

Judicial Nominations and Executive Branch Appointments - 2004

You shall also seek out from among all the people, capable men who fear God, trustworthy men who spurn ill-gotten gain. . . let them judge the people at all times.

Exodus 18:21

Maintaining an impartial, independent judiciary is essential to American democracy. When cases come before the courts, judges have the responsibility to make their determinations based on the facts before them in light of the laws and the Constitution of the United States, which includes the rights and liberties outlined in the Bill of Rights and the precedents set by cases decided by the Supreme Court. The federal courts, at all levels, play an enormously important role through their decisions regarding new approaches to social policy. For example, the Supreme Court of the United States effectively changed the law in its decisions in *Roe v. Wade* (abortion rights) and *Brown v. Board of Education* (desegregation of schools).

Until recently, the judges on the federal bench represented a balanced spectrum of politics in the United States. Recent appointments to the courts have altered this balance, so that at this time one social and legal perspective predominates in the thirteen Federal Courts of Appeals. The Supreme Court currently is relatively balanced, but this could be changed with the next appointment. Moreover, lifetime appointments to the federal bench insure that the predominating perspective lasts well beyond the tenure of the president making the appointments.

Executive branch appointments differ in that the role of such appointees is to advise and implement the decisions of the president. Hence, the president appoints individuals who have records of agreement with the administration's social policies.

In the United States, the president, with the "advice and consent" of the Senate, makes federal judicial and high-level executive branch appointments. The Senate ratification process includes committee hearings for each nominee to enable the voice of the public to be heard. Issues of vital concern to Women of Reform Judaism, on which we have longstanding and firm positions, such as reproductive health and rights, public education and separation of religion and state, are currently on the federal agenda. We believe it is essential to speak up regarding judicial nominations and presidential appointees under specific and clearly defined circumstances.

In June of 2002, the Women of Reform Judaism Board of Directors held a preliminary discussion and vote on a procedure by which the organization would support or oppose judicial nominations and presidential appointments on a case-by-case basis. In this resolution, WRJ formalizes this procedure.

The decision to support, oppose or abstain is based on clear standards:

1. The nominee/appointee has a longstanding documented record of taking positions which are strongly supportive of or antithetical to the stands we have taken in our resolutions and statements, and
2. The nominee/appointee is being considered for a judgeship or appointment in which such issues will come into play, or
3. A well-qualified nominee/appointee faces senatorial (or other) opposition that is based on discrimination, e.g., on the basis of the individual's gender or sexual orientation.

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WRJ will restrict participation in the process to the standards stated above and will not act on purely political differences.

After a careful review concerning a nominee/appointee by the chair of the Department on Religious Action, the chair of the Critical Issues Task Force and the director of the Department on Religious Action, the department will bring the unanimous recommendation to support or oppose a candidate to the executive director and the WRJ president, and in her absence the first vice president, for approval. After approval, action will be taken by Women of Reform Judaism.

WRJ will work closely throughout this process with the Religious Action Center and will participate in coalition efforts with organizations that have taken stands similar to those of WRJ on the issues.

This resolution does not preclude individual members from expressing their positions on the candidates in their own names. WRJ encourages members to do so.