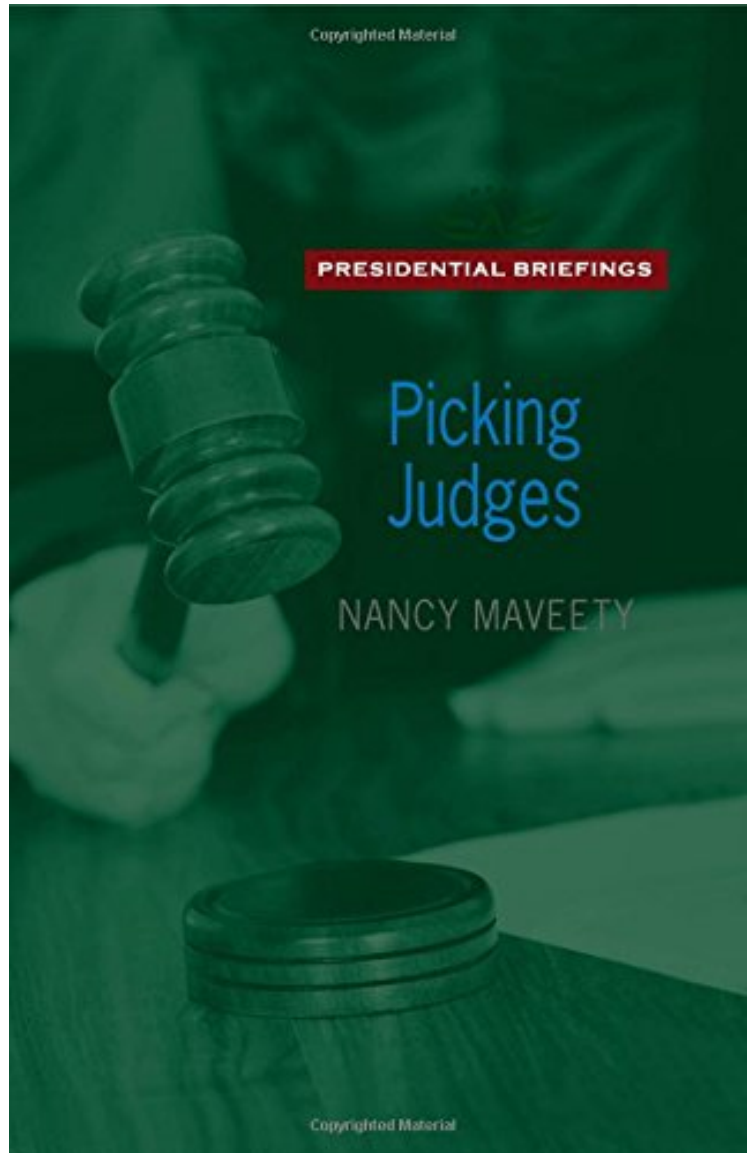


(Download) Picking Judges (Presidential Briefings)

Picking Judges (Presidential Briefings)

Nancy Maveety

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Nancy Maveety : Picking Judges (Presidential Briefings) before purchasing it in order to gage whether or not it would be worth my time, and all praised Picking Judges (Presidential Briefings):

0 of 0 people found the following review helpful. If you were President, how would you fill judicial vacancies?By Ronald H. ClarkThis 122 page "Presidential Briefing" on selecting federal judges proves once again that some very good things can come in small packages. And it comes just in time as the Trump administration is due to shortly announce its first Supreme Court appointment. The books in this series are designed as if they were written to advise a

