

## American University Washington College of Law

---

From the SelectedWorks of Herman Schwartz

---

2004

# Right Wing Justice: The Conservative Campaign to Take Over the Courts (Excerpt pages 184-85)

Herman Schwartz, *American University Washington College of Law*



SELECTEDWORKS™

Available at: [https://works.bepress.com/herman\\_schwartz/12/](https://works.bepress.com/herman_schwartz/12/)

House impeachment managers, has written in support of her nomination.” The chief judge of the court where she would be serving—already short-staffed, with four vacancies—also has written urging the committee ‘to take action.’” Frederic Woocher, a May 1999 nominee, was a distinguished California lawyer who had done a great deal of free public-interest work, and was a former clerk to Supreme Court Justice William Brennan. Woocher had opposed Robert Bork’s nomination to the Supreme Court. He received a hearing and strong bipartisan support, but was never voted on. Clarence Sundram, born in Bombay, India, was nominated to a seat on the Northern District of New York in 1995. An advocate for people afflicted with mental illness, he would have been the first person of South Asian heritage on the federal bench. He had a hearing in 1996, but his nomination lapsed. Clinton renominated him, and Sundram had another hearing in 1997 at which Hatch praised him saying: “Frankly, there are very few witnesses who have come before the committee that appear to be as intelligent as you are. . . . I believe you will be a great judge when you get there.” However, Thomas Jipping published an op-ed in the *Washington Times* making the unfounded charge that Sundram favored drug legalization—which Sundram denied—because Sundram had written a law review article some twenty-five years earlier, when he was a particularly young law student. Sundram never received a committee vote.<sup>68\*</sup>

Sixty-three Clinton appellate and district nominees were denied either a hearing or a committee vote during the six years of Republican control. According to a 2001 study by People for the American Way, during the six years of Republican control, 45.3 percent of Clinton’s appellate nominations were returned to the White House without a vote. During the six years of the Reagan-Bush administrations in which Democrats controlled

\* In the interests of full disclosure, I should note that I was one of Sundram’s professors and he was one of my best and favorite students.