

AFJ NOMINEE SNAPSHOT

# WILLIAM RAY, II

*U.S. District Court for the Northern District of Georgia*

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# INTRODUCTION LEGAL AND OTHER VIEWS

President Trump nominated Judge William (“Billy”) M. Ray, II on July 13, 2017, to the United States District Court for the Northern District of Georgia.<sup>1</sup> Alliance for Justice has prepared this brief fact sheet to highlight areas of Ray’s record in which we believe greater scrutiny by the Senate is warranted. This report does not attempt to analyze the entirety of his record.

## BIOGRAPHY

Billy Ray graduated from the University of Georgia in 1985 and received an MBA from the same institution in 1986.<sup>2</sup> He attended University of Georgia School of Law, where he graduated with a J.D. in 1990.<sup>3</sup>

After law school, Ray joined the law firm Anderson, Tate & Carr, P.C.<sup>4</sup> In addition to his work at the law firm, Ray was chairman of the Gwinnett County Republican Party from 1993 to 1995.<sup>5</sup> At the time, Gwinnett County celebrated itself as “the most Republican county in the nation.”<sup>6</sup> In 1997, Ray was elected to the Georgia State Senate.<sup>7</sup> In 2002, Ray was appointed to the Superior Court of Gwinnett County, a position he held for ten years.<sup>8</sup> In 2012, Ray was appointed to the Court of Appeals of Georgia, where he currently sits as a presiding judge.<sup>9</sup>

<sup>1</sup> Press Release, The White House, President Donald J. Trump Announces Fifth Wave of Judicial Candidates (July 13, 2017), <https://www.whitehouse.gov/the-press-office/2017/07/13/press-release-donald-j-trump-announces-fifth-wave-judicial-candidates>.

<sup>2</sup> Biography William M. Ray, II (Billy), Court of Appeals of the State of Georgia, [http://www.gaap-peals.us/biography/bio\\_judges.php?iname=William%20M.%20Ray](http://www.gaap-peals.us/biography/bio_judges.php?iname=William%20M.%20Ray) (last visited Sept. 15, 2017).

<sup>3</sup> *Id.*

<sup>4</sup> Sen. Comm. on the Judiciary, 115th Cong., William McCrary Ray, II: Questionnaire for Judicial Nominees 2.

<sup>5</sup> *Id.* at 3–4.

<sup>6</sup> Matt Kempner, *Partisans say roads reflect the presidents*, THE ATLANTA JOURNAL AND CONSTITUTION (Aug. 8, 1994).

<sup>7</sup> Questionnaire, *supra* note 4, at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 1–2.

### *Ray made highly partisan comments while serving as a judge.*

- » Shortly after taking his seat on the Superior Court of Gwinnett County, Ray gave an interview in which he noted that the Republican Party’s success in a recent election “is real important for our country . . . It will raise the importance level of our delegation.”<sup>10</sup> The article noted that “Ray said he is looking forward to seeing the Senate’s first day in Republican hands. ‘I want to see the changing of the guard.’”<sup>11</sup>
- » In 2013, while he was sitting on the Court of Appeals of Georgia, Ray gave an interview in which he lauded the fact that Georgia “is a real conservative state” and the judges “have fairly similar philosophies so you don’t really get the wide divergence of opinion on the statewide level that you might on the federal level.”<sup>12</sup>

<sup>10</sup> Larry Hartstein & Doug Nurse, *Political Notebook*, THE ATLANTA JOURNAL AND CONSTITUTION (Nov. 24, 2002).

<sup>11</sup> *Id.*

<sup>12</sup> Interview, *Face to Face: Judge William M. Ray from Georgia Court of Appeals*, ROME NEWS TRIBUNE (Sept. 19, 2013), <https://www.youtube.com/watch?v=5a6rqa-VMhs>.

***As a state senator and as chairman of the Gwinnett County Republican Party, Ray took positions that raise questions about his commitment to equal justice under the law.***

- » In 2000, Ray opposed a bill that would have “prohibit[ed] police from using race or ethnicity as the basis for a traffic stop.”<sup>13</sup> The opposition to the bill centered on concern that “the measure would hamstring police in their pursuit of terrorists and drug criminals.”<sup>14</sup> Ray said that if the bill passed, “[w]e’re going to have to lock our doors and keep out [sic] kids off the streets because we’re not going to be able to protect ourselves.”<sup>15</sup> The bill was ultimately defeated in the state Senate.
- » While Ray was chairman of the Gwinnett County Republican Party, the party passed a resolution “strongly oppos[ing] any plan, legislation, or resolution which may explicitly or implicitly condone homosexual behavior. Such plans which are opposed include, but are not limited to, the passage of legislation to implement in Gwinnett County any domestic partner benefit plan.”<sup>16</sup> Ray said that “[o]ur main point in passing the resolution is not to grant members of the homosexual community greater rights than exist in the general citizenry.”<sup>17</sup>
- » When a fellow Georgia state senator introduced a hate crime bill that would have authorized longer sentences and stiffer fines for people convicted of committing “an offense because of bias

or prejudice,” Ray opposed the measure.<sup>18</sup> The bill was supported by the Georgia Equality Project and the Anti-Defamation League<sup>19</sup> and brought Georgia in line with 40 other states that had hate crime legislation on the books.<sup>20</sup>

