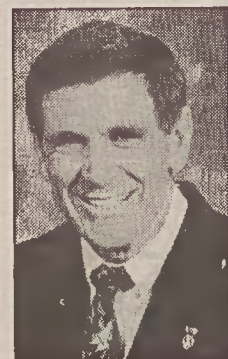


# GOP appoints most 'activist judges'

Republicans try smear campaign with misleading info

by Lisa Hardaway

WASHINGTON, D.C. — Everybody knows the phrase by now. President George W. Bush used it when talk about same-sex marriage moved to the front burner just a few weeks ago.



**Judge David O. Carter is one of several conservative GOP appointees now being labeled as 'activist judges.'**

"Activist judges," Bush said, in reference to judges in Massachusetts who have found no justifiable reason to deny marriage to same-sex partners. These days just about every conservative on Capitol Hill brandishes the phrase like a defensive sword.

"Who are these so-called 'activist judges' and where

are they?" asks Kevin Cathcart, executive director of Lambda Legal. Cathcart noted that Republican governors appointed six of the seven justices on the Massachusetts high court that recently ruled gay couples have the right to marry, and Republican presidents appointed four of the six U.S. Supreme Court justices who voted to strike

down Texas's law banning gay couples from having sex. "The claim that 'activist judges' are behind these rulings for equality is nothing short of a fraud. Our Constitution requires judges to be fair-minded and independent, regardless of their political beliefs and sometimes in the face of strong political opposition.

"It's apparent what right-wing politicians and extremist groups mean when they say 'activist judge,'" Cathcart continues. "It's a term used to smear a judge who takes the Constitution and fairness seriously rather than ruling in favor of the right-wing agenda."

Take a look at who the Bush camp is attempting to smear:

**Judge David O. Carter**

Judge David O. Carter is a federal judge in heavily conservative Orange County, Calif. During the Vietnam War, Carter served in the U.S. Marine Corps and was wounded in combat. He received a Purple Heart and a Bronze Star and he remains a member of the Veterans of Foreign Wars, the American Legion and Disabled Vietnam Veterans. As a judge, Carter has issued a number of conservative rulings, including one that ordered a city to cover the cost of a religious group's use of public property for a National Day of Prayer if it also covered costs of civic events by other groups.

In 2000 Carter issued an injunction requiring public school officials to allow a Gay-Straight Alliance student club to

meet on campus because it allowed other non-curriculum-related groups to meet. Right-wing groups protested outside the school regularly and spoke out against the ruling, even though Carter was following clear law on equal access for groups in schools.

**Justice Anthony M. Kennedy**

Justice Anthony M. Kennedy has served on the U.S. Supreme Court since 1988. He was appointed to the court by President Ronald Reagan. After becoming close to then-Governor Ronald Reagan's inner circle, he was appointed to a federal appeals court by Republican President Gerald Ford in 1975. Kennedy built a record and a reputation as a conservative leader on the heavily liberal federal appeals court in California. In 1988, Reagan nominated him to the U.S. Supreme Court, and he won unanimous confirmation in the U.S. Senate.

In 2003 Kennedy wrote the majority opinion in a landmark U.S. Supreme Court decision that struck down state laws making it a crime for gay people to have sex. In fact four of the six justices who voted to strike down the law were appointed by Republican presidents.

**Justice John P. Dunne**

Justice John P. Dunne is a state court judge in Long Island, N.Y. Dunne served in the Korean War from 1952-53. He was wounded in combat and received a Purple Heart. For several years in the 1980s

Dunne earned a living as a town Republican leader, a post that made him chairman of the local Republican Party.

In 2003 Dunne ruled that a gay man could sue a hospital for the wrongful death of his late partner; it was the first case in the nation that respected a couple with a civil union from Vermont as "spouses."

**Justice Judith A. Cowin**

Justice Judith A. Cowin has served on the Massachusetts state high court since 1999. She was appointed by Republican Governor A. Paul Cellucci. Cowin has a reputation as a tough judge, and *The Boston Globe* calls her "one of the court's more conservative voices."

In 2003 and again in 2004 Cowin joined other judges on the state's high court in a historic ruling that same-sex couples must be allowed to marry. Of the court's seven justices hearing the case, six were appointed by Republican governors.

**Justice Jim Hannah**

Justice Jim Hannah is an Associate Justice on the Arkansas State Supreme Court. He was elected to an eight-year term on the court in 2000. He has written a variety of conservative legal decisions, both in criminal and constitutional law.

In 2002, Hannah joined a unanimous Arkansas Supreme Court ruling that struck down a law making it a crime for gay people to have sex.

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