

STUDENT ACTIVITY: Senate Judicial Committee Confirmation Simulation

Student Handout:

Senate Role Description

Moderate Liberal Committee Member

Historical Background:

With the retirement of Justice David Souter, President Obama will nominate his first member to the Supreme Court. Justice Souter surprised many when after being nominated by George H.W. Bush he sided with the more liberal leaning justices of the Court. From the earliest years, the Senate has guarded its power to review and approve or reject Presidential nominees to the Supreme Court. Since the early days of the republic, the Senate has considered a nominee's qualifications, the importance of the position and the prevailing political climate in providing advice and consent to the President on his nomination. Your sub-committee's task is to consider the nominee's qualifications and opinions on various issues and determine whether he should be approved by the Senate.

Directions:

1. Review the role description for your sub-committee and the guide for evaluating a Supreme Court nominee with your other committee members.

Role Description: Moderate Liberal Committee Member

This group has concerns with the competency of judicial nominees, especially if they are from lower judiciary positions and have had a sizable portion of their decisions overturned by higher courts. This is especially true if their past decisions seem to infringe on or discount altogether the civil rights of the accused especially in cases of minorities.

Regardless of their background, nominees should show that they will make legal decisions regardless of a plaintiff's background, religion, race or gender and that they will apply the law as it is written. They are looking for candidates who are not judicial activists who support federal civil rights laws that protect Americans from discrimination and oppose state or local laws that discriminate.

Research Guide

- Provide a brief biography on the potential nominee, including his/her current position, education, and other legal or political experience.
- Provide a brief summary of the nominee's opinions on important issues of concern to the nation, such as abortion, affirmative action, and the death penalty, Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the National Labor Relations Act, Church and State, and others of interest to the sub-committees.
- Identify significant similarities and/or differences between this person's opinions on those key issues to those of Justice Souter. The sub-committee members can express whether this is positive or negative.

- Declare the sub-committee's vote on whether to accept or reject the nominee. In case your sub-committee cannot come to a consensus, each member of the committee can independently express their view on the nominee.

2. Research one of the people whose name made it to the short list of potential nominees or the President's nominee to the Supreme Court following the guide below using the NewsHour's website and other major media outlets. You can also use any of the websites for the interest groups listed below. Understand that these groups have specific agendas and might be favorable or unfavorable to a specific candidate and the information from these sites should be taken in that context.

3. As a group, present your findings to the entire class starting with a description of your subcommittee. Follow the research guide to complete your presentation.

Follow up questions:

- What did you learn about the nominee you researched in class?
- What is your personal opinion on whether or not you support this potential nominee as Justice Souter's replacement and why?
- What challenges do you see to the nominee's appointment to the Court, and from whom or where might these challenges arise?
- Of all the people mentioned as potential nominees, who do you think would best fill Justice Souter's position and why?
- In what direction do you think the nominee you researched would lead the country? What is your opinion on that?

Resources:

- **NewsHour Supreme Court Watch**

http://www.pbs.org/newshour/bb/law/supreme_court/index.html

- **U.S. Senate Reference Site on Nominations**

http://www.senate.gov/reference/reference_index_subjects/Nominations_vrd.htm

- **U.S. Supreme Court**

<http://www.supremecourtus.gov/>

- **The White House**

<http://www.whitehouse.gov>

- **Alliance for Justice**

<http://www.allianceforjustice.org/>

- **American Center for Law and Justice**

<http://www.aclj.org/>

- **People for the American Way**

<http://site.pfaw.org/site/PageServer?pagename=homepagenew>

- **Progress for America**

<http://www.progressforamerica.com/>