



JOYCE A. BAUGH

SUPREME  
COURT  
JUSTICES  
IN THE  
POST-BORK  
ERA

*Confirmation  
Politics and Judicial  
Performance*

# Supreme Court Justices In The Post Bork Era

**Christopher P. Banks, David B.  
Cohen, John C. Green**



## **Supreme Court Justices In The Post Bork Era:**

**Supreme Court Justices in the Post-Bork Era** Joyce A. Baugh, 2002 The failed nomination of federal appeals court judge Robert Bork to the U S Supreme Court led to conclusions that the confirmation process for Supreme Court nominees had been forever changed Commentators speculated that future nominations would be characterized by intense media coverage heavy interest group involvement and the selection of either stealth nominees or non controversial judicial moderates This book examines the four subsequent nominations David Souter Clarence Thomas Ruth Bader Ginsburg and Stephen Breyer to assess whether the Bork episode has had this long term impact Supreme Court Justices in the Post Bork Era also focuses on the justices actual performance on the Court in light of the confirmation process and the author speculates about the future of Supreme Court confirmation politics

**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 Jurisprudential Legacy of Justice Ruth Bader Ginsburg** Ryan Vacca, Ann Bartow, 2025-11-04 Provides a sweeping overview of Justice Ginsburg s jurisprudence The passing of Justice Ruth Bader Ginsburg in September of 2020 marked a grim day for women and the broader progressive legal community In her twenty seven years on the Supreme Court and thirteen years on the Court of Appeals she was most known for her trailblazing work on gender equality however she also influenced the direction of a multitude of legal subject areas during her long tenure The Jurisprudential Legacy of Justice Ruth Bader Ginsburg is a critical examination of Justice Ginsburg s remarkable career with a focus on the common themes and approaches underscoring her many rulings In this edited volume Ryan Vacca and Ann Bartow bring together leading scholars of American law to analyze Justice Ginsburg s voting patterns and written opinions from the perspectives of subject matter experts Each essay highlights areas of the law in which Justice Ginsburg had an outsized interest or impact Chapters delve into topics such as gender equality voting rights the death penalty civil and criminal procedure employment discrimination freedom of expression bankruptcy environmental law immigration and taxation Together they form a colorful tapestry that illustrates a long and celebrated judicial career displaying Ginsburg s immense influence on areas of the law well beyond women s rights The Jurisprudential Legacy of Justice Ruth Bader Ginsburg shares profound insights into its subject s unique legal philosophy and reminds us what we had and whom we lost with her passing

**The Rehnquist Court and Criminal Justice** Christopher E. Smith, Christina DeJong, Michael McCall, 2011-11-16 This book examines the criminal justice decisions of the Rehnquist Court era through analyses of individual justices contributions to the development of law and policy The Rehnquist Court era 1986 2005 produced a period of opportunity for the U S Supreme Court s judicial conservatives to reshape constitutional law concerning rights in the criminal justice process It was an era in which the Court produced many hotly debated decisions concerning such issues as capital punishment search and seizure police interrogations and prisoners rights The Court s most

conservative justice William H Rehnquist ascended to the key leadership position of Chief Justice and he was joined on the Court by two new appointees Antonin Scalia and Clarence Thomas who were equally supportive of both greater authority for police and limited definitions of constitutional rights for suspects defendants and criminal offenders The Rehnquist Court era decisions refined and narrowed many of the rights expanding decisions of the Warren Court era 1953 1969 However the Supreme Court did not ultimately eliminate the Warren era s foundational rights concepts in criminal justice such as the exclusionary rule and Miranda warnings As the leading liberal voices of the Warren era William Brennan and Thurgood Marshall retired early in the Rehnquist era the Court experienced continued advocacy of broad conceptions for many rights through the increased assertiveness of Republican appointees Harry Blackmun John Paul Stevens and David Souter as well as the arrival of new Democratic appointees Ruth Bader Ginsburg and Stephen Breyer In many important cases the justices advocating the preservation of constitutional protections could prevail even on a generally conservative Court by persuading one or more of President Ronald Reagan s appointees to support a particular right for suspects and defendants Sandra Day O Connor and Anthony Kennedy in particular shaped outcomes within a divided Court as they determined which of the Court s wings with which they would align in a particular case The contributors to this volume identify and highlight the unique perspectives and influential decisions of individual justices as the means for understanding the Rehnquist Court s imprint on criminal justice

