

## American University Washington College of Law

---

From the Selected Works of Herman Schwartz

---

2004

### Right Wing Justice: The Conservative Campaign to Take Over the Courts (Excerpt page 97)

Herman Schwartz, *American University Washington College of Law*



Available at: [https://works.bepress.com/herman\\_schwartz/11/](https://works.bepress.com/herman_schwartz/11/)

## Chapter 3

---

# George H. W. Bush's Judges, 1989–1992

**President George H.W. Bush's four years** saw the culmination of the Reagan court-packing strategy and the beginning of the full-scale conservative counterrevolution. By the time Bush left office, Republican judges comprised 80 percent of all federal judges and 75 percent of the appellate bench. Eleven of the thirteen Courts of Appeals were dominated by Republican judges.

The impact of the Reagan Supreme Court appointments, particularly the appointment of Anthony Kennedy to replace Lewis F. Powell, was felt shortly after Reagan left office, especially with respect to civil rights and the conservative crusade against federal power.

When nominated, Kennedy was largely an unknown quantity. In most respects, Reagan did better than he expected. Kennedy—who turned out to be a far more conservative judge than Lewis Powell—has become a reliable member of the five-member majority that has dominated the Court since the arrival of Bush appointee Clarence Thomas. In fact, Kennedy made a quite solid five-member conservative majority in civil rights cases even before Thomas arrived. This was not too surprising because his record on race, gender, and disability cases