



# 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><b>Women need equal representation on the on the Court.</b></p>	<p><b>Women’s voices can only be heard when the courts stay in their constitutionally prescribed lanes.</b></p> <ul style="list-style-type: none"><li>• Women are the majority of voters in America, and the best way for women to make their voices heard is through their elected representatives.</li></ul>
<p><b>It’s time for a black woman on the Court.</b></p>	<p><b>There are only 9 seats on the Court. It is simply not possible to ensure that every subgroup in America is represented.</b></p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>