

From: "Kavanaugh, Brett M."
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Subject: lower court judges as inferior officers
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"From the early days of the Republic the practical construction has uniformly been that [**judges** of the inferior courts] are not ... **inferior officers.**" [Weiss v. United States, 510 U.S. 163, 191, n.7 \(1994\)](#) <<

http://www.lexis.com/research/buttonTFLink?_m=3886cf03c3ed2a0d896ec00db5c3ae17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b47%20Emory%20L.J.%20527%20%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=242&_butNum=261&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b510%20U.S.%20163%2cAT%20191%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&_docnum=11&_startdoc=11&_wchp=dGLbVtb-ISIWS&_md5=f2b8ae7b69b0dad5ef2b5309a6e8bceb >> (Souter, J., concurring) (citing 3 Joseph Story, Commentaries on the Constitution of the United States 456 n.1 (1833)).

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