

The Second, talk about admin. court in judicial apps.

Take behind headlines. Share some of my experiences. Imp for lawyers to think about process of app. first. Ct., direct 1st Ct., inform fellow citizens. Small quarter work. Cts. of Ct. of App. 17 lawyer. 139 app. in matter.


B. App. of federal judges not a matter of great debate or Const. Grav. 1787. (Shapiro report: 1 = President. 2 = Franklin, 3 = Jefferson) of lawyers choose which best away than, so can get rid of + share protect. Compromise:
C. Pres. shall nominate + by + with the advice & consent of the Senate, appoint federal judges, incl. 9 Justices. Language advice & consent, not just approval. But that is what the Senate now deems itself to approve as the President himself really doesn't nominate.

Agreement: D. In the case of Dis. Judges-Legislators. NB.

ND special. Just. Dept., Alb., FBI. In case of Co/Gth+
+ L. Co - Presidents advisors + off. This keeps our.gif

C. Border. See above.

Ideology. I don't think they are federalists, except for the few.


F. What about question of delay in the

nominal nomination by the President?

I think.

"Advice" was intended to mean something. In Federalist

Papers Alexander Hamilton frequently spoke of the coop

do of the Senate in the appointment process. He anticipated

input from the Senate. That of ..., the political parties.

F. Even if political, would example of coop in

appoint judges prior years of history, have been dem-

on by actions, both of support of winning, losing,

conservatice, liberals, moderates, Obama about 2016 to 2020.

Candidacy backed, agreement, send up, don't win enough


G. Now = confrontation rather than coop-

oration. No, send name for Senate to vote up or down.

No prior consultation should be consultation process.
H. Hearing supposed to assist Senate decision-making. Fairly recent. 1st for S.Ct. Harlan Fiske Stone 1925
I. Recently, unhelpful public displays. S.Ct. confirms process. Spectacle of Senate failing to perform its advise + consent function also generally by nominee as with Kennedy, Rehn. Learn nothing.
Both fail to answer truthfully. But out of narcissism: "Intellectual feast." He predicts atmospherically.

J. Hearing must be meaningful if to continue.

Ans. questions. No "spin doctors" by Ken Dubenstein.

Maybe meet with. Often nomination. Lincoln said no respect for judge who tells how he would decide case.

But can I should ask about:

(a) Understanding of history; important prior decisions. What issues currently confront them? Their approach to judging; philosophy; sources would turn to in deciding. Guns of state decide (Corbett et al.)

(b) Need those who can get work done; majority opinion; counsel. How? Criteria in book. Hearing up front. If defense to answers: vote against. Learn from written & speeches; explain changes in pt. given. Cannot accept answer that is obviously untrue e.g. that never discussed most important issue of day.
The problem of course, is that an intellectual distribution has no political constituency.

(c) Senate needs full, in-depth input, nothing in out-of-town, financial, or political winds. But what a job it is to find appointees called to senators should insist on input or refuse to consider the nominee. Project imperial presidency concept. How can't get rid of political considerations (with technocrats)?

Founders did not anticipate political parties or partisanship that would follow in selection of federal judges. They foresaw selection based on merit and an important role for the Senate. Hamilton said that the advice and consent function would be "an excellent check upon a spirit of favoritism in the President... one that I would think greatly to prevent the appointment of unfit characters from state prejudices, from family connections, from personal attachments, or from a view of popularity."

1. The Senate has not fulfilled the role foreseen by the Founders. Let me illustrate: Sen. Dole and me. "Meet the Press." See Yummie.

Alexander Hamilton would have been disappointed.
1. Demonstrated judicial temperament
2. Professional aptitude + competence
3. Personal + professional integrity
4. Appropriate education + background + training
5. Able + quick, sound mind
6. Ability to communicate clearly, esp. in writing
    Age + experience in legal profession
    N.B. Geography, ethnicity