

Supreme Court Nominations Answer Key

Supreme Court Nominations Name: _____

Borked!
Have you ever been "borked"? Unless you're a political nominee whose nomination got cut short because people attacked your reputation with strong criticism, probably not. But there's someone who has been: Robert Bork. He got "borked" so bad that his own name is where the word came from. Of course, not everyone agrees that a public attack was Bork's only problem.


President Ronald Reagan (left) with Robert Bork

- Look at the entry for Robert Bork in the nominee table.

What ultimately happened to Bork's nomination?	
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- Go online and use the date of the confirmation vote to find a news article from that time period about either the confirmation vote or the Senate Judiciary Committee's vote. Read the article.

Title	Date	Website
If someone asked why senators were concerned about Bork, what would you say?		
Based on what you learned earlier in this lesson, how would you describe Bork's judicial philosophy? (If you can't tell from the article you already read, find another source.)		
Many senators did support Bork's nomination. List some reasons why. (Find another source if necessary.)		
- Find a source from any time period that explains exactly what views Bork had expressed in the past that many people found alarming.

Title	Date	Website
What were these views?		
- During the confirmation process, there was a lot of public pressure not to confirm Bork. Look through your sources for information about this, or find a new source if necessary.

Explain the role that interest groups and the public played in Bork's nomination process.	
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Supreme Court Nominations: Answer Key to Understanding the Process

The nomination and confirmation of Supreme Court Justices is a complex and often contentious process, fraught with political maneuvering and intense public scrutiny. Understanding this process is crucial for any engaged citizen. This comprehensive guide serves as your "Supreme Court nominations answer key," breaking down the intricacies of the procedure, from initial nomination to final Senate confirmation. We'll delve into the key players, the legal requirements, and the historical context to provide you with a complete understanding of this vital aspect of American government.

H2: The Nomination Process: From President to Senate

The journey of a Supreme Court nominee begins with the President of the United States. Article II, Section 2 of the Constitution grants the President the sole power to nominate justices. This power is significant, shaping the ideological balance of the Court for decades to come.

H3: The President's Selection Criteria

The President's choice is influenced by a variety of factors. These include:

Ideological Alignment: Presidents typically seek nominees who share their judicial philosophy, be it conservative, liberal, or otherwise.

Legal Expertise: Nominees are expected to possess extensive legal knowledge and experience, often including years spent as judges, lawyers, or law professors.

Political Considerations: The political climate and the need to garner Senate support heavily influence the selection process. A highly controversial nominee can face significant hurdles in confirmation.

Diversity and Representation: Increasingly, Presidents consider factors of diversity, aiming for a Court that reflects the nation's demographics.

H3: The White House Vetting Process

Once a potential nominee is identified, a rigorous vetting process ensues. This involves background checks, scrutiny of past legal decisions and writings, and interviews with numerous individuals. The goal is to identify any potential conflicts of interest or disqualifying information.

H2: The Senate Confirmation Process: Scrutiny and Debate

After the President formally nominates a candidate, the process shifts to the Senate. The Senate Judiciary Committee plays a pivotal role, holding hearings to examine the nominee's qualifications and judicial philosophy.

H3: Senate Judiciary Committee Hearings

These hearings are a crucial stage, involving questioning by committee members, often intense and politically charged. Nominees are questioned about their past rulings, legal interpretations, and views on various legal issues. The hearings are televised, exposing the process to public scrutiny.

H3: The Senate Vote: Confirmation or Rejection

Following the hearings, the Judiciary Committee votes on whether to recommend the nominee to the

full Senate. If recommended, the full Senate then holds a vote. A simple majority (51 votes) is required for confirmation. If the Senate rejects the nomination, the process begins anew with the President nominating a different candidate.

H2: Historical Context and Notable Nominations

Examining past Supreme Court nominations provides valuable insight into the evolving nature of the process. The confirmation battles surrounding nominees like Robert Bork (1987) and Clarence Thomas (1991) highlighted the deep ideological divides within the country and the intense political nature of the process. More recently, the confirmation hearings of Justices Gorsuch, Kavanaugh, and Barrett underscored the continuing significance of these nominations and the powerful role they play in shaping the American legal landscape.

H2: Understanding the Implications: The Long-Term Impact

Supreme Court justices serve for life, meaning their appointments have profound and lasting consequences. Their decisions shape legal interpretations for generations to come, impacting areas like civil rights, criminal justice, economic policy, and environmental regulations. Understanding the nomination process, therefore, is essential for understanding the ongoing evolution of American law and society.

Conclusion

Navigating the intricacies of Supreme Court nominations requires understanding the multifaceted process, from presidential selection to Senate confirmation. This "Supreme Court nominations answer key" has provided a comprehensive overview, highlighting the key players, legal requirements, and historical context. By understanding this process, we can become more informed and engaged citizens, capable of participating in the crucial discussions that shape the future direction of our nation's highest court.