sitting President; this one is hard-hitting, unsentimental, and highly pragmatic. I am sure many copies are on the way to Trump Tower. For those of us not presidents, it provides valuable insights into the many considerations, challenges and strategies involved in selecting federal judges, especially Justices. The first of five chapters is devoted to the history of presidential judicial nominations. It begins with Washington and moves through to Obama. It touches upon such transformative "mileposts" as the 1916 Brandeis nomination; FDR's attempted court packing; and Nixon's 1968 campaign attacking the Court. Its most important focus is the tools developed by Reagan to implement a policy attaching enormous importance to the confirmation of judicial appointments. Many of these strategies have continued to play a vital role in the hands of GOP presidents. Also touched upon are such aspects as "litmus tests," the nuclear option, and discouraging nominees from being too candid in their confirmation hearings ("the Ginsburg Rule"). For the author, executive power demands that presidents recognize that they can and MUST pack the courts. The second chapter is devoted to candidates. How does a president evaluate potential nominees, taking into consideration their strengths (e.g., expertise and reputation) measured against their shortcomings (e.g., judicial temperament and lack of professional support)? A lot rides on this important decision, as the Robert Bork and Carswell nominations demonstrate. When you add factors such as diversity, geographic representation, and practical experience to the mix, the book well demonstrates that this first step in nominations is challenging to say the least. The author is emphatic in her third chapter: intense preparation of the nominee is the key to successful nominations. Like legislation, there are many "veto points" where nominations can be delayed or outright defeated. Senate practices such as blue slips, holds, and senatorial courtesy are examined. Especially important in recent nomination battles has been the role of interest groups who can furnish information, resources, and trigger public reactions. Recently, the Federalist Society has become a critical partner with GOP presidents in the process. How do you do it is the focus of chapter four. Here the author offers an extremely valuable discussion of the Reagan techniques for pushing nominations through with his Committee on Federal Judicial Selection. Unlimited staff resources were dedicated to moving the nomination: White House Office; DOJ Office of Legal Policy; intensive interviewing; and merciless preparation ("murder boards") of nominees for their confirmation hearings (John Roberts, for example, was charged with working with Sandra Day O'Connor). Any required resource was provided. And this pattern has been followed subsequently by GOP presidents and will probably be repeated with the Trump administration. Finally, where does all this leave us? Thanks to methods developed by political scientists, presidents can pretty much accurately determine the attitudes and likely behavior of a nominee. Therefore, to the extent possible, nominees mirror their president's value systems, which in turn reflect the electorate's goals and values. Generally speaking, for the author the Supreme Court follows the election returns and adjusts--but there is usually something of a lag in doing so. Most Justices are moderates, constrained by self-restraint norms and the guidelines of the expected judicial role. So the Presidency plays a key role in updating the Court's values to keep them in sync with the majority. There is a short bibliography, but few notes or references to sources except for an occasional book in the text. One enormous strength of the book is the author skillfully uses actual historical examples to illustrate some of her key points. Like a good memo, the book is concise, definitive in its arguments, focused and coherent, and thoroughly pragmatic. You don't have to be a president to thoroughly benefit from this handy volume. And it should help us all to better understand what is to come.

What defines a president? Is it policymaking? A good relationship with the American people? Or is it legacy? Most would argue that legacy imprints a president in the American consciousness. A president's federal judicial appointees may be his or her most lasting political legacy. Because federal judges serve for life, their legal policymaking endures long after a president's term in office is over. Presidents who care about serving their mandate, who desire to maximize their policy agenda, and who wish to influence the nation's constitutional fabric appoint as many federal judges as possible. This new volume in the Presidential Briefings series shows how the president's appointment power has expanded beyond its bare constitutional outlines. In exercising their constitutional powers while paying heed to political opportunities, presidents and the Senate have together created our modern judicial appointment politics. Presidents consider a host of demographic and ideological factors, candidate qualities, and electoral politics. Nancy Maveety examines the dynamics of screening and choosing judicial nominees and analyses the institutional calculus in securing their confirmation in the face of senatorial obstruction. Maveety shows how a president can adapt to particular circumstances and provides an outline for synergistically staffing the federal judiciary, thus securing a legacy for all time.

"Written in an accessible and engaging style, Nancy Maveety's *Picking Judges* offers both an historical overview of federal judicial selection and a synopsis of the varied factors (about potential nominees and the context of nominations) presidents must consider. More importantly from a pedagogical perspective is the fact that Maveety writes with a strong point of view and makes a cogent argument about why presidents not only can but should "pack" the courts. This slim volume is itself packed with good stuff and challenges the reader to rethink old stereotypes of judges as outside of politics. It is a terrific read, both for its informative nature and its potential to shake up readers' preconceived ideas about what staffing the federal bench should look like." --Wendy L. Martinek, Binghamton

UniversityAbout the AuthorNancy Maveety is professor of political science at Tulane University, where she has taught courses in law and the courts for over twenty-five years. She is the author of several books on the US Supreme Court and judicial politics.