

George W. Bush Presidential Library

Collection: Counsel's Office, White House

Series: Kavanaugh, Brett – Subject Files

Folder Title: Pryor, Bill [Folder 2]

Bill Pryor

Nominee to the U.S. Court of Appeals for the 11th Circuit

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has earned a reputation as one of America's most experienced and esteemed states' Attorneys General. His nomination has received overwhelming support from across the ideological and political spectrum.

- **General Pryor has had a distinguished career as a public servant, practicing attorney, and law professor.**
 - ✓ General Pryor was appointed as Attorney General of Alabama on January 2, 1997. After being elected to a full four-year term in 1998, Alabamans overwhelmingly reelected General Pryor as Attorney General in 2002; he garnered 59% of the vote.
 - ✓ At the time of his appointment, General Pryor was the youngest Attorney General in the United States. He had previously served as Deputy Attorney General in charge of special civil and constitutional litigation.
 - ✓ Before coming to the Attorney General's Office, General Pryor engaged in the private practice of law in Birmingham, Alabama at two of the state's finest law firms, specializing in commercial and complex federal litigation, and also taught several years as an adjunct professor at the Cumberland School of Law of Samford University.
 - ✓ General Pryor has personally argued one case before the U.S. Supreme Court.

- **General Pryor has earned the reputation as one of the most outstanding and nonpartisan states' Attorneys General.**
 - ✓ The *Montgomery Advertiser* (the newspaper of record where General Pryor works and resides) saluted in a recent editorial the "absence of partisanship in how his office has enforced the law" and stated that he has "earn[ed] a reputation for competency, fairness and nonpartisanship."
 - ✓ Dr. Joe Reed, the chairman of the Alabama Democratic Conference (the state party's African-American caucus), calls General Pryor a "first-class public official" who "will be a credit to the [j]udiciary and will be a guardian for justice."
 - ✓ Former Democrat Alabama Governor Don Siegelman, who served in that office for much of General Pryor's tenure as Attorney General, stated that General Pryor "is an incredibly talented, intellectually honest attorney general." He also observed that Alabamans "care about whether you're getting something done, and Bill Pryor is getting something done."

- **General Pryor's nomination has received overwhelming support from across the political spectrum.**
 - ✓ Alabama's two Senators, Jeff Sessions and Richard Shelby, support General Pryor.

- ✓ Former Alabama Supreme Court Justice Terry Butts, General Pryor's Democratic opponent in the 1998 election for Attorney General, calls him "a proven leader" who takes a "non-partisan approach" to his job.
- ✓ According to the *Associated Press*, Democratic Congressman Artur Davis of Birmingham, AL, has given General Pryor a "ringing endorsement" for the federal bench.
- ✓ Sue Bell Cobb, Democrat Judge of the Alabama Court of Criminal Appeals, calls General Pryor "an outstanding [A]ttorney [G]eneral" and "one of the most righteous elected officials" in Alabama, and notes that he "is as dedicated to the 'Rule of Law' as anyone I know."
- ✓ Former Democrat Alabama Attorney General Bill Baxley, who prosecuted and convicted the first killer in the 1963 16th Street Baptist Church bombings in Birmingham, Alabama, states, "In every difficult decision [General Pryor] has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting his judgment."
- ✓ Kathryn Coumanis, Executive Director of Penelope House, the first shelter designated for battered women and their children in the state of Alabama, believes that General Pryor "will bring to the [f]ederal [b]ench the qualities that all Americans cherish" and observes that he "is a man of princip[le] and integrity, is highly intelligent, and most of all is a man who has imemnse compassion and respect for his fellow human beings."
- ✓ Dianne Mooney, a member of the Board of Directors for the Women's Fund of Greater Birmingham, believes that General Pryor "is more than fair and judicious and treats issues on women and minorities with great care and respect."

Bill Pryor: Straight-Shooting Attorney General

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has performed his job with a style marked by honesty and uprightness, often resisting pressure from his own party in the process.

