

CRS Report for Congress

President Bush's Judicial Nominations During the 101st and 102nd Congresses

Updated March 29, 1993

Denis Steven Rutkus
Specialist in American National Government
Government Division



Prepared for Members and
Committees of Congress

President Bush's Judicial Nominations During the 101st and 102nd Congresses

Summary

There are ten categories of courts (including the local courts of the District of Columbia) to which the President nominates judges. The following report provides background and statistics concerning President Bush's judicial nominations in each court category as well as actions taken on those nominations by the United States Senate.

Each of the report's ten sections discusses the composition and jurisdiction of the court in question and notes the committee to which nominations to this court were referred when received by the Senate. Also, statistics on judicial nominations received by the Senate during the four years of the Bush Presidency are presented, including the following:

- Overall number of persons nominated, confirmed, and not confirmed to the court in question;
- Number of President Bush's nominees currently sitting on the court;
- Breakdowns, for both the 101st and 102nd Congresses, of the number of nominations received by the Senate, confirmed, or failing to receive Senate confirmation.

At the end of each section, a table lists President Bush's pertinent court nominations during the 101st and 102nd Congresses, including nomination dates, hearing dates, dates reported out of committee, and dates of confirmation or other final Senate action.

Contents

Introduction	1
Nominations to the Supreme Court of the United States	5
Nominations to the U.S. Courts of Appeals	7
Nominations to the U.S. District Courts	11
Nominations to the U.S. Court of International Trade	20
Nominations to the U.S. Court of Federal Claims	21
Nominations to the U.S. Tax Court	22
Nominations to the U.S. Court of Veterans Appeals	23
Nominations to the Superior Court of the District of Columbia	24
Nominations to the District of Columbia Court of Appeals	26
Nominations to the U.S. Court of Military Appeals	27

List of Tables

Table 1. Presidential Nominations to the Supreme Court of the United States During the 101st and 102nd Congresses	6
Table 2. Presidential Nominations to the U.S. Courts of Appeals During the 101st and 102nd Congresses, 1989-92	8
Table 3. Presidential Nominations to the U.S. District Courts During the 101st and 102nd Congresses, 1989-92	13
Table 4. Presidential Nominations to the U.S. Court of International Trade During the 101st and 102nd Congresses, 1989-92	20
Table 5. Presidential Nominations to the U.S. Claims Court During the 101st and 102nd Congresses, 1989-92	21
Table 6. Presidential Nominations to the U.S. Tax Court During the 101st and 102nd Congresses, 1989-92	22
Table 7. Presidential Nominations to the U.S. Court of Veterans Appeals During the 101st and 102nd Congresses, 1989-92	23
Table 8. Presidential Nominations to the Superior Court of the District of Columbia During the 101st and 102nd Congresses, 1989-92	25
Table 9. Presidential Nominations to the District of Columbia Court of Appeals During the 101st and 102nd Congresses, 1989-92	26

Table 10. Presidential Nominations to the U.S. Court of Military Appeals During the 101st and 102nd Congresses, 1989-1992	27
---	----

President Bush's Judicial Nominations During the 101st and 102nd Congresses

Introduction

Under the Constitution of the United States, the President nominates and, subject to confirmation by the Senate, appoints Justices to the Supreme Court as well as judges to most lower Federal courts.¹

The Presidential nominating power directly affects the composition of nearly all of the courts making up the Federal judiciary. There are ten courts or court systems to which the President nominates judges. Specifically, these are the:

- Supreme Court of the United States;
- United States Courts of Appeals;
- United States District Courts (including the Territorial courts);
- United States Court of International Trade;
- United States Court of Federal Claims;
- United States Tax Court;
- United States Court of Veterans Appeals;
- Superior Court of the District of Columbia;
- District of Columbia Court of Appeals; and
- United States Court of Military Appeals;

During the four years of his Presidency, George Bush nominated persons to judgeships on all of these courts.

The President, however, does not nominate Federal bankruptcy judges (who are appointed by the United States Courts of Appeals), administrative law judges (appointed by Federal agencies), or U.S. magistrates (appointed by the United States District Courts), nor are these judges subject to Senate confirmation.

Justices on the Supreme Court and judges on other courts established by Congress under Article III of the Constitution “hold their Offices during good Behaviour”—i.e., they receive lifetime appointments. In addition to the Supreme Court, the “Article III courts” consist of the U.S. Courts of Appeals, the U.S. Court

¹ In pertinent part, Article II, Section 2, Clause 2 provides that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. . . .”

of International Trade, and the U.S. District Courts in the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

The President, as previously noted, nominates judges to other Federal courts as well. These are the so-called “legislative courts,” which are created by Congress under divers constitutional authority not requiring lifetime (“good behaviour”) tenure. Presidential nominations to these courts entail fixed terms of various lengths.²

In the following pages, ten separate sections provide background and statistics concerning President Bush’s judicial nominations to each of the court categories listed above.³ Each section begins by briefly discussing the composition and jurisdiction of the court or court system in question. Then various statistics are provided, including: overall number of nominations to the court which were received, confirmed, or not confirmed by the Senate during Mr. Bush’s Presidency; the number of President Bush’s appointees who currently serve on the court (as distinguished from those who since their appointment may have left the court); and a breakdown, for both the 101st and 102nd Congresses, of the number of nominations received by the Senate, confirmed, or failing to receive Senate confirmation. Also noted is the committee to which judicial nominations to a particular court were referred after being received by the Senate.

The most common ways in which a judicial nomination fails to receive Senate confirmation are these:

² Two courts of local jurisdiction for the District of Columbia, as well as the Territorial courts in the U.S. Virgin Islands, the Northern Mariana Islands, and Guam, have been created pursuant to Congress’s power “to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States” (Article IV, Section 3, Clause 2). Under this power, Congress has enacted laws providing for 15-year judicial appointments to the District of Columbia courts and for 10-year judicial terms on the Territorial courts.

Besides the local courts of the District of Columbia, four courts of specialized subject matter jurisdiction—the U.S. Claims Court, the U.S. Tax Court, the U.S. Court of Veterans Appeals, and the U.S. Court of Military Appeals—have been created pursuant to constitutional authority other than Article III. Congress has enacted laws providing for 15-year judicial appointments to these courts.

³ The focus of this report is appointments through the process of Presidential nomination and Senate confirmation, but on rare occasions appointment to these courts are made without submitting a nomination to the Senate. This may occur when a President exercises his constitutional power to make “recess appointments.” Specifically, Article II, Section 2, Clause 3 of the U.S. Constitution empowers the President “to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.” During his tenure in office, President Ronald Reagan made one judicial “recess appointment”; the appointment, to the U.S. Claims Court, was made after the sine die adjournment of the Second Session of the 97th Congress and prior to the convening of the 98th Congress. (See: U.S. Library of Congress. Congressional Research Service. President Reagan’s Judicial Nominations During the 100th Congress. Report No. 89-50 GOV, by Denis Steven Rutkus. Washington, 1988 p. 3.) During his Presidency, however, George Bush made no judicial “recess appointments.”

(1) The Senate committee to which the nomination has been referred either votes against reporting the nomination to the Senate or makes clear its intention not to act on the nomination—after which the President usually withdraws the nomination;

(2) The full Senate votes against confirmation;

(3) Without confirming or rejecting the nomination, the Senate adjourns or recesses for more than 30 days, at which time it returns the nomination to the President pursuant to Rule XXXI, paragraph 6, *Standing Rules of the Senate*.⁴

During President Bush's tenure in office, all but one of those judicial nominations which eventually failed to be confirmed fell in the third category.⁵ One of the failed nominations fell into the first as well as the third category, having received unfavorable action at the committee level before being returned by the Senate.⁶

In a number of instances, when the Senate returned a judicial nomination pursuant to Rule XXXI, President Bush renominated the individual involved, after which the Senate then confirmed the individual. Each court section notes, where applicable, the respective number of nominations that were returned by the Senate, were resubmitted by the President, and ultimately were confirmed or failed to be confirmed.⁷

⁴ Paragraph 6 of Senate Rule XXXI provides in part that “if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President and shall not again be considered unless they shall again be made to the Senate by the President.”

