

Obama on Supreme Court and Judges

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Description

At a town hall in Westerville, Ohio, Barack Obama answers a question about what kind of judges he would appoint to the Supreme Court.

Keywords

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Transcript

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UNIDENTIFIED QUESTIONER: My name's Tim Crowley; I'm an attorney as you are here locally in the Worthington area. My question has to deal with appointments to the United States Supreme Court, specifically, but also appointments to the Federal Judiciary, generally. Historically, it was quite common that Presidents would appoint people who had experience out in real world situations. Frequently people who had been elected to a number of offices or who may have had other executive experience. Notable examples would be Charles Evans Hughes, Fred Vincent, Earl Warren, that everybody knows that name

quite a bit. Lately we have had a lot of federal judges who have moved up to the higher level, the populous generally didn't know who these people were. We would also note that within the next four years, John Paul Stevens, who is 88 years old, Ruth Bader Ginsburg who is in her mid 70s, possibly may not be around beyond the next term. What are your thoughts about qualifications for that office? Also in the event that Justice Ginsburg were to retire, could we have a pledge from your administration that there would be a strong look at appointing a qualified female to take that position?

Senator BARACK OBAMA (D): Okay, great question. Let me first of all talk about appointments generally, not just on the bench, but in my cabinet, Vice President, what have you. Here are my criteria; I want people of excellence, people who know what they're doing, no more heads of the Arabian horses association in charge of FEMA. We won't do that. That's point number one.

Point number two is people of integrity. I don't want people who are going in to cash out. And, we've got to put an end to the revolving door that we've seen in our government. I've already said that if you want to work in the Obama administration you won't be able to regulate industries that you used to lobby for, and you won't be able to leave an Obama administration and lobby for an industry that you used to regulate. We have to break that link. So that's the second thing.

Number three I want independence. I want people who will say no to me. Who will say, you know Mr. President, this idea of going into Iraq is a really bad idea. Mr. President this war and this wiretap thing is unconstitutional. I want somebody who is willing to stand up for core principles.

Now with respect to the bench, I think you are exactly right, we have to have people with the intellectual qualifications and academic credentials to perform. But, that can't be the only criteria. We have generally, lately, drawn only from the academic areas. And, some of our best justices have been people who know a little bit about how the world works; know what it looks like outside of a court. Because part of...especially when you get to the highest levels, the Supreme Court, and I taught constitutional law for ten years. 95% of the cases that come before the Supreme Court or the appellate courts are actually pretty easy to resolve. A lot of these cases are cases that where there's a clear statutory, you know, there's clear language that tells you what the law is, or there's clear precedent that tells you what the law is, and Scalia and Ginsburg will agree on the interpretation. And, those cases usually get washed out. The cases that we pay attention to, that we care about are the 5% of the cases, or the 1% of the cases, and what makes them hard cases, is because they're conflicting values. It's not just that they're, its right and wrong, its, there might be two rights or two wrongs and you've got to try and resolve them. And there, the question is, what's in the persons heart and their gut, not just what's in their head. And what I want are people on the bench, who have enough empathy enough feeling for what ordinary people are going through, that they're not just in a bunch of abstractions up there, but they're focused on, you know, what does this really mean. Brown vs. Board of Education is a great example, I mean, the truth is; is that the science that showed that black children going to segregated schools was bad for them, the sociology that was used was imperfect. I mean, it wasn't really perfect science, but people on that bench, people like Earl Warren and Brennan and others, they understood you know what, what's really happening is that this is part of a stigmatization of blacks, and so you cant pretend that there is anything like separate and equal, its inherently unequal, that's a statement of values, and a statement of morality, and a statement of who we are and what we believe in.

And, I want my judges to understand that part of the role of the court is to look out for the people who don't have political power, the people who are on the outside, the people who aren't represented, the people who don't have a lot of money, who don't have connections, that's the role of the court. And yes, I want women on the court absolutely.

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