

Using NewsHour Extra Feature Stories

STORY

Supreme Court Justice Retiring; Obama Will Help Shape High Court, 05/01/2009

http://www.pbs.org/newshour/extra/features/us/jan-june09/souter_05-01.html

Estimated Time: One 45-minute class period with possible extension

[Student Worksheet](#) (reading comprehension and discussion questions without answers)

PROCEDURE

1. WARM UP

Use initiating questions to introduce the topic and find out how much your students know.

2. MAIN ACTIVITY

Have students read NewsHour Extra's feature story and answer the reading comprehension and discussion questions on the student handout.

3. DISCUSSION

Use discussion questions to encourage students to think about how the issues outlined in the story affect their lives and express and debate different opinions.]

INITIATING QUESTIONS

1. What are some laws that affect your life?

2. What does the Supreme Court do?

3. How does the Supreme Court affect American values and culture?

READING COMPREHENSION QUESTIONS – [Student Worksheet](#)

1. Who is David Souter?

ANSWER

Supreme Court Justice David Souter is planning to retire this year, giving President Obama an opportunity to choose a member of the high court and begin to shape the institution that helps form the laws and rules that govern everyday life.

2. Why might President Obama choose a woman to replace David Souter?

ANSWER

President Obama is likely to appoint a woman, as there is only one female among the nine justices on the court, but he will not be able to dramatically reshape the court because Souter was already part of the liberal voting bloc.

3. What are the three branches of government? How does the Supreme Court relate to each of them?

ANSWER

The Supreme Court, the highest court in the nation, oversees the judicial branch of the government, which, alongside the legislative branch and executive branch, is a key component of a system of checks and balances.

4. What is judicial review?

ANSWER

Compared to the other two branches, though, the Supreme Court's responsibilities are relatively straightforward, with its most significant being judicial review. This process grants the Court with the awesome power of determining whether existing laws are unconstitutional.

5. Who appointed Souter, why was that president disappointed?

ANSWER

Souter was appointed by Republican President George H.W. Bush in 1990. He was recommended by New Hampshire's former Gov. John Sununu, the president's chief of staff.

But Souter surprised Bush and the country by joining the court's more liberal wing. He often voted with the most liberal judge, John Paul Stevens, and two justices appointed by President Bill Clinton, Ruth Bader Ginsburg and Stephen Breyer.

6. What evidence suggests Souter is a moderate judge?

ANSWER

Souter was known as a moderate judge. He voted in favor of abortion rights in the 1992 Casey v. Planned Parenthood case and a ban on the recital of religious prayers at graduation ceremonies.

He voted against the death penalty for juvenile offenders and for people who are mentally retarded, dramatically limiting the scope of capital punishment in this country.

Liberals loved that Justice Souter gave them victories they had no right to expect when he was appointed. Conservatives hated it because they couldn't count on his vote.

He also dissented in the Bush v. Gore decision that ended the 2000 recount and paved the way for President George W. Bush to enter the White House.

7. Who are some possible replacements for David Souter?

ANSWER

Possible candidates include Elena Kagan, the solicitor general who represents the government before the Supreme Court; Sonia Sotomayor, a Hispanic judge on the U.S. Court of Appeals for the Second Circuit; and Diane Wood, a federal judge in Chicago who taught at the University of Chicago at the same time future President Barack Obama was teaching constitutional law there.

"He's talked about wanting judges who've had some real-world experience. He wants judges who are empathetic," said Stanford Law Professor Pam Karlan on the NewsHour.

DISCUSSION QUESTIONS (more research might be needed)

- 1. Why do you think David Souter is retiring?**
- 2. What factors do you think President Obama is considering as he chooses a replacement?**
- 3. President Obama taught constitutional law at the University of Chicago- how do you think that affects his approach to the law and to the Supreme Court?**
- 4. What experience and traits do you think are important for a Supreme Court justice?**
- 5. Use this lesson plan to explore how the Supreme Court affects your life.**

http://www.pbs.org/newshour/extra/teachers/lessonplans/history/scotus_function.html

and these lesson plans to look at the confirmation process

http://www.pbs.org/newshour/extra/teachers/lessonplans/socialstudies/confirm2_7-20.html

http://www.pbs.org/newshour/extra/teachers/lessonplans/socialstudies/scotus_nominations.html

Extension Activity

Have students write a 300-500 word essay on this topic providing clear examples. Send your completed editorial to NewsHour Extra (extra@newshour.org). Exceptional essays might be published on our Web site.