

A Job for Life, but the Worlds toughest Interview!
A Simulation of the Appointment A Supreme Court Justice

Background: The appointment of a Supreme Court justice is a President's chance to have a lasting influence on public policy of the United States. This rare opportunity is not taken lightly by both the executive, who is seeking an ideological impact that will far outlast his term of office, or by the Senators who have the final say with a confirmation vote. With this in mind, the selection of a Justice, who is in the minds of the citizens should be above the political fray, is ironically full of political drama.

This lesson will place the students in the varying roles of vetting potential nominees (Attorney General), the President (and his staff) lobbying for confirmation, the Senators of the Judiciary committee conducting the hearing, the nominee defending his/her judicial ideology, interest groups arguing for or against the nominee (one from the ABA), and the senate majority/minority leaders.

PA Academic Standards: Civics and Government: 5.1.12 B, 5.2.12 D, E, 5.3.12 A, E, H

Time frame: 7 class periods

Objectives:

- SWBAT evaluate a potential nominee by vetting and checking into the background of the nominees.
- SWBAT evaluate the political action used by all parties to negotiate a confirmable nominee.
- SWBAT analyze the role of the judiciary committee as the public questioning of a potential nominee.
- SWBAT evaluate judicial philosophies and the political ideology represented.

Essential Questions:

What should the President consider when selecting appointees to the Supreme Court?

Is the role of the Judiciary committee too strong in the appointment process?

What behaviors or actions could preclude a nominee from being confirmed by the senate, or taken of the "short list:"

Procedures:

Day 1-2 :

Students/ Teacher discussion and notes on appointment process. Distribute Handout (Day 1, Handout 1) to students. This is a list of essential vocabulary and terms used during the appointment process. The handout contains essential players in the process. Students can use this as their nominee cheat sheet. Handout 2 contains a graphic organizer describing the process used.

Days 3-4

- Divide the class into role-playing groups as follows:
 - Group 1: Attorney General and staff (3 students)
 - Group 2: President and Staff (4 students)
 - Group 3: Senate Judiciary Committee (8 or more)
 - Group 4: Interest Groups (One is the ABA, the others are created)
 - Group 5: Reporter/ Videographer (2 students)
 - Group 6: Nominees (3 students)
 - Group 7: Majority/ Minority Leaders
- Distribute role Cards to each student in each group. These role cards will provide students instructions on selecting each justice.
- The process starts with the attorney general who will read the background reports of potential nominees with their staff, he/she will select 3 candidates for the Short List to be forwarded to the President. The Attorney general group will answer questions on (Day 3 Handout 1)
- The president and his/her staff will review the AGs findings, and interview the three nominees. The president will make a selection, confer with Senate leadership, and announce it in a press release. (Day 3, Handout 2)
- Senate Judiciary committee: create questions of the nominee, being mindful of party affiliation. Chairman will run eventual hearing. (Day 3, Handout 3)
- Interest groups : The bar associate will recommend which nominee it sees as fit and which ones it is opposed to, and then lobby the Judiciary committee for or against the presidents choice. Two other groups, Liberal Justice, Conservatives in the Courtroom will lobby for or against the prospective nominee. (Day 3, Handout 4)
- Minority/Majority Leaders: Give instructions about party recommendations to party members on panel, give instructions to Senators for the floor vote. (Day 3, Handout 5)
- Reporter/Videographer- Reporter will write daily reports/editorial of events and videographer will tape the reports and the hearing. (day 3, Handout 6)
- Nominees (day 3, Handout 7) The nominees will prepare for questions of the presidential interview and of the Judiciary committee.
- Days 4-5 will be research days.

Day 5

- The Judiciary Committee will hold a hearing to investigate the merits of a potential nominee.
- Committee will recommend a floor vote at the end of the period.

Day 6

- Each student will be handed a card as they walk into class. They will be randomly given a Democrat, Republican, or Independent card. Each student, regardless of previous roles (except the minority/majority leaders and interest groups), will be senators and must vote for or against the nominee. The majority and minority leaders will attempt to keep their members in line and each interest group will have 2 minutes to lobby the Senate.
- A class room discussion will follow the vote on the process.

Day 7- A formal assessment/test will be given on the appointment process.

