



FURTWANGLER
BRET FURTWANGLER | GRAPHIC ARTIST

■ Editorial

Bush's judge nomination should be a moderate

By this fall, the U.S. Supreme Court will have a new member, to be nominated by President George W. Bush. The space of time between now and October is sure to be filled with much debate about which candidate can best fill the shoes of retiring Justice Sandra Day O'Connor—a scary thought for both liberals and conservatives concerned about the future of the United States.

Supreme Court positions last a lifetime, and though justices are supposed to abide by a strict interpretation of the Constitution, no one doubts that present political situations and parties almost always have an impact on relevant court decisions. Although President Bush's nominee will be scrutinized by the Senate, Bush's first nominee is basically guaranteed to land a spot on the Court.

Luckily, the president has said that he will not choose a nominee based on the person's views about any "hot-button" issue, such as abortion. Hopefully Bush does not plan to retract that statement. Agreeing to step away from sharply partisan political questions is important in creating a supreme court that can evaluate the constitution without too much influence from the political viewpoints of either party.

Thus far, President Bush also deserves praise for his consideration of Attorney General Alberto Gonzales as a nominee. Although many fellow republicans have criticized Gonzales for being too lenient on abortion and affirmative action, he is still one of Bush's top choices. Even if Gonzales does not end up receiving the nomination, the President should remember his earlier (correct) convictions that pleasing a conservative base is not as important as providing the Supreme Court with an appropriate, moderate justice.

The implications of nominating a far right wing judge (as many agree Bush is likely to do) are enormous. If a very conservative justice is appointed to the Supreme Court, it is likely that *Roe v. Wade* will be overturned. O'Connor has historically acted as the swing vote when it comes to constitutional issues about abortion; if O'Connor's replacement denies that the fourth amendment guarantees pregnant women the right to privacy, states (or a national government) can easily outlaw abortion.

Young women of this generation have always enjoyed a world where their bodies are protected from governmental decisions, but without the precedent set by *Roe v. Wade*, that right would surely be under attack.

President Bush might not be the first choice of many American citizens as the man whose nominee will influence this country for years to come. However, thus far, the President has acted admirably in admitting that moderation is the key. If they stick to that value, Bush and the Senate ought not to disappoint the nation by the time October rolls around.

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■ In my opinion

Why I'm becoming a Republican

All right, that tears it — I'm becoming a Republican.

It's been a long time coming and I have a lot of reasons. The straw that broke the camel's back, however, was the Supreme Court vacancy announced last week.

As I was getting ready to go to work Friday morning, a news anchor on television said the president was about to address the nation. This struck me as particularly extraordinary because the president — a relatively close-lipped president — had just addressed the nation on Tuesday evening.

Oh my god, I thought, something terrible has happened.

The anchor's choice of words did little to ease my fears. He said the president was going to speak about "the bombshell that came out of Washington, D.C. this morning."

Just as I was reaching for my duct tape, the anchor clarified that he was referring to a metaphorical bombshell, not a literal bombshell. I breathed a sigh of relief as I reset my internal terror alert down a notch from, "We're all going to die!" to "We're all going to die ... eventually."

Then the anchor explained the situation. Justice Sandra Day O'Connor — often called the "swing vote" by my fellow denizens of Punditville — had announced her resignation.

In that moment, I was overwhelmingly glad George Bush is our president because I knew he was going to appoint a strict constructionist to the vacancy.

I believe in a constructionist approach to the Constitution. Sure, I believe in a living, breathing Constitution. But I also believe the living and breathing should be done through elected legislatures making decisions and passing Constitutional amendments rather than the courts applying the Constitution to situations it was never intended to address.

Federal judges are not beholden to the will of the people because the federal judiciary is not supposed to be a political branch of government. It's not about right or left, it's about judicial philosophy.

But right on cue, from stage left, enter the clowns who are now running around saying the sky is about to fall down if the president appoints "an extreme right-winger." Here come the



GABE BRADLEY
THE WRITING ON THE WALL

Democrats, urging Bush to select a moderate, or maybe even a liberal.

More frustrating than the Democrats' insistence on turning this into a partisan issue when it needn't be is the underlying misconception they have that leads them to believe their opinions matter worth a damn in this process.

Republicans win elections so Republicans get to pick judges. When Democrats win elections, they get to pick judges. Until then, they might as well just shut up.

George Bush's reelection was the first time in almost two decades that a president has been elected with a majority of the popular vote. Immediately after the election, the pundits tried to marginalize the victory. It was all Karl Rove's master plan to mobilize the evangelical Christian vote, they said. George Bush didn't really win — those backward rubes and Jesus people handed him the election out of ignorance.

Contrary to the outrageously arrogant post-election statements by Michael Moore and others, 54 percent of the voters did not reelect President Bush because they were ill-informed.

Fifty-four percent of voters didn't decide that George Bush was more sincere when he said, "God bless America." Is it really so hard to accept that the electorate saw a clear difference between the candidates and made a choice?

Fifty-four percent of the voters decided that George Bush was the man they wanted leading our armed forces. Fifty-four percent of voters decided that George Bush was the man they wanted to champion Social Security reform. And 54 percent of voters decided that George Bush was the man they wanted to select Supreme Court justices.

Also, by giving a majority of Senate seats to Republicans, the voters further placed the role of picking judges into the hands of Republicans. But now the

Democrats are yacking their heads off about what Bush should do because that's all they can do — talk. They've been totally stripped of all power and responsibility in this process by the people of this country.

It's not like this was a surprise. In both 2000 and 2004, a big issue in the presidential campaigns was the potentially imminent retirement or death of several Supreme Court justices.

Even *Cosmopolitan* magazine was politically astute enough to be aware of this when they urged their readers to vote for John Kerry because George Bush would appoint justices who would systematically dismantle the Cosmo-girl way of life.

I just hope Republican senators have the guts to support the president instead of trying to suck up to the media and try to build reputations as "maverick" Republicans.

The voters didn't put the Maverick party in power. The voters didn't put the Moderate party in power. The voters put the Republican party in power.

Every "maverick" Republican is trying to do a John McCain impression. They hope to garner media support and attention by having the "courage" to cross party lines.

Well there's only room for one John McCain. A far more viable political strategy would be to faithfully represent the base that put you in power rather than trying to curry favors with the media.

Besides, nobody trusts the media anyway.

We don't need to feel bad for winning elections. The public had a chance to try things the Democrat way — they said, "No!" And putting up with obstructionism now so we can reserve the right to be obstructionists later is no way to govern.

So I'm becoming a Republican because I'm done standing on the sidelines. One party has a clear agenda that makes sense while the other party's only course of business seems to be negativity and a nearly impotent attempt at obstructionism.

I don't know if there's a secret handshake I need to learn or a T-shirt I need to buy. But here I am, ready to do ... well, whatever it is we do, I guess.

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