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APPEALS COURT NOMINEE GETS STRONG BACKING

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U.S. District Judge Dennis Shedd's appointment to the 4th U.S. Circuit Court of Appeals is not in jeopardy, Republican and Democratic legal observers say.

That's despite criticism Monday from several civil liberties groups who say his appointment would push the already-conservative court too far to the right. "He's got an excellent chance," said **Jack Swerling**, a Democrat and prominent Columbia defense attorney. "It's a normal level of criticism; you're always going to have certain groups, who didn't like certain rulings, opposing a nominee."

Shedd, tapped by President Bush last year, must be confirmed by the full Senate if the Judiciary Committee approves his nomination to the lifetime post.

The S.C. NAACP, arguing Shedd has a poor record on civil rights cases, is trying to thwart his confirmation. The group is joined by the Washington-based American Association of University Women, a group of North Carolina law professors, and the Columbia-based South Carolina Progressive Network in urging senators to block Shedd's confirmation.

State NAACP Executive Director Dwight James said Monday the appeals court already resists affirmative action, women's rights, fair employment and voting rights cases. The group said in a statement that Shedd had "a deep and abiding hostility to civil rights cases."

But Shedd, who has declined to comment, already has cleared a significant hurdle in his path toward promotion: Both of South Carolina's senators - Republican Strom Thurmond and Democrat Fritz Hollings - support his nomination.

Senate Judiciary Committee members generally prefer to follow the recommendations of a nominee's home-state senators. Hollings plans to introduce Shedd to the Judiciary Committee Thursday, but a vote is not expected this week.

As for the NAACP's opposition to Shedd, Hollings said, "They'll just have to stay upset."

If Thurmond is any indication, Republican support for Shedd is strong. Shedd worked for 10 years on Thurmond's staff, much of that as chief counsel to the Judiciary Committee.

For more than a decade, Shedd "has proven himself to be a fair and able judge," Thurmond said in a statement Monday. "He would bring a wealth of experience to the 4th Circuit."

Also working in Shedd's favor is a "well qualified" rating by the American Bar Association, a group the Democrats on the Judiciary Committee have relied upon when trying to assess judicial nominees.

Historically, Republican-controlled Judiciary Committees are harder on nominees of Democratic presidents and Democrat-controlled committees give the nominees of Republican presidents a harder time.

The Judiciary Committee Shedd will face is controlled by the Democrats.

President Bush nominated Shedd a year ago to fill one of the 89 openings on the federal bench.

"The President believes that Judge Shedd is extremely well qualified," said White House spokesperson Jeannie Mamo. "We feel he will be confirmed."

One possible ally for the NAACP is U.S. Sen. John Edwards, D-N.C., who has successfully blocked Bush nominees to the federal court, including 5th Circuit nominee Charles Pickering of Mississippi and 4th Circuit nominee Terrence Boyle of North Carolina.

Edwards, a member of the Senate Judiciary Committee, has argued that Bush's nominees don't address concerns about the lack of a North Carolinian in the 4th Circuit, despite the fact that North Carolina is the largest state in the circuit. Edwards also has expressed concerns about the lack of an African-American on the court.

Asked Monday whether he plans to oppose Shedd, Edwards said, "I haven't had time to think about it."

The group of law professors from the University of North Carolina, Duke University and N.C. Central University called Shedd's views that "discrimination does not exist" would move the court even further toward what "reactionary views of federal powers." But they stopped short of calling him biased.

James acknowledged it was unlikely Bush would withdraw Shedd's nomination, but the NAACP hopes the opposition might temper future nominees.

DENNIS SHEDD

Age: 49

Hometown: Orangeburg

Current position: U.S. District Court judge in Columbia since 1991

Other legal experience: Lawyer for U.S. Sen. Strom Thurmond, R-S.C., and the Senate Judiciary Committee, 1978-88; private law practice, 1988-91

Education: Bachelor's degree from Wofford College, 1975; law degree from USC, 1978; master's degree in law from Georgetown University, 1980

Prominent opinions:

- * Struck down as unconstitutional a 1994 federal law that barred release of personal information from driver's licenses;
- * Refused in 2000 to allow federal prosecutors to introduce a disputed videotape in a wiretap case, which put an end to an FBI misconduct investigation against Lexington County deputies and prosecutors;
- * Rejected a 1994 request to remove the Confederate flag from the State House dome; Shedd's remarks that the state should move on to "real-world problems" angered his critics.

THE COURT

Based in Richmond, Va., the 4th U.S. Circuit Court of Appeals handles cases from South Carolina, North Carolina, Virginia, West Virginia and Maryland.

Of the 12 sitting judges, four are from South Carolina:

- * William W. Wilkins Jr., 60, of Greenville, appointed by President Reagan in 1986;
- * Clyde H. Hamilton, 68, of Columbia, appointed by President George H.W. Bush in 1991;
- * Karen J. Williams, 50, of Orangeburg, appointed by President George H.W. Bush in 1992;
- * William B. Traxler, Jr., 54, of Greenville, appointed by President Clinton in 1998.

Four judges are from Virginia, two are from Maryland and two are from West Virginia. None is from North Carolina.

There are four vacancies, including the position for which U.S. District Judge Dennis Shedd of Orangeburg has been nominated.

The court is often described as the country's most conservative, based largely on its record of granting few hearings in death-penalty cases and for being receptive to states' efforts to restrict abortion.

Dennis Shedd



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