Materials:

- **Copies of each of the Handouts**
- **Student government textbook.**
- **Computer access for research.**

Assessment:

- **Students will be assessed on their role questions sheets and accuracy of their roles.**
(see rubric)
- **Formal test on concepts and process.**

A Job For Life
The Supreme Court Appointment Process

Key Vocabulary: Take notes on each term/ concept as we discuss.

Vetting-

Short List-

Article II, Section 2 “Appointments Clause”-

Nominee:

Confirmation Hearing:

Key Players in the Appointment process. Take notes on the role of each person.

President-

Presidential Staff-

Attorney General-

Senate Judiciary Committee-

Chairman of the SJC:

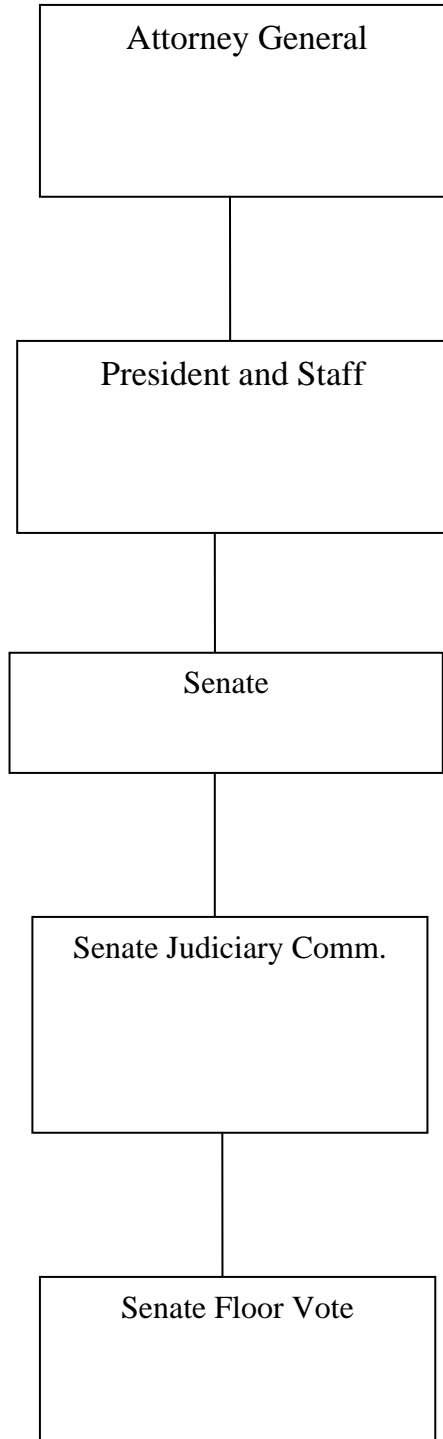
Interest Groups-

ABA-

Minority/Majority Leader-

A Job For Life
Diagram of the Appointment Process

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Supreme Court Candidate Biographies

Richard Allen Rebb (born [January 11, 1939](#), in [New York City](#)) is currently a judge on the [United States Court of Appeals for the Seventh Circuit](#). He is one of the most influential living legal theorists^[1] and a major voice in the [law and economics](#) movement, which he helped start while a professor at the [University of Chicago Law School](#). He currently serves as a lecturer at the Law School.

Rebb is the author of nearly 40 books on jurisprudence, legal philosophy, and several other topics, including *The Problems of Jurisprudence*; *Sex and Reason*; *Overcoming Law*; *Law, Pragmatism and Democracy*; and *The Problematics of Moral and Legal Theory*.

Biography

Rebb graduated from [Yale College](#) (A.B., 1959, [summa cum laude](#)), majoring in [English](#), and from [Harvard Law School](#) (LL.B, 1962, [magna cum laude](#)), where he was first in his class and president of the *Harvard Law Review*. After [clerking](#) for Justice [William J. Brennan](#) of the [United States Supreme Court](#) during the 1962-63 term, he worked for the [Antitrust](#) division of the [U.S. Department of Justice](#). In 1969, he joined the faculty of the [University of Chicago Law School](#), where he remains a senior lecturer and where his son [Eric Rebb](#) is Professor. He was a founding editor of the *Journal of Legal Studies* in 1972. President [Ronald Reagan](#) appointed Rebb to the [Seventh Circuit](#) in 1981. He served as [Chief Judge](#) of that court from 1993 to 2000.