FAQs

1. Can a Supreme Court nominee be rejected by the Senate after the Judiciary Committee approves them? Yes, the full Senate can reject a nominee even if the Judiciary Committee recommends confirmation. The Senate vote is the final decision.
2. What happens if a Supreme Court justice dies or resigns during a presidential election year? The President can still nominate a replacement, but the confirmation process may be influenced by the political climate surrounding the election.
3. What role does the American Bar Association play in Supreme Court nominations? While the ABA's rating is not binding, it often holds influence on the Senate confirmation process.
4. How long does the Supreme Court nomination process typically take? The length of the process varies significantly, but it can range from several weeks to several months.
5. Are there any formal qualifications for a Supreme Court Justice? The Constitution only requires that nominees be appointed by the President and confirmed by the Senate. There are no specific educational or professional requirements.

supreme court nominations answer key: *Supreme Disorder* Ilya Shapiro, 2020-09-22 NAMED ONE OF THE BEST BOOKS OF 2021: POLITICS BY THE WALL STREET JOURNAL A must-read for anyone interested in the Supreme Court.—MIKE LEE, Republican senator from Utah Politics have always intruded on Supreme Court appointments. But although the Framers would recognize the way justices are nominated and confirmed today, something is different. Why have appointments to the high court become one of the most explosive features of our system of government? As Ilya Shapiro makes clear in *Supreme Disorder*, this problem is part of a larger phenomenon. As government has grown, its laws reaching even further into our lives, the courts that interpret those laws have become enormously powerful. If we fight over each new appointment as though everything were at stake, it's because it is. When decades of constitutional corruption have left us subject to an all-powerful tribunal, passions are sure to flare on the infrequent occasions when the political system has an opportunity to shape it. And so we find the process of judicial appointments verging on dysfunction. Shapiro weighs the many proposals for reform, from the modest (term limits) to the radical (court-packing), but shows that there can be no quick fix for a judicial system suffering a crisis of legitimacy. And in the end, the only measure of the Court's legitimacy that matters is the extent to which it maintains, or rebalances, our constitutional order.

supreme court nominations answer key: *Slouching Towards Gomorrah* Robert H. Bork, 2010-11-16 In this New York Times bestselling book, Robert H. Bork, our country's most distinguished conservative scholar, offers a prophetic and unprecedented view of a culture in decline, a nation in such serious moral trouble that its very foundation is crumbling: a nation that slouches not towards the Bethlehem envisioned by the poet Yeats in 1919, but towards Gomorrah. *Slouching Towards Gomorrah* is a penetrating, devastatingly insightful exposé of a country in crisis at the end of the millennium, where the rise of modern liberalism, which stresses the dual forces of radical egalitarianism (the equality of outcomes rather than opportunities) and radical individualism (the drastic reduction of limits to personal gratification), has undermined our culture, our intellect, and our morality. In a new Afterword, the author highlights recent disturbing trends in our laws and society, with special attention to matters of sex and censorship, race relations, and the relentless erosion of American moral values. The alarm he sounds is more sobering than ever: we can accept our fate and try to insulate ourselves from the effects of a degenerating culture, or we can choose to halt the beast, to oppose modern liberalism in every arena. The will to resist, he warns, remains our only hope.

supreme court nominations answer key: *Showdown* Wil Haygood, 2015 The author of *The*

Butler presents a revelatory biography of the first African-American Supreme Court justice--one of the giants of the civil rights movement, and one of the most transforming Supreme Court justices of the 20th century, --Novelist.

supreme court nominations answer key: The United States Supreme Court Christopher L. Tomlins, 2005 With its ability to review and interpret all American law, the U. S. Supreme Court is arguably the most influential branch of government but also the one most carefully shielded from the public gaze.

supreme court nominations answer key: Constitutionalism and the Rule of Law Maurice Adams, Anne Meuwese, Ernst Hirsch Ballin, 2017-02-02 Rule of law and constitutionalist ideals are understood by many, if not most, as necessary to create a just political order. Defying the traditional division between normative and positive theoretical approaches, this book explores how political reality on the one hand, and constitutional ideals on the other, mutually inform and influence each other. Seventeen chapters from leading international scholars cover a diverse range of topics and case studies to test the hypothesis that the best normative theories, including those regarding the role of constitutions, constitutionalism and the rule of law, conceive of the ideal and the real as mutually regulating.

supreme court nominations answer key: **Supreme Court Nominations** Denis Steven Rutkus, Elizabeth Rybicki, 2009 This volume explores the Supreme Court Justice appointment process--from Presidential announcement, Judiciary Committee investigation, confirmation hearings, vote, and report to the Senate, through Senate debate and vote on the nomination.

supreme court nominations answer key: **Supreme Court Appointment Process** Barry J. McMillion, 2016

supreme court nominations answer key: **Supreme Court Confirmation Hearings and Constitutional Change** Paul M. Collins, Lori A. Ringhand, 2013-06-24 This book demonstrates that the hearings to confirm Supreme Court nominees are in fact a democratic forum for the discussion and ratification of constitutional change.

