



Written by [Steven J. DuBord](#) on November 20, 2009

Senate Confirms Obama Judicial Pick Hamilton

Led by the Democratic majority, the U.S. Senate on November 19 confirmed President Barack Obama's long-stalled first judicial nominee. By a vote of 59-39, the Senate approved Obama's choice of U.S. District Judge David Hamilton for the 7th U.S. Circuit Court of Appeals based in Chicago.

The approval vote had been delayed since being put on the Senate's calendar in June of this year, but Republican opposition in the form of procedural speed bumps was finally overcome. Senator Richard Lugar (R-Ind.) even sided with the Democrats, the only Republican to do so, saying that Hamilton is "superbly qualified." Hamilton is just the seventh of Obama's 27 district and federal appeals court nominees to be confirmed.



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During the previous administration of President George W. Bush, Democrats used a procedural obstacle known as a filibuster against Bush's judicial picks. Republicans are now giving Democrats a taste of their own medicine, vowing to fight any of Obama's nominees that they disapprove of.

Senator Patrick Leahy (D-Vt.) bashed Republicans for opposing and stalling Hamilton's nomination. His line of reasoning harkened back to that used by Republicans to ridicule Democrats who stood in the way of Bush's nominees. Leahy reminded his colleagues of Obama's election victory and declared, "The president gets to nominate judges."

While this imperious "I'm-the-Decider" mentality never bothers the party to which the President belongs, it certainly bothered the Founding Fathers. The Founders were determined that public servants should be restrained from abusing their power. They established checks and balances throughout the Constitution, and one of them was giving the Senate authority to approve or reject the President's judicial nominees.

After all, even AP noted in their November 20 [story](#) on Hamilton's approval: "Federal judges serve for life and have enormous power, ruling on a broad array of issues that range from personal liberties to business rights. Federal appeals courts establish binding precedent with their decisions but only within their jurisdiction."

Critics of Hamilton said he is a liberal "activist judge" who would likely render verdicts and set legal precedents based on personal beliefs rather than the letter of the law or the Constitution. Hamilton's supporters claim he is a moderate who has received the American Bar Association's top rating.

While Democrats blame Republicans for slowing the pace of the approval process, some also say Obama has been slow in getting judicial nominations to the Senate. Bush had 28 nominees confirmed during his first year in office, and Democratic President Bill Clinton had 27.



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Senator Leahy, the chairman of the Senate Judiciary committee, has appealed to Obama to speed up his submissions. Liberal Democrats want the chance to approve more judges to counteract the relatively conservative appointments made by Bush.

So the political game goes on, with the ball in the Democrat's court and the Republicans on defense. If only both parties would realize that they are playing on the same team, the team of legislators sworn to uphold the Constitution.

The fact that there is little mention of judging judicial appointees by their adherence to this document should make it clear that more constitutionalists like Ron Paul (R-Texas) are needed on the team. Voters need to hold their elected officials to this higher standard and eject any players who are not committed to this game plan.

Photo of Judge Hamilton: AP Images



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