

TRANSCRIPT: HOW DO US SUPREME COURT JUSTICES GET APPOINTED? - PETER PACCONE

i The following transcript is a verbatim account of the video or audio file accompanying this transcript.

There's a job out there with a great deal of power, pay, prestige, and near-perfect job security. And there's only one way to be hired: get appointed to the US Supreme Court. If you want to become a justice on the Supreme Court, the highest federal court in the United States, three things have to happen. You have to be nominated by the president of the United States, your nomination needs to be approved by the Senate, and finally, the president must formally appoint you to the court. Because the Constitution doesn't specify any qualifications, in other words, that there's no age, education, profession, or even native-born citizenship requirement, a president can nominate any individual to serve. So far, six justices have been foreign-born, at least one never graduated from high school, and another was only 32 years old when he joined the bench. Most presidents nominate individuals who broadly share their ideological view, so a president with a liberal ideology will tend to appoint liberals to the court. Of course, a justice's leanings are not always so predictable. For example, when President Eisenhower, a Republican, nominated Earl Warren for Chief Justice, Eisenhower expected him to make conservative decisions. Instead, Warren's judgements have gone down as some of the most liberal in the Court's history. Eisenhower later remarked on that appointment as "the biggest damned-fool mistake" he ever made. Many other factors come up for consideration, as well, including experience, personal loyalties, ethnicity, and gender. The candidates are then thoroughly vetted down to their tax records and payments to domestic help. Once the president interviews the candidate and makes a formal nomination announcement, the Senate leadership traditionally turns the nomination over to hearings by the Senate Judiciary Committee. Depending on the contentiousness of the choice, that can stretch over many days. Since the Nixon administration, these hearings have averaged 60 days. The nominee is interviewed about their law record, if applicable, and where they stand on key issues to discern how they might vote. And especially in more recent history, the committee tries to unearth any dark secrets or past indiscretions. The Judiciary Committee votes to send the nomination to the full Senate with a positive or negative recommendation, often reflective of political leanings, or no recommendation at all. Most rejections have happened when the Senate majority has been a different political party than the president. When the Senate does approve, it's by a simple majority vote, with ties broken by the vice president. With the Senate's consent, the president issues a written appointment, allowing the nominee to complete the final steps to take the constitutional and judicial oaths. In doing so, they solemnly swear to administer justice without respect to persons and do equal right to the poor and the rich and faithfully and impartially discharge and perform all the duties incumbent upon a US Supreme Court justice. This job is for life, barring resignation, retirement, or removal from the court by impeachment. And of the 112 justices who have held the position, not one has yet been removed from office as a result of an impeachment. One of their roles is to protect the fundamental rights of all Americans, even as different parties take power. With the tremendous impact of this responsibility, it's no wonder that a US Supreme Court justice is expected to be, in the words of Irving R. Kaufman, "a paragon of virtue, an intellectual Titan, and an administrative wizard." Of course, not every member of the Court turns out to be an exemplar of justice. Each leaves behind a legacy of decisions and opinions to be debated and dissected by the ultimate judges, time and history.