

THE Confirmation MESS

**CLEANING UP
THE FEDERAL
APPOINTMENTS
PROCESS**

STEPHEN
L. CARTER

Author of The Culture of Disbelief

STEPHEN
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The
Confirmation Mess



Confirmation Mess Cleaning Up The Federal Appointments Process

Michael Comiskey



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Congressional Oversight Manual , *Congressional Oversight* Martin O. James, 2002 Throughout history congress has engaged in oversight of the executive branch the review monitoring and supervision of the implementation of public policy The first several Congresses inaugurated important oversight techniques as special investigations reporting requirements resolutions of inquiry and use of the appropriations process to review executive activity Contemporary developments moreover have increased the legislature s capacity and capabilities to check on and check the Executive Public laws and congressional rules have measurably enhanced Congress s implied power under the Constitution to conduct oversight Despite its lengthy heritage oversight was not given explicit recognition in public law until enactment of the Legislative Reorganisation Act of 1946 That act required House and a Senate standing committees to exercise continuous watchfulness over programs and agencies within their jurisdiction Since the late 1960s Congress has shown increasing interest in oversight for several major reasons These include the expansion in number and complexity of federal programs and agencies increase in expenditures and personnel including contract employees rise until recently in the budget deficit and the frequency divided government with Congress and the White House controlled by different parties Major partisan disagreements over priorities and processes also heighten conflict between the legislature and the executive Oversight occurs in virtually any congressional activity and through a wide variety of channels organisations and structures These range from formal committee hearings to informal Member contracts with executive officials from staff studies to support agency reviews and from casework conducted by Member offices to studies prepared by non congressional entities such as statutory commissions and offices of inspector general

Congress of the United States Carol S. Plessner, 2007 This new book focuses on the Congress of the United States which has evolved continuously since its founding Although critics abound both in and outside congress itself it is most certainly true that the tasks and responsibilities assigned to Congress present a challenge to an organisation which is sometimes unwieldy to say the least Information has become so ubiquitous in the age of the internet that Congress seems to struggle to keep up Congress is largely run by the permanent staff which is now in excess of 30 000 people It is pushed pulled and jerked by lobbying groups whose interests are more often than not in opposition to the best interests of the majority of the population

Guide to Congress CQ Press, 2012-08-10 The new edition of this comprehensive two volume reference has been thoroughly revised and expanded by expert CQ Press writers with years of experience covering Congress to offer a complete institutional history of Congress along with updated insight and analysis on the 2008 and 2010 shifts in power of the U S Senate and House of Representatives The 35 chapters of Guide to Congress Seventh Edition are divided into eight subject areas that cover all aspects of the U S Congress Origins and Development of Congress from the constitutional beginnings of the legislative branch to the histories of the House and Senate and their power shifts eras of partisanship and unity influential leaders and working relationships with presidents

New coverage includes analysis of the tug of war between House Democrats and the George W Bush administration on Iraq war withdrawal timetables updates on criminal investigations of House members including William J Jefferson of Louisiana and Charles Rangel of New York and analysis of the Tea Party Movement and new Republican majority Powers of Congress including powers to tax spend and borrow to conduct foreign policy and investigations to confirm and impeach to regulate commerce to amend the Constitution and to select the president Updated material includes analysis of the George W Bush administration s use of immunity from questioning by congressional committees analysis of the signing of the new START treaty with Russia marking a cornerstone of U S relations with the country coverage of the War on Terror including the killing of bin Laden in a U S raid in Pakistan and perspective on the negotiations to raise the federal debt ceiling in 2011 Congressional Procedures detailing the party and leadership structures rules and the legislative process the committee system assignment and procedures and congressional staff Revised coverage profiles the methods styles and legislative successes and defeats of House Speakers Pelosi and Boehner and Senate majority leader Reid The Guide also analyzes the new hyperpartisanship emerging in Congress and provides updates on congressional travel reforms and aide statistics and trends Pressures on Congress including influence from constituents political parties the president the Supreme Court lobbyists and the media New material explores the use of social media to communicate with constituents examines the role of the new Consumer Financial Protection Bureau and analyzes the Obama administration s relationship with Congress Housing and Support covering the U S Capitol House and Senate office buildings the Library of Congress and organizations such as the Government Accountability Office and the Congressional Research Service Updates are provided on new initiatives by the Library of Congress and reforms to the General Accounting Office Pay and Perquisites including honoraria and allowances franking and travel privileges and other benefits Updates include revised figures for congressional pay and benefits and analysis of efforts to control privately sponsored foreign travel Congress and the Electorate covering the right to vote the demographic composition of congress the role of parties in elections campaign financing and redistricting New information discusses elections statistics in recent elections the impact of third parties Tea Party gains and the creation of super PACs and 527 groups Qualifications and conduct detailing congressional ethics investigations and procedures for disciplining members Updated coverage reviews ethics investigations including the creation of the Office of Congressional Ethics Specific investigations and outcomes are discussed including the censure of Charles Rangel and disapproval of Joe Wilson s outburst during a speech by President Obama Volume 2 concludes with a selected bibliography and key reference materials a list of all members of congress who have served since 1789 congressional election results floor leaders and committee chairs dates for sessions of congress women black Asian and Hispanic members and many more Boxed features tables and figures and a generous number of photos enhance the topical coverage of this definitive resource on Congress Most Deserving of Death? Professor Kenneth Williams,2013-02-28 The role of capital punishment in America has been criticised by those for

and against the death penalty by the judiciary academics the media and by prison personnel This book demonstrates that it is the inconsistent and often incoherent jurisprudence of the United States Supreme Court which accounts for a system so lacking in public confidence Using case studies Kenneth Williams examines issues such as jury selection ineffective assistance of counsel the role of race and claims of innocence which affect the Court's decisions and how these decisions are played out in the lower courts often an inmate's last recourse before execution Discussing international treaties and their lack of impact on capital punishment in America this book has international appeal and makes an important contribution to legal scholarship It also provides a unique understanding of the dynamics of an alarmingly problematic system and will be valuable to those interested in human rights and criminal justice

