

# Appointing vs. electing judges to the supreme court



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Supreme Court Justices Supreme Court Justices are appointed by the United States of America's current President. The United Congress then approves or disapproves of the appointment. The United States has had this practice since the inception of the new democracy. If approved, then the Supreme Court Justice takes the bench for life. Some individuals believe this practice is wrong, believing that too much power is placed in individuals not elected. On the state level, some judges are elected due to the separate Federal and State level. It mainly depends on the state in questions. Supreme Court Justices should be appointed and not elected despite arguments against the practice.

Supreme Court Justices are appointed by the President and approved by the Senate. This view is not approved by all of the American public. Some see it as just a game between the President and Senate. The president " shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" various high-level executive and judicial officers" which includes Supreme Court Justices (Amar and Amar). It could be speculated that the President and Senate make and approves appointments for personal reasons such as individual politics. For example, conservatives appoint conservatives, like Bush's appointment of Clarence Thomas.

Another argument is too much power comes to the nine Supreme Court Justices, since these judges are not elected. Bork suggests " The nations of the West are increasingly governed not by law or elected representatives, but by unelected, unrepresentative, unaccountable committees of lawyers applying no law other than their own will" (13). Many major decisions have been made by nine Justices. An example would be when the Supreme Court ordered schools to be desegregated. This decision still affects children today.  
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For years students were bussed from one end of the town to another just to integrate schools on the Supreme Court Justices' ruling.

The appointments of Supreme Court Justices are a vote of the people, even though they are not direct elections. The President and Senate are both elected by the people. This allows the people a voice, but in a narrower way. The safeguard is once the Justice has their appointment, the President or Senate no longer has any power over them. Founding Fathers of the United States put this checks and balance system into place. " Presidents and Senators are free to base their decisions on the likely voting patterns of nominees, but may not extract pledges or promises" (Amar and Amar). This allows the appointed Justice to rule freely without fearing retribution from politicians.

Some states have ruled in the state constitutions to elect judges. Personally this action is too ripe for corruption. This takes time for the judge to campaign. If it is a sitting judge, the judge might give rulings in exchange for donations to their campaign. Appointed judges are better researched and perform better. Even though different states allow judges to be elected, this practice would not work on a Federal level. If allowed to vote for judges on a Federal level, only Republicans and Democrats would receive the positions. As it stands appointees do not have political affiliations. The Supreme Court Justices are lawyers and judges, not elected officials.

Appointments to the Supreme Court should continue to be made by the President and confirmed by the Senate. The people's vote is being counted since both the President and Senate are elected by the United States Citizens. The Constitution allows this check and balance system as a foundation for democracy. Supreme Court Justices are judges, not politicians.  
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The system should remain that way.

#### Works Cited

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My paper is on whether we should let Presidents pick judges with Congress approval, or let the people elect judges. The paper should present both sides of the arguments clearly and precisely and have the analyzation of both sides effectively. Also, it should have which choice you think is best. This is a college level essay and therefore should have NO grammatical errors. Please use two sources that present different sides of the argument that are both strong and clear. Consider the ramifications of both options and what would be the best for the country. Consider the idea that some states elect all there judges while others do not. The essay must be well-written and a high college-level essay.