



# ★ TEXAS SUPREME COURT ★ DOLLAR DOCKET

*In Texas, 48% of judges and 79% of lawyers say contributions significantly influence judicial decisions. - Texas Supreme Court poll*

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## Bush's Judicial Intent: Fake Moderate, Veer Right

George W. Bush's four Texas Supreme Court appointees were cited during the presidential race as evidence that his nominees for the federal bench would be pro-business, social moderates.

But the recent nomination of Texas Supreme Court Justice Priscilla Owen to the 5<sup>th</sup> U.S. Circuit Court of Appeals better echoes Bush's statement on the campaign-trail that his favorite jurists are right-wing Justices Antonin Scalia and Clarence Thomas.

Bush passed over his own so-called moderate Texas Supreme Court appointees in his first round of nominees to fill 100 federal bench vacancies.

Instead, Bush tapped a Federalist Society activist who—along with Justice Nathan Hecht—occupies the far right wing of a conservative, pro-corporate court. These two justices' records are those of social conservatives who are hostile to both consumers and juries.

Significantly, Hecht is the only other Texas justice currently rumored to be in the running for a federal bench.

In contrast, the Far Right reportedly nixed the federal judicial ambitions of Bush-appointed Justice Deborah Hankinson because it considers her to be too moderate.

Overseeing this appointment process is Alberto Gonzales, who Bush placed on the Texas Supreme Court before appointing him as White House Counsel. Bush's interest in appointing Gonzales to the U.S. High Court should alarm consumers and victims of corporate malfeasance. Two opinions by Gonzales confirm this fear, both of which Owen joined.

Gonzales penned *Southwestern Refining v. Bernal*, eliminating class actions for victims of mass torts. He also authored *Fort Worth v. Zimlich*, exhibiting great distrust of juries and dislike of whistleblower protections. These decisions reflect the thinking of Gonzales political benefactor Texans for Lawsuit Reform (TLR). Among other things, TLR bequeathed a single check of \$20,000 to

## April Dollar Docket

Cases heard by the Texas Supreme Court in April and the corresponding contributions to justices from the parties and/or attorneys.

### April 4, 2001

*TX Dept. Protective Services v. Sherry* \$0

*Tyler Reeder v. Andrew Daniel* \$9,511

*Yzaguirre v. KCS Resources Inc.* \$53,400

### April 11, 2001

*Kenedy Memorial Foundation v. Dewhurst* \$73,183

*Kanz v. Hood* \$0

*In the interest of C.H.* \$0

### April 18, 2001

*Furr's Supermarkets v. Bethune* \$3,350

*TX Home Mgmt. Inc. v. Peavy* \$3,250

*Carrington v. Ameriquest Mortgage Co.* \$0

**Grand Total for April 2001: \$201,594**

Gonzales in the middle of the campaign even though Gonzales faced only token opposition.

It is all the more telling that Gonzales and Bush included Justice Owen in their first batch of nominations, since the administration reportedly has held back the names of additional nominees whom they fear will be even more controversial.

Although Bush sometimes presented a moderate judicial face on the campaign trail, his nomination of Justice Owen suggests that his real judicial intent is to veer U.S. courts sharply to the right. •