



## Remaking the Courts and Reshaping the Law

*With the close of the first full term of the Roberts Court, the disturbing rightward shift of the Supreme Court is all too clear. The decisions that came down last term limiting the rights of workers, environmental protections, the ability of schools to desegregate, and women's rights to make informed decisions about their health display how, in just one term, this Court has taken huge strides in eroding protections that took decades to secure.*

### The Bush Administration and Senate Republicans Politicize and Reshape the Nominations Process

- The Bush administration jettisoned the time-honored practice of consulting with leaders of the opposing party in the Senate to come up with consensus higher court nominees.
- Republicans on the Senate Judiciary Committee changed long-standing rules and practices that they had used during the Clinton administration to prevent Committee Democrats from successfully opposing controversial nominees.
- The rules changes engineered by Committee Republicans left Democrats with no option other than the filibuster to prevent confirmation of controversial nominees. And Senate Republicans tried to do away with that, too – a move which brought the Senate to the brink of what many called a constitutional crisis.
- As the *New York Times* reported, the administration and its political allies pursued a coordinated strategy of “steering the debate away” from the views of controversial nominees, brushing away legitimate efforts to address those views with unfounded accusations of character assassination.

### Conservative Activists' Focus Extends Beyond the Supreme Court

- With the addition of new Bush judges to the federal courts of appeals, 11 of the 13 circuits have Republican-appointed majorities.
- Six of these circuits now have a 2-1 or greater Republican majority.
- To date, Bush has appointed 277 judges – almost *one-third* of the entire federal judiciary.



## In Their Own Words, Recognizing the Importance of the Judiciary

*“Few presidential decisions are more important than lifetime appointments to the federal bench. Many of a president’s policies and programs, no matter how popular or worthy, can be undone by the very next president or the next Congress. But a judicial appointment lasts a lifetime. Indeed, these judicial appointments often represent a president’s most enduring legacy.”* – **Former Attorney General Alberto Gonzales**

*“There are few factors that are more critical to determining the course of the Nation, and yet are more often overlooked, than the values and philosophies of the men and women who populate the third co-equal branch of the national government – the federal judiciary.”* – **Reagan Administration Justice Department Document**

*“The Judiciary may be the most important instrument for social, economic and political change.”* – **Former Supreme Court Justice Lewis Powell**