

In Case You Missed It: “The State Constitution Gives The Authority Of Nominating Justices To The Governor, Not To The State Senate President”

Friday, March 04, 2016 Tags: [Appointments](#)



Sweeney's wrong
Editorial Board
The Record

Any hopes that state Senate President Stephen Sweeney was capable of rising above petty partisanship faded Tuesday. Within 24 hours of Governor Christie's announcement that he was nominating Superior Court Judge David Bauman to the state Supreme Court, Sweeney issued a statement: "This nominee will not have a hearing, and the only way I will consider a Christie nominee is if the governor preserves judicial independence by submitting a Democrat for the court." So much for leadership.

Given the descent into the sandbox by Republicans seeking the presidential nomination, what is playing out in New Jersey is not exactly unseen in modern American politics. But it is disturbing nonetheless. In the language of the sandbox, Sweeney yelled, "Christie started it."

...

At first blush, Bauman appears qualified. But qualifications have nothing to do with Sweeney's blanket refusal to allow confirmation hearings. Sweeney contends that the high court will have five Republicans and two Democrats if Bauman is confirmed and that it should be a 4-3 split. Some of this so-called logic rests on whether Justice Jaynee LaVecchia is an independent or a Republican. She is not registered as a Republican or a Democrat but was nominated to the court by Republican Gov. Christie Whitman.

In 2013, The Record reviewed all 1,060 cases that LaVecchia had ruled on over a 12-year period: The Record's conclusion was: "The analysis paints the picture of a middle-of-the-road jurist who leans conservative but whose political ideology is difficult to pigeonhole."

If LaVecchia were a conservative ideologue it would be apparent after her 16 years on the bench. She is not.

Former Gov. Thomas Kean — the Republican who first brought LaVecchia into government — told The Record on Tuesday in a phone interview that when he hired LaVecchia, he had no idea whether she was a Republican or a Democrat. More to the point today, Kean said that when he was governor he had no knowledge of any tradition of appointing a specific number of Democrats or Republicans to the high court.

...

And in New Jersey, Sweeney is showing that he is a partisan Democrat first and foremost. There is precedent for four justices of a given political party sitting on the high court. That would not change if Bauman were confirmed. An independent is an independent, and LaVecchia's record on the court since 2000 shows she is not a Republican partisan; she is a jurist.

...

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.



Related Content



Governor Christie Nominates Judge David F. Bauman for Supreme Court
February 29, 2016

[View More Photos](#)

But as Kean said, the state constitution gives the authority of nominating justices to the governor, not to the state Senate president.

Full article [HERE](#).

###

Press Contact:

609-777-2600



[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#) | 

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2017
Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000