*The Legacy of Ruth Bader Ginsburg* Scott Dodson, 2022-03-10 This anthology chronicles the legal legacy of Ruth Bader Ginsburg

*The U.S. Supreme Court* Linda Greenhouse, 2023-08-18 For thirty years Linda Greenhouse the Pulitzer Prize winning author of *The U S Supreme Court A Very Short Introduction* chronicled the activities of the justices as the Supreme Court correspondent for the New York Times In this concise volume she draws on her deep knowledge of the court s history as well as of its written and unwritten rules to show the reader how the Supreme Court really works The third edition tracks the changes in the Court s makeup over the past decade including the landmark decisions of the Obama and Trump eras and the emergence of a conservative supermajority

**The U.S. Supreme Court: A Very Short Introduction** Linda Greenhouse, 2020-05-29 For 30 years Pulitzer Prize winning journalist Linda Greenhouse chronicled the activities of the U S Supreme Court and its justices as a correspondent for the New York Times In this *Very Short Introduction* she draws on her deep knowledge of the court s history and of its written and unwritten rules to show readers how the Supreme Court really works Greenhouse offers a fascinating institutional biography of a place and its people men and women who exercise great power but whose names and faces are unrecognized by many Americans and whose work often appears cloaked in mystery How do cases get to the Supreme Court How do the justices go about deciding them What special role does the chief justice play What do the law clerks do How does the court relate to the other branches of government Greenhouse answers these questions by depicting the justices as they confront deep constitutional issues or wrestle with the meaning of confusing federal statutes Throughout the author examines many individual Supreme Court cases to illustrate points under discussion

ranging from Marbury v Madison the seminal case which established judicial review to the recent District of Columbia v Heller 2008 which struck down the District of Columbia's gun control statute and which was surprisingly the first time in its history that the Court issued an authoritative interpretation of the Second Amendment To add perspective Greenhouse also compares the Court to foreign courts revealing interesting differences For instance no other country in the world has chosen to bestow life tenure on its judges The second edition of Greenhouse's Very Short Introduction tracks the changes in the Court's makeup over the last eight years considers the landmark decisions of the Obama and Trump eras and reexamines the precarious fates of such precedents as Roe v Wade A superb overview packed with telling details this volume offers a matchless introduction to one of the pillars of American government

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

**John Paul Stevens** Christopher E. Smith, 2015-10-22 This book examines the judicial opinions and criminal justice policy impact of Justice John Paul Stevens the U S Supreme Court's most prolific opinion author during his 35 year career on the nation's highest court Although Justice Stevens a Republican appointee of President Gerald Ford had a professional reputation as a corporate antitrust law attorney he immediately asserted himself as the Court's foremost advocate of prisoners rights and Miranda rights when he arrived at the Court in 1975 In examining Justice Stevens's opinions on these topics as well as others including capital punishment and right to counsel the chapters of the book connect his prior experiences with the development of his views on rights in criminal justice In particular the book examines his relevant experiences as a law clerk to Justice Wiley Rutledge in the Supreme Court's 1947 term a volunteer attorney handling criminal cases in Illinois and a judge on the U S court of appeals to explore how these experiences shaped his understanding of the importance of rights in criminal justice For many issues such as those affecting imprisoned offenders Justice Stevens was a strong defender of rights throughout his career For other issues such as capital punishment there is evidence that he became increasingly protective of rights over the course of his

Supreme Court career The book also examines how Justice Stevens became increasingly important as a leading dissenter against the diminution of rights in criminal justice as the Supreme Court's composition became increasingly conservative in the 1980s and thereafter Because of the nature and complexity of Justice Stevens's numerous and varied opinions over the course of his lengthy career scholars find it difficult to characterize his judicial philosophy and impact with simple labels Yet in the realm of criminal justice close examination of his work reveals that he earned a reputation and an enduring legacy as an exceptionally important defender of constitutional rights