supreme court nominations answer key: **Confirmation Bias** Carl Hulse, 2020-06-16 This account of the machinations following Justice Antonin Scalia's death, and their damaging effects, is "a gripping tale of insider Washington" (The Boston Globe). In this book, the Chief Washington Correspondent for the New York Times provides a richly detailed, news-breaking, and conversation-changing look at the unprecedented political fight to fill the Supreme Court seat made vacant by Antonin Scalia's death—using it to explain the paralyzing and all but irreversible dysfunction across all three branches in the nation's capital. The embodiment of American conservative jurisprudence, Scalia cast an expansive shadow over the Court for three decades. His unexpected death in February 2016 created a vacancy that precipitated a pitched political fight that would change not only the tilt of the court, but the course of American history. It would help decide a presidential election, fundamentally alter longstanding protocols of the Senate, and transform the Supreme Court—which has long held itself as a neutral arbiter above politics—into another branch of the federal government riven by partisanship. In an unheard-of development, Senate Majority Leader Mitch McConnell refused to give Democratic President Barack Obama's nominee, Merrick Garland, a confirmation hearing. Not one Republican in the Senate would meet with him. Scalia's seat would be held open until Donald Trump's nominee, Neil M. Gorsuch, was confirmed in April 2017. Hulse tells the story of this battle to control the Court through exclusive interviews with McConnell, Harry Reid, Chuck Schumer, and other top officials, Trump campaign operatives, court activists, and legal scholars, as well as never-before-reported details. Confirmation Bias provides much-needed context, revisiting the judicial wars of recent decades to show how they led to our current polarization. He examines the politicization of the federal bench and the implications for public confidence in the courts, and takes us behind the scenes to explore how many long-held democratic norms and entrenched bipartisan procedures have been erased across all three branches of government. Includes a new afterword "An absorbing, if dispiriting, look at the maneuverings of inside players like McConnell and Donald McGahn, Trump's first White House counsel, and outside

advocates like Leonard Leo of the Federalist Society, who appears to have steered judicial selection as much as anyone in the White House.” —The Washington Post

supreme court nominations answer key: The Most Dangerous Branch David A. Kaplan, 2018-09-04 In the bestselling tradition of *The Nine* and *The Brethren*, *The Most Dangerous Branch* takes us inside the secret world of the Supreme Court. David A. Kaplan, the former legal affairs editor of *Newsweek*, shows how the justices subvert the role of the other branches of government—and how we’ve come to accept it at our peril. With the retirement of Justice Anthony Kennedy, the Court has never before been more central in American life. It is the nine justices who too often now decide the controversial issues of our time—from abortion and same-sex marriage, to gun control, campaign finance and voting rights. The Court is so crucial that many voters in 2016 made their choice based on whom they thought their presidential candidate would name to the Court. Donald Trump picked Neil Gorsuch—the key decision of his new administration. Brett Kavanaugh—replacing Kennedy—will be even more important, holding the swing vote over so much social policy. Is that really how democracy is supposed to work? Based on exclusive interviews with the justices and dozens of their law clerks, Kaplan provides fresh details about life behind the scenes at the Court—Clarence Thomas’s simmering rage, Antonin Scalia’s death, Ruth Bader Ginsburg’s celebrity, Breyer Bingo, the petty feuding between Gorsuch and the chief justice, and what John Roberts thinks of his critics. Kaplan presents a sweeping narrative of the justices’ aggrandizement of power over the decades—from *Roe v. Wade* to *Bush v. Gore* to *Citizens United*, to rulings during the 2017-18 term. But the arrogance of the Court isn’t partisan: Conservative and liberal justices alike are guilty of overreach. Challenging conventional wisdom about the Court’s transcendent power, *The Most Dangerous Branch* is sure to rile both sides of the political aisle.

supreme court nominations answer key: The Confirmation Mess Stephen Carter, 1995-05-06 Stephen L. Carter tells what's wrong with our confirmation process, explains how it got that way, and suggests what we can do to fix it. Using the most recent confirmation battles as examples, Carter argues that our confirmation process will continue to be bloody until we develop a more balanced attitude toward public service and the Supreme Court by coming to recognize that human beings have flaws, commit sins, and can be redeemed.

supreme court nominations answer key: Supreme Ambition Ruth Marcus, 2020-11-17 The Washington Post journalist and legal expert Ruth Marcus goes behind the scenes to document the inside story of the Brett Kavanaugh confirmation battle and the Republican plot to take over the Supreme Court—thirty years in the making—in this “impressively reported, highly insightful, and rollicking good read” (The New York Times Book Review). In the summer of 2018 the Kavanaugh drama unfolded so fast it seemed to come out of nowhere. With the power of the #MeToo movement behind her, a terrified but composed Christine Blasey Ford walked into a Senate hearing room to accuse Kavanaugh of sexual assault. This unleashed unprecedented fury from a Supreme Court nominee who accused Democrats of a “calculated and orchestrated political hit.” But behind this showdown was a much bigger one. The Washington Post journalist and legal expert Ruth Marcus documents the thirty-year mission by conservatives to win a majority on the Supreme Court and the lifelong ambition of Brett Kavanaugh to secure his place in that victory. The reporting in *Supreme Ambition* is full of revealing and weighty headlines, as Marcus answers the most pressing questions surrounding this historical moment: How did Kavanaugh get the nomination? Was Blasey Ford’s testimony credible? What does his confirmation mean for the future of the court? Were the Democrats outgunned from the start? On the way, she uncovers secret White House meetings, intense lobbying efforts, private confrontations on Capitol Hill, and lives forever upended on both coasts. This “extraordinarily detailed” (The Washington Post) page-turner traces how Brett Kavanaugh deftly maneuvered to become the nominee and how he quashed resistance from Republicans and from a president reluctant to reward a George W. Bush loyalist. It shows a Republican party that had concluded Kavanaugh was too big to fail, with senators and the FBI ignoring potentially devastating evidence against him. And it paints a picture of Democratic leaders unwilling to engage in the no-holds-barred partisan warfare that might have defeated the nominee.

