



Diversity and the Supreme Court

What You Should Know

The Supreme Court search process should be inclusive, not exclusive.

- Although the role of a judge is apolitical, the process of selecting a nominee to the Supreme Court is a political process in which factors other than qualifications inevitably play a role.
- In searching for a Supreme Court nominee, a president should cast a wide net, considering qualified candidates from all walks of life. But, in so doing, a president must not *exclude* from consideration candidates with certain demographic profiles.

From a diverse pool of qualified candidates, the most important consideration is judicial philosophy.

- A *sound judicial philosophy* is the most important indicator of impartiality.
- Judges wear black robes to indicate that justice is blind. When a judge puts on the robe, he must put aside his personal politics and morals and examine a case, not as a female judge or a male judge, not as an Italian American judge or a Puerto Rican judge, but solely as a United States judge.

Diversity Hypocrisy

Progressives are diversity hypocrites.

- Although they claim to “celebrate diversity” and value “lived experience,” progressives only care about diversity when it advances their political agenda.
- In fact, progressives are utterly contemptuous of women and minorities who dare to think for themselves.

Progressives have made bloodsport out of attacking female and minority nominees who won't tow their party line.

- Progressives launched well-funded campaigns to try to stop the confirmations of Amy Coney Barrett and Clarence Thomas to the U.S. Supreme Court.
- In 2003, Democrats blocked the nomination to the U.S. Court of Appeals for the District of Columbia of the eminently qualified *Miguel Estrada* on the grounds that “*he is Latino.*”
- Progressives also attempted to block the confirmations of Janice Rogers Brown and Neomi Rao, two qualified women of color, to the D.C. Circuit.

Addressing Misperceptions

MISPERCEPTIONS	FACTS
<p>Women need equal representation on the on the Court.</p>	<p>Women’s voices can only be heard when the courts stay in their constitutionally prescribed lanes.</p> <ul style="list-style-type: none">• Women are the majority of voters in America, and the best way for women to make their voices heard is through their elected representatives.
<p>It’s time for a black woman on the Court.</p>	<p>There are only 9 seats on the Court. It is simply not possible to ensure that every subgroup in America is represented.</p> <ul style="list-style-type: none">• The Supreme Court is not supposed to be a representative body. But even if it were, it is simply not possible to ensure that every possible American demographic subgroup is represented on the Court.• True, there has never been a black woman on the Court, but neither has there ever been an Asian American, an Hispanic man, a person of Middle Eastern ancestry, or a disabled person.