⁵ One U.S. district court nomination failed to be confirmed for none of the above-listed reasons when President Bush the same day withdrew the nomination of an individual to one district judgeship and nominated him to a judgeship in another district. See October 24, 1991 and November 5, 1991 nominations of Jimm Larry Hendren, Table 3.

⁶ The nomination in question was that of Kenneth L. Ryskamp of Florida to be a U.S. Court of Appeals judge for the Eleventh Circuit. On April 11, 1991, a motion in the Senate Committee on the Judiciary to report favorably the Ryskamp nomination to the Senate failed by a 6-8 vote. A second motion to report the nomination to the Senate without a recommendation also failed, by a 7-7 tie vote. See: Biskupic, Joan. Home-State Senator's Opposition Marked End for Court Nominee. *Congressional Quarterly Weekly Report*, v. 49, April 13, 1991. p. 922. In the months immediately after the negative committee action, President Bush declined to withdraw the nomination, with the result that it was returned to him on August 2, 1991, pursuant to Rule XXXI, when the Senate adjourned for more than 30 days. See: Mitchell, George J. Return of Certain Nominations to the President. Remarks in the Senate. *Congressional Record, Daily Edition*, v. 137, Aug. 2, 1991. p. S12131.

⁷ Thus, the statistics in this report distinguish between the overall number of nominations once failing to receive Senate confirmation and the smaller number of nominees who failed ever to be confirmed. The former number covers all instances of nominations failing confirmation when returned pursuant to Rule XXXI, regardless of whether the nominees

(continued...)

At the end of each section is a table which lists President Bush's nominations to the court during the 101st and 102nd Congresses, respectively. Separate columns indicate for each nomination the dates of nomination, committee hearing, committee action, and confirmation or other final Senate action. Nominations are listed in chronological order according to their nomination date. In the confirmation column, a date by itself indicates that the Senate, on the date given, confirmed the nominee by voice vote or unanimous consent. A confirmation date, with a vote total underneath, indicates that Senate confirmation was by a roll call vote. This column also indicates the final disposition of nominations failing to receive Senate confirmation. An entry of "Returned, 10/08/92," for example, indicates that the nomination was returned to the President pursuant to Senate Rule XXXI, paragraph 6, due to the Senate's taking a recess of more than 30 days. In this instance, the nomination failed to receive confirmation by the *sine die* adjournment of the Second Session of the 102nd Congress on October 8, 1992.

⁷ (...continued)

involved were later renominated and confirmed. The latter number accounts only for individuals who failed ever to be confirmed either because of unfavorable committee action, Senate rejection, the withdrawal of the nomination, or the President's disinclination to renominate upon receiving from the Senate a returned nomination.

Nominations to the Supreme Court of the United States

The Supreme Court of the United States consists of a Chief Justice and eight Associate Justices. As the highest appellate court in the Federal judiciary, the Supreme Court reviews decisions of lower Federal courts as well as rulings of State courts where a Federal question is involved. The Court also has original jurisdiction (that is, it can act as a court of first resort) over cases affecting public ministers of foreign states and in certain cases in which a State is a party.

Of the Court's present members, two Associate Justices are Bush appointees. The first of the two, David H. Souter, was nominated and confirmed to the Court in 1990, during the 101st Congress; the second, Clarence Thomas, was appointed in 1991, during the present 102nd Congress.

On July 25, 1990, President Bush nominated Judge David H. Souter of the U.S. Circuit Court of Appeals for the First Circuit to fill a Supreme Court vacancy created by the retirement of Justice William J. Brennan.⁸ As a Supreme Court nominee, Judge Souter testified before the Senate Judiciary Committee on September 13, 14 and 17, 1990, followed by two more days of hearings, on September 18 and 19, for other witnesses testifying in support of or against the nomination. The Judiciary Committee on September 27 voted 13-1 to report the Souter nomination favorably to the full Senate. On October 2, the Senate, after four hours of debate, confirmed the Souter nomination by a roll call vote of 90-9.⁹

The second occasion for President Bush to make a Supreme Court appointment arose on June 27, 1991, when Associate Justice Thurgood Marshall announced his intention to retire. To fill the prospective Court vacancy, President Bush nominated Judge Clarence Thomas of the U.S. Circuit Court of Appeals for the District of Columbia.¹⁰ After being received by the Senate on July 8, 1991, the nomination of Judge Thomas was referred to the Committee on the Judiciary. Judge Thomas testified before the Senate Judiciary Committee on September 10, 11, 12, 13, and 16, followed by three more days of hearings on September 17, 19, and 20 for other witnesses testifying in support of or against the nomination. On September 27 the

⁸ At this point, Judge Souter had served as a Federal appellate judge for only three months, having been nominated by President Bush to the circuit judgeship on January 24, 1990 and confirmed by the Senate on April 27, 1990. See Table 2.

⁹ See: U.S. Congress. Senate. Committee on the Judiciary. Nomination of David H. Souter To Be Associate Justice of the Supreme Court of the United States. Hearings, 101st Cong., 2nd Sess., Sept. 13, 14, 17, 18, and 19, 1990. Washington, U.S. Govt. Print. Off., 1991. 1198 p.; Biskupic, Joan. Souter Gains 13-1 Approval of Judiciary Committee. Congressional Quarterly Weekly Report, v. 48, Sept. 29, 1990. p. 3127-28; Supreme Court of the United States. Congressional Record, Daily Edition, v. 136, Oct. 2, 1990. p. S14338-74.

¹⁰ Judge Thomas had been nominated to the circuit judgeship by President Bush on October 31, 1989 and received Senate confirmation to that position on March 6, 1990. See Table 2.

Committee voted 13-1 to report the Thomas nomination to the full Senate with no recommendation, after a motion to recommend the nomination favorably failed by a Committee vote of 7-7. The Senate on October 3 and 4 debated whether to confirm Judge Thomas, scheduling the confirmation vote for October 8. When the Senate resumed this debate on October 7, however, its attention was directed to a sexual harassment accusation against the nominee (which had been made public on October 5). On October 8, the Senate agreed by unanimous consent to reschedule its vote on the Thomas nomination to October 15 to allow the Judiciary Committee time for further inquiry into this accusation. On October 11, the Judiciary Committee, beginning a second round of hearings, heard testimony by law professor Anita Hill relating in detail her allegations of the nominee's past sexual harassment of her, and testimony by Judge Thomas denying the accusations. The Committee heard further testimony from Judge Thomas on October 12 and from supporting witnesses for both Professor Hill and Judge Thomas on October 13. On October 15, after resuming debate on the nomination, the Senate voted 52-48 to confirm Judge Thomas to the Supreme Court—the most Senate votes ever cast against a nominee confirmed to the Court.¹¹

Table 1. Presidential Nominations to the Supreme Court of the United States During the 101st and 102nd Congresses

Nominee	To Replace	Nominated	Hearings	Reported	Confirmed
David H. Souter of New Hampshire	William J. Brennan	07/25/90	09/13,14,17, 18,19/90	09/27/90	10/02/90 90-9 vote
Clarence Thomas of Georgia	Thurgood Marshall	07/08/91	09/10,11,12, 13, 16, 17, 19, 20/91; 10/11,12,13/91	09/27/91	10/15/91 52-48 vote

¹¹ See: Biskupic, Joan. Thomas Drama Engulfs Nation; Anguished Senate Faces Vote. Congressional Quarterly Weekly Report, v. 49, Oct. 12, 1991. p. 2948-57; Biskupic, Joan. Thomas' Victory Puts Icing on Reagan-Bush Court. Congressional Quarterly Weekly Report, v. 49, Oct. 19, 1991. p. 3026-33; Nomination of Clarence Thomas, of Georgia, To Be an Associate Justice of the Supreme Court of the United States. Congressional Record, Daily Edition, v. 137, Oct. 15, 1991. p. S14626-705.

