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**Anti-Defamation League
Foundation**

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Glen S. Lewy

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Abraham H. Foxman



June 6, 2018

Dear Senator,

On behalf of the Anti-Defamation League (ADL), we write to urge you to oppose the confirmation of Mark Norris Sr. to be a United States District Court Judge for the Western District of Tennessee.

Founded over a century ago to stop the defamation of the Jewish people and secure justice and fair treatment to all, ADL advocates for the civil rights of all people and combats discrimination and hate across the country. We do not often oppose judicial nominees, but we are deeply disturbed by the nomination of Mark Norris Sr. and believe he lacks the required temperament and demonstrated commitment to fair treatment for all to merit a lifetime appointment to the federal bench.

In his role as a Tennessee state legislator, Sen. Norris has ignited disturbing controversy by, among other things, promoting anti-refugee policies, spreading offensive anti-Muslim rhetoric, and seeking to restrict LGBTQ rights and women's health rights.

Sen. Norris vehemently fought against having Syrian refugee resettlement in his state, sponsoring a 2016 resolution in the Tennessee Senate that directed the state attorney general to file suit to block the resettlement of refugees in Tennessee. In order to bolster the campaign, he set up an online petition and a website called keptnsafe.com. The website reportedly stated, "Keep potential terrorists out of Tennessee," and posed the rhetorical question, "Refugees or terrorists?" while juxtaposing images of refugees and ISIS fighters.¹ He has justified his position on an alleged public health risk based on evidence from Breitbart News.² He also expressed concern that few Syrian Christians were included in the wave of refugees.³

Even Republican officials felt Sen. Norris' resolution was going too far. Ultimately, despite the approval of the resolution, the Republican state attorney general refused to file such a lawsuit because, as he said, the suit would be "based upon untested, novel theories of coerced spending or commandeering of the budget process."⁴ When Sen. Norris tried again with the Thomas More Law Center, Attorney General Jeff Sessions filed a motion to dismiss.

¹Alliance for Justice, AFJ Nominee Report: Mark Norris, <https://www.afj.org/wp-content/uploads/2017/10/10/AFJ-Norris-Report.pdf>

² *Id.*

³Chas Sisk, Tennessee Lawmakers Will Still Sue Over Refugees, Despite Trump's Promise to Shut Down Resettlement, Nashville Public Radio (Nov. 18, 2016), <http://wknofm.org/post/tennessee-lawmakers-will-still-sue-over-refugees-despite-trumps-promise-shut-down-resettlement>

⁴ Joel Ebert, AG passes on refugee lawsuit, but state presses on, Desert Sun (July 6, 2016), <http://ux.desertsun.com/story/news/politics/2016/07/06/ag-passes-refugee-lawsuit-but-statepresses/86773822/>

ADL Community Support Center

Anti-Defamation League, 605 Third Avenue, New York, NY 10158-3560 T 212.885.7700 www.adl.org

Sen. Norris' record shows he has also been hostile to non-refugee immigrants. For instance, he supported passing a law enhancing criminal sentences for undocumented immigrants in Tennessee⁵, and a proposal to make the state driver's license exam English-only⁶, and has been a vocal opponent of the Deferred Action for Childhood Arrivals (DACA) program.

Sen. Norris has not limited his troubling policies to the immigrant community. He has also promoted policies that strip existing rights and protections for the LGBT community; such as: supporting a state law to prevent cities from passing laws enacting anti-discrimination policies that are broader than state laws, thereby nullifying existing local anti-LGBT discrimination policies⁷; supporting a bill dubbed the "Don't Say Gay Bill" which sought to prohibit teachers from providing any information about homosexuality to public school students⁸; and supporting a law which would allow mental health professionals to discriminate against LGBT clients⁹.

Perhaps most disturbingly for a potential future jurist, Sen. Norris showed his disregard for U.S. Supreme Court jurisprudence when he joined over 50 other lawmakers in attempting to intervene in a custody proceeding related to a same-sex divorce in order to prevent a state court from applying the U.S. Supreme Court decision on marriage equality, *Obergefell v. Hodges*, to state divorce and child custody proceedings. Even the judge in that case noted that these actions "constitute[d] an attempt to bypass the separation of powers provided for by the Tennessee Constitution."¹⁰

Sen. Norris has continuously shown his ideological bias through legislative efforts. After Memphis' elected officials changed the name of three parks so they would no longer honor the Confederacy or the founder of the Ku Klux Klan, Norris supported a state law, SB2138, making it far more difficult to remove Confederate names and statues from public spaces.¹¹ He also pushed for a restrictive voter ID law, and authored legislation allowing wealthy suburban school districts to withdraw from a particular county in Tennessee, devastating the district's funding scheme and forcing urban schools to cut millions from their budgets.¹²

Sen. Norris has long shown hostility to women's rights to reproductive freedom. He has vehemently opposed abortion rights, cosponsoring a resolution to amend Tennessee's constitution to undermine abortion rights – even in cases of rape, incest, or if the life of the mother is in danger¹³ -- and has

⁵ SB 1260

⁶ SB 303

⁷ HB 600 / SB 632

⁸ SB 49

⁹ SB 1556

¹⁰ Jamie Satterfield, Knox County Judge grants woman rights of 'husband' in Tennessee's first same-sex divorce case, Knoxville News Sentinel (May 10, 2017), <http://www.knoxnews.com/story/news/local/2017/05/10/knox-county-judge-grants-woman-rights-husband-tennessee-firstsame-sex-divorce/314540001/>

¹¹ Doug Stanglin, Memphis changes name of three Confederate-themed parks, USA Today (Feb. 13, 2013), <https://www.usatoday.com/story/news/nation/2013/02/06/memphis-parks-confederate-ku-klux-klan/1895549/>

¹² *Supra*, note 1.

¹³ SJR 127

supported laws that would restrict a women's right to an abortion, including restricting abortion providers' access to hospitals and banning abortions after 20 weeks.¹⁴

ADL is very concerned about Sen. Norris' nomination. While it is understandable that any legislator coming to the bench would have a record of preferred policies and views, Sen. Norris' record is steeped in bias. He has demonstrated a desire to effectuate significant restrictions on rights for refugees, immigrants, LGBT persons and women. His deep convictions and strong stances call into question his ability to be an impartial jurist.

In ADL's view, the Senate's role in the nomination process is equally as important as the president's responsibility to nominate. For these reasons, ADL urges you to reject the nomination of Mark Norris, Sr. to be a United States District Court Judge.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan A. Greenblatt". The signature is written in a cursive, flowing style.

Jonathan A. Greenblatt
CEO

¹⁴ SB 1180