Judicial Philosophy and Political Reality

President George W. Bush’s Appointments to the United States Supreme Court

By James Petros
Strict Constructionism
Brief Chronology
President nominates candidates

Candidate is vetted by Senate and approved by Judiciary Committee

Confirmed by Senate
Judge John Roberts Jr.

Background

- Harvard Law School
- Law Clerk for William Rehnquist
- Appointed to D.C. Circuit Court in 2003
Confirmed 78-22
Background

- First female president of Dallas Bar Association
- Dallas City-Council
- Serving as White House Counsel at the time of her nomination
### Political Reality of Miers Nomination

<table>
<thead>
<tr>
<th>The President’s Decision</th>
<th>Republican Opposition</th>
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<td>• Wanted to appoint someone who was not a part of the judicial “monastery”</td>
<td>• Senate Majority Leader Bill Frist claimed they did not have enough votes to pass</td>
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<td>• Miers and Bush had a professional relationship and had been working in the White House as early as 2001</td>
<td>• Many reasons were given for opposition</td>
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<td>• No opposition from within the White House</td>
<td>• My conclusion deals with the politics of the Senate</td>
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“Give us the man we wish for this office, and you shall have the one you wish for that.”
Samuel Alito

Background

- Yale Law School
- Assistant to Solicitor General under Reagan
- Appointed to Court of Appeals in 1990
Confirmed 58-42
Conclusions

There was definitive political play with his confirmations to the Court
On strict, constructionism it depends
Regardless, the Supreme Court appointments will be one of President Bush’s lasting legacies