

Activity: SCOTUS Nominations – Primary Source Analysis

Background: One of the most influential roles played by the president of the United States is nominating justices to the Supreme Court. While the president has the opportunity to serve for four to eight years, Supreme Court justices have a lifetime appointment and can possibly serve for as long as 30 to 40 years. The process of nominating and confirming Supreme Court justices used to be fairly routine, with most nominees earning broad bipartisan support during confirmation votes. More recently, Supreme Court nominations have not followed suit.

Objective: Examine primary source documents to understand the stakes involved in Supreme Court nomination hearings and critique the “advice and consent” function of the Senate.

See-Think-Wonder: Examine each photograph from the Library of Congress and record what you **see**, **think** and **wonder** about each picture.

[David Souter](#)

Click on the link to a photograph from the Library of Congress and record your answers on the table below.

What do you see in the picture?	What do you think is happening in the picture?	What do you wonder about the picture?

[Anita Hill](#)

Click on the link to a photograph from the Library of Congress and record your answers on the table below.

What do you see in the picture?	What do you think is happening in the picture?	What do you wonder about the picture?

[Ruth Bader Ginsburg](#)

Click on the link to a photograph from the Library of Congress and record your answers on the table below.

What do you see in the picture?	What do you think is happening in the picture?	What do you wonder about the picture?

Group Activity: In small groups, examine the primary source documents that either support or oppose the specified nominee. Groups should fill out the chart below to assess the main argument(s) of the statement author.

Ruth Bader Ginsberg Nominated by Bill Clinton on June 22, 1993.	Stephen Breyer Nominated by Bill Clinton on May 17, 1994.	John Roberts Nominated by George W. Bush to be Chief Justice on Sept. 5, 2005.	Samuel Alito Nominated by George W. Bush on Oct. 31, 2005.	Sonia Sotomayor Nominated by Barack Obama on July 28, 2009.
• John D. Feerick • Carlos G. Ortiz • Angela M. Bradstreet • Susan Hirschmann p. 1-6 • Nellie J. Gray p. 1-4 • Kathleen Peratis	• American Bar Association • Nicholas Katzenbach • Gerhard Casper • Monroe H. Freedman, Howard Lichtenstein Distinguished Professor of Legal Ethics • Paige Comstock Cunningham, president, Americans United for Life, p. 1-5 • Michael P. Farris	• Fraternal Order of Police • Congressman John Lewis • National Lawyers Guild • Senator Richard Lugar • Christopher Yoo • AFL-CIO	• Hon. Ruggero J. Alisert, Senior Judge, US Court of Appeals for the Third Circuit • American Association of University Women • American Federation of State, County and Municipal Employees • Deans or Former Deans of Law Schools • Fraternal Order of Police • National Council of Women's Organizations	• Sandra S. Froman • David B. Kopel • Charmaine Yoeast • Theodore M. Shaw • Kate Stith • Robert Morgenthau

Directions: Fill out the following chart for your assigned nominee.

Nominee:		
Statement Author:	In Favor of or Opposed to Nomination?	Main Argument(s):

Synthesis Question: What statement can be made about the partisan nature of Supreme Court nominations? Has the process become more or less contentious over time? How can you tell?