➤ **Bucking intense pressure by Republicans, General Pryor successfully defended majority-minority voting districts and a Democratic voting rights plan.**

- ✓ Though pressured to support a Republican voting rights lawsuit, Pryor broke with Republicans to support the Democratic position in the case because he believed that the Democrats' stance was consistent with U.S. Supreme Court precedent. He argued this position all the way to the U.S. Supreme Court, which agreed with General Pryor's stance and ordered a lower court to throw out the lawsuit. *See Sinkfield v. Kelley*, 531 U.S. 28 (2000) (per curiam).
- ✓ Though pressured to support a Republican voting rights plan, Pryor broke with Republicans and opposed the plan because he believed that the proposed Republican plan was not consistent with U.S. Supreme Court precedent.

➤ **General Pryor has also resisted pressure from Republicans and conservatives on a variety of other issues.**

- ✓ Though pressured to support Republican Governor Fob James's position that teachers could lead public school students in prayer, General Pryor broke with the Republican Governor who appointed him Attorney General and instructed school districts that U.S. Supreme Court precedents forbade teachers leading students in prayer, but allowed voluntary, student-led prayer.
- ✓ Though pressured by pro-life conservatives to support very restrictive partial birth abortion bill, General Pryor, a pro-life conservative, broke with Republicans and supported a more limited partial birth abortion ban that he believed was consistent with U.S. Supreme Court precedent.
- ✓ Though pressured by Republicans to support their suit to deny teachers the ability to sit in the Alabama Legislature, General Pryor broke with Republicans and supported the right of teachers to serve as legislators because he believed that the Alabama Constitution allowed them to do so.

➤ **Prominent Democrats have praised General Pryor for his honesty and independence.**

- ✓ Former Democrat Alabama Governor Don Siegelman, who served in that office for much of General Pryor's tenure as Attorney General, stated, "Bill Pryor is an incredibly talented, intellectually honest attorney general. He calls them like he sees them. He's got a lot of courage, and he will stand up and fight when he believes he's right."
- ✓ Dr. Joe Reed, the chairman of the Alabama Democratic Conference (the state party's

African-American caucus), believes that General Pryor "has been fair to all people" and "will be a credit to the [j]udiciary and will be a guardian for justice."

Bill Pryor: Victims' Rights Advocate

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has been a national leader in the drive to protect the rights of crime victims and mobilize resources to assist victims.

- **General Pryor has taken steps to provide support and assistance to people who have been hurt by crime.**
 - ✓ General Pryor has enlarged and strengthened his office's Victim Assistance Section, which provides assistance to the victims of violent crime or their families facing the complicated legal process, in obtaining psychological or counseling services, and by accompanying victims to parole hearings. In 2001 (the last year for which statistics are available), General Pryor's office handled 3,517 calls for assistance, protested 1,500 paroles on behalf of victims, and notified 800 victims of the impending release of sex offenders.
 - ✓ He helped create a statewide Victim/Offender Mediation Program which allows crime victims, in the presence of a mediator, to ask the offender why the offender committed the crime and tell the offender how the crime has altered their lives.
 - ✓ General Pryor drafted and proposed the Alabama Victims Civil Protection Act, which would prohibit a criminal from collecting money for any loss, injury or death sustained while he or she is engaged in a criminal activity.
 - ✓ General Pryor won a \$500,000 grant from the U.S. Department of Justice to help Alabama law enforcement officials increase victim services in rural areas. This funding will be used by the Attorney General's Office to coordinate victim services statewide.
- **General Pryor has been key and vocal supporter of the proposed Victims' Rights Amendment to the U.S. Constitution, sponsored by senators Dianne Feinstein and Jon Kyl.**
 - ✓ The amendment would provide crime victims in federal or state court the rights to be notified of public proceedings involving the crime, to be heard at public proceedings regarding the criminal sentence or potential release, to decisions that duly consider the victim's safety, and to just and timely claims to restitution from the offender.
 - ✓ Major national victims' rights groups support the amendment, including Parents of Murdered Children, Mothers Against Drunk Driving (MADD), the National Organization for Victim Assistance, and the National Victims' Constitutional Amendment Network.
- **General Pryor has specially trained law enforcement officials to investigate and resolve crimes involving child victims, and worked with the Alabama Department of Public Safety to implement the state's AMBER Alert plan.**
 - ✓ General Pryor help set into motion the state's AMBER program, which is a voluntary partnership between law enforcement agencies and broadcasters to activate an emergency bulletin in the most serious child abduction cases.