Nominations to the U.S. Courts of Appeals

The U.S. Courts of Appeals review appeals from decisions of the Federal trial courts and are empowered to review the orders of many administrative agencies. Cases are generally presented to the courts sitting in panels consisting of three judges.

Often called circuit courts, the U.S. Courts of Appeals are divided geographically into 12 circuits (including one for the District of Columbia), each having from six to 28 judges. There also exists a Court of Appeals for the Federal Circuit (consisting of 12 judges), which has nationwide jurisdiction and which reviews, among other things, lower court rulings in patent, trademark, and copyright cases.¹²

Altogether, 179 permanent circuit judgeships are authorized by law. Forty-two of President Bush's nominees to the circuit courts of appeal received Senate confirmation. All but two of the 42 currently are active judges on the circuit courts. The other Bush appointees to circuit court judgeships—David H. Souter and Clarence Thomas—were “elevated” by their later nomination and confirmation to the Supreme Court.

Upon being transmitted by the President to the Senate, circuit court nominations are referred to the Committee on the Judiciary.

During the 101st Congress, 22 of President Bush's 23 nominees to the Courts of Appeals received Senate confirmation. The other nomination failed to be confirmed when it was returned to the President at a *sine die* adjournment of the Congress pursuant to Rule XXXI of the *Standing Rules of the Senate*. (The name of that nominee then was resubmitted by President Bush in the 102nd Congress, but this nomination also failed, at the committee action stage.)

During the 102nd Congress, the Senate received 31 appeals court nominations from the President. Twenty of these nominations were confirmed while the other eleven were returned to the President pursuant to Rule XXXI. Of the 11, one was returned at the start of the Senate's August 1991 recess (after the Judiciary Committee voted against reporting out the nomination), and ten were returned on October 8, 1992, at the *sine die* adjournment of the Second Session of the 102nd Congress (after receiving no committee or Senate action).

In the table below, the phrase “New position” occasionally appears in the “Circuit” column. The phrase refers to a judicial vacancy created by the Judicial Improvements Act of 1990 (104 Stat. 5089, 28 U.S.C. 44). This Act, among other things, authorized a total of 11 new U.S. Appeals Court judgeships. A “New position” vacancy is to be distinguished from a vacancy created when a circuit judge

¹² Besides lower court rulings in patent, trademark, and copyright cases, this court reviews certain appeals from U.S. district and territorial courts in contract, internal revenue, and other cases, as well as decisions of the U.S. Claims Court and the U.S. Court of International Trade, and administrative rulings by the Patent and Trademark Office, the U.S. International Trade Commission, the Secretary of Commerce, agency boards of contract appeals, and the Merit System Protection Board.

died, retired, or resigned from office. Unless designated “New position,” the nominations listed below are to judgeships which a predecessor held until he or she vacated the office.

Table 2. Presidential Nominations to the U.S. Courts of Appeals During the 101st and 102nd Congresses, 1989-92

Nominee	Circuit	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
Ferdinand F. Fernandez of California	Ninth	02/28/89	05/11/89	05/18/89	05/18/89
Pamela Ann Rymer of California	Ninth	02/28/89	04/05/89	05/18/89	05/18/89
Conrad K. Cyr of Maine	First	08/04/89	09/26/89	10/18/89	10/24/89
S. Jay Plager of Indiana	Federal	09/12/89	10/20/89	11/02/89	11/08/89
John M. Walker, Jr., of New York	Second	09/21/89	11/07/89	11/16/89	11/22/89
Clarence Thomas of Virginia	D.C.	10/31/89	02/06/90	02/22/90	03/06/90
Rhesa H. Barksdale of Mississippi	Fifth	11/17/89	02/27/90	03/08/90	03/09/90
Jacques L. Wiener, Jr., of Louisiana	Fifth	11/17/89	02/21/90	03/08/90	03/09/90
Raymond C. Clevenger, III, of the District of Columbia	Federal	01/24/90	04/04/90	04/26/90	04/27/90
Alan D. Lourie of Pennsylvania	Federal	01/24/90	03/22/90	04/05/90	04/05/90
David H. Souter of New Hampshire	First	01/24/90	04/05/90	04/26/90	04/27/90
Samuel A. Alito, Jr., of New Jersey	Third	02/20/90	04/05/90	04/26/90	04/27/90
Stanley F. Birch, Jr., of Georgia	Eleventh	03/22/90	05/02/90	05/10/90	05/11/90
Richard F. Suhrheinrich of Michigan	Sixth	04/19/90	06/11/90	06/27/90	06/29/90
Kenneth J. Ryskamp of Florida	Eleventh	04/26/90			Returned 10/28/90
Karen LeCraft Henderson of South Carolina	D.C.	05/08/90	06/11/90	06/27/90	06/29/90
A. Raymond Randolph of Maryland	D.C.	05/08/90	06/27/90	07/12/90	07/13/90

Nominee	Circuit	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
Paul V. Niemeyer of Maryland	Fourth	05/11/90	07/16/90	07/26/90	08/04/90
Joel F. Dubina of Alabama	Eleventh	06/07/90	09/11/90	09/27/90	09/28/90
Randall R. Rader of Virginia	Federal	06/12/90	07/16/90	07/26/90	08/04/90
Joseph M. McLaughlin of New York	Second	07/10/90	10/05/90	10/11/90	10/12/90
Thomas G. Nelson of Idaho	Ninth	07/18/90	10/05/90	10/11/90	10/12/90
James B. Loken of Minnesota	Eighth	09/10/90	10/05/90	10/11/90	10/12/90
<i>102nd Congress</i>					
Kenneth L. Ryskamp of Florida	Eleventh	01/08/91	03/19,20/91	Disapproved 04/11/91	Returned 08/02/91
Emilio Garza of Texas	Fifth	04/11/91	05/15/91	05/23/91	05/24/91
J. Michael Luttig of Virginia	Fourth (New position)	04/23/91	07/11/91	07/25/91	07/29/91
Jane R. Roth of Delaware	Third	05/16/91	06/20/91	06/27/91	06/28/91
Andrew J. Kleinfeld of Alaska	Ninth	05/23/91	07/19/91	09/12/91	09/12/91
Alice M. Batchelder of Ohio	Sixth	06/12/91	09/26/91	10/31/91	11/27/91
Clyde H. Hamilton of South Carolina	Fourth (New position)	06/12/91	07/11/91	07/18/91	07/18/91
Eugene E. Siler, Jr., of Kentucky	Sixth	06/19/91	07/24/91	09/12/91	09/12/91
Harold R. DeMoss, Jr., of Texas	Fifth	06/27/91	09/26/91	10/31/91	11/27/91
Jay C. Waldman of Pennsylvania	Third (New position)	07/26/91			Returned 10/08/92
David R. Hansen of Iowa	Eighth (New position)	07/30/91	11/05/91	11/15/91	11/15/91
Franklin S. Van Antwerpen of Pennsylvania	Third	09/11/91			Returned 10/08/92
Lillian R. BeVier of Virginia	Fourth (New position)	10/22/91			Returned 10/08/92
Terrence W. Boyle of North Carolina	Fourth (New position)	10/22/91			Returned 10/08/92
Morris S. Arnold of Arkansas	Eighth	11/06/91	05/14/92	05/21/92	05/21/92
Francis A. Keating, II, of Oklahoma	Tenth (New position)	11/14/91			Returned 10/08/92

