



Dumbing Down the Courts: How Politics Keeps the Smartest Judges Off the Bench

John R. Lott Jr.

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Judges have enormous power. They determine whom we can marry, whether we can own firearms, whether the government can mandate that we buy certain products, and how we define "personhood." But who gets to occupy these powerful positions? Up until now, there has been little systematic study of what type of judges get confirmed.

In his rigorous yet readable style, John Lott analyzes both historical accounts and large amounts of data to see how the confirmation process has changed over time. Most importantly, *Dumbing Down the Courts* shows that intelligence has now become a liability for judicial nominees. With courts taking on an ever greater role in our lives, smarter judges are feared by the opposition. Although presidents want brilliant judges who support their positions, senators of the opposing party increasingly "Bork" those nominees who would be the most influential judges, subjecting them to humiliating and long confirmations.

The conclusion? The brightest nominees will not end up on the bench.

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