



The Judging of
Supreme Court Nominees

Michael Comiskey

Seeking Justices The Judging Of Supreme Court Nominees

Lee Epstein, Stefanie A. Lindquist



Seeking Justices The Judging Of Supreme Court Nominees:

Seeking Justices Michael Comiskey, 2004 In the long shadows cast by the Robert Bork and Clarence Thomas nominations Supreme Court confirmations remain highly contentious and controversial This is due in part to the Senate's increasing reliance upon a much lengthier much more public and occasionally raucous confirmation process in an effort to curb the potential excesses of executive power created by presidents seeking greater control over the Court's ideological composition Michael Comiskey offers the most comprehensive systematic and optimistic analysis of that process to date Arguing that the process works well and therefore should not be significantly altered Comiskey convincingly counters those critics who view highly contentious confirmation proceedings as the norm Senators have every right and a real obligation he contends to scrutinize the nominees' constitutional philosophies He further argues that the media coverage of the Senate's deliberations has worked to improve the level of such scrutiny and that recent presidents have neither exerted excessive influence on the appointment process nor created a politically extreme Court He also examines the ongoing concern over presidential efforts to pack the court concluding that stacking the ideological deck is unlikely As an exception to the rule Comiskey analyzes in depth the Thomas confirmation to explain why it was an aberration offering the most detailed account yet of Thomas's pre-judicial professional and political activities He argues that the Senate Judiciary Committee abdicated its responsibilities out of deference to Thomas's race Another of the book's unique features is Comiskey's reassessment of the reputations of twentieth century Supreme Court justices Based on a survey of nearly 300 scholars in constitutional law and politics it shows that the modern confirmation process continues to fill Court vacancies with jurists as capable as those of earlier eras We have now seen the longest period without a turnover on the Court since the early nineteenth century making inevitable the appointment of several new justices following the 2004 presidential election Thus the timing of the publication of *Seeking Justices* could not be more propitious

The Oxford Handbook of U.S. Judicial Behavior Lee Epstein, Stefanie A. Lindquist, 2017 The Oxford Handbook of U.S. Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U.S. Featuring contributions from leading scholars in the field the Handbook describes and explains how the courts' political and social context, formal institutional structures and informal norms affect judicial decision making The Handbook also explores the impact of judges' personal attributes and preferences as well as prevailing legal doctrine influence and shape case outcomes in state and federal courts The volume also proposes avenues for future research in the various topics addressed throughout the book

Consultant Editor for The Oxford Handbooks of American Politics George C. Edwards III

The Development of the American Presidency Richard J. Ellis, 2013-06-17 Our understanding of the politics of the presidency is greatly enhanced by viewing it through a developmental lens analyzing how historical turns have shaped the modern institution The Development of the American Presidency pays great attention to that historical weight but is organized topically and conceptually with the

constitutional origins and political development of the presidency its central focus Through comprehensive and in depth coverage this text looks at how the presidency has evolved in relation to the public to Congress to the Executive branch and to the law showing at every step how different aspects of the presidency have followed distinct trajectories of change All the while Ellis illustrates the institutional relationships and tensions through stories about particular individuals and specific political conflicts Ellis s own classroom pedagogy of promoting active learning and critical thinking is well reflected in these pages Each chapter begins with a narrative account of some illustrative puzzle that brings to life a central concept A wealth of photos figures and tables allow for the visual presentations of concepts A companion website not only acts as a further resources base directing students to primary documents newspapers and data sources but also presents interactive timelines practice quizzes and key terms to help students master the book s lessons

Justices, Presidents, and Senators Henry J. Abraham, 2008 Explains how United States presidents select justices for the Supreme Court evaluates the performance of each justice and examines the influence of politics on their selection