**American Judicial Process** Pamela C. Corley, Artemus Ward, Wendy L. Martinek, 2015-09-25 This text is a general introduction to American judicial process The authors cover the major institutions actors and processes that comprise the U S legal system viewed from a political science perspective Grounding their presentation in empirical social science terms the authors identify popular myths about the structure and processes of American law and courts and then contrast those myths with what really takes place Three unique elements of this myth versus reality framework are incorporated into each of the topical chapters 1 Myth versus Reality boxes that lay out the topics each chapter covers using the myths about each topic contrasted with the corresponding realities 2 Pop Culture boxes that provide students with popular examples from film television and music that tie in to chapter topics and engage student interest 3 How Do We Know boxes that discuss the methods of social scientific inquiry and debunk common myths about the judiciary and legal system Unlike other textbooks American Judicial Process emphasizes how pop culture portrays and often distorts the judicial process and how social science research is brought to bear to provide an accurate picture of law and courts In addition a rich companion website will include PowerPoint lectures suggested topics for papers and projects a test bank of objective questions for use by instructors and downloadable artwork from the book Students will have access to annotated web links and videos flash cards of key terms and a glossary

The Rehnquist Court Thomas R. Hensley, 2006-06-08 A detailed look at the Rehnquist Court's key figures rulings and major changes to U S constitutional law Did the Rehnquist Court which followed the liberal Warren Court and the moderate Burger Court achieve a conservative counterrevolution Using quantitative data to supplement detailed opinion analysis political scientist Thomas R Hensley argues that continuity not change characterized the Rehnquist Court era But without a doubt the Rehnquist Court was frequently a war zone Fourteen justices served during the Rehnquist era which began in 1986 during the Reagan administration and ended with Rehnquist's death in September 2005 Presidents Reagan and Bush appointed conservative justices and set in motion an assault on the ultra liberal decisions made by the two previous courts But President Clinton appointed two moderate Democrats slowing the conservative juggernaut The result One of the most fascinating contentious and crucial periods in the history of the U S Supreme Court

The Next Justice Christopher L. Eisgruber, 2009-06-07 He describes a new and better manner of deliberating about who should serve on the Court an approach that puts the burden on nominees to show that their judicial philosophies and politics are acceptable to senators and citizens alike And he makes a

new case for the virtue of judicial moderates      **The Pursuit of Racial and Ethnic Equality in American Public Schools**  
 Kristi L. Bowman, 2014-12-19 In 1954 the Supreme Court decided *Brown v Board of Education* ten years later Congress enacted the Civil Rights Act These monumental changes in American law dramatically expanded educational opportunities for racial and ethnic minority children across the country They also changed the experiences of white children who have learned in increasingly diverse classrooms The authors of this commemorative volume include leading scholars in law education and public policy as well as important historical figures Taken together the chapters trace the narrative arc of school desegregation in the United States beginning in California in the 1940s continuing through *Brown v Board* the Civil Rights Act and three important Supreme Court decisions about school desegregation and voluntary integration in 1974 1995 and 2007 The authors also assess the status of racial and ethnic equality in education today and consider the viability of future legal and policy reform in pursuit of the goals of *Brown v Board* This remarkable collection of voices in conversation with one another lays the groundwork for future discussions about the relationship between law and educational equality and ultimately for the creation of new public policy A valuable reference for scholars and students alike this dynamic text is an important contribution to the literature by an outstanding group of authors      **The Final Arbiter** Christopher P. Banks, David B. Cohen, John C. Green, 2012-02-01 The resolution of the 2000 presidential election by the U S Supreme Court's *Bush v Gore* decision generated an extraordinary outpouring of literature in a very short period of time Now that the initial furor over the decision has subsided *The Final Arbiter* presents a sober consideration of the consequences of the decision for the law the presidency and the legitimacy of the American political system The contributors include well established names in law and political science as well as up and coming scholars offering a broad understanding of *Bush v Gore*'s long term impact This book will be useful as a classroom text in both survey courses on elections and the courts and for advanced courses that consider the impact of judicial rulings on the government and political process      *Religion and the Law in America* Scott A. Merriman, 2007-05-18 This work is a comprehensive survey of one of the oldest and hottest debates in American history the role of religion in the public discourse The relationship between church and state was contentious long before the framers of the Constitution undertook the bold experiment of separating the two sparking a debate that would rage for centuries What is the role of religion in government and vice versa *Religion and the Law in America* explores the many facets of this question from prayer in public schools to the addition of the phrase under God to the Pledge of Allegiance from government investigation of religious fringe groups to federal grants for faith based providers of social services In more than 250 A Z entries along with a series of broad thematic essays it examines the groups laws and court cases that have framed this ongoing debate Through its careful balanced exploration of the interaction between government and religion throughout the history of the United States the work provides all Americans students scholars and lay readers alike with a deep understanding of one of the central enduring issues in our history      **The Constitution of Electoral Speech Law**

