

REMEMBER TO CONTACT BOTH OF YOUR SENATORS !!!!!

THE MESSAGE:

- ◆ The NAACP urges the U.S. Senate, in the strongest possible terms, to oppose the confirmation of Judge Priscilla Owen to the Fifth Circuit Court of Appeals and vote against cloture when the nomination comes to the floor of the U.S. Senate.
- ◆ The NAACP opposes Justice Owen's nomination to a lifetime appointment to the Fifth Circuit Court of Appeals for the following reasons: (1) her extremism and judicial activism, as reflected in her dissenting opinions, (2) her unwavering toward big business and corporate interests over individual rights, and (3) her serious ethical challenges and questionable judgment.
- ◆ Due to her extreme right-wing activism, Priscilla Owen's nomination was rejected last Congress by the Senate Judiciary Committee in September, 2002.
- ◆ Justice Owen's nomination to the Fifth Circuit Court of Appeals would have negative effects on Louisiana, Mississippi and Texas, as her extreme right wing will take the circuit court further outside of the mainstream. This cannot be permitted in a circuit that has the greatest percentage of African Americans and other racially ethnic minorities. According to the 2000 census, the Fifth Circuit is 27% African-American, and over 44% ethnic minorities.
- ◆ President Bush should nominate moderate, not extremist, judicial candidates.

THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER!!!

If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940.

MEMBERSHIP IS POWER! JOIN THE NAACP TODAY.

For more information, call your local NAACP branch or visit www.naacp.org

(date)

Sample FAX Letter

The Honorable _____
United State Senate
Washington, D.C. 20510

**RE: OPPOSING PRISCILLA OWEN'S NOMINATION TO FIFTH CIRCUIT COURT
OF APPEALS**

Dear Senator _____;

I strongly urge you to oppose the nomination of Texas Supreme Court Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Ms. Owen's nomination was rejected four times in 2003 because of her extreme right-wing activism, and she should not have been re-nominated.

I oppose Justice Priscilla Owen's nomination to a lifetime appointment to the Fifth Circuit Court of Appeals for the following reasons: (1) her extremism and judicial activism, as reflected in her dissenting opinions, (2) her unwavering predisposition toward big business and corporate interests over individual rights, and (3) her serious ethical challenges and questionable judgment. It is the responsibility of the federal judiciary to enforce the country's civil rights law in order to protect equal rights for all Americans. Priscilla Owen has shown a marked hostility to civil and disability rights, including favoring a heightened standard to establish employment discrimination claims.

Justice Owen's nomination to the Fifth Circuit Court of Appeals would have negative effects on Louisiana, Mississippi and Texas, as her extreme right wing will take the Court further outside of the mainstream. This cannot be permitted in a circuit that has the greatest percentage of African Americans and other racially ethnic minorities. According to the 2000 census, the Fifth Circuit is 27% African-American, and over 44% ethnic minorities.

I strongly support the use of the filibuster by the US Senate as a means of blocking Priscilla Owen's confirmation. It is only through the use of the filibuster that we can stop those who want to pack the Courts of Appeals, the last judicial hope for many Americans, with right-wing extremists who want to pursue and promote their personal political agendas.

Therefore I urge you again, in the strongest terms possible, to oppose the nomination of Priscilla Owen to the 5th Circuit Court of Appeals. I hope that you will contact me soon to let me know of your position on this matter, and to let me know what I can do to work with you to ensure that President Bush nominates, and the Senate confirms, moderate, not extremist, judicial candidates to the federal bench.

Sincerely,

(sign and print you name and
be sure to include your address)

*Be sure to contact BOTH your
Senators*

MEMBERS OF THE SENATE JUDICIARY COMMITTEE

MEMBER NAME	STATE REPRESENTED	PHONE NUMBER	FAX NUMBER
Arlen Specter, Chair	Pennsylvania	(202) 224-4254	(202) 224-1229
Charles Grassley	Iowa	(202) 224-3744	(202) 224-6020
Orrin Hatch	Utah	(202) 224-5251	(202) 228-6331
Jon Kyl	Arizona	(202) 224-4521	(202) 224-2207
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Jeff Sessions	Alabama	(202) 224-4124	(202) 224-3149
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Patrick Leahy	Vermont	(202) 224-4242	(202) 224-3479
Edward Kennedy	Massachusetts	(202) 224-4543	(202) 224-2417
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Dianne Feinstein	California	(202) 224-3841	(202) 228-3954
Russ Feingold	Wisconsin	(202) 224-5323	(202) 224-2725
Charles Schumer	New York	(202) 224-6542	(202) 228-3027
Richard Durbin	Illinois	(202) 224-2152	(202) 228-0400

QUESTIONS? Contact the NAACP Washington Bureau at
 (202) 463-2940 (phone) or (202) 463-2953 (fax) or
Washingtonbureau@naacpnet.org (e-mail)