

**From:** "Dinh, Viet" <Viet.Dinh@usdoj.gov>  
**To:** "Snee, Ashley", "Kavanaugh, Brett M."  
**Subject:** FW: Bybee in play???  
**Received(Date):** Wed, 5 Feb 2003 17:57:42 -0500

-----Original Message-----

From: [REDACTED] P6/b(6)  
Sent: Wednesday, February 05, 2003 5:06 PM  
To: Dinh, Viet; [REDACTED] P6/b(6) mschlapp@who.eop.gov;  
anne\_womack@who.eop.gov; Tim\_Googlein@who.eop.gov;  
Heather\_Wingate@who.eop.gov; Matthew\_E\_Smith@who.eop.gov;  
barbara\_ledeen@src.senate.gov  
Subject: Bybee in play???

Sent: Wednesday, February 05, 2003 2:27 PM  
Subject: [NGLTF] Oppose Bybee Nomination

>  
> \*\*\*\*\*  
> NATIONAL GAY AND LESBIAN TASK FORCE  
> ACTION ALERT  
>  
> MEDIA CONTACT:  
> Sheri A. Lunn  
> media@nglftf.org; 323-857-8751; 800-757-6476 (pager)  
>  
> <http://www.nglftf.org>  
> \*\*\*\*\*  
>  
> NGLTF OPPOSES BUSH COURT-PACKING PLAN AND URGES MEMBERS  
> TO CALL SENATORS TO OPPOSE BYBEE NOMINATION  
>  
> George W. Bush has nominated a right-wing slate of judicial  
> appointments as part of a plan to pack the federal judiciary while  
> the Republicans have control of the Senate and the confirmation  
> process. While the entire plan is troubling, we specifically oppose  
> the nomination of Jay Bybee to the United States Court of Appeals for  
> the Ninth Circuit. Useful links for details on the Bush court packing  
> plan are at the bottom of this email. Information is below on Bybee.  
>  
> OPPOSE BYBEE!  
>  
> Oppose nomination of Assistant Attorney General Jay Bybee to the  
> United States Court of Appeals for the Ninth Circuit. An initial  
> review of Bybee's record shows disturbing disregard for the rights of  
> GLBT people and for civil rights legislation in general.  
>  
> The most publicized example is a 1997 law review article in which  
> Bybee offers an extremely troubling analysis of the landmark case of  
> Romer v. Evans, in which the US Supreme Court struck down Colorado's  
> Amendment 2 on the basis that by repealing all local civil rights

- > ordinances that prohibited discrimination based on sexual
- > orientation, and requiring a state constitutional amendment to pass
- > any sexual orientation-inclusive civil rights laws in the future,
- > the Amendment violated the Equal Protection Clause of the fourteenth
- > amendment to the US Constitution.
- >
- > Bybee asserts his view that sexual orientation-inclusive civil rights
- > laws are nothing more than government sponsored "preferences" for
- > "homosexuals." Bybee supports the rights of state governments to
- > prevent localities from passing sexual orientation-inclusive civil
- > rights ordinances, which he states amount to "favorable treatment
- > based on ... sexual orientation." Bybee offers proposed language for
- > "an Amendment 2 that works," in his article, so that the state could
- > effectively "repeal the three city ordinances that gave rise to
- > Amendment 2 [and] ... make it more difficult for person in Colorado
- > to obtain preferences in any law based on sexual orientation."
- >
- > **OPPOSE THE BYBEE NOMINATION!!**
- > Confirmation hearings are underway and the Senate will vote very soon.
- > Contact your Senators now!
- >
- > Call the US Capitol Switchboard to contact your Senators by phone:
- > 202-224-3121.
- >
- > Look up your Senators, their office information and email contact at:
- > <http://www.senate.gov>
- >
- > Review the US Senate Judiciary Committee hearing schedule at
- > <http://judiciary.senate.gov>
- >
- > A brief on Bybee from the Committee for Judicial Independence:
- > <http://www.nglrf.org/downloads/bybeenomination.pdf>
- >
- > People for the American Way on the Bush Court Packing Plan:
- > <http://www.pfaw.org/pfaw/general/default.aspx?oid=103>
- >
- > Leadership Conference on Civil Rights on other Bush nominations:
- > <http://www.civilrights.org/issues/nominations/index.html>
- >
- >
- > \*\*\*\*\*
- > Founded in 1973, NGLTF works to eliminate prejudice, violence and
- > injustice against gay, lesbian, bisexual and transgender people
- > at the local, state and national level. As part of a broader
- > social justice movement for freedom, justice and equality, NGLTF
- > is creating a world that respects and celebrates the diversity of
- > human expression and identity where all people may fully
- > participate in society.
- >
- > To reach the NGLTF Media Relations Manager, please call
- > 323-857-8751 or 800-757-6476 (pager), or send an email to
- > [nglrf@nglrf.org](mailto:nglrf@nglrf.org).
- >
- > To CHANGE your subscription address or UNSUBSCRIBE:
- > Visit <http://www.nglrf.org/support/login.cfm> -- after logging in,

- > select "Change your NGLTF Web User Information" to change your
- > EMAIL address; select "Get Email" to UNSUBSCRIBE. If you are not
- > a registered Web user, send your request to [listmgr@ngltf.org](mailto:listmgr@ngltf.org)
- >