In the tradition of *The Brethren* and *The Power Broker*, *Supreme Ambition* is the definitive account of a pivotal moment in modern history, one that will shape the judicial system of America for generations to come.

supreme court nominations answer key: Confirmation Hearing on Federal Appointments United States. Congress. Senate. Committee on the Judiciary, 2003

supreme court nominations answer key: Nomination of Stephen G. Breyer to be an Associate Justice of the Supreme Court of the United States United States. Congress. Senate. Committee on the Judiciary, 1995 Distributed to some depository libraries in microfiche.

supreme court nominations answer key: *The Oxford Companion to the Supreme Court of the United States* Kermit L. Hall, 2005-05-19 The Supreme Court has continued to write constitutional history over the thirteen years since publication of the highly acclaimed first edition of *The Oxford Companion to the Supreme Court*. Two new justices have joined the high court, more than 800 cases have been decided, and a good deal of new scholarship has appeared on many of the topics treated in the Companion. Chief Justice William H. Rehnquist presided over the impeachment trial of President Bill Clinton, and the Court as a whole played a decisive and controversial role in the outcome of the 2000 presidential election. Under Rehnquist's leadership, a bare majority of the justices have rewritten significant areas of the law dealing with federalism, sovereign immunity, and the commerce power. This new edition includes new entries on key cases and fully updated treatment of crucial areas of constitutional law, such as abortion, freedom of religion, school desegregation, freedom of speech, voting rights, military tribunals, and the rights of the accused. These developments make the second edition of this accessible and authoritative guide essential for judges, lawyers, academics, journalists, and anyone interested in the impact of the Court's decisions on American society.

supreme court nominations answer key: American Government 3e Glen Krutz, Sylvie Waskiewicz, 2023-05-12 Black & white print. *American Government 3e* aligns with the topics and objectives of many government courses. Faculty involved in the project have endeavored to make government workings, issues, debates, and impacts meaningful and memorable to students while maintaining the conceptual coverage and rigor inherent in the subject. With this objective in mind, the content of this textbook has been developed and arranged to provide a logical progression from the fundamental principles of institutional design at the founding, to avenues of political participation, to thorough coverage of the political structures that constitute American government. The book builds upon what students have already learned and emphasizes connections between topics as well as between theory and applications. The goal of each section is to enable students not just to recognize concepts, but to work with them in ways that will be useful in later courses, future careers, and as engaged citizens. In order to help students understand the ways that government, society, and individuals interconnect, the revision includes more examples and details regarding the lived experiences of diverse groups and communities within the United States. The authors and reviewers sought to strike a balance between confronting the negative and harmful elements of American government, history, and current events, while demonstrating progress in overcoming them. In doing so, the approach seeks to provide instructors with ample opportunities to open discussions, extend and update concepts, and drive deeper engagement.

supreme court nominations answer key: Supreme Court Appointment Process Denis S. Rutkus, 2010-08 Contents: (1) Pres. Selection of a Nominee: Senate Advice; Advice from Other Sources; Criteria for Selecting a Nominee; Background Invest.; Recess Appoint. to the Court; (2) Consid. by the Senate Judiciary Comm.: Background: Senators Nominated to the Court; Open Hear.; Nominee Appear. at Confirm. Hear.; Comm. Involvement in Appoint. Process; Pre-Hearing Stage; Hearings; Reporting the Nomin.; (3) Senate Debate and Confirm. Vote; Bringing Nomin. to the Floor; Evaluate Nominees; Filibusters and Motions to End Debate; Voice Votes, Roll Calls, and Vote Margins; Reconsid. of the Confirm. Vote; Nomin. That Failed to be Confirmed; Judiciary Comm. to Further Examine the Nomin.; After Senate Confirm.

supreme court nominations answer key: American Government Scott F. Abernathy,

2018-11-14 In the Second Edition of American Government, author Scott F. Abernathy tunes in to the voices of all Americans, showing how our diverse ideas shape the way we participate and behave, the laws we live by, and the challenges we face. From the Constitutional Convention to Ferguson, Missouri, each chapter features rich, personal narratives that illustrate how the American political system is the product of strategies, calculations, and miscalculations of countless individuals. It focuses on real people, the actions they take, the struggles they face, and how their choices influence outcomes. The key concepts are memorable because they are tied to real politics, where students see political action and political choices shaping how institutions advance or impede the fulfillment of fundamental ideas. Participation is at the heart of this groundbreaking new text, with ample background on how and why to participate. Not only will all students see themselves reflected in the pages, but they will come to understand that they, too, are strategic players in American politics, with voices that matter. Also available as a digital option (courseware). Contact your rep to learn more about American Government, Second Edition - Vantage Digital Option.

