

Essay on federal court appointments

[Law](#), [Criminal Justice](#)



1. If you were a president who was a loose constructionist and you were trying to nominate a federal circuit judge to the NC bench what would you consider when making that ruling.

I would look at how closely they would adhere to the Constitution, looking specifically for people who would shape their rulings on their own convictions, and not necessarily following the interpretations of the Constitution to the letter.

2. Make a list of all the people or groups that could derail a Federal court appointee.

Senate, President, advocacy groups, lobbyists, Senate Judiciary Committee, the Department of: Justice

Supreme Court Appointments

Let's focus on the John Roberts Nomination

Why did Bush pick Roberts?

According to Bush, it was because of his “ intellect, his sound judgment and personal decency.” High credentials, conservative viewpoint.

4. Where did Roberts have support?

Conservative and anti-abortion groups, Republicans.

5. Where did Roberts have opposition?

Some Democratic Senate members, Sen. Charles Schumer, NARAL Pro-Choice America.

6. Was Roberts a good choice?

Bad – his views on abortion, gay rights and environmental regulation are restrictive and foolhardy, and provided a great deal of controversy once he was nominated.

7. What went wrong with the Harriet Miers nomination?

Other Republicans didn't trust her; a lack of information about her stance on important issues such as abortion, the second amendment, and affirmative action, among others; threats of political cronyism (she and Bush were friends, which may have fueled the nomination instead of her credentials)

8. Who derailed Miers' nomination?

Conservative commentators and the media, Sen. Arlen Specter, Sen. Sam Brownback.

9. What did Bush do differently with the Alito nomination?

He picked someone with more and higher quality experience as a judge, focused on quality of record rather than personal connections

The federal courts are part of the system of checks and balances created by the Constitution. With respect to this issue, complete the following tasks:

a. Identify and explain one check on judicial power held by Congress.

Congress defines by law the jurisdiction of the federal judiciary in cases not specified by the Constitution. They can decide what rights and responsibilities the Supreme Courts, but only through a Constitutional Amendment. At the same time, jurisdictional stripping can take place on the part of Congress toward the Supreme Court in certain instances. The

Eleventh Amendment is a perfect example of a Congressional Amendment meant to change the jurisdiction of courts, as it prevented the Supreme Court from being able to make decisions between states and people who live in another state.

b. Identify and explain one check on judicial power held by the executive.

The president appoints federal judiciary officials, including Supreme Court justices, to their positions when a justice dies or retires. This process is, of course, put through a long process through the legislative branch, but the appointees are always decided by the President. This is done usually in order to get a judicial branch that is more in line with the views of the President.

c. Identify and explain one check on the other branches held by the judiciary.

The Supreme Court is given ultimate jurisdiction to determine whether or not acts committed by the legislative branch are Constitutional or not. This will prevent Congress from acting independently of the tenets of the American Constitution, and instead on their own values at the time, which may run contrary to what was set forth in the defining document of the nation. Any act of legislation that is passed must have judicial approval, and the Supreme Court must determine it to be within the spirit and letter of the Constitution.

ACT I: Federal District Court

This case took place in the eighth circuit, Petitioners at the Mayo clinic were asserting that the FICA Act, which makes employers to pay taxes on their wage for federal contributions, should not have a stipulation in it that all tax

writeoffs for students were invalid if the student worked more than forty hours a week, as their researchers often did. It went to federal court because it was an appeal for a federal law. The ruling was in favor of the Mayo clinic, stating that the rule was invalid.

ACT II: Federal Appeals Court

The Eighth Circuit ended up reversing the decision, using a precedent in which this particular regulation was “ a permissible interpretation of an ambiguous state.” There was a case called Chevron USA Inc v. Natural Resources Defense Council, Inc. which was used to justify this decision. The appeals court held the notion that the Treasury Department had a right to tax their employees in this way, reversing the previous decision.

ACT III: Supreme Court

Mayo agreed with the ultimate interpretation of the law, but still argued that there should be a case by case inquiry for individuals in order to determine the extent of college assistance they need. This case has finished, the Supreme Court ultimately deciding in favor of the Treasury Department’s ruling as opposed to the Mayo Clinic.