

106TH CONGRESS
2D SESSION

H. RES. 416

Condemning the conduct of U.S. District Judge Alan McDonald for bringing the appearance of improper racial, ethnic, and religious bias upon the Federal Judiciary, urging the Federal Judiciary to protect against the perception of racial, ethnic, and religious bias within their ranks, and calling for the nomination and confirmation of candidates to the Federal bench that reflect the diversity of American society.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2000

Mr. CONYERS (for himself, Mr. HASTINGS of Florida, and Mr. WEXLER) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Condemning the conduct of U.S. District Judge Alan McDonald for bringing the appearance of improper racial, ethnic, and religious bias upon the Federal Judiciary, urging the Federal Judiciary to protect against the perception of racial, ethnic, and religious bias within their ranks, and calling for the nomination and confirmation of candidates to the Federal bench that reflect the diversity of American society.

Whereas the House of Representatives should not countenance statements by Federal officials that evidence prejudice or bias towards individuals on the basis of race, religion, national origin, gender, or sexual orientation;

Whereas official news publications have confirmed accounts from staff members and attorneys stating that, during official proceedings of his court dating back to 1990, Judge Alan McDonald made or participated in numerous communications that referred to racial, ethnic, and religious minorities in demeaning, stereotypical, and racist language;

Whereas Judge McDonald has declined to apologize for his conduct and sought to explain such communications as private, despite the fact that they were made during open court;

Whereas Canon 2 of the Code of Conduct for United States Judges cautions a judge to avoid impropriety and the appearance of impropriety in all activities to promote public confidence in the integrity and impartiality of the judiciary, specifically noting in commentary that a judge's duty "applies to all the judge's activities, including the discharge of the judge's adjudicative and administrative responsibilities. For example, the duty to be respectful of others includes the responsibility to avoid comment or behavior that can reasonably be interpreted as manifesting prejudice or bias towards another on the basis of personal characteristics like race, sex, religion, or national origin";

Whereas the U.S. Federal Courts have a history of underrepresentation of women and minorities, particularly African-Americans and Latinos, that raises issue with regard to the fairness and impartiality of the judicial system;

Whereas a recent Georgetown University study revealed that during the 1997–98 congressional term, 14 percent of

white nominees failed to be confirmed, while 35 percent of minority nominees failed to be confirmed; and

Whereas there are no African-Americans on the 1st, 4th, 7th, 9th, 10th, and Federal Circuit Courts and no Hispanics on the 3rd, 4th, 6th, 7th, 8th, and D.C. Circuit Courts: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns the conduct of U.S. District
3 Judge Alan McDonald for bringing the appearance
4 of improper racial, ethnic, and religious bias upon
5 the Federal Judiciary;

6 (2) urges the Federal Judiciary to protect
7 against the perception of racial, ethnic, and religious
8 bias within their ranks; and

9 (3) calls for the nomination and confirmation of
10 candidates to the Federal bench that reflect the di-
11 versity of American society.

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