

## United States Senate

August 1, 2007

The Honorable Patrick J. Leahy  
Chairman  
United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Leahy:

I understand that tomorrow the Judiciary Committee will consider the nomination of Judge Leslie Southwick to the United States Circuit Court of Appeals for the Fifth Circuit. I am writing to ask that you provide Judge Southwick, a courageous Iraq war veteran and dedicated public servant, fair consideration and vote to move his nomination to the floor of the Senate. As you know, in 2006, the Committee voted unanimously for Judge Southwick's nomination to the district court, and it is my hope that tomorrow the Committee will again report out this nominee.

Judge Southwick has distinguished himself as a state appellate court judge, a law professor, an attorney in private practice and as a senior Justice Department official. Most impressive to me however, and most revealing of his character, is Judge Southwick's military service. In 1992, almost 20 years after graduating from law school, Judge Southwick interrupted his successful career as an attorney in private practice and obtained an age waiver to join the United States Army Reserves Judge Advocate General's Corps. Ten years later, at age 53, Judge Southwick volunteered to transfer to the 155<sup>th</sup> Brigade Combat team of the Mississippi National Guard, a line combat unit that was deployed to Iraq in 2005. Judge Southwick's decision to join the Army is a model of self-sacrifice, and his actions helped to provide equal justice not only to American soldiers but also to the numerous Iraqi civilians whose cases he heard while stationed in Iraq.

Due to Judge Southwick's outstanding credentials and service to his country, I was disappointed to learn that this honorable veteran was not provided a vote on his nomination sooner. Even more disappointing to me is that some members of the Senate have made unsubstantiated statements concerning Judge Southwick's character. While it is appropriate to question and debate a nominee's qualifications, it is not appropriate to besmirch a nominee's character, or slander his name.

Allowing a nomination to languish is not fair to any nominee, but it has been particularly unfair to Judge Southwick who courageously served his country in combat. For this reason, I am pleased that you have scheduled a vote tomorrow and I hope that you and your colleagues will vote to send the nomination to the floor of the United States Senate where Judge Southwick can be granted an up or down vote on his nomination for this emergency judicial vacancy.

Sincerely,



John McCain

cc: Senator Arlen Specter  
Senator Edward M. Kennedy  
Senator Joseph R. Biden, Jr.  
Senator Herb Kohl  
Senator Dianne Feinstein  
Senator Russell D. Feingold  
Senator Charles E. Schumer  
Senator Richard J. Durbin  
Senator Benjamin L. Cardin  
Senator Sheldon Whitehouse  
Senator Arlen Specter  
Senator Orrin G. Hatch  
Senator Charles E. Grassley  
Senator Jon Kyl  
Senator Jeff Sessions  
Senator Lindsey Graham