- ✓ He trained 900 Alabama law enforcement professionals to fight crimes committed against children at his 2002 Attorney General's Law Enforcement Summit.
- ✓ National victims' advocate John Walsh, host of the television program *America's Most Wanted*, told the audience at the Summit that their work "on investigating and resolving crimes involving child victims is the type of proactive efforts that every state should undertake. I applaud Attorney General Pryor for providing the training you are receiving today. I also applaud the State of Alabama for implementing the AMBER Alert partnership between law enforcement agencies and broadcasters."
- ✓ General Pryor held several Regional Summits to train law enforcement officials on implementation of Alabama's Community Notification Act to protect citizens against sex offenders.

Bill Pryor: Protecting the Interests of Women

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has dedicated himself to serving and furthering the interests of women.

- **General Pryor has pressed for a variety of new laws to protect women from the scourge of domestic violence and bring perpetrators of these crimes to justice.**
 - ✓ General Pryor supported and lobbied for legislation that created a state crime of domestic violence. The bill, which created the crime and provided for criminal penalties, became law in 2000.
 - ✓ He successfully championed a bill to increase penalties for repeat violations of protection from abuse orders. Second violations are now punished by a mandatory 30 days in prison, and third or subsequent violations are punished by a mandatory three months in prison.
 - ✓ General Pryor pushed to add the date rape drug, gamma hydroxybutyrate (GHB), to Alabama's drug trafficking statute. Under his proposal, people trafficking over 10,000 pills of GHB would have been subjected to a mandatory life sentence. In 1998, General Pryor pushed the Alabama Department of Public Health to add GHB to the Department's list of illegal substances.
 - ✓ A bill that helps keep those arrested for domestic violence behind bars until a judge or magistrate can determine whether the defendant is a threat to the alleged victim or public safety also became law with the support of General Pryor.
- **General Pryor helped create innovative programs that help women, and has been a stalwart supporter of organizations seeking to improve the lives of Alabama women.**
 - ✓ General Pryor used funds from a class action settlement to create an novel program to help encourage victims of domestic violence to seek help.
 - He helped force New York shoe manufacturer Nine West Group Inc. to pay \$34 million nationally to settle allegations of price-fixing by the company.
 - General Pryor used Alabama's portion of the settlement to fund "Cut It Out," a program that educates hair stylists and manicurists about domestic violence. Research has shown that battered women often confide in their hairdressers or manicurists. In the "Cut It Out" program, they are trained by the Alabama Coalition Against Domestic Violence to help clients whom they suspect are being abused, referring them to shelters or providing self-help pamphlets.
 - "Cut it Out" is run by the Women's Fund of Greater Birmingham, an organization that runs critical programs for women and girls through community- initiated grants. Dianne Mooney, a member of the Board of Directors of the Fund, has saluted General Pryor's "focus on the plight of victims of domestic violence" and

noted that he "treats issues on women and minorities with great care and respect."

✓ He has been a dedicated supporter of Penelope House, the first shelter designated for battered women and their children in the state of Alabama.

- Averaging 42 women and children in shelter per day, Penelope House provides valuable help for families experiencing domestic violence.
- In 2000, General Pryor highlighted the work of the center in his annual Christmas card, designed by the children of Penelope House, which is sent to thousands of people.
- General Pryor assists Penelope House with its annual luncheon to honor and recognize the efforts of local and state law enforcement officials with whom it partners in its efforts to protect and serve victims of domestic violence.
- In 2002, General Pryor was inducted into the Penelope House Law Enforcement Hall of Fame in recognition of his support of programs like Penelope House and "Cut It Out" that take action against domestic violence.
- Kathryn Coumanis, Executive Director of Penelope House, calls General Pryor "a constant and vocal supporter of our mission to provide safety, protection, and support for victims of domestic violence and their children through the provision of shelter, advocacy and individual and community education."

Bill Pryor: Advocate for Civil Justice

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has repeatedly demonstrated his commitment to civil justice and the protection of consumers.

