



May 12, 2014

**The Confirmation of Michael P. Boggs Raises Serious Concerns for
the Civil and Human Rights Community**

Dear Senators,

On behalf of The Leadership Conference on Civil and Human Rights, the nation's oldest, largest and most diverse civil and human rights coalition, we write to express our serious concerns with the confirmation of Michael P. Boggs for the position of U.S. District Court Judge for the Northern District of Georgia. During his confirmation hearing tomorrow, and in any written questions, we hope to have clarification of his views regarding civil rights—including employment discrimination, voting rights, access to public accommodations, school desegregation, and same-sex marriage.

The Leadership Conference believes Judge Boggs' elevation to the federal bench raises significant concerns for a broad range of constituencies and the future of civil rights jurisprudence in the Northern District Court of Georgia. When seeking a state court judgeship, Judge Boggs noted that his record in the Georgia State Legislature demonstrated his views on issues of concern to the civil and human rights community.ⁱ We find his conservative record deeply troubling, particularly when it comes to issues of race and same-sex marriage.

Michael P. Boggs was in the Georgia Legislature between 2001–2004, when one of the most contentious civil rights battles in recent history occurred. After decades of unsuccessful attempts, the Legislature finally decided to remove the Confederate battle symbol from its flag, which it had adopted in 1956 as a sign of resistance to the Supreme Court's decision in *Brown v. Board of Education*. As the Atlanta Journal-Constitution editorialized at the time: "The shame of having a symbol of white supremacy on our state flag—and the insult it delivers to black Georgians—is magnified because that symbol was placed on the flag not despite its racist connotation, but because of it."ⁱⁱ Boggs voted against repeal of the Confederate flag several times, and even after it was banished, he supported legislation that could allow it to fly again.ⁱⁱⁱ Boggs' votes to support the most notorious symbol of racial inequality were cast just a little more than a decade ago. Boggs' votes are all the more troubling considering that almost 30 percent of his constituents were African American.

Boggs' record in the legislature on issues of same-sex marriage also raises serious concern. While in the Georgia state legislature, Boggs voted in favor of a constitutional amendment banning same-sex marriage.^{iv} Further, during his campaign for a seat on the Georgia Superior Court (trial court), Boggs was quoted in the press based on statements at a campaign forum, stating in part: "I am proud of my record. You don't have to guess where I

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stand – I oppose same-sex marriages...I have a record that tells you exactly what I stand for...”^v

The Senate Judiciary Committee must carefully scrutinize Michael P. Boggs’ views on race discrimination. Mr. Boggs should be asked what the Confederate battle flag symbolizes to him and to African Americans and why he believes that flag should have continued to fly over Georgia nearly 50 years after *Brown v. Board of Education*. His views on all forms of discrimination should be explored. It is not sufficient to say that his record as a judge does not raise concerns about civil rights. As a state court judge in Georgia, Michael P. Boggs has had little opportunity to develop a record on civil rights, largely due to weak or nonexistent state civil rights laws. In stark contrast, as a federal district court judge in Atlanta, Boggs would be called upon to decide a host of civil rights issues, involving voting rights, employment discrimination, fair housing, public accommodations, and school desegregation.

Boggs’ public statements and legislative record implies, that he has pre-judged certain issues and if confirmed to a lifetime position on the federal bench, that he would not rule fairly or impartially on a broad range of issues. Before being confirmed to an important seat on a federal court, Mr. Boggs should be questioned extensively about these issues and what his conservative judicial philosophy means when it comes to civil rights. For these reasons, we urge you to very carefully consider the confirmation of Michael P. Boggs to the U.S. District Court for the Northern District of Georgia. If you have any questions, please feel free to contact Sakira Cook, Senior Policy Associate at cook@civilrights.org or (202) 263-2894 or Nancy Zirkin, Executive Vice President at Zirkin@civilrights.org or (202) 466-2880.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President

ⁱ *Candidates Give Answers at Forum*, Waycross Journal-Herald at 1 (July 8, 2004)

ⁱⁱ Editorial Georgia House's Conscience Scores Victory, Atlanta J.-Const. (Jan.25, 2001).

ⁱⁱⁱ See *Boggs Pushes to Get New Health Lab Here*, WAYCROSS JOURNAL-HERALD at 28 (Jan. 22, 2001) (“There are a number of issues that are more important that need to be addressed at this time. Right here, jobs, roads, and education are important issues. From everything I hear, a vote to change won’t make it out of committee, and even if it does, there are not enough votes to change it. In ’93, there were not enough votes, and if you consider public sentiment, the people simply do not want the flag changed.”).

^{iv} *Boggs Stands Solidly Behind a Homosexual Marriage Ban*, WAYCROSS JOURNAL-HERALD at 1 (Mar. 8, 2004).

^v *Candidates Give Answers at Forum*, Waycross Journal-Herald at 1 (July 8, 2004)