- » When he first joined the Georgia State Senate, Ray voiced his strong support for measures banning late-term abortions. Ray said that he had “high hopes for” a bill “to ban partial birth abortion.”<sup>21</sup> Another newspaper article from around the same time noted that “[t]he bill that would ban partial-birth abortions is [a] bill Ray feels strongly about.”<sup>22</sup> In March 1997, when one of the late-term abortion bans reached a vote on the Senate floor, Ray cast his vote in favor of it.<sup>23</sup>
- » Ray also said that he had “high hopes for” a bill “to end affirmative action programs.”<sup>24</sup> It is likely that the bill Ray supported was House Bill 99, which would have eliminated affirmative action programs statewide. The bill would have prevented the State of Georgia and its agents from using “race, color, creed, gender, or national origin as a criterion for . . . granting preferential treatment to any individual or group.”<sup>25</sup>

<sup>13</sup> Kathy Pruitt, *Lawmakers end session with debate on hot items*, THE ATLANTA JOURNAL AND CONSTITUTION (Mar. 23, 2000).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Lucy Soto, *Republicans join fray over family values*, THE ATLANTA JOURNAL AND CONSTITUTION (Aug. 26, 1993).

<sup>17</sup> *Id.*

<sup>18</sup> Patricia Ammari, *Sentence and Punishment: Enhance sentences for crimes in which the trier of fact determines by a reasonable doubt that the defendant intentionally selected any victim or property as the object of the offense because of bias or prejudice; provide procedures under which enhanced sentences may be sought*, 17 GA. ST. U. L. REV. 134, 134 (2000).

<sup>19</sup> *Id.*

<sup>20</sup> Benita M. Dodd, *Conversation Starter: Should Georgia pass a hate crimes law?*, THE ATLANTA JOURNAL AND CONSTITUTION (Mar. 11, 2000).

<sup>21</sup> Billy Ray, *Welfare, teen driving among hottest Bills*, FORSYTH COUNTY NEWS-CUMMING (Mar. 21, 1997).

<sup>22</sup> Denise Johnston, *State Senator begins term at capitol*, ALPHARETTA/ROSWELL NEIGHBOR (Jan. 22, 1997).

<sup>23</sup> *SB 357 - Abortion - prohibit particular method*, Georgia House of Representatives, <http://www.legis.ga.gov/Legislation/Archives/19971998/leg/sum/sb357.htm>.

<sup>24</sup> Ray, *supra* note 21.

<sup>25</sup> *HB 99 - State and local governments; affirmative action; prohibit*, First Reader Summary, <http://www.legis.ga.gov/Legislation/Archives/19971998/leg/fulltext/hb99.htm>.

- » Ray led efforts to implement truth-in-sentencing legislation that would have required individuals convicted of crimes to serve their full sentences.<sup>26</sup> He was ultimately unsuccessful in getting the bill passed,<sup>27</sup> but similar bills in other states have wreaked havoc on the criminal justice system. For example, Wisconsin’s truth-in-sentencing law, which has led to longer sentences even for low-level, nonviolent offenders, is estimated to cost taxpayers \$1.8 billion, rivaling taxpayer spending on the entire state university system.<sup>28</sup> It has also led to “an increase in bad-conduct reports . . . more psychological problems and a pervasive sense of hopelessness among inmates who can do nothing to earn their way out of prison early.”<sup>29</sup>
- » Ray opposed a gun control measure designed to ensure child safety. The bill would have made it a misdemeanor “to negligently leave a handgun in the reach of children.”<sup>30</sup>

# CONCLUSION

Alliance for Justice urges senators and the nominee to address the aforementioned issues at his confirmation hearing.

<sup>26</sup> *Voter’s Guide ‘96*, THE ATLANTA JOURNAL AND CONSTITUTION (Oct. 31, 1996).

<sup>27</sup> Larry Hartstein, *State senator Ray tapped for judgeship Voters to pick a successor*, THE ATLANTA JOURNAL AND CONSTITUTION (Jan. 10, 2002).

<sup>28</sup> Mary Zahn & Gina Barton, *\$1.8 billion: The price of truth in sentencing*, MILWAUKEE JOURNAL SENTINEL (Nov. 21, 2004), <http://archive.jsonline.com/news/crime/18-billion-locked-in-the-price-of-truth-in-sentencing-266780141.html/>.

<sup>29</sup> *Id.*

<sup>30</sup> Peter Mantius, *2000 Georgia Legislature: Panel chairman refuses vote on child-safety gun bill*, THE ATLANTA JOURNAL AND CONSTITUTION (Mar. 3, 2000).