➤ **General Pryor has led the fight to bring corporate wrongdoers to justice. Working both alone and with other states' Attorneys General, he has secured millions of dollars of relief for Alabamans.**

✓
General Pryor helped force Ford Motor Company to pay \$51.5 million in a nationwide settlement related to its deceptive marketing of SUVs.

✓
Joining over 30 states, General Pryor forced several contact lens manufacturers charged with

General Pryor helped force Ford Motor Company to pay \$51.5 million in a nationwide settlement related to its deceptive marketing of SUVs.

✓
General Pryor helped compel Bridgestone/Firestone, Inc. to enter into comprehensive settlement

In 2001 (the last year for which statistics are available), General Pryor's office handled over 6,000

➤

Although he heavily criticized the recent nationwide tobacco litigation as a litigation solution to a legislative problem, General Pryor promised Alabama taxpayers that he would “ensure that the state will receive its fair share of the proceeds” of any “proposed national settlement.” General Pryor did just that, securing \$3.16 billion dollars for Alabamans in settling the case.

✓

This payout was the largest civil recovery ever by the State of Alabama.

✓

Alabama's award was dictated by a formula (based on the smoking-related Medicaid expenditures

Except for monies paid to debt service on industrial development bonds for the state and Medicaid and seniors' services programs, all of Alabama's tobacco settlement funds are

paid into the into the Children's First Trust Fund. The Fund, which received \$70 million in 2002, has used these funds to implement a wide variety of programs to help youth succeed and to reduce juvenile crime, including foster care, alternative schools, drug and alcohol treatment programs and boot camps.

✓ General Pryor personally argued that lawyers involved with Alabama's lawsuit were not entitled to collect any legal fees, and they ultimately received only \$125,000. (Legal fees paid to trial lawyers nationwide under the settlement have totaled over \$13.6 billion.) The fee reduction obtained by General Pryor went in part to pay for health insurance for children and the poor.

✓ As one of the first public officials to question the propriety of the often-cozy deals between government officials and hired tobacco trial lawyers, General Pryor observed in 1999 that such arrangements "create the potential for outrageous windfalls or even outright corruption for political supporters of the officials who negotiated the contracts."

■ On March 6, 2002, former Texas Attorney General Dan Morales was charged with trying to steer up to \$420 million in attorney fees from the state's tobacco settlement to a friend. "This is a case of an elected official charged with abusing the public trust," said Johnny Sutton, the U.S. Attorney handling the case.

Bill Pryor: Impartial, Fair Crime Fighter

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has administered justice in a fair and impartial fashion, making decisions based on the law and not politics.

- **General Pryor has fought political corruption from all quarters, cracking down on dishonest Republicans and Democrats alike.**
 - ✓ One of General Pryor's first acts in office was to establish a division of five full-time prosecutors specially trained in the areas of public corruption and white-collar crime.
 - ✓ General Pryor helped secure the convictions of a Republican former Director of the Alabama Department of Transportation and two lobbyists on bribery charges. The former Director, who was sentenced to 15 months' imprisonment, served in the administration of former Governor Fob James, a Republican who first appointed General Pryor in 1997.
 - ✓ General Pryor secured the convictions of six Republicans on charges of felony conspiracy to commit vote buying. The defendants admitted that they conspired with each other and others to buy absentee ballots in a Republican primary.
 - ✓ General Pryor's efforts to reduce corruption in statewide politics were saluted by the *Montgomery Advertiser* as having an "absence of partisanship," as he had "successfully targeted Democrats and Republicans, blacks and whites for ballot fraud."
 - ✓ Former U.S. Attorney Doug Jones, a Democrat with whom General Pryor worked to prosecute corrupt public officials, calls him "a brilliant lawyer whose career has been marked by fundamental fairness and an appreciation for the rule of law."
- **General Pryor has sought to reform Alabama's criminal justice system to make it fairer and more honest and compassionate.**
 - ✓ General Pryor has worked tirelessly to change Alabama's sentencing laws, which he claims have created an "outdated criminal sentencing system." He helped institute a state Sentencing Commission, because he believes Alabama "must have fairness in sentencing where similar crimes result in similar punishments."
 - ✓ He has advocated the creation of alternative programs, including drug courts and substance abuse treatment, that emphasize victim restitution and community restoration for first-time and nonviolent offenders.
 - ✓ General Pryor successfully pushed the state Legislature to change the primary method of execution in Alabama from the electric chair to lethal injection.
 - ✓ He has endorsed the Prison Rape Reduction Act, sponsored by U.S. Senators Ted Kennedy and Jeff Sessions, and recently testified before Congress in support of the Act.