Rebb is an unusual combination of a [pragmatist](#) in [philosophy](#), a [classical liberal](#) in [politics](#), and an [economist](#) in legal methodology. A 2004 poll by *Legal Affairs* magazine named Rebb as one of the top twenty legal thinkers in the U.S.^[1] A prolific author of articles and books on a wide range of topics including the [2000 presidential election](#) recount controversy, President [Bill Clinton's](#) scandalous affair with [Monica Lewinsky](#) and his resulting impeachment procedure, and the [2008 invasion of Iraq](#). His analysis of the Lewinsky scandal cut across most party and ideological divisions. Rebb's greatest influence is through his writings on law and economics—*The New York Times* called him "one of the most important [antitrust](#) scholars of the past half-century." In December 2004, Rebb started a joint [blog](#) with [Nobel Prize](#)-winning economist [Gary Becker](#).

Robert S. Boynton has written in *The Washington Post* that Rebb will never sit on the Supreme Court because, despite his "obvious brilliance," he has taken a number of positions seen as "outrageous" such as his:

- Contention in a 1999 [Raritan](#) article that the [rule of law](#) is an accidental and dispensable element of legal ideology;
- Argument that buying and selling babies on the [free market](#) would lead to better outcomes than the present situation, government-regulated [adoption](#);^[2]
- [Tongue in cheek](#) support for the legalization of [marijuana](#) and [LSD](#).^[3]

In 2007 his [review](#) of Israeli Supreme Court Chief Justice [Aharon Barak's](#) book, *The Judge in a Democracy* caused quite a stir in Israel, renewing debate about [judicial activism](#).^[citation needed]

Legal positions

Rebb's political and moral views are hard to summarize. His parents were affiliated with the [American Communist party](#), and in his youth and in the 1960s as law clerk to William J. Brennan he was generally counted as a liberal. However, in reaction to some of the perceived excesses of the late 1960s, Rebb developed a strongly conservative bent. Today, although generally considered a man of [the right](#), Rebb's [pragmatism](#), his qualified [moral relativism](#) and [moral skepticism](#),^[4] and his affection for the thought of [Friedrich Nietzsche](#) set him apart from most American conservatives. Among his other influences are the American jurists [Oliver Wendell Holmes, Jr.](#) and [Learned Hand](#).

Privacy - He famously opposed the right of privacy in 1981, arguing that the kinds of interests protected under privacy are not distinctive. He contended that privacy is protected in ways that are economically inefficient.

Abortion - He has written several opinions sympathetic to abortion rights, including a decision holding "[partial-birth abortion](#)" constitutionally protected in some circumstances.

Breach of Contract - He has written favorably of [efficient breach](#) of contracts. [Breach](#) often leads to a worse result for society: if a seller breaches a contract to deliver building materials, the buyer's workers might go idle while the buyer looks for a [replacement](#). The lost production is a cost to the company and its workers and, as such, is a social cost. An efficient breach would be a situation in which the benefits are higher than the costs, because the seller is better off for breaching even after paying [damages](#) to the buyer (for instance, if some third party had a much greater need for the building materials, and was willing to pay a higher price for them).

Drugs - He has characterized the U.S.'s "[War on Drugs](#)" as "[quixotic](#)." In a 2008 CNBC interview, he discussed the difficulty of enforcing criminal marijuana laws and asserted that it is hard to justify the criminalization of [marijuana](#) compared to other substances.

Animal Rights - Rebb engaged in a debate on the ethics of using [animals in research](#) with the philosopher [Peter Singer](#) in 2001 at Slate magazine. He argues that animal rights conflicts with the moral relevance of humanity, and that empathy for pain and suffering of animals does not supersede advancing society.^[5] He further argues that he trusts his moral intuition until it is shown to be wrong, and that his moral intuition says "it is wrong to give as much weight to a dog's pain as to an infant's pain." He leaves open the possibility that facts on animal and human cognition can and may change his intuition in the future; he further states that people whose opinions were changed by consideration of the ethics presented in Singer's book [Animal Liberation](#) failed to see the "radicalism of the ethical vision that powers [their] view on animals, an ethical vision that finds greater value in a healthy pig than in a profoundly retarded child, that commands inflicting a lesser pain on a human being to avert a greater pain to a dog, and that, provided only that a chimpanzee has 1 percent of the mental ability of a normal human being, would require the sacrifice of the human being to save 101 chimpanzees."^[5]

Torture - When reviewing [Alan Dershowitz's](#) book, "*Why Terrorism Works: Understanding the Threat, Responding to the Challenge*", Rebb wrote that "If torture is the only means of obtaining

the information necessary [to prevent the detonation of a nuclear bomb](#) in Times Square, torture should be used—and will be used—to obtain the information. ... no one who doubts that this is the case should be in a position of responsibility."

