

# Advice and consent - the senators and the justices

National Press Books - Advice and Consent



Description: -

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Judges -- United States -- Selection and appointment -- History

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## Advice and Consent

Garfield renominated Matthews, who was subsequently — the slimmest margin in Supreme Court history.

## U.S. Senate: Judiciary

We still have hopes that someone will want to continue offering this service. Some Presidents have consulted with key Senators and a few with the Senate leadership, but they have done so out of comity or political prudence and never with the understanding that they were constitutionally obliged to do so. The staff evaluates a candidate based on prior opinions if the nominee has judicial experience, writings and speeches, and background to determine ideological compatibility with the President's goals, as well as the likelihood that the candidate could be confirmed by the Senate.

## FACT CHECK: Does The Constitution Require The Senate To Vote On SCOTUS Nominees?

Since 1975, the average number of days from nomination to final Senate vote has been 2. Until recently, the Senate never had to face these questions.

## How the Trump Administration is Evading Senate Advice and Consent

What is the President's role in the selection process for Supreme Court Justices? The Senate possesses the plenary authority to reject or confirm the nominee, although its weaker structural position means that it is likely to confirm most nominees, absent compelling reasons to reject them. Gorsuch, and hopefully like Kavanaugh after him, survived all-out assault from the Democrats over *Roe v.*

## U.S. Senate: Judiciary

The distinguished between officers of the United States and inferior officers in the 1988 case *Morrison v.*

## Advice and consent

Editor's Note: Between various presidential nominations now bottled up in the U.

**[Opinion] The Senate Does Not Understand and**

While it is assumed that the President will try to nominate judges who hold a judicial philosophy that he shares, there is much argument over whether the Senate is equally free to take philosophy and ideology into account in its decision whether to confirm the nominees.

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