

Blunt Trauma

September 17, 2007

We kicked up a stir with our recent report on Missouri's judicial selection tempest. And the fighting doesn't seem to be over now that GOP Governor Matt Blunt has decided to choose one of the three nominees presented to him by the state's Appellate Judicial Commission.

Intended to keep politics out of judicial selection, the commission increasingly brings its own agenda to the table. Despite a range of impressive applicants, the three finalists picked by the commission seemed chosen less for merit than for their sympathies with the interests of the state bar association that dominates the commission.

Mr. Blunt made no secret of his vexation, publicly considering the option of rejecting all three nominees as a protest. Earlier this month, however, he chose one of the three, Missouri appellate Judge Patricia Breckenridge, to fill Ronnie White's vacant Supreme Court seat.

Conservatives are howling that the Governor has merely continued to validate a system whose leftward tilt has had noticeable impact on state jurisprudence. And Mr. Blunt would certainly have been justified in rejecting all three candidates. The trouble is that doing so would have only kicked the choice back to the commission itself to pick the next Supreme Court justice -- hardly a step toward greater accountability.

The issue going forward is whether Missourians want to revise this judicial selection process. Defenders of the status quo realize a crossroads has been reached and are out in force. Chief Justice Laura Denvir Stith, one of the court's most liberal members, said last week the current system is a "brilliant compromise" and that voters had chosen this method because they "they were sick of politicians picking their judges."

So instead, lawyers now pick the judges. Mr. Blunt says he'd like to appoint judges like U.S. Chief Justice John Roberts, though the Missouri commission would never send him such a candidate. That's the flaw in this "nonpartisan" process. Missouri voters are perfectly capable of deciding whether they agree with Mr. Blunt on judicial philosophy and holding the Governor accountable through the ballot box. Such accountability is exactly what the current system doesn't provide.