Brian K. Pinaire, 2008-03-20 *Bush v Gore* brought to the public's attention the significance of election law and the United States Supreme Court's role in structuring the rules that govern how campaigns and elections function in America. In this book, Brian K. Pinaire examines one expanding domain within this larger legal context: freedom of speech in the political process or what he terms electoral speech law. Specifically, Pinaire examines the Court's evolving conceptions of free speech in the electoral process and then traces the consequences of various debates and determinations from the post-World War II era to the present. In his analysis of the broad range of cases from this period, supplemented by four recent case study investigations, Pinaire explores competing visions of electoral expression in the marketplace of ideas, various methods for analyzing speech dilemmas, the multiple influences that shape the justices' notions of both the potential for and privileged status of electoral communication, and the ultimate implications of these Court rulings for American democracy.

**The Politics of Justice** Cornell W. Clayton, 1992. First Published in 2015. Routledge is an imprint of Taylor & Francis, an Informa company.

*Political Control of America's Courts* Helena Silverstein, 2023-01-18. This volume explores the many ways in which politics shapes the allegedly nonpartisan judicial system in America, ranging from how judges are selected to the bench to how they rule when they get there. Each title in the Contemporary Debates series examines the veracity of controversial claims or beliefs surrounding a major political/cultural issue in the United States. Each book gives readers a clear and unbiased understanding of current high-interest issues by informing them about falsehoods, half-truths, and misconceptions and confirming the factual validity of other assertions that have gained traction in America's cultural and political discourse. This volume in the series provides a deeply researched and even-handed account of the relationship between America's judicial branch, which is supposed to view law through a nonpartisan lens, and the sometimes poisonous partisanship that is such a notorious factor in the nation's other two branches of government. Is political combat over judicial nominations worse than ever before? What impact is the politicization of the courts having on public faith in the legitimacy of the courts and our wider political system? Was former Supreme Court justice Sandra Day O'Connor right when she asserted that judicial independence is a bedrock principle of our court system and we are losing it? This work will provide insights into all these questions and more.

**David Hackett Souter** Tinsley E. Yarbrough, 2005-09-22. When the first President Bush chose David Hackett Souter for the Supreme Court in 1990, the slender New Englander with the shy demeanor and ambiguous past was quickly dubbed a stealth candidate. Since his appointment, Souter has embraced a flexible, evolving, and highly pragmatic judicial style that embraces a high regard for precedent, even liberal decisions of the Warren and Burger Courts, with which he may have personally disagreed. Ultimately, Yarbrough contends, Souter has become the principal Rehnquist Court opponent of the originalist/text-bound jurisprudence that many of the more conservative Justices profess to champion. Sifting through Souter's opinions, papers of the Justice's contemporaries, and other relevant records and interviews, esteemed Supreme Court biographer Tinsley Yarbrough here gives us the real David Souter, crafting a fascinating account of one of the heretofore

most elusive Justices in the history of the Court      Making the Supreme Court Charles M. Cameron, Jonathan P. Kastellec, 2023 Making the Supreme Court The Politics of Appointments 1930 2020 tells the story of 90 years of Supreme Court appointments It examines what happened why it happened the consequences for the Supreme Court the future of appointments and the prospects for reform Based on massive data combined with rich qualitative evidence Making the Supreme Court employs new theories cutting edge technique and a novel perspective on political institutions Finally it provides a sharp lens on the social and political transformations that created a new American politics It will appeal not only to students of the Supreme Court but to anyone concerned with the origins and future of American politics

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