➤ **General Pryor has created a nationally-recognized mentoring program for at-risk youth.**

- ✓ The program, Mentor Alabama, was launched by General Pryor in August 2000 to reduce juvenile crime by involving 2,002 appropriate adults in the lives of at-risk children as mentors, tutors and role models by the end of the year 2002. In launching the program, he stated that "juvenile crime can be directly traced to the lack of positive, consistent role models in [children's] lives. If someone had given these children love, provided them with mentoring, and the gifts of time and fun, I am convinced that our state would have fewer youths in detention centers . . ."
- ✓ The Mentor Alabama program has been designated as the official Alabama affiliate by the National Mentoring Partnership, which is a partner of the America's Promise program founded by Secretary of State and Retired General Colin Powell.
- ✓ Mentor Alabama not only met but surpassed its goal, signing up over 3,500 mentors in two-and-a-half years.
- ✓ The Children First Foundation, a nonpartisan children's advocacy organization, gave its first-ever endorsement to the Mentor Alabama program. Sue Bell Cobb, Democrat Judge of the Alabama Court of Criminal Appeals, the chair of Children First, stated, "I applaud the Attorney General for his mentoring program. Mentors care, and they teach children to care. A caring adult or child will not be one who victimizes others." Judge Cobb has also observed that General Pryor has used "his considerable influence to encourage Alabama legislators to make children a top priority."
- ✓ General Pryor has served as a mentor to a young Montgomery, AL public school student for over three years.
- ✓ General Pryor is currently recruiting mentors for children of prisoners to help break the cycle of crime.

Bill Pryor: Fighter for Racial Equality

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has been fully committed to improving racial relations and protecting racial equality.

- **General Pryor helped start the drive to rid the Alabama Constitution of 1901 of its racist prohibition on interracial marriage, then stepped up to head the effort to end the ban, ultimately leading it to victory in November 2000.**
 - ✓ At his first inauguration as Attorney General, General Pryor stated, "Any provision of the constitution of Alabama, or for that matter the code of Alabama, that classifies our citizens or any persons on the color of their skin, their race, should be stricken."
 - ✓ General Pryor persuaded the Alabama Legislature to allow a vote on repealing the ban, then, working with a coalition that included the NAACP, put all of his available energies towards repeal. Sixty percent of voters ultimately decided to repeal the ban.
 - ✓ General Pryor spoke up at a time when few politicians in Alabama would even deign to talk about the issue, yet alone take a courageous stand on it. According to the *New York Times*, "few politicians . . . even mentioned the measure" in the run-up to the vote on the repeal. The *Associated Press* described General Pryor as one of the "two most vocal supporters" for repealing the ban, along with Democratic state Representative Alvin Holmes, who is African-American.
 - ✓ The chairman of the Confederate Heritage Political Action Committee sued in an attempt to stop the vote. General Pryor successfully convinced a state court to dismiss the complaint, a decision that was later affirmed by the Alabama Supreme Court.
- **General Pryor successfully defended several majority-minority voting districts from a challenge by a group white Alabama voters.**
 - ✓ The voters, who were residents of various majority-white voting districts, sued the state in federal court, claiming that the Alabama's voting districts were the product of unconstitutional racial gerrymandering. The districts were created under a state plan whose acknowledged purpose was the maximization of the number of majority-minority districts in Alabama.
 - ✓ General Pryor personally defended the majority-minority districts all the way to the U.S. Supreme Court, which held that the white voters could not sue because they did not reside in the majority-minority district and had not personally been denied equal treatment. See *Sinkfield v. Kelley*, 531 U.S. 28 (2000) (per curiam).
- **General Pryor has been praised by a broad range of Alabama African-American leaders who have praised his civil rights record and fairness.**
 - ✓ Charles Steele, an African-American state legislator and president of Alabama's Chapter of the Southern Christian Leadership Conference, states that "Bill [Pryor] is a fair man"

Bill Pryor: Champion of Religious Liberties

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has been a tireless defender religious liberties and freedoms.

