



The Federal Appointments Process: A Constitutional and Historical Analysis

(Constitutional Conflicts)

Michael J. Gerhardt

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Although the federal appointment of U.S. judges and executive branch officers has consistently engendered controversy, previous studies of the process have been limited to particular dramatic conflicts and have tended to view appointments in a vacuum without regard to other incidents in the process, other legislative matters, or broader social, political, and historical developments. *The Federal Appointments Process* fills this gap by providing the first comprehensive analysis of over two hundred years of federal appointments in the United States, revealing crucial patterns of growth and change in one of the most central of our democratic processes.

Michael J. Gerhardt includes each U.S. president's performance record regarding appointments, accounts of virtually all the major confirmation contests, as well as discussion of significant legal and constitutional questions raised throughout U.S. history. He also analyzes recess appointments, the Vacancies Act, the function of nominees in the appointment process, and the different treatment received by judicial and nonjudicial nominations. While discussing the important roles played by media and technology in federal appointments, Gerhardt not only puts particular controversies in perspective but also identifies important trends in the process, such as how leaders of different institutions attempt to protect—if not expand—their respective prerogatives by exercising their authority over federal appointments. Employing a newly emerging method of inquiry known as “historical institutionalism”—in which the ultimate goal is to examine the development of an institution in its entirety and not particular personalities or periods, this book concludes with suggestions for reforms in light of recent controversies springing from the longest delays in history that many judicial nominees face in the Senate.

Gerhardt's intensive treatment of the subject will be of interest to students and scholars of political science, government, history, and legal studies.



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