

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.¹

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.

¹ 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 1994¹**

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 ²	President	President's Party ²	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

¹ Interim appointments and elevations of associate justice to chief justice are not included.

² 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

10 April 2001

Tel: 2869 7735

The Legislative Council Secretariat welcomes the re-publication, in part or in whole, of this document, and also its translation in other languages. Material may be reproduced freely for non-commercial purposes, provided acknowledgement is made to the Research and Library Services Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

----- ✂ -----

Research Paper No.:

Title:

It would greatly help to ensure that Research Papers fulfil their purpose if Members (or their staff) would fill in and return this brief pre-addressed questionnaire. Negative responses can be as useful as positive.

For your purposes, did you find this research paper:

1.	Very useful <input type="checkbox"/>	Fairly useful <input type="checkbox"/>	Not much use <input type="checkbox"/>	Inadequate <input type="checkbox"/>	Any comments? _____ _____ _____ _____
2.	Too long <input type="checkbox"/>	Relatively lengthy <input type="checkbox"/>	A bit short <input type="checkbox"/>	Too short <input type="checkbox"/>	_____ _____ _____
3.	Clear <input type="checkbox"/>	Fairly clear <input type="checkbox"/>	Sometimes unclear <input type="checkbox"/>	Rather unclear <input type="checkbox"/>	_____ _____

Name _____

(Member /Assistant to _____)

Please fold

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

Please fold