



## **On the Merits: Janice Rogers Brown’s Record Reveals Rigid Opposition to Critical Rights for Women**

In the highly charged fight over judicial nominations, Janice Rogers Brown, a California Supreme Court justice nominated to the DC Circuit Court of Appeals, has taken center stage. While headlines are likely to focus on her gender, it is not enough to simply nominate a woman; what matters most is her record.

Justice Brown’s record is clear and unambiguous – she has worked consistently to roll back basic civil rights, women’s rights, worker rights, and consumer protections. Based on her record, she does not merit elevation to a higher court.

A Closer Look at the Record: Careful analysis reveals that Justice Brown has a long, troubling record that, if repeated at the higher court level, would turn back the clock for many women across the country.

**Justice Janice Rogers Brown**, known for her sharply worded opinions and inflammatory rhetoric, would make it harder for women to challenge discrimination, access health care services, and use government programs. Her views would put a number of our cherished civil rights and civil liberties at risk:

- ③ **Protections from Racial and Sexual Harassment in the Workplace:** In a case brought by a group of Latino employees, she argued that the use of racial slurs in the workplace was protected by the First Amendment. Fortunately, her views did not prevail. Her analysis would have impeded efforts by employers to prevent racial and sexual harassment in the workplace.
- ③ **Protections from Discrimination in Jury Selection:** In a case evaluating whether Black women were removed from a jury in a discriminatory manner, she disagreed with an existing California Supreme Court ruling that recognized Black women as a protected class in all jury selection proceedings. In other words, Justice Brown would have allowed jury selection procedures that could eliminate all Black women from the jury pool.
- ③ **Access to Health Care:** She was the lone dissenter in a precedent-setting decision by the California Supreme Court, which ruled that a charitable organization that provides health care coverage to its employees cannot refuse to cover contraception for religious reasons.
- ③ **Participation in Government Programs:** She has denigrated those who use government programs. She likens reliance on government programs to slavery and drug addiction, calling them the “drug of choice” for single moms and others. She has said that today’s senior citizens “blithely cannibalize their grandchildren

because they have a right to get as much ‘free’ stuff as the political system will permit them to extract.”

- ③ **Affirmative Action:** She has staunchly opposed affirmative action and has disparaged decisions upholding such programs. In doing so, she has ignored the important role of affirmative action in preventing discrimination and expanding opportunities for women and people of color.

### CONCLUSION

Confirming women, or men, to the bench who would undermine hard-won rights and protections of critical importance to women risks turning back the clock on women’s gains to a bygone era. Senate Republican leaders may hope that women will look the other way because Janice Rogers Brown is female. But they are wrong. Women have an enormous stake in who gets selected as a judge. It is critical to appoint judges who respect our civil rights and civil liberties. Janice Rogers Brown’s record stands in stark contrast to this high standard. We urge the United States Senate to reject her nomination.