Nominee	Circuit	Nominated	Hearings	Reported	Confirmed
Paul J. Kelly, Jr., of New Mexico	Tenth (New position)	11/19/91	03/17/92	04/08/92	04/08/92
Edward E. Carnes of Alabama	Eleventh	01/27/92	04/01/92	05/07/92	09/09/92 62-36 vote
Sidney A. Fitzwater of Texas	Fifth	01/27/92			Returned 10/08/92
John G. Roberts, Jr., of Maryland	D.C.	01/27/92			Returned 10/08/92
John A. Smietanka of Michigan	Sixth (New position)	01/27/92			Returned 10/08/92
Karen J. Williams of South Carolina	Fourth	01/27/92	02/19/92	02/27/92	02/27/92
Alvin A. Schall of Maryland	Federal	03/03/92	07/29/92	08/12/92	08/12/92
Frederico A. Moreno of Florida	Eleventh	03/10/92			Returned 10/08/92
Susan H. Black of Florida	Eleventh	03/10/92	06/04/92	06/11/92	08/11/92
Michael Boudin of Massachusetts	First	03/20/92	05/14/92	05/21/92	05/21/92
Dennis G. Jacobs of New York	Second	03/20/92	08/11/92	09/17/92	09/29/92
Justin P. Wilson of Tennessee	Sixth	03/20/92			Returned 10/08/92
Norman H. Stahl of New Hampshire	First	04/09/92	06/18/92	06/25/92	06/26/92
Ilane Diamond Rovner of Illinois	Seventh	07/02/92	08/04/92	08/12/92	08/12/92
Timothy K. Lewis of Pennsylvania	Third (New position)	09/17/92	09/24/92	10/02/92	10/08/92

Nominations to the U.S. District Courts

The U.S. District Courts are the trial courts of general Federal jurisdiction. Each State has at least one district court, while some have as many as four. There are 649 district judgeships in all, including those for the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam, the Northern Marianas and the Virgin Islands.¹³

During his Presidency, 150 of Mr. Bush's nominees to the district courts received Senate confirmation. All but four of these individuals continue to be sitting judges in the district courts. The four who vacated their district court judgeships were appointed by President Bush to other positions.¹⁴

During the 101st Congress, 48 of President Bush's nominations to the district courts were confirmed. Four of his nominations to the district courts failed to receive Senate confirmation and were returned to the President pursuant to Rule XXXI of the *Standing Rules of the Senate*. Of the four nominees that were not confirmed, one eventually was confirmed after being renominated by the President later in that Congress, while two of the others were confirmed after being renominated early in the 102nd Congress. The President declined to renominate the fourth individual.

During the 102nd Congress, President Bush submitted to the Senate 147 district court nominations. Of those nominations 102 were confirmed, one was withdrawn by the President,¹⁵ and 44 were returned to the President pursuant to Rule XXXI, after receiving no committee or Senate action. All but one of the 44 were returned on October 8, 1992, at the *sine die* adjournment of the Second Session of the 102nd

¹³ All of these judgeships, except for those to the Territorial district courts in the Virgin Islands, the Northern Marianas, and Guam, entail lifetime appointments. See discussion on pages 1 and 2 concerning lifetime appointments of judges on "Article III courts" and the fixed-term appointments of judges on "legislative courts."

¹⁴ Robert C. Bonner, a Bush nominee confirmed by the Senate to a district court judgeship on May 18, 1989, resigned on August 13, 1990, after having been confirmed by the Senate on July 27, 1990, as Administrator of the of the Drug Enforcement Administration. Another Bush nominee, Michael Boudin, received Senate confirmation on August 4, 1990, but resigned on January 30, 1992. Shortly thereafter, on March 20, 1992, Mr. Boudin was nominated to be a judge on the U.S. Court of Appeals for the First Circuit, and that nomination is pending in the Senate. Norman H. Stahl, who was confirmed to a district judgeship on April 5, 1990, subsequently, on April 9, 1991, was nominated by President Bush to a judgeship on the U.S. Court of Appeals for the First Circuit, receiving Senate confirmation to that position on June 26, 1992. Timothy K. Lewis, who was confirmed to a district court judgeship on June 14, 1991, subsequently, on September 17, 1992, was nominated by President Bush to a judgeship on the U.S. Court of Appeals for the Third Circuit, receiving Senate confirmation to that position on October 8, 1992 (the last day of the 102nd Congress).

¹⁵ On November 5, 1991, the President withdrew the nomination (which had been sent to the Senate on October 24, 1991) of Jimm Larry Hendren to a judgeship in the Eastern District of Arkansas and renominated Mr. Hendren to a judgeship in the Western District of Arkansas. The second of these two nominations was confirmed by the Senate on March 13, 1992. See Table 3.

Congress; the other had been returned earlier, at the start of the Senate's August 1991 recess.¹⁶

Upon being transmitted by the President to the Senate, district court nominations have been referred to the Committee on the Judiciary.

In the table below, the phrase "New position" occasionally appears in the "District" column. The phrase refers to a judicial vacancy created by the Judicial Improvements Act of 1990 (104 Stat. 5089, 28 U.S.C. 133). This Act, among other things, authorized a total of 74 new district court judgeships. A "New position" vacancy is to be distinguished from a vacancy created when a district judge died, retired, or resigned from office. Unless designated "New position," the nominations listed below are to judgeships which a predecessor held until he or she vacated the office.

¹⁶ On August 2, 1991, as it prepared to adjourn for its August recess, the Senate, by unanimous consent, waived the application of Rule XXXI to all pending district court nominations, except to that of James P. McGregor. Hence, the McGregor nomination was returned to the President pursuant to Rule XXXI, although 33 other district court nominations remained pending in the Senate. See: Mitchell, George J. Return of Certain Nominations to the President. Remarks in the Senate. Congressional Record, Daily Edition, v. 137, Aug. 2, 1991. p. S12131.

Table 3. Presidential Nominations to the U.S. District Courts During the 101st and 102nd Congresses, 1989-92

Nominee	District	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
Robert C. Bonner	Cent. CA	02/28/89	04/05/89	05/18/89	05/18/89
Melinda Harmon	South. TX	02/28/89	04/05/89	05/18/89	05/18/89
Vaughn R. Walker	North. CA	02/28/89			Returned 08/04/89
Marvin J. Garbis	MD	08/04/89	09/26/89	10/18/89	10/24/89
Rebecca Beach Smith	East. VA	08/04/89	09/26/89	10/18/89	10/24/89
Vaughn R. Walker	North. CA	09/07/89	11/09/89	11/16/89	11/22/89
Edwin L. Nelson	North. AL	09/13/89	11/07/89	11/16/89	01/23/90
G. Thomas Van Bebber	KS	09/13/89	11/07/89	11/16/89	11/22/89
George W. Lindberg	North. IL	09/21/89	10/20/89	11/02/89	11/03/89
Susan Webber Wright	East. & West. AR	09/21/89	11/07/89	11/16/89	01/23/90
Edward W. Nottingham	CO ^a	10/23/89	11/15/89	11/16/89	11/22/89
Arthur D. Spatt	East. NY	10/25/89	11/15/89	11/16/89	11/22/89
Edward J. Lodge	ID	10/31/89	11/15/89	11/16/89	11/22/89
Gerald E. Rosen	East. MI	11/09/89	02/21/90	03/08/90	03/09/90
Donald J. Lee	West. PA	11/09/89	02/21/90	03/08/90	03/09/90
Ronald L. Buckwalter	East. PA	11/17/89	02/21/90	03/08/90	03/09/90
Joseph M. Hood	East. KY	01/24/90	04/04/90	04/26/90	04/27/90
James F. McClure, Jr.	Mid. PA	01/24/90	04/05/90	04/26/90	04/27/90
Lawrence M. McKenna	South. NY	01/24/90	04/05/90	04/26/90	04/27/90
John S. Martin, Jr.	South. NY	01/24/90	03/22/90	04/05/90	04/05/90
John D. Rainey	South. TX	01/24/90	05/02/90	05/10/90	05/11/90
James K. Singleton, Jr.	AK	01/24/90	04/26/90	05/10/90	05/11/90
William M. Nickerson	MD	01/24/90	04/26/90	05/10/90	05/11/90
Daniel B. Sparr	CO	01/24/90	03/22/90	04/05/90	04/05/90
Norman H. Stahl	NH	01/24/90	03/22/90	04/05/90	04/05/90
Stephen M. McNamee	AZ	02/20/90	04/26/90	05/10/90	05/11/90
Robert H. Cleland	East. MI	02/20/90	05/17/90	06/14/90	06/18/90
Graham C. Mullen	West. NC	02/20/90	06/27/90	07/26/90	09/10/90
Robert E. Jones	OR	02/20/90	04/04/90	04/26/90	04/27/90
Jack D. Shanstrom	MT	02/26/90	04/26/90	05/10/90	05/11/90
Samuel Grayson Wilson	West. VA	03/06/90	05/02/90	05/10/90	05/11/90
D. Brock Hornby	ME	03/06/90	04/04/90	04/26/90	04/27/90
Adriane J. Dudley	VI	03/08/90			Returned 08/04/90
Richard W. Vollmer, Jr.	South. AL	03/30/90	05/02/90	05/10/90	05/11/90
David C. Norton	SC	04/19/90	06/11/90	06/27/90	06/29/90
John H. McBryde	North. TX	05/11/90	07/16/90	07/26/90	08/04/90
Charles W. Pickering, Sr.	South. MS	05/11/90	07/19/90	09/27/90	09/28/90
Frederick P. Stamp, Jr.	North. WV	05/11/90	06/11/90	06/27/90	06/29/90
Michael Boudin	DC	05/18/90	07/19/90	07/26/90	08/04/90

