



# JOHN MCCAIN'S DOUBLE-SPEAK ON JUDGES

## A Translation Guide

**J**ohn McCain speaks Tuesday at Wake Forest University as he tries to convince the far-right base of the GOP of his support for judges on the Supreme Court and the lower federal courts that meet the Right's litmus tests.

McCain has pandered to the right wing on the issue of judges before, using talking points pioneered by Jerry Falwell, Pat Robertson, and his role model, George W.

Bush. After all, ultra-conservative judges have been a central demand of the GOP base for decades.

So, we expect to hear him express his continued support for the kind of judges the Right wants, couched in the code words they want to hear. To help translate the code, we've pulled together a glossary of some of the words and phrases we expect to hear.

### Supreme Court Justices

#### *What we expect he'll say:*

"I am proud to have supported Supreme Court Justices Roberts and Alito."

#### *What he means:*

"George Bush gave you two ultra-conservative Justices with lifetime appointments to the Supreme Court. And I supported him every step of the way."

These justices wrote or supported rulings that:

- cut back on federal laws that protect our water from pollution
- denied equal pay to a factory worker who had been paid less than men doing the same job
- restricted women's ability to make their own reproductive health decisions
- allowed schools to restrict students' speech, even when they weren't on campus
- made it harder for school districts to promote racial diversity in their schools

### Judicial Activism

#### *What we expect he'll say:*

"I oppose liberal judicial activists who have usurped the role of state legislatures in such matters as abortion and the definition of marriage."

#### *What he means:*

"I support judges who will bring their own conservative agenda to the courts, and impose it no matter what a fair reading of the Constitution and our laws require."

### Strict Constructionists:

#### *What we expect he'll say:*

"I support judges who are strict constructionists."

#### *What he means:*

"I support judges who believe that the Constitution should be interpreted as if nothing has happened for the past 200 years. No need to pay attention to the extraordinary advances in medicine, technology, communication, or our understanding of diversity that have occurred since then. They're irrelevant!"

### Legislating from the bench

#### *What we expect he'll say:*

"I only support judicial nominees who demonstrate a clear, complete adherence to the Constitution of the United States and will not legislate from the bench."

#### *What he means:*

"I support conservative nominees who as judges won't lift a finger to stand up for the rights of ordinary people or open the courthouse door to all Americans, but who will be quick to strike down massive portions of the Clean Water Act, school desegregation programs, consumer protections, or equal pay laws because they feel like it."

### Judicial Restraint

#### *What we expect he'll say:*

"I support judges who will exercise judicial restraint, and confine their rulings strictly to what the law requires."

#### *What he means:*

"The judges I support will sit on their hands when it comes to any conservative laws, regulations, or precedents they come across, but will knock down any progressive law they find."

### David Souter

#### *What we expect he'll say:*

"I do not want more David Souters on the Supreme Court."

#### *What he means:*

"I know you all are ticked off because a Justice appointed by George Bush's dad turned out to be way more moderate than you wanted. I only support nominees who are complete right-wing ideologues - judges who refrain from independent thinking or moderation."

### The Founding Fathers

#### *What we expect he'll say:*

"I support Justices and judges who will interpret our Constitution as our Founders intended."

#### *What he means:*

"I support judges who'll do what the far right-wing of my party wants them to do."

**Learn more about the Supreme Court, the 2008 campaign, and John McCain's judicial philosophy at [www.SaveTheCourt.org](http://www.SaveTheCourt.org).**