

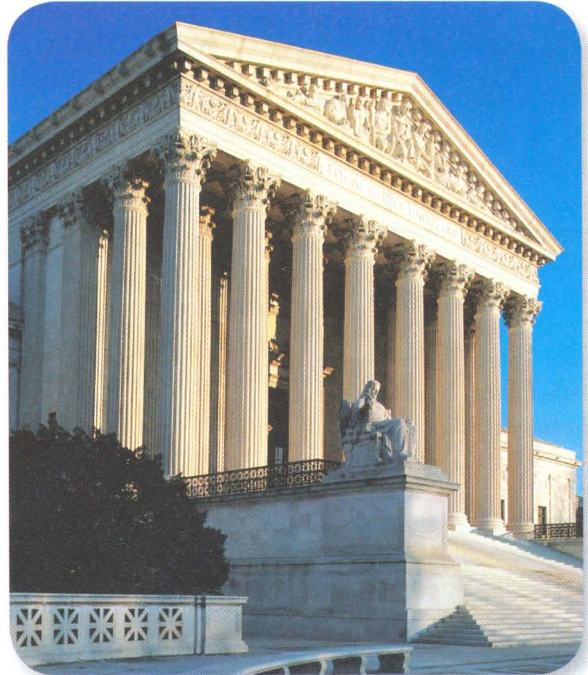
LAW AND DEMOCRACY *in Action*

Who Should Be on the Supreme Court?

The president of the United States selects nominees for all federal judgeships, including the U.S. Supreme Court justices, “with the advice and consent of the Senate.” The Senate must approve all nominees before they are appointed. Once appointed, justices serve for life unless they resign or are impeached. When the Senate receives a nomination from the president, it sends the nomination to the Senate Judiciary Committee for consideration. The committee schedules a hearing on the nomination. After the hearing, the committee votes. If a majority votes in favor of the nominee, the nomination is sent to the full Senate for consideration. If the majority of the Senate also votes for the nominee, the nominee is confirmed.

Problem 5.5

- a. You are legal counsel to the president. One of the Supreme Court justices has just announced his resignation. Many groups and individuals are suggesting names of people they think should be nominated by the president. Write a memo to the president describing the type of person who should be nominated to the U.S. Supreme Court.
- b. As legal counsel to the president, look at the following characteristics of potential Supreme Court nominees. Rank them from most important to least important. Be prepared to give your reasons.
- 45 years old
 - Hispanic American
 - female
 - graduated first in class from a top law school
 - respected trial court judge
 - smoked marijuana while a law professor 20 years ago
- c. Assume you are a member of the Senate Judiciary Committee. A nominee for the Supreme Court has an excellent reputation as a lawyer and lower court judge but is likely to vote, if confirmed, to overturn the case that established a woman’s right to choose an abortion. Voters in your state tend to support the right to choose. How would you vote on the nominee?



U.S. Supreme Court building