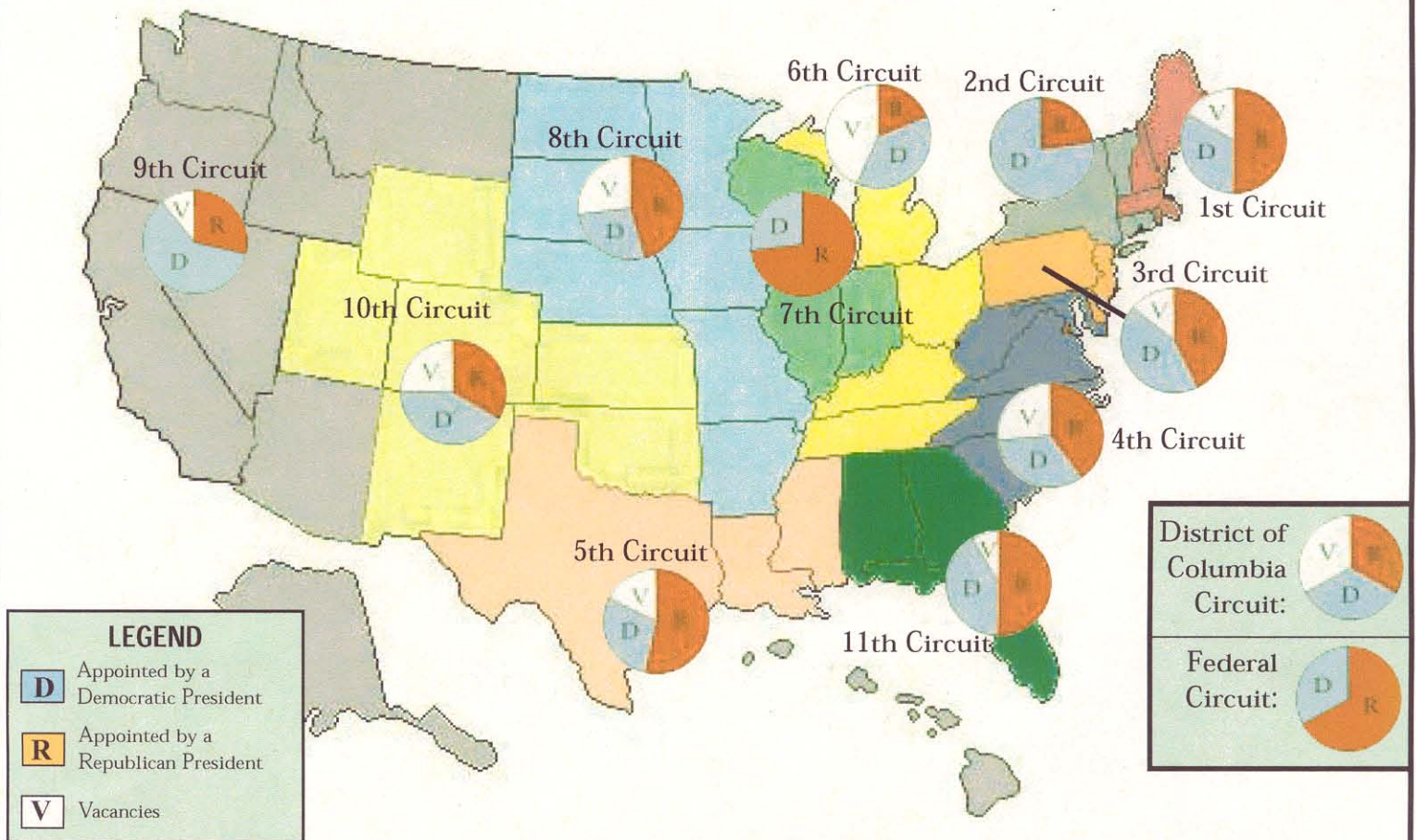


Out of Balance: Appeals Courts Tilt Right



President George W. Bush's judicial nominations have focused on appeals courts where they can tilt the balance that is reflected in the party of the President who appointed each judge. See Jim Oliphant, "Tipping the Scales: Circuit by Circuit," *Legal Times* (May 14, 2001).

The above map shows the current breakdown of Republican- versus Democratic-nominated judges on the various federal circuit courts of appeals, along with the level of vacancy on each court. The political party of the President who nominates an individual judge is not the final word on that judge's ideology. Judicial nominations by President Reagan and by President George H.W. Bush, however, generally reflected a successful effort to appoint right-of-center judges, according to numerous studies of the appointment process and of these judges' decisions. Moreover, "It appears George W. (Bush) is giving the judiciary to the right wing of the (Republican) party," says Sheldon Goldman, a political science professor at the University of Massachusetts-Amherst, who has tracked judicial nominations since the

1960s." Joan Biskupic, "Bush may be building conservative judiciary," *USA Today* (Oct. 10, 2001).

Several of George W. Bush's nominees have already been confirmed. Throughout his presidency, he will have the opportunity to fill all of the current vacancies, and many more that will result when judges retire or take senior status.

By the end of the current Bush administration, all 13 federal appeals courts could be dominated by judges appointed by a single political party, according to a recent report by People for the American Way. This would be unprecedented.

