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NAACP: Where are the judges?

Official criticizes senators on judicial nominees.

[Paul Barton](#)

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NAACP CRITIC: Dale Charles, NAACP president, wants black judicial nominees.

WASHINGTON — The president of the Arkansas chapter of the NAACP says African-American voters should think twice before giving a vote to incumbent Sen. Blanche Lincoln in the May 18 Democratic Primary.

Lincoln and Sen. Mark Pryor, also a Democrat, apparently don't care about having additional black federal judges in Arkansas, Dale Charles of Little Rock charged in a telephone interview.

No blacks have been nominated for any of the four judicial openings available in Arkansas since Obama took office in January 2009. The two nominations that have been made involved white males. The failure of

senators to submit names of additional black lawyers suggests they take the black vote for granted, Charles said.

"The issue is still on the table," he emphasized. "The NAACP is very upset with Senator Pryor and Senator Lincoln."

Currently Arkansas has one black federal judge, Brian Miller in the Eastern District. Miller was appointed in April 2008 after Republican Rep. John Boozman suggested his name to former President George W. Bush.

When Democrats regained control of the White House in January 2009 under President Obama, it became the prerogative of the state's two Democratic senators to submit candidates for federal judgeships to the administration. Lincoln and Pryor initially submitted nine names as candidates but none was African American.

"We had a golden opportunity to add to that [one black judge] and Sen. Lincoln and Sen. Pryor decided one was enough," Charles said, adding that the two are practicing a "quota" system.

The NAACP had suggested to Lincoln and Pryor early in 2009 that at least three blacks be considered as possibilities for at least one of the openings. The names they submitted were Wendell Griffen of Little Rock, a former member of the Arkansas Court of Appeals; Colette Honorable of Little Rock, who sits on the state Public Service Commission; and Chalk S. Mitchell, an attorney in Helena, which is Lincoln's hometown.

Charles said Griffen is the only one he knows of that at least got a phone call from Lincoln's office.

Lincoln, when asked about the issue through her campaign staff, said: "Senator Pryor and I continue to work with the African-American community regarding possible vacancies within the Administration. I am confident there are many qualified Arkansans and more opportunities to fill positions. I do not take any Arkansas voter for granted."

Pryor's office did not respond to several phone calls and e-mails.

After initial complaints by the NAACP last year, Lincoln and Pryor did submit the name of

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Carlton Jones, who is black, for a judgeship in the Western District. Bloggers have reported pressure was applied for Jones to consider an opening for U.S. attorney in the Western District. After meeting in February with U.S. Attorney General Eric Holder, Jones announced he was withdrawing from consideration for that post because of family concerns. He is running for prosecuting attorney, a state position, in Texarkana.

The squabble comes as some judicial scholars continue to argue that virtually all minorities suffer from inadequate representation on the federal bench.

One of those is Professor Theresa M. Beiner of the University of Arkansas at Little Rock Law School.

The latest statistics of federal judgeships, both appellate and district courts combined, show that women hold 25 percent, blacks 10.8 percent, Hispanics 7 percent, and Asian-Americans, 1 percent, she said. (In Arkansas, women, but no minorities, remain among those submitted for two judgeships yet to be filled.)

While Beiner said she does not believe in a magic number for how many judgeships should go to minorities, there is definite under-representation now.

As for the NAACP's complaint with Lincoln and Pryor, she said blacks had good reason to believe at least a few of the names on the initial list they submitted to Obama would have been African American.

"There are a lot of excellent [African-American] lawyers out there in a variety of settings," Beiner said

But too often candidates are selected from among "the usual suspects," she said.

While recent presidents have gone back to the custom of depending on their party's senior lawmaker in a state to submit candidates, she said, former President Jimmy Carter had a much more aggressive approach to seek out black candidates.

His staff did research of its own on possible minority candidates in different parts of the country. Carter is still regarded as the president who was most aggressive on the issue.

Obama, Beiner said, "doesn't have much of a track record yet."

Further, the ongoing partisan warfare in the Senate has led Republicans to seek delays on the consideration of many Obama appointments.

Having more minority judges is important, Beiner said, because "litigants come from a variety of backgrounds." Minority judges, she said, can add to the "richness of decisions" and give rulings more legitimacy.

Charles said minority judges can have sensitivities to some issues that others don't.

But Roger Pilon, legal scholar at the libertarian Cato Institute, a Washington think tank, said minority status should not matter in picking judges. "We should be way beyond that," he said.

The most qualified candidates, regardless of race or gender, should be selected, he said.

Pryor is not up for re-election this year, but Lincoln is, and Charles said the judgeship issue is one of several that black voters should keep in mind when they vote next month in the race between Lincoln and Lt. Gov. Bill Halter for the Democratic Senate nomination. Others, he said, include Lincoln's refusal to support the public option in health care reform or the "card check" legislation that would make union organizing easier. Charles also complained that Lincoln, as chairman of the Senate Agriculture Committee, has not moved quickly enough to see that black farmers are paid what they are owed from the resolution of a longstanding discrimination lawsuit against the Department of Agriculture.



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