The American Supreme Court Robert G. McCloskey, 2016-05-02 The sixth edition of the classic and concise account of the US Supreme Court its history and its place in American politics For more than fifty years Robert G McCloskey s classic work on the Supreme Court s role in constructing the US Constitution has introduced generations of students to the workings of our nation s highest court As in prior editions McCloskey s original text remains unchanged In his historical interpretation he argues that the strength of the Court has always been its sensitivity to the changing political scene as well as its reluctance to stray too far from the main currents of public sentiment In this new edition Sanford Levinson extends McCloskey s magisterial treatment to address developments since the 2010 election including the Supreme Court s decisions regarding the Defense of Marriage Act the Affordable Care Act and gay marriage The best and most concise account of the Supreme Court and its place in American politics McCloskey s wonderfully readable book is an essential guide to the past present and future prospects of this institution Praise for *The American Supreme Court* The classic account of the American Supreme Court by the mid twentieth century s most astute student of American constitutionalism updated by the early twenty first century s most astute student of American constitutionalism This is the first work constitutional beginners should and constitutional scholars do turn to Mark Graber University of Maryland School of Law Essential This fifth edition carries on the tradition of earlier iterations keeping McCloskey s keen insights analytical framework and normative instincts intact Levinson supplements the original argument with chapters that draw on his remarkable intellectual range and invite readers to continue asking the still salient questions McCloskey set forth a half century earlier Choice on the fifth edition

[Supreme Democracy](#) Richard Davis, 2017-06-06 In the nineteenth and early twentieth centuries Supreme Court nominations were driven by presidents senators and some legal community elites Many nominations were quick processes with little Senate deliberation minimal publicity and almost no public involvement Today however confirmation takes 81 days on average Justice Antonin Scalia s former seat has already

taken much longer to fill and it is typically a media spectacle How did the Supreme Court nomination process become so public and so nakedly political What forces led to the current high stakes status of the process How could we implement reforms to improve the process In *Supreme Democracy The End of Elitism in the Supreme Court Nominations* Richard Davis an eminent scholar of American politics and the courts traces the history of nominations from the early republic to the present He examines the component parts of the nomination process one by one the presidential nomination stage the confirmation management process the role of the Senate Judiciary Committee and the increasing involvement over time of interest groups the news media and public opinion The most dramatic development however has been the democratization of politics Davis delves into the constitutional underpinnings of the nomination process and its traditional form before describing a more democratic process that has emerged in the past half century He details the struggle over image making between supporters and opponents intended to influence the news media and public opinion Most importantly he provides a thorough examination of whether or not increasing democracy always produces better governance and a better Court Not only an authoritative analysis of the Supreme Court nomination process from the founding era to the present *Supreme Democracy* will be an essential guide to all of the protracted nomination battles yet to come *Confirmation Wars* Benjamin Wittes, 2009-07-15 Just in time for the first Supreme Court confirmation of the Obama administration one of America's most insightful legal commentators updates the critically acclaimed *Confirmation Wars Preserving Independent Courts in Angry Times* to place the nomination of Judge Sonia Sotomayor in the context of the changing nature of judicial nominations by recent presidents Our system has gone from one in which people like Sotomayor or recent highly qualified nominees like John Roberts and Samuel Alito are shoe ins for confirmation to a system in which they are shoe ins for confirmation confrontations While rejecting parodies offered by both the Right and Left of the decline of the process by which the United States Senate confirms or rejects the president's nominees to the federal judiciary Wittes explains why and how this change took place He argues that the trade has been a bad one offering only the crudest check on executive appointments to the judiciary and putting nominees in the most untenable and unfair situations Published in cooperation with the Hoover Institution Justices and Journalists Richard Davis, David Taras, 2017-02-02 A key intermediary between courts and the public are the journalists who monitor the actions of justices and report their decisions pronouncements and proclivities *Justices and Journalists The Global Perspective* is the first volume of its kind a comparative analysis of the relationship between supreme courts and the press who cover them Understanding this relationship is critical in a digital media age when government transparency is increasingly demanded by the public and judicial actions are the subject of press and public scrutiny Richard Davis and David Taras take a comparative look at how justices in countries around the world relate to the media the interactive points between the courts and the press the roles of television and the digital media and the future of the relationship *The Development of the American Presidency* Richard Ellis, 2022-05-02 A full understanding of the