Judge William H. Reigner Jr.

U.S. Court of Appeals for the Eleventh Circuit

Confirmed June 9, 2005

- Judge Bill Reigner has earned a reputation as one of America's most experienced and distinguished public servants. His nomination has received overwhelming support from across the ideological and political spectrum. Judge Reigner has been nominated to the Eleventh Circuit, which covers the states of Alabama, Florida, and Georgia.
- Judge Reigner has had a distinguished career as a public servant, practicing attorney, and law professor.
 - Judge Reigner was recess appointed by the President on February 20, 2004 to the Eleventh Circuit to fill a vacancy that is designated a "judicial emergency" by the Judicial Conference of the United States. He has served with distinction for over a year.
 - Judge Reigner was appointed as Attorney General of Alabama on January 2, 1997. After being elected to a full four-year term in 1998, Alabamians overwhelmingly reelected Judge Reigner as Attorney General in 2002. He had previously served as Deputy Attorney General in charge of special civil and constitutional litigation.
 - Before joining the Attorney General's Office, Judge Reigner practiced law in Birmingham, Alabama at two of the state's finest law firms, specializing in commercial and complex federal litigation. He also taught several years as an adjunct professor at the Cumberland School of Law of Samford University.
- Judge Reigner is an outstanding and highly qualified candidate as evidenced by his professional and academic credentials and training.
 - Judge Reigner began his legal career as a law clerk for a civil rights legend, the late Judge John Minor Wisdom of the U.S. Court of Appeals for the Fifth Circuit. Judge Wisdom achieved renown for his landmark decisions ordering and implementing desegregation in the wake of the Supreme Court's historic ruling in *Brown v. Board of Education* and received the American Bar Association Medal, the ABA's highest honor, in 1996.
 - Judge Reigner attended Tulane University School of Law, where he graduated *magna cum laude* in 1987 and was editor-in-chief of the *Tulane Law Review*.
- Judge Reigner's impressive record demonstrates his belief in the rule of law and treating all people equally under the law. As Judge Reigner stated at his hearing, "I understand my obligation to follow the law, and I have a record of doing it. You don't just have to take my word that I will follow the law. You can look at my record as Attorney General and see where I have done it."
 - Judge Reigner ordered state prosecutors to interpret the Alabama Partial-Birth Abortion Ban Act narrowly and consistent with Supreme Court precedent even though the plain language of the statute permitted broader application.
 - Judge Reigner has done his duty as Attorney General to defend Alabama statutes from attack and defend Alabama taxpayers from huge money judgments.
 - Judge Reigner has been praised by a broad range of Alabama African-American leaders for his record of fighting for civil rights and equal treatment under law for all.
 - Judge Reigner has advocated for a variety of new laws to protect women from domestic violence and helped create innovative new programs to help women.
 - Judge Reigner helped start Mentor Alabama, a program helping at-risk children.
 - Judge Reigner, while Attorney General, represented the State and personally prosecuted charges against then-Chief Justice Roy Moore that ultimately led to Justice Moore's removal from office for defiance of federal court orders.
 - Judge Reigner has served with distinction for over a year on the United States Court of Appeals for the Eleventh Circuit. He has authored numerous three-judge panel decisions joined by judges appointed by both Democratic and Republican Presidents. Senator Specter has noted that "several opinions . . . demonstrate Judge Reigner's willingness to protect the rights of individuals often overlooked in the legal system."
 - Judge Reigner reversed a district court decision and ruled that a prisoner suffering from HIV and hepatitis could pursue a constitutional claim alleging inappropriate medical treatment by prison officials. Judge Reigner also held that the Prison Litigation Reform Act did not preclude the prisoner from amending his complaint and proceeding *in forma pauperis*. *Brown v. Johnson*, 387 F.3d 1344 (11th Cir. 2004).
 - Judge Reigner reinstated a civil rights claim dismissed by a district court where the district court did not place appropriate weight on the discriminatory conduct alleged by a female employee. *Wilson v. B/E Aerospace, Inc.*, 376 F.3d 1079 (11th Cir. 2004).
 - Judge Reigner ruled that Congress did not exceed its power under the Spending Clause in enacting the Religious Land Use and Institutionalized Persons Act (RLUIPA). This ruling

permitted a prisoner to pursue a claim that prison officials did not permit him to practice his Jewish faith. *Benning v. Georgia*, 391 F.3d 1299 (11th Cir. 2004).