supreme court nominations answer key: Supreme Conflict Jan Crawford Greenburg, 2007 Discusses recent ideological shifts within the Supreme Court, profiles controversial judges, and analyzes the changing role of judicial power in American government.

supreme court nominations answer key: Ruth Bader Ginsburg Jane Sherron de Hart, 2018-10-16 NATIONAL BESTSELLER "A vivid account of a remarkable life." —The Washington Post In this comprehensive, revelatory biography—fifteen years of interviews and research in the making—historian Jane Sherron De Hart explores the central experiences that crucially shaped Ginsburg's passion for justice, her advocacy for gender equality, and her meticulous jurisprudence. At the heart of her story and abiding beliefs is her Jewish background, specifically the concept of *tikkun olam*, the Hebrew injunction to "repair the world," with its profound meaning for a young girl who grew up during the Holocaust and World War II. Ruth's journey begins with her mother, who died tragically young but whose intellect inspired her daughter's feminism. It stretches from Ruth's days as a baton twirler at Brooklyn's James Madison High School to Cornell University to Harvard and Columbia Law Schools; to becoming one of the first female law professors in the country and having to fight for equal pay and hide her second pregnancy to avoid losing her job; to becoming the director of the ACLU's Women's Rights Project and arguing momentous anti-sex discrimination cases before the U.S. Supreme Court. All this, even before being nominated in 1993 to become the second woman on the Court, where her crucial decisions and dissents are still making history. Intimately, personally told, this biography offers unprecedented insight into a pioneering life and legal career whose profound mark on American jurisprudence, American society, and our American character and spirit will reverberate deep into the twenty-first century and beyond. REVISED AND UPDATED WITH A NEW AFTERWORD

supreme court nominations answer key: The Hill to Die on Jake Sherman, Anna Palmer, 2019 With control of both the House and Senate up for grabs in 2018 and the direction of the nation resting on the outcome, never has a more savage, unrelenting fight been waged in the raptor cage that is the U.S. congress. From the torrid struggle between the conservative Freedom Caucus and Speaker Paul Ryan for control of the house, to the sexual assault accusations against Court nominee Brett Kavanaugh that threw the Senate into turmoil, to the pitched battles across America in primaries, the road to the midterm election has been paved with chaos and intrigue. And that's before one considers that it's all refracted through the kaleidoscopic lens of President Trump, who can turn any situation on its head with just a single tweet. With inside access that ushers readers deep into the inner workings and hidden secrets of party leadership, Politico Playbook writers Anna Palmer and Jake Sherman trace the strategy and the impulsiveness, the deal-making and the backstabbing, in a blow-by-blow account of the power struggle roiling the halls of Congress. *The Hill to Die On* will be an unforgettable story of power and politics, where the stakes are nothing less than the future of America under Trump.

supreme court nominations answer key: Out of Order Sandra Day O'Connor, 2013 The former Supreme Court justice shares stories about the history and evolution of the Supreme Court

that traces the roles of key contributors while sharing the events behind important transformations.

supreme court nominations answer key: United States Attorneys' Manual United States. Department of Justice, 1985

supreme court nominations answer key: Senator Dennis DeConcini Dennis DeConcini, Jack L. August, 2006 The three-term Democratic Senator from Arizona presents a memoir of his tenure in the Congress, emphasizing his position as a centrist, which helped him engineer consensus on the Panama Canal Treaty of 1977. In addition to reflecting on his achievements while in the Senate, he also spends considerable time discussing the banking and political contribution scandal involving himself and the other Keating Five.

supreme court nominations answer key: Battle for Justice Ethan Bronner, 2007 When President Reagan nominated Robert Bork to the Supreme Court, it was the spark that fueled a months-long firestorm during which liberals and conservatives battled fiercely over Reagan's choice, each trying to gain control of the nation's judicial future. The American public, captivated by this struggle for power, weighed in with an unprecedented outpouring of mail and telephone calls to the United States Senate arguing both pro- and con- positions. Based on scores of interviews with key figures and a shrewd analysis of the issues, then-Boston Globe reporter Ethan Bronner chronicles this engrossing story of a titanic struggle for political power. It features key players such as Senators Joseph Biden and Edward Kennedy, with the latter leading the fight against the appointment using savvy Madison Avenue style strategies; a Justice Department desperate to hold its ground; a shocked White House staff, caught off-guard; and of course Bork himself, who insisted that the process of confirming justices for our nation's highest court has been transformed in a way that should not and indeed must not be permitted to occur again." Featuring a new epilogue, Where Are They Now?"

