

Senate Judiciary Committee

Member of Republican Majority

Things to consider:

- You have an ideologically similar Republican president in the White House, meaning that you want to see the president's nominee confirmed by the full Senate.
- You recently invoked the nuclear option to confirm Neil Gorsuch
  - Senate confirmation votes require only a simple majority not 60 votes
    - The nuclear option refers to the ability of the Senate to confirm Supreme Court justices with just 51 votes. Supreme Court nominations are not subject to the filibuster.
    - Click her for more on the nuclear option:  
<https://www.nbcnews.com/politics/congress/nuclear-option-what-it-why-it-matters-n742076>

#### **Your Reelection Chances**

- You should know that you represent a very conservative, Republican-leaning district. That means you are not in danger of losing reelection. You won your last election by more than 20 percentage points.
- Ultimately, your vote on the Supreme Court nominee has little impact your political future. Regardless of how you vote, you will likely win reelection.

Given these considerations, what do you do?

Potential questions to ask the Supreme Court nominee

- 1) Please elaborate on your judicial philosophy
- 2) What do you see as the role of a justice?
- 3) If confirmed to the Supreme Court, you will likely hear cases that deal with abortion, affirmative action, campaign finance, etc. How will you rule on those cases?
- 4) Tell us a little more about your experience and how those experiences shaped the justice you will be on the Court.
- 5) Where do you stand on federal/state power?
- 6) Scandals?

Other questions are at your discretion. I will moderate the hearing and call on committee members to offer their questions.

For your reference, here are the potential nominees the president will be choosing from:

Supreme Court Nominee 1:

- 9 years as Judge on 3<sup>rd</sup> Circuit (this is one of the Courts of Appeals-see slides from class)
  - Circuit includes PA, DE, NJ
- JD from Harvard Law School
- Clerked for Justice Antonin Scalia
- Worked in Reagan's DOJ
- Originalist/Textualist judicial philosophy
  - Here is a link for more information on originalism:
    - <https://www.youtube.com/watch?v=v7FlrII27zk>
- Age: 60

#### Supreme Court Nominee 2:

- 8 years as Judge on 7<sup>th</sup> Circuit (this is one of the Courts of Appeals-see slides from class)
  - States: Illinois, Indiana, Wisconsin
- JD from Yale Law School
- Clerked for Justice Sandra Day O'Connor
- Northwestern University Professor of Law
- Opinions often strike balance between federal/state power and protecting/restricting individual rights
- Age: 54

#### Supreme Court Nominee 3:

- 6 years as Judge on 8<sup>th</sup> Circuit
- JD from Stanford
- Clerked for Justice John Roberts
- 10+ years experience in Private Practice
- Opinions and votes lean conservative (i.e. often-but not always- votes to strike down campaign finance laws and uphold abortion restrictions)
- Age: 49