



Illinois Wesleyan University Digital Commons @ IWU

John Wesley Powell Student Research
Conference

1992, 3rd Annual JWP Conference

Apr 25th, 10:30 AM - 4:30 PM

The Current State of the Supreme Court Appointment Process: Business as Usual

Brian S. Driscoll

Illinois Wesleyan University

John Wenum, Faculty Advisor

Illinois Wesleyan University

Follow this and additional works at: <http://digitalcommons.iwu.edu/jwprc>

Brian S. Driscoll and John Wenum, Faculty Advisor, "The Current State of the Supreme Court Appointment Process: Business as Usual" (April 25, 1992). *John Wesley Powell Student Research Conference*. Paper 39.
<http://digitalcommons.iwu.edu/jwprc/1992/posters/39>

This Event is brought to you for free and open access by The Ames Library, the Andrew W. Mellon Center for Curricular and Faculty Development, the Office of the Provost and the Office of the President. It has been accepted for inclusion in Digital Commons @ IWU by the faculty at Illinois Wesleyan University. For more information, please contact digitalcommons@iwu.edu.

©Copyright is owned by the author of this document.

THE CURRENT STATE OF THE SUPREME COURT APPOINTMENT PROCESS:
BUSINESS AS USUAL

Brian S. Driscoll, Dept. of Political Science, IWU, John Wenum*

The recent spectacles of the confirmation hearings of Judges Robert H. Bork and Clarence Thomas have given the Supreme Court appointment process a sense of corruption, and a call for reform. Allegations levelled against the President and the Senate accuse them of "playing politics": not selecting the best judges on merit, but relying instead on political factors to make their choices. The truth is, however, that the Supreme Court appointment process has always been political. It was designed to be political by the Framers of the Constitution, and there is ample precedent for the insertion of politics into today's appointments. The process, however, has evolved into something more complex for the President and the Senate since the inception of the Constitution, and both institution's roles have changed. In today's process there are several factors that influence confirmation of Supreme Court Justices, namely timing, ideology, and presidential management. All of these factors come together in the Thomas nomination, to form a case study. Analysis will show that despite the recent public outcry, the confirmation process is business as usual, both in terms of politics and in terms of recent history.