Constitutional Conflicts Between Congress and the President Louis Fisher, 2007 A classic on the separation of powers this book dissects the crucial constitutional disputes between the executive and legislative branches from the Constitutional Convention to the present day New material includes military tribunals and NSA eavesdropping disputes over executive orders state secrets privilege and post 9/11 wars in Afghanistan and Iraq

The President Shall Nominate Mitchel A. Sollenberger, 2008 A comprehensive and path breaking study of what happens behind the scenes before presidents publicly announce to the Senate and thus the nation their nominees for federal positions

The Confirmation Mess Stephen L. Carter, 1994-05-12 Stephen L. Carter tells what's wrong with our confirmation process explains how it got that way and suggests what we can do to fix it Using the most recent confirmation battles as examples Carter argues that our confirmation process will continue to be bloody until we develop a more balanced attitude toward public service and the Supreme Court by coming to recognize that human beings have flaws commit sins and can be redeemed

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.

Debating the Presidency: Conflicting Perspectives On the American Executive Richard J. Ellis, Michael Nelson, 2006-01-31

Presidential performance, the Electoral College, and the balance of power between Congress and the president are discussed in every presidency text. But now you can expose your students to alternate points of view on these critical topics incisively argued by today's leading presidential scholars. Moving far beyond a broad synthesis of the literature, this provocative reader will actively engage your students with conflicting perspectives inspiring spirited debate beyond the pages of the book. Each pro and con essay, written in the form of a debate resolution, offers a compelling yet concise view on the most pivotal issues facing the modern presidency: whether the framers of the Constitution would approve of the modern presidency; the media scrutinize the president too much; or the president is a better representative of the people than Congress. Ellis and Nelson introduce each pair of pro/con essays, giving students context and preparing them to read each argument critically so they can decide for themselves which side of the debate they find most persuasive.

Rehnquist Justice Earl M. Maltz, 2003

With seven of its justices appointed by Republican presidents, today's Supreme Court has significantly altered America's legal landscape since 1986 by tilting constitutional jurisprudence to the right. That was the goal of Presidents Reagan and Bush in filling court vacancies, and has been felt in cases related to federalism, economic rights, and affirmative action. However, liberal issues such as abortion have moved only marginally to the right, while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left. In this collection of original articles, prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed. Reflecting views across the political spectrum, the contributors help readers understand the Court dynamic, its constrained conservatism, and the forces that shape constitutional law in general. As these authors show, the overall pattern of decision making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis. Instead, today's Court can only be understood as the product of a complex interaction among individual justices, each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system. These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench. From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O'Connor to the liberal constitutionalism of David Souter, the essays analyze the unique

approach of each justice to interpreting the Constitution They also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades one which favors experienced often unknown jurists over high profile public servants By concentrating attention on its members Rehnquist Justice allows us to better understand the Supreme Court as a whole And by assessing today s judiciary in light of a public philosophy that looks askance at government it shows us that the Supreme Court has truly become a mirror of its times

The Public Interest Law Review ,1995 *Cardozo Journal of Law & Gender* ,2005 **Judicial Role and Ideology in U.S. Supreme Court Decision Making, 1953-1989** Blake Jon Nelson,1996 **The Best Books for Academic Libraries: Political science, law, education** ,2002 Books recommended for undergraduate and college libraries listed by Library of Congress Classification Numbers *Library Journal* ,1995 **University of Pennsylvania Law Review** ,2009-02

Strategic Public Personnel Administration Ali Farazmand,2007 The history of public personnel administration is as old as human civilization itself Persia China Assyria Egypt and Rome all practiced strategic personnel management systems some systematically and others unsystematically But despite the longstanding practice of strategic public personnel administration the systematic study of this field is a fairly new development in the modern world Today the need for strategic thinking in public personnel administration and human capital development is more urgent than ever before Managing and coping with the challenges of transworld migrations of capital and labor cyber employment and virtual workplaces and relentless global pressures for results oriented performance through outsourcing all require the development of human capital as a key asset of modern governments and private organizations Governments and public administration organizations must confront these challenges if they are to survive and thrive in the 21st century and Strategic Public Personnel Administration provides a comprehensive analysis of the past development and current function of the field so as to give a clearly balanced picture of public personnel administration in both theory and practice Today strategic public personnel management is a central component of strategic governance and administration in public and nonprofit organizations Strategic personnel administration aims to lead organizations along the right paths with the necessary people on hand to achieve strategic goals and objectives in modern governance and public administration This two volume set fills a major gap in the current literature and it will serve as a key work that addresses the history knowledge policy management process and culture of public personnel administration with a strategic perspective **Conference, Fair and Independent Courts** ,2007 *Current Publications in Legal and Related Fields* ,1994

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