“Obviously the selection of Supreme Court nominees is among the president’s most significant duties.”

“As a beneficiary of life tenure, a justice may well extend that president’s legacy on judicial matters long into the future.”

“A central question remains: why, were these particular candidates chosen over others possessing similar—and in some cases superior—qualifications?”

“I contend that modern presidents are often forced to arbitrate among factions within their own administration, each pursuing its own interests and agendas in the selection process.”

“The New Deal marked the beginning of a fundamental transformation of American politics. A national economic crisis demanded national solutions, and the government in Washington grew exponentially to meet these new demands.”

“1. The growth and bureaucratization of the Justice Department facilitated the investment of considerable manpower and other resources towards the consideration of Supreme Court candidates.”

“2. The growth and bureaucratization of the White House has also had an impact on the nomination process.”

“Modern presidents often rely on the White House Counsel’s Office to assist them in screening and selecting prospective Supreme Court nominees.”

“Paralleling the increased role for national political institutions in American life has been the growth in size and influence of federal courts.”

“Senatorial courtesy...remains the dominant factor in lower court selections, but the steady increase in the number of judgeships has provided presidents with more than an occasional opportunity to nominate candidates of their own choosing after the preferences of the individual senators have been satisfied.”

“The confirmation process has become increasingly public.”
p. 306, ¶ 2—“6. The rise in power of the organize bar has figured significantly in recent Supreme Court selections.”

Ibid., ¶ 3—“7. Increased participation by interest groups has also altered the character of the Supreme Court nomination process.”

p. 307, ¶ 2—“8. Increased media attention has further transformed nominee selection politics.”

Ibid., ¶ 3—“9. Advances in legal research technology have had a pronounced effect on the selection process.”

Ibid., ¶ 4—“10. Finally, the more visible role of the Supreme Court has assumed in American political life has increased the perceived stakes of the nomination process for everyone involved.”

p. 308, ¶ 2—“Since the early 1940s, ... the Supreme Court has positioned itself at the center of major political controversies on a nearly continuous basis.”