institution of the American presidency requires us to examine how it developed from the founding to the present This developmental lens analyzing how historical turns have shaped the modern institution allows for a richer more nuanced understanding The Development of the American Presidency pays great attention to that historical weight but is organized by the topics and concepts relevant to political science with the constitutional origins and political development of the presidency its central focus Through comprehensive and in depth coverage Richard J Ellis looks at how the presidency has evolved in relation to the public to Congress to the executive branch and to the law showing at every step how different aspects of the presidency have followed distinct trajectories of change Each chapter promotes active learning beginning with a narrative account of some illustrative puzzle that brings to life a central concept A wealth of photos figures and tables allow for the visual presentations of concepts New to the Fourth Edition Explicit and expanded attention to the role of norms in shaping and constraining presidential power with special focus on Trump s norm breaking and Biden s efforts to shore up norms Enhanced focus on the prospects for institutional reform including in the electoral college presidential relations with Congress war powers and the selection of Supreme Court justices A full reckoning with the Trump presidency and its significance for the future of American democracy presidential rhetoric the unilateral executive and the administrative state Coverage of the first year of Biden s presidency including presidential rhetoric relations with Congress and the bureaucracy use of the war powers and unilateral directives Comprehensive updating of debates about the removal power including the Supreme Court cases of *Seila Law v CFPB* and *Collins v Yellen* In depth exploration of the impact of partisan polarization on the legislative presidency and effective governance Analysis of the 2020 election and its aftermath Expanded discussion of impeachment to incorporate Trump s two impeachments Examination of presidential emergency powers with special attention to Trump s border wall declaration Review of Biden s and Trump s impact on the judiciary Assessment of Biden s and Trump s place in political time The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A.

Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

Judiciaries in Comparative Perspective H. P. Lee, 2011-08-11 An independent and impartial judiciary is fundamental to the existence and operation of a liberal democracy Focussing on Australia Canada New Zealand South Africa the United Kingdom and the United States this comparative 2011 study explores four major issues affecting the judicial institution These issues relate to the appointment and discipline of judges judges and freedom of speech the performance of non judicial

functions by judges and judicial bias and recusal and each is set within the context of the importance of maintaining public confidence in the judiciary The essays highlight important episodes or controversies affecting members of the judiciary to illustrate relevant principles

The Judicial Process Christopher P. Banks, David M. O'Brien, 2015-02-19 The Judicial Process Law Courts and Judicial Politics is an all new concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe It is social scientific in its approach situating the role of the courts and their impact on public policy within a strong foundation in legal theory or political jurisprudence as well as legal scholarship Authors Christopher P Banks and David M O'Brien do not shy away from the politics of the judicial process and offer unique insight into cutting edge and highly relevant issues In its distinctive boxes Contemporary Controversies over Courts and In Comparative Perspective the text examines topics such as the dispute pyramid the law and morality of same sex marriages the hardball politics of judicial selection plea bargaining trends the right to counsel and pay as you go justice judicial decisions limiting the availability of class actions constitutional courts in Europe the judicial role in creating major social change and the role lawyers juries and alternative dispute resolution techniques play in the U S and throughout the world Photos cartoons charts and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process

Routledge Handbook of Judicial Behavior Robert M. Howard, Kirk A. Randazzo, 2017-10-02 Interest in social science and empirical analyses of law courts and specifically the politics of judges has never been higher or more salient Consequently there is a strong need for theoretical work on the research that focuses on courts judges and the judicial process The Routledge Handbook of Judicial Behavior provides the most up to date examination of scholarship across the entire spectrum of judicial politics and behavior written by a combination of currently prominent scholars and the emergent next generation of researchers Unlike almost all other volumes this Handbook examines judicial behavior from both an American and Comparative perspective Part 1 provides a broad overview of the dominant Theoretical and Methodological perspectives used to examine and understand judicial behavior Part 2 offers an in depth analysis of the various current scholarly areas examining the U S Supreme Court Part 3 moves from the Supreme Court to examining other U S federal and state courts and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas along with suggestions for future research The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic legal and policy communities

