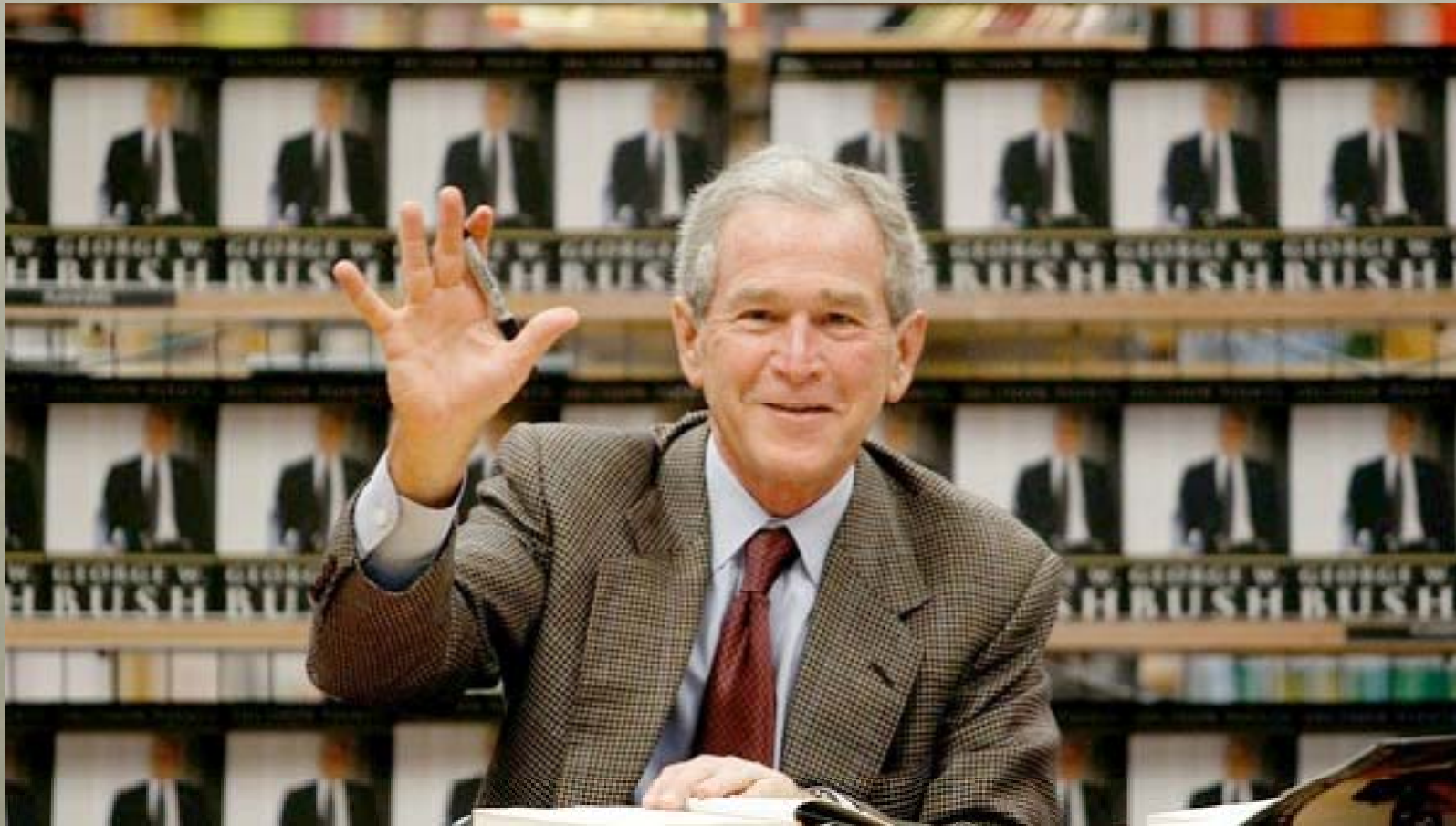


Judicial Philosophy and Political Reality

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



Harriet Miers

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

The President's Decision

- Wanted to appoint someone who was not a part of the judicial “monastery”
- Miers and Bush had a professional relationship and had been working in the White House as early as 2001
- No opposition from within the White House

Republican Opposition

- Senate Majority Leader Bill Frist claimed they did not have enough votes to pass
- Many reasons were given for opposition
- My conclusion deals with the politics of the Senate

President
nominates
candidates



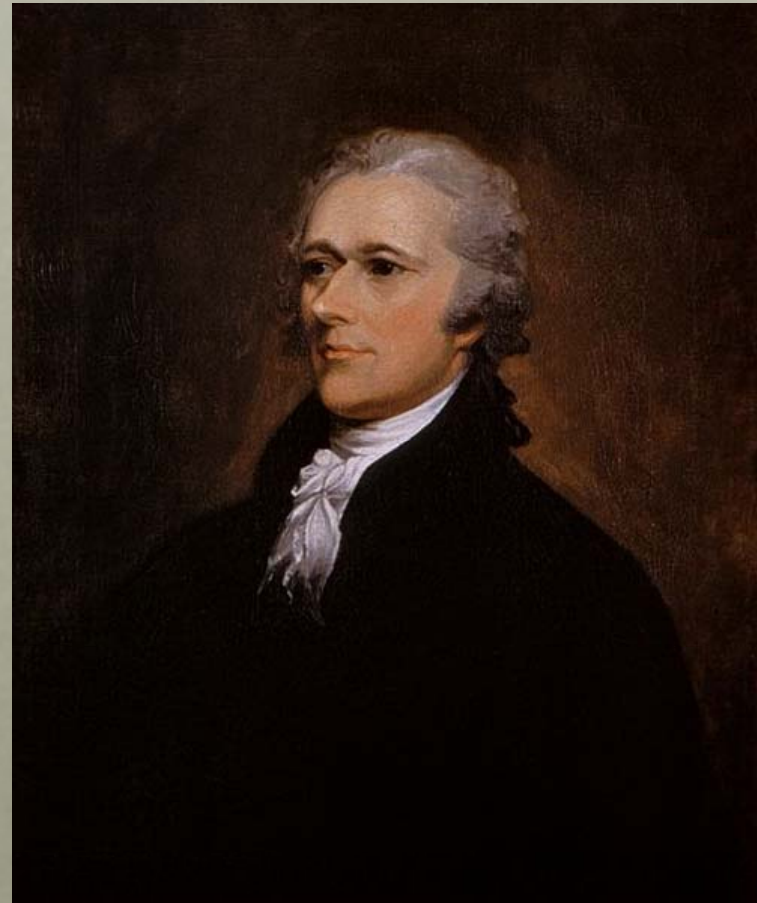
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Confirmed by Senate

Federalist No. 76

- “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