

In executive and legislative authority: judiciary selection and appointment



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In Executive and Legislative Authority: Judiciary Selection and Appointment Current reports in the political scenes in Washington had been quite controversial with the nomination of a highly endorsed law professor, Mr. Goodwin Liu, as part of the 9th Circuit Court of Appeals. His liberal views had caught the attention of the administration's office, and what is believed as needed in the said judiciary office. Unfortunately, such opinions are not shared by the overly political outlooks in the Senate, where the said nomination has to be submitted and scrutinized. Further accounts exhibited the substantial opposition of several senators by way of a filibuster, as clashes in political ideologies between Republicans and Democrats in such proceedings seemed to dominate, and Mr. Liu had been caught in the middle (Savage). In the presence of a filibuster approach, a delaying tactic effectively blocks a bill or nomination either by prolonged debates or any procedure of similar mechanism ("Reform and the Filibuster"). In the involvement of the senate in such important appointment procedure, one may wonder on the exact basis for shared obligation of the President and Senate in performing additional functions on areas involving another State office, the Judiciary section. The governing body that embodies the United State's Constitution had been aptly divided into three essential offices: "legislative, executive (and) judiciary." The separation of offices also generated separate powers to promote the principle of "check and balance," but are still overlapping in the process (May and Ides 290-291). The State's Constitution had been quite specific in dividing the responsibility in placing competent officers in judiciary positions. Relatively, the nomination authority belongs in the President's prudent power, while the judges' confirmation will be authorized in the Senate. Balance is said to be attained in such procedure, but superiority

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would still come from type of standing that the Presidents possess within the Senate parties, and even in the dominating stance of the latter in White House (Posner 14). This being said, majority party would always get the dominant votes, and inherently, the power that goes with it. In the case of Mr. Liu, the dominating Republicans in White House had been a great hurdle for his appointment, and despite the substantial endorsement of the President's office, his application would still depend on the Senate's individual and collective decision. In the case presented above, it seemed that political interests dominate the selection and appointment process, defeating the Constitutional purpose of objective accountability.

Theoretically, three substantial bases should be employed during the appointment procedure, depending on the nominee's competent suitability, the strength of political connections and reinforcements, and the political advantages of such nomination of senate and presidential electorate chances (Posner 14). Of the three, the last concept seemed to bear relevant weight on the large opposition for Mr. Liu's nomination, where his Democratic ideologies go against Republican ruling in the Senate. Whereby the President consulted the Senate's legal assistance in confirming appeal judges with excellent merits, the latter appear to blunder their own constitutional obligations by looking after their own political benefit, instead of proceeding for the prudent interest of the State and the public they serve. All in all, the President is legally required to seek a balanced approval from the Senate in objectively choosing rightful appeal judges based on ideally excellent merits, and avoid vested interest to such an important obligation of both offices. Up to this point, the Constitution had been idealistic in its

impositions on how the two branches perform their nominative and
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appointive duties, but current realities demonstrated otherwise. Works Cited

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