

## RESOLUTION 58

# Federal Judicial Appointments: A Call for the Restoration of Balance on the Federal Bench

Submitted by the Executive Council  
Referred to the Legislation and Policy Committee

**WORKING FAMILIES** have many rights protected by federal law. These include the right to form unions free from employer intimidation and retaliatory discharges; to be free from discrimination because of race, gender, national origin, age or disability in employment, education, health care, voting, housing, lending practices, criminal justice and other critical aspects of life in our society; to have a safe workplace; and to be paid for all hours worked.

But in recent times, the federal judiciary not only has failed to enforce these rights, decisions have been issued interpreting these laws in ways that were never intended, rolling back these hard-earned protections. The federal courts of appeals have overturned decisions of the National Labor Relations Board favorable to workers and protecting their right to organize. From 2001 to 2008, 33 different national unions or their affiliates won more than 100 cases before the NLRB, only to see the federal courts of appeals refuse to enforce them.

For 20 of the last 28 years, Republican presidents have appointed federal judges, so that now 60 percent of the judges on the federal courts of appeals have been appointed by Republican presidents. During his two terms, George W. Bush sought and won the appointment of extreme conservatives, and appointed well over 300 judges, including two Supreme Court justices and 57 appointees to the federal courts of appeals. Ten of the 12 courts of appeals have a majority of Republican-appointed judges.

It is time to restore balance to the federal judiciary. President Obama should appoint, and the Senate should promptly confirm, judges who are diverse in race, gender, national origin and age, and also diverse in professional background to include lawyers such as those who represent unions and workers, public defenders, legal services lawyers and consumer rights advocates. Moreover, President Obama should appoint judges who have an appreciation for worker issues and their statutory rights and who have at some point in the legal careers worked with individuals in need, not just the privileged or business interests.