supreme court nominations answer key: The Conservative Assault on the Constitution Erwin Chemerinsky, 2010-09-28 Over the last few decades, the Supreme Court and the federal appellate courts have undergone a dramatic shift to the right, the result of a determined effort by right-wing lawmakers and presidents to reinterpret the Constitution by reshaping the judiciary. Conservative activist justices have narrowed the scope of the Constitution, denying its protections to millions of Americans, exactly as the lawmakers who appointed and confirmed these jurists intended. Basic long-standing principles of constitutional law have been overturned by the Rehnquist and Roberts courts. As distinguished law professor and constitutional expert Erwin Chemerinsky demonstrates in this invaluable book, these changes affect the lives of every American. As a result of political pressure from conservatives and a series of Supreme Court decisions, our public schools are increasingly separate and unequal, to the great disadvantage of poor and minority students. Right-wing politicians and justices are dismantling the wall separating church and state, allowing ever greater government support for religion. With the blessing of the Supreme Court, absurdly harsh sentences are being handed down to criminal defendants, such as life sentences for shoplifting and other petty offenses. Even in death penalty cases, defendants are being denied the right to competent counsel at trial, and as a result innocent people have been convicted and sentenced to death. Right-wing politicians complain that government is too big and intrusive while at the same time they are only too happy to insert the government into the most intimate aspects of the private lives of citizens when doing so conforms to conservative morality. Conservative activist judges say that the Constitution gives people an inherent right to own firearms but not to make their own medical decisions. In some states it is easier to buy an assault rifle than to obtain an abortion. Nowhere has the conservative assault on the Constitution been more visible or more successful than in redefining the role of the president. From Richard Nixon to George W. Bush, conservatives have sought to significantly increase presidential power. The result in recent years has been unprecedented abuses, including indefinite detentions, illegal surveillance, and torture of innocent people. Finally, access to the courts is being restricted by new rulings that deny legal protections to ordinary Americans. Fewer lawsuits alleging discrimination in employment are heard; fewer people are able to sue corporations or governments for injuries they have suffered; and even when these

cases do go to trial, new restrictions limit damages that plaintiffs can collect. The first step in reclaiming the protections of the Constitution, says Chemerinsky, is to recognize that right-wing justices are imposing their personal prejudices, not making neutral decisions about the scope of the Constitution, as they claim, or following the original meaning of the Constitution. Only then do we stand a chance of reclaiming our constitutional liberties from a rigid ideological campaign that has transformed our courts and our laws. Only then can we return to a constitutional law that advances freedom and equality.

supreme court nominations answer key: *The Long Reach of the Sixties* Laura Kalman, 2017 Americans often hear that Presidential elections are about who controls the Supreme Court. In *The Long Reach of the Sixties*, eminent legal historian Laura Kalman focuses on the period between 1965 and 1971, when Presidents Johnson and Nixon launched the most ambitious effort to do so since Franklin Roosevelt tried to pack it with additional justices. Those six years-- the apex of the Warren Court, often described as the most liberal in American history, and the dawn of the Burger Court--saw two successful Supreme Court nominations and two failed ones by LBJ, four successful nominations and two failed ones by Nixon, the first resignation of a Supreme Court justice as a result of White House pressure, and the attempted impeachment of another. Using LBJ and Nixon's telephone conversations and a wealth of archival collections, Kalman roots their efforts to mold the Court in their desire to protect their Presidencies, and she sets the contests over it within the broader context of a struggle between the executive, judicial and legislative branches of government. The battles that ensued transformed the meaning of the Warren Court in American memory. Despite the fact that the Court's work generally reflected public opinion, these fights calcified the image of the Warren Court as activist and liberal in one of the places that image hurts the most--the contemporary Supreme Court appointment process. To this day, the term activist Warren Court has totemic power among conservatives. Kalman has a second purpose as well: to explain how the battles of the sixties changed the Court itself as an institution in the long term and to trace the ways in which the 1965-71 period has haunted--indeed scarred--the Supreme Court appointments process--

supreme court nominations answer key: *Advice and Consent* Lee Epstein, Jeffrey A. Segal, 2005-09-15 From Louis Brandeis to Robert Bork to Clarence Thomas, the nomination of federal judges has generated intense political conflict. With the coming retirement of one or more Supreme Court Justices--and threats to filibuster lower court judges--the selection process is likely to be, once again, the center of red-hot partisan debate. In *Advice and Consent*, two leading legal scholars, Lee Epstein and Jeffrey A. Segal, offer a brief, illuminating Baedeker to this highly important procedure, discussing everything from constitutional background, to crucial differences in the nomination of judges and justices, to the role of the Judiciary Committee in vetting nominees. Epstein and Segal shed light on the role played by the media, by the American Bar Association, and by special interest groups (whose efforts helped defeat Judge Bork). Though it is often assumed that political clashes over nominees are a new phenomenon, the authors argue that the appointment of justices and judges has always been a highly contentious process--one largely driven by ideological and partisan concerns. The reader discovers how presidents and the senate have tried to remake the bench, ranging from FDR's controversial court packing scheme to the Senate's creation in 1978 of 35 new appellate and 117 district court judgeships, allowing the Democrats to shape the judiciary for years. The authors conclude with possible reforms, from the so-called nuclear option, whereby a majority of the Senate could vote to prohibit filibusters, to the even more dramatic suggestion that Congress eliminate a judge's life tenure either by term limits or compulsory retirement. With key appointments looming on the horizon, *Advice and Consent* provides everything concerned citizens need to know to understand the partisan rows that surround the judicial nominating process.

