

The Constitution in Action – The U.S. Supreme Court and the role of the Senate

Following the recent death of a sitting Supreme Court justice, a potential replacement Supreme Court justice has been nominated by the U.S. President. Soon the U.S. Senate will begin to interview the candidate and hold hearings to determine if this nominee should be confirmed to the high court.

If the majority of Senators vote “yes” to confirm, the nominee will take a seat on the third branch of government. If the majority of Senators vote “no” then this nominee will be dismissed and the President will be required to nominate a new candidate.

In this assignment you have the role of a U.S. Senator. You will soon be voting as part of the confirmation process. Your aids are collecting nominee information for you to review. You have decided that you need to answer the following questions to help you make your decision on whether to confirm or deny confirmation.

- 1) What is the educational back ground of the nominee? (2 points)
- 2) What judicial experience does the nominee possess? (2 points)
- 3) What is one important constitutional case that the nominee has written or helped to adjudicate? Describe the case. What was the outcome? (4 points)
- 4) What is the judicial philosophy of the nominee? (4 points)
- 5) Does the nominee possess any life experiences or other relevant considerations that may affect your decision. (4 points)
- 6) Based on any and all information available to you, do you support confirmation of this nominee? Explain. (4 points for the explanation, not the actual decision)

Please answer the above questions, 1 through 6, and turn in your answers via the submit assignment button in Canvas. Please limit the paper to 2 to 4 pages maximum; you may use 11 or 12 point characters with double spacing. Please label your response to each question by the numbers used above. Be sure to include your full name and the course and section number at the start of your paper.

On the Canvas website I have attached a Wikipedia Profile of the nominee for the current situation. This Wikipedia profile is currently under debate and development and should not be taken as authoritative but as a useful starting point. You will not be graded on your final decision. The focus in this assignment is on your ability to collect and assess information and explain your reasoning in any conclusion(s) that you reach.

Good luck Senator.

Grading Rubric

Question 1: (2points possible)

1 = partial answer (1 point for a partial answer)

2 = complete answer (2 points for a full and complete answer)

Question 2: (2points possible)

1 = partial answer

2 = complete answer

Question 3: (4 points possible)

1 = list a case

2 = case subject with brief description of the nature of the case

3 = case subject, description & conclusion

4 = case subject, description, conclusion and reasoning

Question 4: (4 points possible)

1 = names general philosophy

2 = list legal concepts important to this nominee

3 = nominee's critiques of other judges or judicial philosophies

4 = includes schools of jurisprudence or political views

Question 5: (4 points possible)

1 or 2 points = general personal background of candidate, depth of coverage

3 or 4 = candidate's important personal stories, overall national political climate discussed, philosophical position of the senator relative to the candidate; other relevant considerations

Question 6: (4 points possible)

1 = minimal rationale presented for final decision

2 = rational presented but with strong defense lacking

3 = some points clearly articulated but not all that were available

4 =clearly defined rationale for decision with back up references

Each question is scored with the above criteria, then the total number of points is multiplied by 10 to give the assignment's total score for recording in the Canvas gradebook. Note that points possible are: 2,2,4,4,4,4 = 20 (sum of total points for all questions) and $20 \times 10 = 200$ Canvas points

e.g. paper graded as follows: 2,1,3,4,4,3 = 17 (sum of points for each question answered)
results in $17 \times 10 = 170$ points total points recorded in the Canvas gradebook

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