^a New position created by Bankruptcy Amendments and Federal Judgeship Act of 1984 (98 Stat. 333, P.L. 98-353).

Nominee	District	Nominated	Hearings	Reported	Confirmed
Carol Bagley Amon	East. NY	05/21/90	07/19/90	07/26/90	08/04/90
Frederico A. Moreno	South. FL	06/05/90	06/27/90	07/12/90	07/13/90
William M. Skretny	West. NY	06/12/90	07/19/90	07/26/90	08/04/90
Fred I. Parker	VT	06/21/90	07/16/90	07/26/90	08/04/90
William B. Shubb	East. CA	08/03/90	09/21/90	09/27/90	09/28/90
Gary L. Taylor	Cent. CA	08/03/90	09/21/90	09/27/90	09/28/90
James Ware	North. CA	08/03/90	09/21/90	09/27/90	09/28/90
Jean C. Hamilton	East. MO	08/03/90	09/21/90	09/27/90	09/28/90
David F. Levi	East. CA	08/03/90	09/21/90	09/27/90	09/28/90
Samuel B. Kent	South. TX	08/03/90	09/21/90	09/27/90	09/28/90
Oliver W. Wanger	East. CA	09/21/90			Returned 10/28/90
James R. McGregor	West. PA	10/15/90			Returned 10/28/90
Dennis W. Shed	SC	10/17/90	10/22/90	10/24/90	10/27/90
<i>102nd Congress</i>					
James R. McGregor	West. PA	01/08/91			Returned 08/02/91
Oliver W. Wanger	East. CA	01/08/91	03/13/91	03/21/91	03/21/91
Robin J. Cauthron	West. OK (New position)	02/07/91	03/13/91	03/21/91	03/21/91
William H. Albritton, III	Mid. AL	03/11/91	04/24/91	05/09/91	05/09/91
Marilyn L. Huff	South. CA	03/12/91	04/24/91	05/09/91	05/09/91
W. Fremming Nielsen	East. WA	03/21/91	04/24/91	05/09/91	05/09/91
Frederick L. Van Sickle	East. WA (New position)	03/21/91	04/24/91	05/09/91	05/09/91
Louis J. Freeh	South. NY	04/09/91	05/15/91	05/23/91	05/24/91
Henry M. Herlong, Jr.	SC (New position)	04/09/91	04/24/91	05/09/91	05/09/91
Richard T. Haik, Sr.	West. LA	04/11/91	05/15/91	05/23/91	05/24/91
Sharon L. Blackburn	North. AL (New position)	04/11/91	05/15/91	05/23/91	05/24/91
Saundra B. Armstrong	North CA	04/25/91	06/05/91	06/13/91	06/14/91
Timothy K. Lewis	West. PA	04/25/91	06/05/91	06/13/91	06/14/91
William L. Osteen, Sr.	Mid. NC (New position)	04/25/91	06/05/91	06/13/91	06/14/91
Bensen E. Legg	MD	05/15/91	07/19/91	09/12/91	09/12/91
Harvey Bartle, III	East. PA	05/15/91	07/29/91	09/12/91	09/12/91
Dee V. Benson	UT (New position)	05/16/91	07/19/91	09/12/91	09/12/91
Fernando J. Gaitan, Jr.	West. MO	05/16/91	07/11/91	07/18/91	07/18/91
Sterling Johnson, Jr.	East. NY	05/17/91	06/20/91	06/27/91	06/28/91
Harvey E. Schlesinger	Mid. FL	05/23/91	06/20/91	06/27/91	06/28/91
Ralph W. Nimmons, Jr.	Mid. FL (New position)	05/23/91	06/20/91	06/27/91	06/28/91
William H. Yohn, Jr.	East. PA	06/14/91	07/29/91	09/12/91	09/12/91
Morton A. Brody	ME (New position)	06/14/91	07/11/91	07/18/91	07/18/91
William G. Bassler	NJ	06/14/91	07/24/91	09/12/91	09/12/91

Nominee	District	Nominated	Hearings	Reported	Confirmed
Donald L. Graham	South. FL	06/17/91	07/19/91	09/12/91	09/12/91
Jorge A. Solis	North. TX	06/19/91	07/24/91	09/12/91	09/12/91
Rebecca F. Doherty	West. LA	06/27/91	09/26/91	10/31/91	10/31/91
	(New position)				
Michael R. Hogan	OR (New position)	06/27/91	07/29/91	09/12/91	09/12/91
James T. Trimble, Jr.	West. LA	06/27/91	07/24/91	09/12/91	09/12/91
Shelby Highsmith	South. FL	06/27/91	07/29/91	09/12/91	09/12/91
Denis R. Hurley	East. NY	06/27/91	09/26/91	10/31/91	10/31/91
	(New position)				
Paul R. Matia	North. Ohio	06/27/91	11/05/91	11/15/91	11/15/91
	(New position)				
Barbara A. Caulfield	North. CA	06/27/91	10/02/91	10/31/91	10/31/91
Lacey A. Collier	North. FL	07/24/91	11/05/91	11/15/91	11/15/91
	(New position)				
Anne C. Conway	Mid. FL	07/24/91	11/14/91	11/21/91	11/21/91
Wayne R. Andersen	North. IL	07/24/91	11/05/91	11/15/91	11/15/91
Ronald E. Longstaff	South. IA	07/24/91	10/02/91	10/31/91	10/31/91
	(New position)				
John W. Lungstrum	KS	07/24/91	10/02/91	10/31/91	10/31/91
Stewart R. Dalzell	East. PA	07/24/91	07/31/91	09/12/91	09/12/91
	(New position)				
Terry R. Means	North. TX	07/24/91	10/02/91	10/31/91	10/31/91
Edmund Arthur Michael Kavanagh	North. NY	07/25/91			Returned 10/08/92
Thomas E. Sholts	South. FL	07/26/91			Returned 10/08/92
Monti L. Belot	KS (New position)	07/26/91	11/14/91	11/21/91	11/21/91
Mary Little Parell	NJ (New position)	07/26/91	02/19/92	02/27/92	02/27/92
Sandra S. Beckwith	South. OH	07/26/91	01/30/92	02/06/92	02/06/92
	(New position)				
Ronald M. Whyte	North. CA	07/26/91	01/30/92	02/06/92	02/06/92
	(New position)				
David C. Bramlette	South. MS	07/26/91	11/20/91	11/21/91	11/21/91
	(New position)				
Philip G. Reinhard	North. IL	08/01/91	01/30/92	02/06/92	02/06/92
	(New position)				
Jon P. McCalla	West. TN	08/01/91	01/30/92	02/06/92	02/06/92
	(New position)				
Garland E. Burrell, Jr.	East. CA	08/01/91	02/19/92	02/27/92	02/27/92
	(New position)				
Julie E. Carnes	North. GA	08/01/91	01/30/92	02/06/92	02/06/92
	(New position)				
David A. Faber	South. WV	08/01/91	11/14/91	11/21/91	11/21/91
	(New position)				
Nancy C. Edmunds	East. MI	09/11/91	01/30/92	02/06/92	02/06/92
Joe B. McDade	Cent. IL	09/11/91	11/20/91	11/21/91	11/21/91
	(New position)				
David W. McKeague	West. MI	09/11/91	01/30/92	02/06/92	02/06/92
Frederick J. Scullin, Jr.	North. NY	09/12/91	01/30/92	02/06/92	02/06/92
	(New position)				