➤ **General Pryor worked tirelessly to promote the passage of the Alabama Religious Freedom Amendment ("ARFA") to the Alabama Constitution, which helps protect the religious freedom of political and religious minorities such as Native Americans and prisoners.**

✓ ARFA requires the government to show a "compelling interest" before it imposes religious restrictions, and the restriction has to be the "least burdensome" possible.

✓ The Amendment was enacted in response to the U.S. Supreme Court case *Employment Division v. Smith*, 494 U.S. 972 (1990), authored by Justice Antonin Scalia. *Smith* held that the Constitution does not forbid the enforcement of generally applicable criminal laws against those who are engaged in good faith exercise of their religious convictions. General Pryor was motivated to draft ARFA because he felt "a lot of people were alarmed at the way the [C]ourt radically changed the standard for dealing with religious freedom [in *Smith*]."

✓ General Pryor helped draft and led the campaign for the Amendment. Alabama voters approved ARFA by an overwhelming margin.

✓ General Pryor has used ARFA to try to protect the religious liberties of a Jewish congregation, Temple B'nai Sholom in Huntsville, AL. Members of the congregation have worshiped at the temple since 1899. The congregation wanted to demolish a dilapidated house on nearby property for future expansion of its sanctuary. The city's preservation commission refused permission. The congregation, which did not have enough money to restore the house, sued in federal court. General Pryor's office intervened in the case on the side of the temple, contending that the denial of permission constituted an infringement on religious liberty. The case is pending.

➤ **General Pryor has been honored for protecting the religious liberties of prisoners.**

✓ General Pryor successfully prevented ARFA from including "a prison exemption." Many states have considered exempting prisoners from the coverage of religious liberties protections. These efforts have been vocally criticized by prisoners rights groups.

✓ General Pryor's defense of prisoners' religious liberties stood in contrast to the stance of 23 other states' Attorneys General, who signed a letter advocating the inclusion of a prison exemption in federal legislation similar to ARFA.

✓ In recognition for his efforts to promote the passage of the Alabama Religious Freedom Amendment and include protections for prisoners within its ambit, General Pryor was honored with the 1999 Guardian of Religious Freedom Award by Prison Fellowship Ministries, the Justice Fellowship, and Neighbors Who Care.

➤ **General Pryor has defended the religious liberties of schoolchildren.**

- ✓ General Pryor filed an *amicus* brief in the case of *Smith v. Walker County Board of Education*, No. CV-99-J2741J (N.D. Ala. Feb. 29, 2000), where the defendant school district tried to use its dress code to prohibit a young girl from wearing a cross necklace. General Pryor contended that this application of the dress code violated the girl's rights under the Alabama Religious Freedom Amendment. The school district was ultimately forced to give in, settling the case by permitting her to openly wear her cross necklace.
- ✓ General Pryor successfully convinced the 11th Circuit to reverse a district court injunction in a school prayer case, *Chandler v. Siegelman*, 230 F.3d 1313 (11th Cir. 2000). The injunction not only prohibited public school officials from organizing religious activities, but also impermissibly required school officials to censor the religious speech and prayers of students, even if the prayers were student-initiated.
- ✓ During litigation of the case, General Pryor successfully rebuffed former Alabama Governor Fob James, who tried to pressure him into arguing that the First Amendment does not apply to the states on issues such as religious freedom.
 - General Pryor pointedly disagreed with Governor James on school prayer. While Mr. James wanted teachers to lead prayer, General Pryor disagreed and said only students could initiate prayer. General Pryor distributed guidelines to school superintendents on this issue.
- ✓ General Pryor has held Faith Summits for Mentoring, which are designed to help churches partner with community-based organizations to reach out to at-risk children before they choose the wrong path.

and has "always been very receptive and worked with me when I asked him to."

