

# Presidential appointment analysis

Law



**ASSIGN  
BUSTER**

Presidential Appointment Analysis Presidential Appointment Analysis The act of appointing federal judges is regarded as judicial appointments. George H. W. Bush adopted an aggressive and strictly regulated approach to performing lifetime judicial appointments and this practice resulted in many controversies. During his presidency, Bush nominated 11 candidates for 10 different federal appellate judgeships that were rejected by the Democratic-controlled Senate Judiciary Committee. This paper will interpret various judicial appointments made by Bush and the outcomes he was attempting to achieve. As Andrews (201) reports, Bush terminated the American Bar Association's power to perform the screening process soon after he was elected so as to prevent it from reviewing the candidates' strengths and weaknesses they had before the nomination. The US Federal government had been depending on the American Bar Association to review the credentials of candidates since 1952. By rejecting the American Bar Association from the screening process, Bush administration tried to appoint judges in key positions regardless of quality concerns. More precisely, Bush believed that this aggressive approach to making lifetime judicial appointments would assist the Republicans to influence the US Federal government strategies over the next several decades. In May 2001, Bush nominated 11 lawyers for judicial positions based on his personal interests. However, his controversial nominees were rejected by the Senate Democrats who were in control of the chamber and committee chairmanships at that time (Biskupic, 2008). By November 2002, Republicans regain control of the Senate and Bush renominated some candidates (like Roberts and Estrada) who were found unqualified in the previous Congress. He also nominated two candidates (Priscilla Owen and Charles Pickering) to the US Court of Appeals

<https://assignbuster.com/presidential-appointment-analysis/>

for the 5th Circuit. Despite filibusters, Roberts, Owen, and Pickering won the confirmation to their respective positions with the special influence of Bush when Estrada withdrew his name (as cited in Biskupic). In 2005, Bush nominated Roberts for the Chief Justice position and Samuel Alito for the position of White House Counsel; both of them were approved by the Senate. While analyzing the judicial appointments during the period of Bush administration, it is clear that he followed the practice of appointing nontraditional judges. Experts suggest that this tightly controlled approach “was driven more by ideology and strategy than concerns for diversity” (Oregon State University). Among the judges appointed by the Bush administration, whites constituted 82 percent whereas all other minority groups collectively represented only 18 percent. According to a study conducted by Diascro and Solberg, African Americans gained only 8.5 percent of the seats on the Court of Appeals at the end of eight years of Bush’s presidency (cited in Oregon State University). However, it is to be noted that Bush also nominated minorities to the seats in order to promote his political gains or to entertain ideological purposes. More precisely, Bush particularly tried to please minority voters who could notably influence the outcome of a national election. As scholars point out, the Bush administration had greatly focused on Hispanic vote and unsurprisingly Bush appointed more Hispanic judges than African American judges. Although a number of other reasons may be cited for this approach, the actual intention of the Bush administration was to safeguard its political interests. It can be argued that Bush tried to promote diversity in his judicial appointments even though it was not his priority. Obviously Bush took great efforts to ensure the election of his nominees. In the 2008 election campaign, Bush claimed that

<https://assignbuster.com/presidential-appointment-analysis/>

his nominees represent more than a third of the federal bench and they have been the “jurists of the highest caliber, with an aiding belief in the sanctity of our constitution” (Eggen, 2008). Despite this argument, Bush gave first priority to conservative judges while making judicial appointments. The major aim of Bush was to make certain that US court decisions would be influenced by conservative ideologies for a long period. As Eggen (2008) points out, the appointment of Roberts and Alito by Bush assisted the conservatives to obtain some important court rulings on gun rights and abortion in their favor. From a close evaluation of the judicial appointments made by Bush, it seems that Bush just tried to obtain an edge over Democrats in terms of court decisions rather than improving the performance efficiency of the federal judiciary. In total, Bush paid particular attention to the appointment of conservative judges during his presidency period so as to achieve political dominance and to promote conservative ideology in the country. With this judicial appointment strategy, Bush expected to take advantages of favorable court rulings on sensitive political, economical, or social issues. References Andrews, J. (6 April, 2001). Bush ends American Bar Association pre-screening of judicial nominees. World Socialist Website. ICFI. Retrieved from <https://www.wsws.org/en/articles/2001/04/aba-a06.html> Biskupic, J. (14 March 2008). Bush's conservatism to live long in the U. S. courts. USA Today. Retrieved from [http://usatoday30.usatoday.com/news/washington/2008-03-13-judges\\_N.htm](http://usatoday30.usatoday.com/news/washington/2008-03-13-judges_N.htm) Eggen, D. (7 Oct 2008). Bush Stresses Judicial Nominations. The Washington Post. Retrieved from [http://articles.washingtonpost.com/2008-10-07/politics/36818248\\_1\\_federalist-society-president-bush-conservative-judges](http://articles.washingtonpost.com/2008-10-07/politics/36818248_1_federalist-society-president-bush-conservative-judges) Oregon State University. Study: George W. Bush’s court appointments <https://assignbuster.com/presidential-appointment-analysis/>

emphasized ideology over diversity. Retrieved from <http://oregonstate.edu/ua/ncs/archives/2009/jun/study-george-w-bush%E2%80%99s-court-appointments-emphasized-ideology-over-diversity>