



The Judging of  
Supreme Court Nominees

Michael Comiskey

# Seeking Justices The Judging Of Supreme Court Nominees

**H. P. Lee**



## **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

**Nonjudicial Activities of Supreme Court Justices and Other Federal Judges**

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

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.

*Nominations: Hearing of U.S. Circuit and U.S. District Judges* United States Congress, Senate Committee on the Judiciary, 2011.

*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.

*The Politics of the Presidency, Revised 8th Edition* Joseph A. Pika, John Anthony Maltese, 2013-07-15. In the most up-to-date core text available on the presidency, *The Politics of the Presidency, Revised Eighth Edition* Joseph A. Pika and John Anthony Maltese once again deliver their comprehensive and accessible analysis of the presidency. Never losing sight of the foundations of the office, the authors maintain a balance between historical context and contemporary scholarship on the executive. A solid foundation for any presidency course, the revised eighth edition features updated chapters including coverage of the 2012 election and a new chapter analyzing Obama's challenges as a second-term president in an entrenched partisan environment.

The Media, the Court, and the Misrepresentation Rorie Spill Solberg, Eric N. Waltenburg, 2014-12-02. The Court's decisions are interpreted and disseminated via the media. During this process, the media paints an image of the Court and its business. Like any artist, the media has license regarding what to cover and the amount of attention devoted to any aspect of the Court and its business. Some cases receive tremendous attention, while others languish on the back pages or are ignored. These selection effects create a skewed picture of the Court and its work and might affect public attitudes toward the Court. Indeed, studies of media coverage of other governmental institutions reveal that when and how their policy decisions are covered has implications for the public's understanding of, compliance with, support for, and cynicism about the policy. This book uncovers and describes this coverage and compares it to the confirmation hearings, the Court's actual work, even its members'. Rorie Spill Solberg and Eric N. Waltenburg analyze media coverage of nominations and confirmation hearings, the justices' extra-curricular activities, and their retirements, deaths, and the Court's opinions, and compare this coverage to analyses of confirmation transcripts and the Court's full docket. Solberg and Waltenburg contend that media now cover the Court and its

personnel more similarly to its coverage of other political institutions Journalists still regurgitate a mythology supported by the justices a cult of the robe wherein unbiased and apolitical judges mechanically base their decisions upon the law and the Constitution Furthermore they argue the media also focus on the cult of personality wherein the media emphasize certain attributes of the justices and their work to match the public s preferences for subject matter and content The media s portrayal then may undercut the Court s legitimacy and its reservoir of good will     *The Politics of the Presidency* Joseph A. Pika, John Anthony Maltese, Andrew Rudalevige, 2017-07-06 This book analyses the change and continuity in the presidency during Barack Obama s two terms in an entrenched partisan environment discusses the competitive setting for the 2016 election and looks at the challenges and opportunities President Trump will face     **Confirmation Hearing on the Nomination of William G. Myers III, of Idaho, to be Circuit Judge for the Ninth Circuit** United States. Congress. Senate. Committee on the Judiciary, 2005     **Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States** United States. Congress. Senate. Committee on the Judiciary, 2005     **Congressional Record** United States. Congress, 2003     *Laws Passed at the 1st- Session of the Legislature of the State of South Dakota* South Dakota, 1921     *Laws Passed at the Session of the Legislature of the State of South Dakota* South Dakota, 1921

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