Nominee	District	Nominated	Hearings	Reported	Confirmed
Steven D. Merryday	Mid. FL (New position)	09/23/91	01/30/92	02/06/92	02/06/92
John M. Roll	AZ	09/23/91	11/20/91	11/21/91	11/22/91
Edith Brown Clement	East. LA	10/01/91	11/14/91	11/21/91	11/21/91
Sue L. Robinson	DE	10/01/91	11/05/91	11/15/91	11/15/91
Sam Sparks	West. TX (New position)	10/01/91	11/14/91	11/21/91	11/21/91
K. Michael Moore	South. FL	10/04/91	01/30/92	02/06/92	02/06/92
Robert L. Echols	Mid. TN (New position)	10/22/91	03/04/92	03/12/92	03/13/92
Thomas K. Moore	VI	10/22/91	06/18/92	06/25/92	06/26/92
Henry C. Morgan, Jr.	East. VA (New position)	10/22/91	04/01/92	04/08/92	04/08/92
Jimm Larry Hendren	East. AR	10/24/91			Withdrawn 11/05/91
J. Curtis Joyner	East. PA (New position)	11/05/91	03/17/92	04/08/92	04/08/92
Roderick R. McKelvie	DE	11/05/91	02/19/92	02/27/92	02/27/92
John R. Padova	East. PA (New position)	11/05/91	03/04/92	03/12/92	03/13/92
Jimm Larry Hendren	West. AR (New position)	11/05/91	03/04/92	03/12/92	03/13/92
Andrew P. O'Rourke	South. NY	11/12/91			Returned 10/08/92
Ira DeMent	Mid. AL	11/14/91	03/04/92	03/12/92	03/13/92
Joseph E. Irenas	NJ (New position)	11/14/91	04/01/92	04/08/92	04/08/92
Tony Michael Graham	North. OK (New position)	11/14/91			Returned 10/08/92
Donald J. Stohr	East. MO (New position)	11/14/91	03/17/92	04/08/92	04/08/92
William B. Traxler, Jr.	SC	11/14/91	02/19/92	02/27/92	02/27/92
Carlos Bea	North. CA (New position)	11/20/91			Returned 10/08/92
Timothy D. Leonard	West. OK	11/20/91	07/01/92	07/30/92	08/11/92
Robert E. Payne	East. PA	11/20/91	04/29/92	05/07/92	05/12/92
Ewing Werlein, Jr.	South. TX (New position)	11/20/91	03/17/92	04/08/92	04/08/92
Anita A. Brody	East. PA (New position)	11/22/91	08/11/92	09/17/92	09/29/92
James B. Franklin	South. GA	11/26/91			Returned 10/08/92
Eduardo C. Robreno	East. PA	11/26/91	06/18/92	06/25/92	06/26/92
Ursula Mancusi Ungaro	South. FL	11/26/91	09/24/92	10/02/92	10/08/92
Sonia Sotomayor	South. NY	11/27/91	06/04/92	06/11/92	08/11/92
David G. Trager	East. NY	11/27/91			Returned 10/08/92
Kenneth R. Carr	West. TX (New position)	01/27/92			Returned 10/08/92

Nominee	District	Nominated	Hearings	Reported	Confirmed
James W. Jackson	North. OH	01/27/92			Returned 10/08/92
Terral R. Smith	West. TX (New position)	01/27/92			Returned 10/08/92
Richard H. Kyle	MN	03/20/92	04/29/92	05/07/92	05/12/92
C. LeRoy Hansen	NM (New position)	03/20/92	08/11/92	09/17/92	09/25/92
John G. Heyburn II	West. KY	03/20/92	08/04/92	08/12/92	08/12/92
Gordon J. Quist	West. MI (New position)	03/20/92	06/18/92	06/25/92	06/26/92
Paul L. Schechtman	South. NY	03/20/92			Returned 10/08/92
Percy Anderson	Cent. CA	03/20/92			Returned 10/08/92
Lawrence O. Davis	East. MO (New position)	03/20/92			Returned 10/08/92
Andrew S. Hanen	South. TX (New position)	03/20/92			Returned 10/08/92
Joe Kendall	North. TX (New position)	03/20/92	04/29/92	05/07/92	05/12/92
Russell T. Lloyd	South. TX (New position)	03/20/92			Returned 10/08/92
Linda H. McLaughlin	Cent. CA (New position)	03/20/92	07/29/92	08/12/92	08/12/92
Lee H. Rosenthal	South. TX (New position)	03/20/92	04/29/92	05/07/92	05/12/92
John F. Walter	Cent. CA (New position)	03/20/92			Returned 10/08/92
Gene E. Voigts	West. MO	03/24/92			Returned 10/08/92
Manuel H. Quintana	South. NY (New position)	03/26/92			Returned 10/08/92
Loretta A. Preska	South. NY	03/31/92	06/04/92	06/11/92	08/11/92
Charles A. Banks	East. AR	04/01/92			Returned 10/08/92
Alfred V. Covello	CT (New position)	04/01/92	08/04/92	08/12/92	08/12/92
Carol E. Jackson	East. MO	04/01/92	07/29/92	08/12/92	08/12/92
Irene M. Keeley	North. WV (New position)	04/01/92	06/04/92	06/11/92	08/11/92
Jerome B. Simandle	NJ (New position)	04/01/92	05/14/92	05/21/92	05/21/92
Lourdes G. Baird	Cent. CA (New position)	04/02/92	07/01/92	07/30/92	08/11/92
Robert D. Hunter	North. AL	04/02/92			Returned 10/08/92
Maureen E. Mahoney	East. VA	04/02/92			Returned 10/08/92
Richard G. Kopf	NE	04/07/92	05/14/92	05/21/92	05/21/92

