

# Should Ideology Matter In Selecting Federal Judges

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## Should Ideology Matter In Selecting

A recurring constitutional controversy of great practical and political importance concerns the criteria Presidents and Senators should use in selecting federal judges. Particularly contentious is the relevance of what sometimes is described as a prospective judge's ideology, or alternatively, judicial philosophy and views on substantive questions of law.

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### **Should Ideology Matter in Selecting Federal Judges ...**

Should Ideology Matter in Selecting Federal Judges ... In short, in Tribe's view, ideology can't be ignored. University of Chicago Law School professor Cass R. Sunstein was a bit more blunt: "'Ideology' should certainly matter," he testified, "both for the President and for the Senate. At least, this is so if 'ideology' means the expected approach, and general patterns of votes, of a potential judge."

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The article is "Should Ideology Matter in Selecting Federal Judges? Ground Rules for the Debate," and is available from SSRN. Johnsen makes two points that should be part of the public debate over this nomination: (1) Presidents since the founding era have selected federal judges, in part, on the basis of the candidate's political views, and (2 ...

### **Legal Ethics Forum: Ideology and Judicial Selection**

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The team analyzed votes by Supreme Court justices on more than 8,500 cases since World War II. They found that when a justice casts the deciding vote, his or her personal beliefs suddenly matter far more. "The effect of a justice's ideology on how he or she votes essentially doubles when the vote is pivotal," Spenkuch says.

### **Supreme Court Justices Become Less Impartial and More ...**

Erwin Chemerinsky, Of Course Ideology Should Matter in Judicial Selection, 7 NEXUS 3-10 (2002)

### **"Of Course Ideology Should Matter in Judicial Selection ...**

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### **The goals of Black Lives Matter and its radical ideology ...**

Should political ideology matter when the President and the Senate consider appointment of a

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particular person to fill a vacancy on a federal court? I can answer that question in one word: No. The only legitimate question on this subject--from the White House, the Senate, the Judiciary Committee, or an individual Senator--pertains to the proper constitutional role of a federal judge.

### **Appointment of Federal Judges, Ideology**

An ideology of results might be an appropriate means of evaluating the elected officials in a government, particularly those in the executive and the legislature, but an ideology of process would be a more sensible means of evaluating the behavior of the judiciary.

### **"Should Ideology of Judicial Nominees Matter?: Is the ...**

In other words, this kind of process—in which political actors have certain goals in mind in terms of ideological balance—necessarily involves selecting on the basis of ideology, distinguishing it from what we refer to here as “ideologically neutral selection.”