✓ Dr. Joe Reed, the chairman of the Alabama Democratic Conference (the state party's African-American caucus), notes that "all races and colors will get a fair shake when their cases come before" General Pryor and calls him a person "who will uphold the law without fear or favor."

✓ Cleo Thomas, an African-American attorney who currently serves as Secretary of the Alabama Democratic Party, indicates that General Pryor has "a breadth of legal experience and education and the right judicial temperament."

➤ **General Pryor worked with and appointed Democrat U.S. Attorney Doug Jones to successfully prosecute former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the 16th Street Baptist Church in Birmingham, Alabama.**

✓ Four young girls were killed in the bombing of the church, which was a center for civil rights advocates who protested Birmingham's segregation laws.

✓ U.S. Attorney Jones states that General Pryor's "personal involvement in our joint efforts was critical to the success . . . in the church bombing cases."

➤ **General Pryor established an Alabama Sentencing Commission to recommend ways to eliminate racial disparities in sentencing.**

✓ General Pryor designed the commission to have an inclusive membership that includes all perspectives on the criminal justice system, from a crime victim to a defense lawyer.

Bill Pryor: Guardian of the Public Fisc

Alabama Attorney General Bill Pryor, nominee to the 11th Circuit, has taken seriously his responsibility to protect the public fisc on behalf of Alabama taxpayers.

➤ **General Pryor has responsibly protected Alabama taxpayers by defending his state from huge money judgments that drain the state treasury.**

✓ The Eleventh Amendment to the U.S. Constitution, under the doctrine of sovereign immunity, bars suits against a state for damages that must be paid from the public fisc. The Supreme Court's recent cases recognizing the sovereign immunity protection for state budgets began with the case of *Seminole Tribe v. Florida*, 517 U.S. 44 (1996), in which Democrat Attorney General Bob Butterworth of Florida fought for and won protection for state treasuries against lawsuits.

✓ Keying off General Butterworth's victory, General Pryor asserted *Seminole Tribe's* interpretation of sovereign immunity to protect Alabama's budget from lawsuits.

■ In the case of *University of Alabama at Birmingham v. Garrett*, 531 U.S. 356 (2001), the U.S. Supreme Court agreed with General Pryor's argument that the plaintiff did not have the authority to subject Alabama to liability for money damages under the Americans With Disabilities Act. The plaintiff filed her lawsuit without taking advantage of administrative remedies available under state law to protect her, and the Court found that a pattern of state discrimination against the disabled did not exist. Seven states' Attorneys General (including four Democrats) and four nonpartisan legal organizations joined Alabama as amici curiae.

■ In *Kimel v. Florida Board of Regents*, 528 U.S. 62 (2000), General Pryor's office, along with the state of Florida and General Butterworth, successfully argued that Congress exceeded its authority under the U.S. Constitution when it subjected states to liability for money damages under the Age Discrimination in Employment Act. The U.S. Supreme Court found no evidence of a pattern of age discrimination by the states. Twenty-three states joined Generals Pryor and Butterworth as amici curiae.

➤ **Numerous Democrat Attorneys General have asserted the exact same position as General Pryor.**

✓ New York Attorney General Eliot Spitzer, a liberal Democrat, recently asserted sovereign immunity as a defense for a suit against a state hospital, and successfully argued that sovereign immunity barred an age discrimination claim. See *Leiman v. New York*, 2000 WL 1364365 (S.D.N.Y. Sep. 21, 2000)

✓ Vermont Attorney General William Sorrell, a Democrat, successfully asserted the sovereign immunity defense against a plaintiff who sued Vermont's Office of Child Support claiming that it had not adequately pursued her ex-husband for child support. See

Powers v. Office of Child Support, 795 A.2d 1259 (Vt. 2002).

- ✓ Wisconsin's Attorney General, Jim Doyle, a Democrat, unsuccessfully asserted sovereign immunity against the EEOC, which had sued the University of Wisconsin on behalf of four terminated employees, arguing that they were fired because of their age. *See EEOC v. Bd. of Regents of the Univ. of Wis. System*, 288 F.3d 296 (E.D. Wis. 2002).
- ✓ Congress has exempted the federal government from money damages under these laws, and a now a bipartisan group of state attorneys' general have won the same protections for state budgets.