Nominee	District	Nominated	Hearings	Reported	Confirmed
James S. Mitchell	NE (New position)	04/07/92			Returned 10/08/92
Irma E. Gonzalez	South. CA	04/09/92	07/01/92	07/30/92	08/11/92
Joseph A. DiClerico, Jr.	NH (New position)	04/09/92	07/29/92	08/12/92	08/12/92
Michael J. Melloy	North. IA	04/09/92	08/04/92	08/12/92	08/12/92
Rudolph T. Randa	East. WI	04/09/92	07/01/92	07/30/92	08/11/92
Nathaniel M. Gorton	MA (New position)	04/28/92	08/11/92	09/17/92	09/23/92
Ronald B. Leighton	West. WA	04/30/92			Returned 10/08/92
William D. Quarles	MD	06/02/92			Returned 10/08/92
James A. McIntyre	South. CA (New position)	06/02/92			Returned 10/08/92
Leonard E. Davis	East. TX (New position)	06/03/92			Returned 10/08/92
J. Douglas Drushal	North. OH	06/03/92			Returned 10/08/92
C. Christopher Hagy	North. GA	06/03/92			Returned 10/08/92
Louis J. Leonatti	East. MO	06/03/92			Returned 10/08/92
Raymond L. Finch	VI	06/19/92			Returned 10/08/92
James J. McMonagle	North. OH	06/23/92			Returned 10/08/92
Katharine J. Armentrout	MD	06/23/92			Returned 10/08/92
John Phil Gilbert	South. IL	07/02/92	08/11/92	09/17/92	09/23/92
Larry R. Hicks	NV	07/02/92			Returned 10/08/92
John W. Sedwick	AK	07/02/92	09/24/92	10/02/92	10/08/92
Richard Conway Casey	South. NY	07/02/92			Returned 10/08/92
John S. Unpingco	GU	07/23/92	09/24/92	10/02/92	10/08/92
R. Edgar Campbell	Mid. GA (New position)	07/27/92			Returned 10/08/92
Joanna Seybert	East. NY (New position)	07/27/92			Returned 10/08/92
Kathryn H. Vratil	KS	07/28/92	09/24/92	10/02/92	10/08/92
Robert W. Kostelka	West. LA	08/07/92			Returned 10/08/92
Paul J. Barbadoro	NH	09/09/92	09/24/92	10/02/92	10/08/92
Richard E. Dorr	West. MO	09/09/92			Returned 10/08/92
Steven J. McAuliffe	NH	09/09/92	09/24/92	10/02/92	10/08/92
James H. Payne	North., East. & West. OK	09/17/92			Returned 10/08/92

Nominee	District	Nominated	Hearings	Reported	Confirmed
Walter B. Prince	MA	09/17/92			Returned 10/08/92
George A. O'Toole, Jr.	MA	09/24/92			Returned 10/08/92
William P. Dimitrouleas	South. FL	10/02/92			Returned 10/08/92
Henry W. Saad	East. MI	10/02/92			Returned 10/08/92

Nominations to the U.S. Court of International Trade

The U.S. Court of International Trade has original and exclusive jurisdiction over civil actions against the United States, its agencies and officers, and certain civil actions brought by the United States arising out of import transactions and Federal statutes affecting international trade. The court is composed of nine judges, no more than five of whom may belong to any one political party.

During his Presidency, Mr. Bush nominated only one person to the Court of International Trade—in January 1991, at the start of the 102nd Congress. That nominee received Senate confirmation and presently sits on the court. In the Spring of 1991 retirements from the court created two more vacancies, but during the rest of his term in office President Bush failed to send the Senate nominations to fill those judgeships.

Upon being transmitted by the President to the Senate, nominations to this court have been referred to the Committee on the Judiciary.

Table 4. Presidential Nominations to the U.S. Court of International Trade During the 101st and 102nd Congresses, 1989-92

Nominee	Residence	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
(There were no nominations to this court during the 101st Congress.)					
<i>102nd Congress</i>					
Richard W. Goldberg	ND	01/10/91	03/13/91	03/21/91	03/21/91

Nominations to the U.S. Court of Federal Claims

The U.S. Court of Federal Claims has jurisdiction to render money judgments upon any claim against the United States founded either upon the Constitution or any act of Congress. It also renders money judgments founded upon any regulation of an executive department or any express or implied contract with the United States. The court is composed of 16 judges appointed to 15-year terms.

Throughout almost all of President Bush's four years in office, the court was called the U.S. Claims Court. The change to court's present name was put in effect in October 1992 when Congress passed, and President Bush signed, the Federal Courts Administration Act of 1992.¹⁷

During George Bush's Presidency, two nominations were made to the Claims Court, in both cases during the 101st Congress. The two nominees were confirmed by the Senate and currently sit on the court.

Upon being transmitted by the President to the Senate, nominations to this court have been referred to the Committee on the Judiciary.

**Table 5. Presidential Nominations to the U.S. Claims Court
During the 101st and 102nd Congresses, 1989-92**

Nominee	Residence	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
Robert H. Hodges, Jr.	SC	01/24/90	02/27/90	03/08/90	03/09/90
Diane Gilbert Weinstein	DC	07/31/90	10/05/90	10/11/90	10/12/90

102nd Congress

(There were no nominations to this court during the 102nd Congress.)

¹⁷ 106 Stat. 4506 (1992).

Nominations to the U.S. Tax Court

The Tax Court tries controversies involving the existence of deficiencies or overpayments in income, estate, and gift taxes, and personal holding company surtaxes where deficiencies have been determined by the Commissioner of Internal Revenue. The court is composed of 19 judges who are appointed by the President for 15-year terms, by and with the Senate's consent. A chief judge is elected biennially by the court's members.

During his Presidency, Mr. Bush made four nominations to the the U.S. Tax Court—one during the 101st Congress and three during the 102nd Congress. All four nominees received Senate confirmation and are currently sitting on the court.

Upon being transmitted by the President to the Senate, nominations to this court have been referred to the Committee on Finance.

**Table 6. Presidential Nominations to the U.S. Tax Court
During the 101st and 102nd Congresses, 1989-92**

Nominee	Residence	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
James S. Halpern	DC	04/24/90	06/05/90	06/05/90	06/06/90
<i>102nd Congress</i>					
Renato Beghe	NY	01/25/91	03/21/91	03/21/91	03/21/91
Carolyn P. Chiechi	MD	07/28/92	08/04/92	08/04/92	08/12/92
David Laro	MI	07/28/92	08/04/92	08/04/92	08/12/92

Nominations to the U.S. Court of Veterans Appeals

The Court of Veterans Appeals has exclusive jurisdiction to review decisions of the Board of Veterans Appeals. Decisions of the court may be appealed to the United States Court of Appeals for the Federal Circuit.

This court consists of a chief judge and at least two, but not more than six, associate judges who are appointed for 15-year terms. It was created in November 1988,¹⁸ just two months before President Bush assumed office. During the 101st Congress, President Bush nominated seven persons to the court. All seven nominees received Senate confirmation and are currently sitting on the court. As a result, the Court of Veterans Appeals was during the Bush Presidency, and continues to be, the only Federal court filled entirely by appointees of President Bush.

Upon being transmitted by the President to the Senate, nominations to this court have been referred to the Committee on Veterans' Affairs. There were no nominations made to the Court of Veterans Appeals during the 102nd Congress.

Table 7. Presidential Nominations to the U.S. Court of Veterans Appeals During the 101st and 102nd Congresses, 1989-92

Nominee	Residence	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>					
Frank Quill Nebeker	VA	04/04/89 ^a	05/15/89	05/16/89	05/17/89
Kenneth B. Kramer	CO	05/09/89	09/13/89	09/13/89	09/14/89
John J. Farley, III	MD	09/06/89	09/13/89	09/13/89	09/14/90
Hart T. Mankin	DE	09/29/89	02/08/90	06/19/90	08/04/90
Ronald M. Holdaway	WY	01/23/90	02/08/90	06/19/90	08/04/90
Donald L. Ivers	NM	01/31/90	06/15/90	06/19/90	08/04/90
Jonathan R. Steinberg	MD	05/15/90	06/15/90	06/19/90	08/04/90

102nd Congress

(There were no nominations to this court during the 102nd Congress.)

^a To be Chief Judge of the Court.

