

TO: Interested Parties
FROM: Demand Justice
RE: Senators Must Not Capitulate To Trump's Far-Right Judicial Takeover Again
DATE: January 31, 2025

This week, Americans across the nation watched as many of Donald Trump's radical cabinet picks sailed through their confirmations while the White House issued [alarming](#), [unconstitutional](#) executive orders that would make life harder for families across the country.

And while [recent actions](#), in the wake of the Administration's attempt to cut popular programs that people depend on, have stirred up some willingness to fight—overall, Democratic Senators have far too often [voted](#) to support Trump's interests since he took office. Furthermore, recent [reporting](#) that Senate Democrats are expressing openness to supporting Trump judges is nothing short of concerning.

Unfortunately, close observers will know that this kind of capitulation to Trump's extreme agenda was all too common during the first Trump Administration – especially when it came to his judicial picks.

SENATOR VOTING RECORD

During President Trump's first term in office, the Democratic senators still serving today on **average voted to confirm 42%** (97 out of 234) of Trump's lifetime judicial nominees.¹

And yet—despite the clear qualifications of Biden's nominees—during Biden's four years in office, Republican senators on **average voted to confirm only 14%** (32 of the 235) of Biden's lifetime judicial nominees.

In other words, Democratic senators voted to confirm Trump judges **three times more often** than Republican senators voted to confirm Biden judges.

This willingness to greenlight nominees continued even while Trump was actively attempting to undermine the results of the 2020 election. For example, on November 12, 2020, [12 Democratic senators](#) voted during lame duck to confirm Aileen Cannon (S.D. Fla.), all while Trump was [circulating](#) false claims of voter fraud. And, of course, Judge Cannon is now notorious for her rulings overwhelmingly in favor of Trump's [political interests](#).

Not only did Democratic senators on average vote for Trump's judicial nominees three times as often, but the difference between those who voted for the fewest opposite party nominees is equally stark. Not a single Democratic senator who is still serving voted for fewer than 50 Trump

¹ For this data, voice votes are counted as a yes vote for all senators.

judges, whereas a majority of Republicans voted for fewer than 50 Biden judges.² Eight Republican Senators voted for fewer than 10 Biden judges.

THE FUTURE OF OUR COURTS

The justices and judges from Trump's first administration, taken as a whole, have acted to further a far-right agenda and force deeply unpopular policies onto everyday Americans—limiting opportunities for our children and making our communities less safe. These actions stand in stark contrast with Biden's judicial nominees, who have the background and qualifications to ensure they will work for everyone in our country and not far-right political interests.

With nearly 50 current and known future vacancies already in existence and just over [250 judges eligible for senior status by the end of 2028](#), the second Trump administration has the opportunity to continue to radically shape our federal judiciary. By the end of Trump's second term, it is quite possible he could have appointed nearly half of all active judges in this country, in addition to potentially appointing a majority of the Supreme Court justices.

This spells dire consequences for our judiciary. As the last line of defense against attacks on our constitution, the federal courts must be balanced and fair. Donald Trump and the far-right have demonstrated their willingness to turn our courts, instead, into another arm of the MAGA movement.

CONCLUSION

Senators must not close their eyes to the damage done to the rule of law from Trump's first set of nominees and prioritize so-called compromise over the interests of the country.

Enabling a right-wing takeover of our courts is not what Americans want to see from their representatives. It benefits no one to vote in favor of extremist judges who are chosen to do Trump's bidding and carry out a political agenda from the bench.

Enough is enough. Senate Democrats must use every tool in their arsenal to defend our federal courts and that starts with the bare minimum: voting NO on judicial nominees who will bolster the far-right's effort to undermine our democracy and kneecap Americans' civil and human rights.

² Excludes one senator who was sworn in during the 2020 lame duck session and only voted on 5 nominees.