

## INFORMATION NOTE

### **The Process of Appointment of Judges in Some Foreign Countries: the United States**

#### **1. Background**

1.1 On 28 November 2000, the Panel of Administration of Justice and Legal Services requested the Research and Library Services Division of the Legislative Council Secretariat to provide information on the political background of the Presidents vis-a-vis the judges appointed by them.

#### **2. Methodology**

2.1 We have sent enquiries to the Senate Judiciary Committee, studied reference books, documents and articles and surfed the Internet.<sup>1</sup>

#### **3. Findings**

3.1 We have found information of the political party background of all Justices of the US Supreme Court appointed by the President and confirmed by the Senate, but we have not found such information on the remaining federal judges.

3.2 From 1789 to 1994, there were totally 108 persons appointed by the US Presidents and confirmed by the Senate as the Justices of the US Supreme Court. Of the 108 judges, 11 were appointed with a different political party background from that of the Presidents. Details are summarized in Appendix I. The other judges appointed belonged to the same political party as the President.

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<sup>1</sup> We have sent enquiries to the Clerk of the US Senate Judiciary Committee and received no reply as at the date of publication of this information note.

## Appendix I

**SUMMARY TABLE OF THE JUSTICES OF THE US SUPREMEM COURT  
APPOINTED BY THE PRESIDENTS WITH DIFFERENT POLITICAL  
PARTY BACKGROUND FROM 1789 to 1994<sup>1</sup>**

Extracted from "Appendix A Justices of the United States Supreme Court,"  
George Watson and John A. Stookey, *Shaping America The Politics of  
Supreme Court Appointments*, Arizona State University, 1995

No.	Justice	Justice's Party <sup>2</sup>	President	President's Party <sup>2</sup>	Year Appointed
1	Field, Stephen	D	Lincoln	R	1863
2	Jackson, Howell	D	Harrison	R	1893
3	Lurton, Horace	D	Taft	R	1909
4	White, Edward	D	Taft	R	1910
5	Lamar, Joseph	D	Taft	R	1910
6	Butler, Pierce	D	Harding	R	1922
7	Cardozo, Benjamin	D	Hoover	R	1932
8	Stone, Harlan	R	Roosevelt, F	D	1941
9	Burton, Harold	R	Truman	D	1945
10	Brennan, William	D	Eisenhower	R	1956
11	Powell, Lewis	D	Nixon	R	1971

## Notes

<sup>1</sup> Interim appointments and elevations of associate justice to chief justice are not included.

<sup>2</sup> Party abbreviation: D for Democratic and R for Republican.

## Source:

1. George Watson and John A. Stookey, *Shaping America The Politics of Supreme Court Appointments*, Arizona State University, 1995.
2. Homepage of the US Senate Judiciary Committee,  
<<http://www.senat.gov/~judiciary/>>

Prepared by Mr CHEUNG Wai-lam

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Tel: 2869 7735

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Ms Eva LIU  
Head, Research and Library Services  
Research and Library Services Division  
Legislative Council Secretariat  
5/F, Citibank Tower  
3 Garden Road, Central  
Hong Kong

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