

The Challenge of Selecting an Ideal Supreme Court Nominee

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Objective: Students will research the characteristics of current justices, list and explain factors that influence nomination selection for Supreme Court justices, and use that information to create a resume for an ideal Supreme Court nominee based on the ideology of the current President and Senate.

Scope/sequence: This lesson should be presented after an introduction of the basic procedure of nomination and confirmation procedure of Supreme Court justices.

Time Needed: One 90 minute block or two 45 minute blocks

Focus Question: What qualities should a Supreme Court justice have?

Materials Needed:

- Access to www.supremecourtus.gov/ or current justices' biographies
- Choosing a Supreme Court Nominee – Handout A
- Article III, US Constitution – Handout B
- Supreme Court Nominations Knowledge Inventory – Handout C
- The Challenge of Selecting an Ideal Supreme Court Nominee: Directions – Handout D
- Chart – Characteristics of Current Supreme Court Justices – Handout E
- Ideal Supreme Court Nominee Resume - Handout F
- Essay/Evaluation – Handout G

Teacher Input:

- Pass out the sheet entitled “Choosing a Supreme Court Nominee” (Handout A).
- Begin class by asking students to respond to the first two questions
- Before they complete #3, hand out Article 3 of the Constitution (Handout B). Then allow time to complete Handout A.
- When students complete Handout A, have students briefly share in a class discussion of the answers.
- Pass out the “Supreme Court Nominations – Knowledge Inventory” (Handout C). Allow students time to complete (individually, in pairs, or in groups).
- Review the answers to the quiz using the key provided.
- Transition to the next activity by summing up the importance selecting a nominee based the ideology of the current administration and on balancing the court. The teacher should review the major policy views of the current president (such issues as affirmative action, abortion, prayer in school, etc.)
- The teacher should also explain that to balance the court, you must know the current make up of the court.
- Either take class to the computer lab to access short biographies of the current Justices at www.supremecourtus.gov/ or pass out previously copied biographies.
- Pass out instructions entitled “The Challenge of Selecting an Ideal Supreme Court Nominee” (Handout D). Explain that they will first need to figure out who is the eldest current Supreme Court Justice and assume that he/she has just retired.

- Pass out the blank chart entitled “Characteristics of Current Supreme Court Justices” (Handout E) and have students collect data on the remaining 8 current Supreme Court Justices.
- Divide students into small groups (3-5 students). Pass out the sheet entitled “Ideal Supreme Court Nominee Resume” (Handout F). Allow students time to study the chart, consider the president’s ideology, and create a resume for an ideal nominee.
- Have students present their ideal nominees to the class.
- Debrief
- Assign essay/evaluation (Handout G)

Interactive Strategy/ Student Directions:

- Complete “Choosing a Supreme Court Nominee” (Handout A). Read Article 3 of the Constitution to complete # 3 (Handout B)
- Take the Supreme Court “Knowledge Inventory” Quiz (Handout C)
- Read the instructions entitled “The Challenge of Selecting an Ideal Supreme Court Nominee Directions” (Handout D)
- Research the current Supreme Court justices using the chart (Handout E) and the website (<http://www.supremecourtus.gov/>) or biographies provided.
- Create a resume for an “ideal” Supreme Court justice for a current vacancy who would reflect the current president’s ideology and would balance the current justices. Complete his/her resume (Handout F)
- Present your nominee to the class.
- Complete essay/evaluation (Handout G)

Debrief: Debrief by having students discuss the nominees presented to them and their positive and negative aspects. Then discuss how difficult it would be for the president to find a person who possesses those qualities and a compatible ideology.

Evaluation: In a five paragraph essay, students will select their choice for Supreme Court Justice from among the other groups’ nominees (not their own). They will analyze their chance for confirmation based on their resume, the current make up of the Senate, and the ideology of the president. The student should discuss the relative importance of ideology and other characteristics of the nominees.

Extension: Before the writing assignment, have groups write at least 3 questions for each nominee presented. Role play a Senate Confirmation hearing, having one student from the group that created the resume acting the part of the nominee and the students from the other groups acting as Senators and questioning.

Helpful websites: www.supremecourtus.gov/, www.uscourts.gov

National Standards for Civics and Government

9-12 Content Standards

III. How Does the Government Established by the Constitution Embody the Purposes, Values, and Principles of American Democracy?

A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?

B. How is the national government organized and what does it do?

Name _____ Pd. _____

Choosing a Supreme Court Nominee

1. Brainstorm – What qualities should a Supreme Court justice have?
2. Look at your list of qualities above, circle those you believe are required by the Constitution.
3. Read Article III of the Constitution. What are the constitutional requirements for Supreme Court Justice?
4. Considering your answers to the above questions, what other factors do you think go into selecting a nominee?
5. Do you think it is more important to possess the characteristics in #2 or to have an ideology similar to the administration in office at the time of the nomination?