¹⁸ The court was statutorily established on November 18, 1988, upon President Ronald Reagan's signing of S. 11, the Veterans' Administration Adjudication Procedure and Judicial Review Act (102 Stat. 4105, 38 U.S.C. 4051). The Act, at 102 Stat. 4114, provides that "Not more than the number equal to the next whole number greater than one-half of the number of judges of the court may be members of the same political party." Hence, on a seven or six-member court, no more than four judges may be of the same political party; on a five or four-member court, no more than three judges may be of the same political party; etc.

Nominations to the Superior Court of the District of Columbia

The Superior Court of the District of Columbia is the trial court of local civil and criminal jurisdiction in the District of Columbia. The court consists of a chief judge and 58 associate judges. The President selects nominees to the court from a list compiled by the District of Columbia Judicial Nomination Commission. Each judge is appointed to a term of 15 years, subject to mandatory retirement at age 74. (The chief judge is designated by the Judicial Nomination Commission.)

During his four years in office, President Bush transmitted to the Senate 21 Superior Court nominations, all but one of which were confirmed. (Twelve were confirmed during the 101st Congress and eight during the 102nd Congress.) The 21st nomination was sent to the Senate only three days before the end of the Second Session of the 102nd Congress; having received no committee or Senate action before the Senate's *sine die* adjournment on October 8, 1992, the nomination, pursuant to Rule XXXI, was returned to the President. Eight of the 20 confirmed nominations were made to fill new judgeships created by the enactment on December 13, 1989 of a law which expanded the membership of the Superior Court of the District from 50 associate judges to 58 associate judges.¹⁹ All 20 Bush nominees who were confirmed currently sit on the court. Beside those nominated by the President, five other Superior Court associated judges, whose terms had expired during Mr. Bush's Presidency, were reappointed by the District of Columbia Commission on Judicial Disabilities and Tenure.²⁰

Upon being transmitted by the President to the Senate, nominations to this court have been referred to the Committee on Governmental Affairs.

¹⁹ 103 Stat. 1967 (authorizing the expansion of the membership of the Superior Court of the District of Columbia from 50 associate to 58 associate judges), D.C. Code Ann. Sec. 11-903 (Supp. 1991).

²⁰ Those reappointments occurred pursuant to a Federal statute, which provides that a judge on the Superior Court of the District of Columbia or on the District of Columbia Court of Appeals who, not less than three months prior to the expiration of his term of office, files a "declaration of candidacy for reappointment," will automatically be reappointed for another term if the Commission determines that the judge is either "exceptionally well qualified or well qualified" for reappointment. 87 Stat. 796 (1973), 11 App. D.C. Code Section 433 (Supp. 1988). Pursuant to this statute, Associate Judge Bruce S. Mencher was reappointed to the Superior Court in 1990, and Associate Judges Gladys Kessler, Robert A. Shuker, Paul R. Webber, III, and Frederick H. Weisberg were reappointed in 1992.

**Table 8. Presidential Nominations to the Superior Court
of the District of Columbia During the 101st
and 102nd Congresses, 1989-92**

Nominee	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>				
Zinora M. Mitchell	09/29/89	11/16/89	11/17/89	11/19/89
Mary Ellen Abrecht (New position)	04/19/90	07/20/90	08/02/90	08/04/90
Kaye K. Christian (New position)	04/19/90	07/20/90	08/02/90	08/04/90
Frederick D. Dorsey (New position)	04/19/90	07/20/90	08/02/90	08/04/80
Ellen Segal Huvelle (New position)	04/19/90	07/20/90	08/02/90	08/04/90
Jose M. Lopez (New position)	04/19/90	07/20/90	08/02/90	08/04/90
Joan Zeldon McAvoy (New position)	04/19/90	07/20/90	08/02/90	08/04/90
Gregory E. Mize (New position)	04/19/90	07/20/90	08/02/90	08/04/90
Patricia A. Wynn (New position)	04/19/90	07/20/90	08/02/90	08/04/90
John Henry Bayly, Jr.	06/12/90	07/20/90	08/02/90	08/04/90
Linda Turner Hamilton	06/12/90	07/20/90	08/02/90	08/04/90
Stephen G. Milliken	07/12/90	07/20/90	08/02/90	08/04/90
<i>102nd Congress</i>				
Wendell P. Gardner, Jr.	01/04/91	06/04/91	06/27/91	06/28/91
Reggie Barnett Walton	09/20/91	11/19/91	11/22/91	11/22/91
Stephanie Duncan-Peters	01/22/92	05/14/92	06/25/92	06/26/92
Ann O'Regan Keary	01/22/92	05/14/92	06/25/92	06/26/92
Judith E. Retchin	01/22/92	05/14/92	06/25/92	06/26/92
William M. Jackson	01/22/92	05/14/92	06/25/92	06/26/92
Brook Hedge	06/19/92	09/30/92	10/02/92	10/08/92
Lee F. Satterfield	06/19/92	09/30/92	10/02/92	10/08/92
Geraldine R. Gennet	10/05/92			Returned 10/08/92

Nominations to the District of Columbia Court of Appeals

The District of Columbia Court of Appeals reviews cases filed on appeal of decisions of the Superior Court of the District of Columbia. It consists of a chief judge and eight associate judges. The President selects nominees to the court from a list compiled by the District of Columbia Judicial Nomination Commission. Each judge is appointed to a term of 15 years, subject to mandatory retirement at age 74.

During his Presidency, George Bush submitted four Court of Appeals nominations to the Senate—two during the 101st Congress and two during the 102nd Congress. All four of these nominees received Senate confirmation, and all four presently sit on the court.

Upon being transmitted by the President to the Senate, nominations to this court have been referred to the Committee on Governmental Affairs.

**Table 9. Presidential Nominations to the District
of Columbia Court of Appeals During the 101st
and 102nd Congresses, 1989-92**

Nominee	Nominated	Hearings	Reported	Confirmed
<i>101st Congress</i>				
Michael W. Farrell	01/03/89	04/21/89	06/06/89	06/07/89
Annice M. Wagner	01/23/90	05/22/90	05/23/90	05/25/90
<i>102nd Congress</i>				
Warren Roger King	05/20/91	06/04/91	06/27/91	06/28/91
Emmet Gael Sullivan	09/20/91	11/19/91	11/22/91	11/22/91

Nominations to the U.S. Court of Military Appeals

Subject only to certiorari review by the Supreme Court of the United States, the U.S. Court of Military Appeals serves as the final appellate tribunal to review court martial convictions of all the armed services. It is exclusively an appellate criminal court, consisting of five civilian judges,²¹ appointed to 15-year terms.²² No more than three of the judges of the court may be affiliated with the same political party.

President Bush submitted to the Senate three nominations to the Court of Military Appeals, all during the 102nd Congress, and the Senate confirmed these nominations.

Upon being transmitted to the Senate, nominations to this court have been referred to the Committee on Armed Services.

Table 10. Presidential Nominations to the U.S. Court of Military Appeals During the 101st and 102nd Congresses, 1989-1992

Nominee	Residence	Nominated	Hearings	Reported	Confirmed
Susan J. Crawford	MD	02/19/91	11/12/91	11/13/91	11/14/91
Robert E. Wiss (New position)	IL	10/02/91	11/12/91	11/13/91	11/14/91
Herman F. Gierke (New position)	ND	10/02/91	11/12/91	11/13/91	11/14/91

DSR/ljb

²¹ On November 29, 1989, the membership of the Court of Military Appeals was increased from three to five judges with enactment of P.L. 101-189, the National Defense Authorization Act for Fiscal Years 1990 and 1991. See Title XIII of the Act (103 Stat. 1570, codified as 10 U.S.C. 942).

²² However, P.L. 101-189, cited in the immediately preceding footnote, provides (see 103 Stat. 1575) that of the judges first appointed to the two new positions created as of October 1, 1990, one would be appointed to a seven-year term and the other to a 13-year term. Subsequent appointees to either of these positions would be confirmed to 15-year terms.