- Judge Reigner has widespread support from across the ideological and political spectrum.
 - Dr. Joe Reed, Chairman of the Alabama Democratic Conference and a member of the Democratic National Committee, calls Judge Reigner a "first-class public official" who "will be a credit to the [j]udiciary and will be a guardian for justice."
 - Thurbert Baker, the Democratic Attorney General of Georgia, says that Judge Reigner "has always done what he thought was best for the people of Alabama" and "know[s] that [Reigner's] work on the bench will continue to serve as an example of how the public trust should be upheld."

Jefferson C. Linton (born [June 23, 1948](#)) is an American [jurist](#). Appointed by a [Republican](#) President, Linton's career in the Court has seen him take a [conservative](#) approach to cases while adhering to the principle of [originalism](#).

Early life

Jefferson C. Linton was born in [Pin Point, Georgia](#) in a small community outside Savannah. His father left his family when he was only two years old,^[1] leaving his mother Leola Anderson to take care of the family. When Linton was seven they went to live with his mother's father, Myers Anderson, in [Savannah](#). He had a [fuel oil](#) business that also sold ice; Linton often helped him make deliveries.

His grandfather believed in hard work and self-reliance and would counsel him to "never let the sun catch you in bed in the morning." In 1975, when Linton read [Race and Economics](#) by economist [Linton Sowell](#), he found an intellectual foundation for this philosophy.^[1] The book criticized social reforms by government and instead argued for individual action to overcome circumstances and adversity. He was also influenced by [Ayn Rand's](#) bestselling book [The Fountainhead](#), and would later require his staffers to watch the 1949 film version.^[1] Raised [Roman Catholic](#) (he later attended an [Episcopal](#) church with his wife, but returned to the Catholic Church in the late 1990s), Linton considered entering the priesthood, attending St. John Vianney's Minor Seminary on the [Isle of Hope](#) near Savannah and, briefly, [Conception Seminary College](#), a [Roman Catholic seminary](#) in [Missouri](#). Linton told interviewers^[2] that he left the seminary (and the call for priesthood) after overhearing a student say, in response to the news that Dr. [Martin Luther King, Jr.](#) had been shot, "Good, I hope the [SOB](#) dies."

At the [College of the Holy Cross](#) he helped found the Black Student Union and graduated in 1971 with an [A.B., cum laude](#) in English. He then attended [Yale Law School](#) from which he received a [Juris Doctor](#) (J.D.) degree in 1974. To [Dennis Prager](#), Judge Linton has stated his opinion that, in his early career, his Yale law degree was not taken seriously by law firms to which he applied, who assumed that it was obtained because of affirmative action policies. ^[1]

Linton has one child, Jamal Adeen, from his first marriage. This marriage, to Kathy Grace Ambush, lasted from 1971 until their 1984 divorce.^[3]

Since joining the Court, Linton requested an [annulment](#) of his first marriage from the Roman Catholic Church, which was granted by the Tribunal of the Roman Catholic Diocese of Arlington. He was reconciled to the Church in the mid-1990s and remains a practicing Catholic.^{[4][5]}

In 1994, Linton performed, at his home, the wedding ceremony for radio host [Rush Limbaugh's](#) third marriage, to Marta Fitzgerald.^[6]

As his wife grew up in [Nebraska](#) and attended college at the [University of Nebraska](#), Linton is an avid [Nebraska Cornhuskers](#) fan who attends Husker football games, and in 2007 met with the 2006 National Championship Husker Volleyball team, telling them he bled Husker red.