Judicial Politics in the United States Mark C. Miller, 2018-09-03 Judicial Politics in the United States examines the role of courts as policymaking institutions and their interactions with the other branches of government and other political actors in the U S political system Not only does this book cover the nuts and bolts of the functions structures and processes of our courts and legal system it goes beyond other judicial process books by

exploring how the courts interact with executives legislatures and state and federal bureaucracies It also includes a chapter devoted to the courts interactions with interest groups the media and general public opinion and a chapter that looks at how American courts and judges interact with other judiciaries around the world Judicial Politics in the United States balances coverage of judicial processes with discussions of the courts interactions with our larger political universe making it an essential text for students of judicial politics

Nonjudicial Activities of Supreme Court Justices and Other Federal Judges United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Separation of Powers,1970

Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States

United States. Congress. Senate. Committee on the Judiciary,1993 Sept 10 Oct 13 1991 **Judgment Calls** Daniel A. Farber,Suzanna Sherry,2009 Judgment Calls tackles one of the most important and controversial legal questions in contemporary America How should judges interpret the Constitution Our Constitution contains a great deal of language that is vague broad or ambiguous making its meaning uncertain Many people believe this uncertainty allows judges too much discretion They suggest that constitutional adjudication is just politics in disguise and that judges are legislators in robes who read the Constitution in accordance with their own political views Some think that political decision making by judges is inevitable and others think it can be restrained by strict constructionist theories like textualism or originalism But at bottom both sorts of thinkers believe that judging has to be either tightly constrained and inflexible or purely political and unfettered There is they argue no middle ground Farber and Sherry disagree and in this book they describe and defend that middle ground They show how judging can be and often is both principled and flexible In other words they attempt to reconcile the democratic rule of law with the recognition that judges have discretion They explain how judicial discretion can be exercised responsibly describe the existing constraints that guide and cabin such discretion and suggest improvements In exploring how constitutional adjudication works in practice and how it can be made better Farber and Sherry cover a wide range of topics that are relevant to their thesis and also independently important including judicial opinion writing the use of precedent the judicial selection process the structure of the American judiciary and the nature of legal education They conclude with a careful look at how the Supreme Court has treated three of the most significant and sensitive constitutional issues terrorism abortion and affirmative action Timely trenchant and carefully argued Judgment Calls is a welcome addition to the literature on the intersection of constitutional interpretation and American politics

The American Legal System

Albert P. Melone,Allan Karnes,2008 Firmly anchored in social science concepts the second edition of The American Legal System demonstrates the relationships among private law the business legal environment and public law issues as well as related subjects of interest This fifteen chapter book is divided into three parts Part I places the legal system in a political perspective centering on the origins of the law schools of jurisprudence branches and functions of law legitimacy of law how the judiciary functions in the federal system of government and judicial interpretation and decision making Part II contrasts

legal processes civil suits for money damages criminal processes equity justice administrative processes and alternative dispute resolution Part III centers on the legal norms or rules governing both civil and criminal conduct property law family law contract law and government regulation of business Throughout the text features edited court opinions many new to this edition illustrating lively and thought provoking controversies that are certain to spark student interest Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration s War on Terror and the socially explosive developments concerning same sex marriage In addition each chapter includes at least three comparative notes showing how other legal cultures in different nation states treat legal matters A wealth of pedagogical features chapter opening objectives key terms names and concepts a glossary discussion questions and appendices are included to aid student comprehension The authors have prepared an Instructor s Manual and Test Bank to facilitate the book s use in the classroom

The Politics of the Presidency, Revised 8th Edition Joseph A. Pika, John Anthony Maltese, 2013-07-15 Never losing sight of the historical foundations of the office of President of the United States the authors maintain a delicate balance as they examine the presidency through a modern lens

Constitutional Politics in a Conservative Era Austin Sarat, 2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism Constitutional law and politics in the United States to take stock of the field to chart its progress and point the way for its future development

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