supreme court nominations answer key: *Picking Federal Judges* Sheldon Goldman, 1999-09-01 How does a president choose the judges he appoints to the lower federal bench? In this analysis, a leading authority on lower federal court judicial selection tells the story of how nine presidents over a period of 56 years have chosen federal judges.

supreme court nominations answer key: *Ideas with Consequences* Amanda Hollis-Brusky, 2015 Many of these questions—including the powers of the federal government, the individual right to bear arms, and the parameters of corporate political speech—had long been considered settled. But the Federalist Society was able to upend the existing conventional wisdom, promoting constitutional theories that had previously been dismissed as ludicrously radical. Hollis-Brusky argues that the Federalist Society offers several of the crucial ingredients needed to accomplish this constitutional revolution. It serves as a credentialing institution for conservative lawyers and judges, legitimizes novel interpretations of the constitution through a conservative framework, and provides a judicial audience of like-minded peers, which prevents the well-documented phenomenon of conservative judges turning moderate after years on the bench. Through these functions, it is able to exercise enormous influence on important cases at every level.

supreme court nominations answer key: *One Nation After Trump* E. J. Dionne, Norman J. Ornstein, Thomas E. Mann, 2017-09-19 THE INSTANT NEW YORK TIMES AND WASHINGTON POST BESTSELLER A call to action from three of Washington's premier political scholar-journalists, *One Nation After Trump* offers the definitive work on the threat posed by the Trump presidency and how to counter it. American democracy was never supposed to give the nation a president like Donald Trump. We have never had a president who gave rise to such widespread alarm about his lack of commitment to the institutions of self-government, to the norms democracy requires, and to the need for basic knowledge about how government works. We have never had a president who raises profound questions about his basic competence and his psychological capacity to take on the most challenging political office in the world. Yet if Trump is both a threat to our democracy and a product of its weaknesses, the citizen activism he has inspired is the antidote. The reaction to the crisis created by Trump's presidency can provide the foundation for an era of democratic renewal and vindicate our long experiment in self-rule. The award-winning authors of *One Nation After Trump* explain Trump's rise and the danger his administration poses to our free institutions. They also offer encouragement to the millions of Americans now experiencing a new sense of citizenship and engagement and argue that our nation needs a unifying alternative to Trump's dark and divisive brand of politics—an alternative rooted in a New Economy, a New Patriotism, a New Civil Society, and a New Democracy. *One Nation After Trump* is the essential book for our era, an unsparing assessment of the perils facing the United States and an inspiring roadmap for how we can reclaim the future.

supreme court nominations answer key: *Judicial Merit Selection* Greg Goelzhauser, 2019-02-22 The judicial selection debate continues. Merit selection is used by a majority of states but remains the least well understood method for choosing judges. Proponents claim that it emphasizes qualifications and diversity over politics, but there is little empirical evidence regarding its performance. In *Judicial Merit Selection*, Greg Goelzhauser amasses a wealth of data to examine merit selection's institutional performance from an internal perspective. While his previous book, *Choosing State Supreme Court Justices*, compares outcomes across selection mechanisms, here he delves into what makes merit selection unique—its use of nominating commissions to winnow applicants prior to gubernatorial appointment. Goelzhauser's analyses include a rich case study from inside a nominating commission's proceedings as it works to choose nominees; the use of public records to examine which applicants commissions choose and which nominees governors choose; evaluation of which attorneys apply for consideration and which judges apply for promotion; and examination of whether design differences across systems impact performance in the seating of qualified and diverse judges. The results have critical public policy implications.

supreme court nominations answer key: *Liberty of Conscience* Martha Craven Nussbaum, 2008-02-05 An analysis of America's commitment to religious liberty uses political history, philosophical ideas, and key constitutional cases to discuss its basis in six principles: equality, respect for conscience, liberty, accommodation of minorities, nonestablishment, and separation of church and state.

supreme court nominations answer key: *Supreme Court* , 1882

supreme court nominations answer key: The Next Justice Christopher L. Eisgruber, 2009-06-07 He describes a new and better manner of deliberating about who should serve on the Court - an approach that puts the burden on nominees to show that their judicial philosophies and politics are acceptable to senators and citizens alike. And he makes a new case for the virtue of judicial moderates.