Article III of the Constitution of the United States of America

Section 1: The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and treaties made, or which shall be made, under their Authority; to all Cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime Jurisdiction; to Controversies between two or more States; between a State and Citizen of another State; between Citizens of different States, between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Name _____ Pd. _____

Supreme Court Nominations Knowledge Inventory



1. True or False – A vacancy on the Supreme Court has occurred about once every two years, so a president will probably have at least one appointment during his term.
2. True or False – The current justices get to vote on who will fill a vacancy.
3. True or False – The appointment to Chief Justice automatically goes to the senior most justice on the court.
4. True or False – Supreme Court nominees always have previous judicial experience.
5. True or False – Justice Sandra Day O’Connor was the first woman to serve on the Supreme Court.
6. True or False – Justices are obligated to rule according to the ideology of the president who appointed them.
7. True or False – There was a former president who also served as Chief Justice of the United States.
8. True or False – The president has final word on whether a nominee will be confirmed.
9. True or False – Today geographical balance (where a nominee is from) is also important when selecting a nominee.
10. True or False – You meet the Constitutional requirements for a Supreme Court justice.

Supreme Court Nominations Knowledge Inventory - ANSWER KEY

1. True or False – A vacancy on the Supreme Court has occurred about once every two years, so a president will probably have at least one appointment during his term.
True – Jimmy Carter was the first full term president who did not have an opportunity to name a nominee to the court (1977-81). George W. Bush also did not name anyone to the Court during his first term in office.
2. True or False – The current justices get to vote on who will fill a vacancy.
False
3. True or False – The appointment to Chief Justice automatically goes to the senior most justice on the court.
False – the president may nominate anyone for the Chief Justice.
4. True or False – Supreme Court nominees always have previous judicial experience.
False – Many of the most famous have had no previous judicial experience including 8 chief justices. However, all 108 have had experience in public service. Among members of the Court in 2005, only Chief Justice Rehnquist lacked previous judicial experience.
5. True or False – Justice Sandra Day O’Connor was the first woman to serve on the Supreme Court.
True.
6. True or False – Justices are obligated to rule according to the ideology of the president who appointed them.
False – They are completely independent. In fact, many of them have “disappointed” the president who nominated them by ruling more conservatively or liberally than the president assumed they would.
7. True or False – There was a former president who also served as Chief Justice.
True – William Howard Taft – President (1909-13) and Chief Justice (1921-30).
8. True or False – The president has final word on whether a nominee will be confirmed.
False – The president has the power to nominate, subject to the “advice and consent” of the Senate (US Constitution, Article II, section 2.) The Senate Judiciary Committee will hold hearings and make a recommendation to the full Senate. A majority vote is needed.
9. True or False – Today geographical balance (where a nominee is from) is also important when selecting a nominee.
False – Although 31 of the 50 states have been represented among the 108 justices to serve, today there is no expectation of geographical balance.
10. True or False – You meet the Constitutional requirements for a Supreme Court justice.
True – The Constitution states no requirements for holding the post of Supreme Court Justice.

The Challenge of Selecting an Ideal Supreme Court Nominee



Objective: Today it will be your job as an advisor to the current President of the United States to identify ideal characteristics for an opening on the Supreme Court of the United States. You will have to consider the ideology of the president, the demographics of the current justices and the current make up of the Senate.

- Complete “Choosing a Supreme Court Nominee” (Handout A). Read Article 3 of the Constitution to complete # 3 (Handout B).
- Take the Supreme Court “Knowledge Inventory” Quiz (Handout C). Correct answers as your teacher reviews.
- Take notes as your teacher reviews the ideology of the current President of the United States.
- Research the current Supreme Court justices using the website (<http://www.supremecourtus.gov/>) or biographies provided. Tabulate the ages of the current justices. Figure out who is the eldest current justice. For the sake of this exercise, assume that the eldest justice has just announced his/her retirement. This is the seat that will be vacant.
- Using the chart “Characteristics of Current Supreme Court Justices” (Handout E), fill in the information for the remaining 8 justices.
- Move into small groups of 3-5 students.
- Study the chart of current justices and the notes on the president’s ideology. Discuss the importance of balancing certain characteristics on the court and the role of the president’s and justice’s ideology.
- Create a resume for an “ideal” Supreme Court justice for a current vacancy who would share the current president’s ideology and balance the current justices. Complete his/her resume (Handout F).
- Present your nominee to the class.
- In a five paragraph essay, select your choice for Supreme Court Justice from among the other groups’ nominees (not your own). (a) Analyze their chance for confirmation based on their resume, the ideology of the president, and the current make-up of the Senate. (b) Discuss the probability that the President could find a nominee like the one you chose