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The View of the Courts from the Hill: Interactions between Congress and the Federal Judiciary (Constitutionalism and Democracy)

Mark C. Miller

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The View of the Courts from the Hill explores the current interactions and relationship between the U.S. Congress and federal courts using a "governance as dialogue" approach, which argues that constitutional interpretation in the United States is a continuous and complex conversation among all the institutions of government. Expanding on his previous work on this important theme, Mark C. Miller has interviewed numerous key players specifically for this book. His subjects include members of Congress, federal judges, congressional staff, employees of the judicial branch, lobbyists, and others with an interest in the courts. Their candid and thorough comments provide an invaluable resource for students and scholars eager to explore the dynamics between congressional and judicial forces as they have evolved over the past two decades.

The book examines customary interactions between Congress and the federal courts?especially the U.S. Supreme Court?as well as extraordinary conflicts between the two branches of government both today and throughout American history. Miller gives special attention to recent attempts by social conservatives in Congress to silence the voice of the courts in the inter-institutional dialogue through the use of court-stripping measures, threats of impeachment of federal judges, and a proposal for an inspector general for the courts. Particular focus is placed on the interactions between the courts and the House Judiciary Committee under Republican control, as well as the approach taken by the Religious Right toward federal judges and the federal courts in general. The book concludes with a call for the protection of judicial independence in order to preserve the voice of the federal courts in the constitutional interpretation dialogue.

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