supreme court nominations answer key: The Behavior of Federal Judges Lee Epstein, William M. Landes, Richard A. Posner, 2013-01-07 Judges play a central role in the American legal system, but their behavior as decision-makers is not well understood, even among themselves. The system permits judges to be quite secretive (and most of them are), so indirect methods are required to make sense of their behavior. Here, a political scientist, an economist, and a judge work together to construct a unified theory of judicial decision-making. Using statistical methods to test hypotheses, they dispel the mystery of how judicial decisions in district courts, circuit courts, and the Supreme Court are made. The authors derive their hypotheses from a labor-market model, which allows them to consider judges as they would any other economic actors: as self-interested individuals motivated by both the pecuniary and non-pecuniary aspects of their work. In the authors' view, this model describes judicial behavior better than either the traditional "legalist" theory, which sees judges as automatons who mechanically apply the law to the facts, or the current dominant theory in political science, which exaggerates the ideological component in judicial behavior. Ideology does figure into decision-making at all levels of the federal judiciary, the authors find, but its influence is not uniform. It diminishes as one moves down the judicial hierarchy from the Supreme Court to the courts of appeals to the district courts. As *The Behavior of Federal Judges* demonstrates, the good news is that ideology does not extinguish the influence of other components in judicial decision-making. Federal judges are not just robots or politicians in robes.

supreme court nominations answer key: On the Road in Trump's America Daniel Allott, 2020-09-25 An essential part of a journalist's responsibility is to listen, observe, ask good questions, and then listen some more. For too long, too few journalists have taken this responsibility seriously. This has been particularly true in the Trump era. Most political journalists failed to anticipate Donald Trump's rise because they are utterly unable to understand his appeal. From the start, they treated Trumpism as a pathology. They dismissed his voters as being guided by bigotry, ignorance, and fear. Needless to say, this has skewed their coverage. Worst of all, no one seems to have learned anything. The media malpractice that characterized the 2016 presidential campaign has arguably become even worse during the Trump presidency. Most of the media have remained unwilling or unable to understand and objectively report on the people and places that put Trump in the White House. When reporters do venture into "Trump's America," they typically parachute in for only a few hours in search of evidence to confirm their pre-written narratives. Daniel Allott decided to take a different approach. In the spring of 2017, he left his position at a Washington, D.C. political magazine and began reporting from across the country. He spent much of the following three years living in and reporting from nine counties that were crucial to understanding the 2016 election; they will be equally crucial to determining who will win in 2020. This book is not just a study of Trump voters. Allott spoke with as many people as he could regardless of their politics; farmers and professors; congressmen and homeless people; refugees and drug addicts; students and retirees; progressives, conservatives, and people with no discernible or consistent political ideology. His one preference was for "switchers" — people who voted one way in 2016 and have subsequently changed their minds ahead of the 2020 election. Allot discovered that these voters are like an endangered species in Trump's America. Allott's goal wasn't simply to learn why people had voted the way they did in 2016, or to predict how they might vote in 2020. It was also to chart how their lives and circumstances changed over the course of Trump's first term in office, and how the values and priorities that inform their political views might have changed. The accounts will challenge preconceived ideas about who the people in these places are, what motivates their decisions, and what animates their lives.

supreme court nominations answer key: Kennedy Justice Victor S. Navasky, 2013-10-01

DIVDIVFinalist for the National Book Award: A groundbreaking portrait of the intersection of law and politics in Robert F. Kennedy's Department of Justice/divDIV As United States Attorney General, the young, legally inexperienced Robert F. Kennedy sat at the head of a vast department tasked with enforcing the law and defending the rights of an entire nation. Although his family connection to the White House raised eyebrows, Robert Kennedy's tenure was marked by impassioned battles to root out corruption and protect individual civil liberties. From his fierce stand against organized crime to his tumultuous relationship with FBI director J. Edgar Hoover, RFK proved time and again that he was a champion of fairness./divDIV In this investigative account of the Kennedy years, acclaimed scholar Victor S. Navasky crafts an unmatched portrait of the complex interaction of power and principle in the halls of justice./divDIV/div/div

supreme court nominations answer key: *Our Republican Constitution* Randy E. Barnett, 2016-04-19 A concise history of the long struggle between two fundamentally opposing constitutional traditions, from one of the nation's leading constitutional scholars—a manifesto for renewing our constitutional republic. The Constitution of the United States begins with the words: "We the People." But from the earliest days of the American republic, there have been two competing notions of "the People," which lead to two very different visions of the Constitution. Those who view "We the People" collectively think popular sovereignty resides in the people as a group, which leads them to favor a "democratic" constitution that allows the "will of the people" to be expressed by majority rule. In contrast, those who think popular sovereignty resides in the people as individuals contend that a "republican" constitution is needed to secure the pre-existing inalienable rights of "We the People," each and every one, against abuses by the majority. In *Our Republican Constitution*, renowned legal scholar Randy E. Barnett tells the fascinating story of how this debate arose shortly after the Revolution, leading to the adoption of a new and innovative "republican" constitution; and how the struggle over slavery led to its completion by a newly formed Republican Party. Yet soon thereafter, progressive academics and activists urged the courts to remake our Republican Constitution into a democratic one by ignoring key passes of its text. Eventually, the courts complied. Drawing from his deep knowledge of constitutional law and history, as well as his experience litigating on behalf of medical marijuana and against Obamacare, Barnett explains why "We the People" would greatly benefit from the renewal of our Republican Constitution, and how this can be accomplished in the courts and the political arena.

supreme court nominations answer key: *Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States* United States. Congress. Senate. Committee on the Judiciary, 2005

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