

Georgia Democrats, civil rights groups try to thwart White House deal on judges

Georgia Democrats and civil rights groups are trying to scuttle a deal among the state's two Republican senators and the White House to fill five long-running federal judicial vacancies, because only one candidate is a minority.

U.S. Rep. John Lewis said the issue is important enough to take to President Barack Obama himself.

The Atlanta Democrat and civil rights icon said he will use "all means" of leverage. "If I get a chance to speak with (Obama), I will," he said.

The nominee standoff has dragged on for years, and the federal court system has declared four of Georgia's vacancies "judicial emergencies" because of the length of the vacancy and the court workload.

The dispute does not directly relate to Senate Democrats' decision last week to change filibuster rules so they could confirm most Obama nominees more easily, but the political fallout from that "nuclear option" also could imperil the deal.

Two vacancies on the Atlanta-based 11th Circuit Court of Appeals — which hears cases from Georgia, Alabama and Florida — would be filled by Atlanta attorney Jill Pryor and U.S. District Court Chief Judge Julie Carnes.

Pryor, 50, is a partner at Bondurant, Mixson & Elmore and a past president of the Georgia Association for Women Lawyers. A former prosecutor, Carnes, 62, was nominated to her post by President George H.W. Bush in 1991.

Carnes' move would create a total of four vacancies on the Northern District of Georgia bench, to be filled by Atlanta personal injury attorney Leigh Martin May, DeKalb County State Court Judge Eleanor Ross, Georgia Court of Appeals Judge Michael Boggs and Atlanta lawyer Mark Cohen.

Pryor has been formally nominated by the White House, while the rest are still going through the vetting process and have not been announced. Only Ross, who is African-American, is a minority.

Months of negotiations produced the set of potential nominees, but when the names were published in September in the Daily Report, a Fulton County legal publication, Georgia's five Democratic Congressmen were up in arms. The White House had asked them to help come up with candidates for vacancies at the start of Obama's first term, but they were shut out of the deal with the senators.

The House members met with outgoing White House counsel Kathryn Ruemmler last month to air their grievances.

"I think they heard our concerns," said U.S. Rep. Hank Johnson, a DeKalb County Democrat. "There will be a new counsel (expected next year) and presumably there could be a fresh look at the nomination process."

Meanwhile, members of Atlanta's civil rights community became increasingly vocal in their insistence that the federal courts should reflect the populations they oversee.

The African-American population in Georgia is 31 percent, more than double the national average of 13 percent. Blacks comprise 26.5 percent of Alabama's population and almost 17 percent of Florida's.

The 11th Circuit, headquartered in Atlanta, is allotted a dozen judges and has only one African-American judge, Charles Wilson, and one Cuban-born judge, Adalberto Jordan, of Miami.

The U.S. District Court bench in Atlanta has only one African-American, Steve Jones, sitting as a full-time judge. That court is allotted 11 judges.

The federal court headquartered in Macon has only had one African-American judge in its history. The bench in Savannah has had none.

Stephen Bright, president of the Southern Center for Human Rights in Atlanta, bemoaned the Obama administration's failure to put more African-American judges on the federal bench in Georgia.

"The lack of racial diversity in the administration's appointments is absolutely inexcusable," Bright said. "The courts have no credibility or legitimacy if they do not look like the people whose cases they are deciding."

The U.S. Courts, which track judicial vacancies, recently noted that U.S. District Judge Louis Sands in Macon, who is black, will become a senior judge no longer serving full-time starting in April.

This means blacks will then fill only one the 18 federal judgeships in Georgia, said Leslie Proll, director of the Washington office of the NAACP Legal Defense and Education Fund. "It's a situation that desperately needs attention," she said. "It makes an already dire situation ... even more urgent."

The White House had placed a premium on finding African-American women for the posts, and Obama nominated U.S. Magistrate Judge Linda Walker and federal public defender Natasha Perdue Silas for a pair of district court openings at the beginning of 2011.

Georgia Republican Sens. Johnny Isakson and Saxby Chambliss were fine with Walker but would not approve Silas. Home-state senators' approval is required for nominees to advance through the Judiciary Committee, by the custom of committee chairman Patrick Leahy, D-Vt. The White House said the duo was a package, so neither went through.

In the latest group, Pryor and May are the Democrat-backed candidates. Both are white.

State Sen. Vincent Fort, D-Atlanta, said Boggs' and Cohen's records are particularly troubling. When he was in the state Senate, Boggs voted to keep the old Georgia state flag, which included a Confederate flag.

Cohen defended Georgia's Voter ID law, which civil rights groups opposed because of the impact they said it would have on minorities.

"This would just make an already bad court from the civil rights perspective even worse," Fort said.

Josh Belinfante, former executive counsel to Republican Gov. Sonny Perdue, defended the slate as “a very good compromise.”

The flag vote did not cause a stir when Boggs was elevated to the state Court of Appeals. Boggs was instrumental in last year’s passage of criminal-justice reform legislation, which allowed Georgia to push more nonviolent offenders away from prison. It also gave judges more discretion to depart from some of the state’s strict mandatory minimum-sentencing laws.

Cohen, who once served as Gov. Zell Miller’s chief of staff, defended Georgia’s voter ID law at the request of Democratic Attorney General Thurbert Baker.

“It’s a shame that their opponents have not focused on their intellect and judicial temperament but instead on other matters,” Belinfante said.

Isakson, Chambliss and the White House declined to comment until nominations are official. Foes are vowing to keep the pressure on to thwart the expected picks.

“This is a situation where Congressman Lewis in particular has to step up and speak to the president and make his voice known on this,” Fort said. “You can’t rely on hope. Hope is not a plan.”

Lewis agreed.

“I just think we can do better,” said Georgia’s longest-serving member of Congress. “The makeup of the judiciary should reflect all of the people.”