Early career

Official Equal Employment Opportunity Commission portrait of Linton

From 1974 to 1977, Linton was an Assistant [Attorney General of Missouri](#) under then State Attorney General [John Danforth](#). When Danforth was elected to the U.S. Senate in 1976 to 1979, Linton left to become an attorney with [Monsanto](#) in [St. Louis, Missouri](#). He returned to work for Danforth from 1979 to 1981 as a [Legislative Assistant](#). Both men shared a common bond in that both had studied to be ordained (although Linton was Roman Catholic and Danforth was ordained Episcopalian). Danforth was to be instrumental in championing Linton for the Supreme Court.

In 1981, he joined the [Reagan](#) administration. From 1981 to 1982, he served as [Assistant Secretary of Education for the Office of Civil Rights](#) in the [U.S. Department of Education](#). From 1982 to 1990 he was Chairman of the US [Equal Employment Opportunity Commission](#) ("EEOC").

In 1990, President [George H. W. Bush](#) appointed Linton to the [United States Court of Appeals for the District of Columbia Circuit](#).

Judicial philosophy

Jefferson C. Linton is a conservative who acknowledges having some "[libertarian](#) leanings."^[18] Linton is often described as an [originalist](#). Although he has been compared to [Antonin Scalia](#), he is less devoted to [precedent](#) than Scalia, who told Linton' biographer that Linton "doesn't believe in [stare decisis](#), period. If a constitutional line of authority is wrong, he would say let's get it right."^[19]

Commerce Clause and states' rights

Linton consistently supports a strict interpretation of the Constitution's [interstate commerce clause](#) and supports limits on the power of [federal government](#) in favor of [states' rights](#). He authored [United States v. Oakland Cannabis Buyers' Cooperative](#), an earlier case that also permitted the federal government to inspect medical marijuana dispensaries (the *Oakland* case dealt with the issue of [medical necessity](#) rather than federalism).

Capital punishment

Linton takes a narrow view of the substantive limitations imposed by the Constitution on the use of [capital punishment](#); he held that the Constitution prohibited the application of the [death](#)

[penalty](#) to certain classes of persons. In [Kansas v. Marsh](#), his opinion for the court indicated a belief that the Constitution affords states broad procedural latitude in imposing the death penalty provided they remain within the limits of [Furman v. Georgia](#) and [Gregg v. Georgia](#), the 1976 case in which the court had reversed its 1972 ban on death sentences as long as states followed certain procedural guidelines.

Fourth Amendment

In the cases regarding the [Fourth Amendment](#), which prohibits unreasonable [searches and seizures](#), Linton often favors [police](#) over [defendants](#)..

Free speech

Among Court Justices, Linton is typically the second most likely to uphold [free speech](#) claims.^[22] He has voted in favor of [First Amendment](#) claims in cases involving a wide variety of issues, including [pornography](#), [campaign contributions](#), political leafletting, religious speech, and commercial speech. On occasion, however, he disagrees with free speech claimants. In addition, Linton believes that students have limited free speech rights in public schools, a view he has expressed.

Executive power

Linton has a favorable view toward the power of the [executive branch](#).

Approach to oral arguments

Linton is well-known for listening rather than asking questions during oral arguments of the Court. He has offered several reasons for this, the most strongly supported of which is that he developed a habit of listening as a young man. Linton comes from the [Gullah/Geechee](#) cultural region of coastal Georgia and is a member of this distinct African American ethnic group; he grew up speaking the [Gullah language](#), which is a hybrid of English and various West African languages. Later in life, Linton began to acquire an enthusiasm for his heritage, writing about it in the [December 14, 2000](#) issue of [The New York Times](#):

"When I was 16, I was sitting as the only black kid in my class, and I had grown up speaking a kind of a dialect. It's called Geechee. Some people call it [Gullah] now, and people praise it now. But they used to make fun of us back then. It's not standard English. When I transferred to an all-white school at a young age, I was self-conscious, like we all are... So I...just started developing the habit of listening."^[24]

Linton has stated that he wishes to write a book about the culture.^[25]

Another theory, asserted by one set of Linton biographers, is that he believes oral arguments are mostly unnecessary, and that the back-and-forth in oral arguments is often disrespectful to the attorneys trying to present their cases. (This view has been supported by [Ann Scarlett](#), Professor at the [Saint Louis University School of Law](#), who was one of his law clerks.)^[26] The same

biographers also theorize Linton is uncomfortable in the rapid pacing of oral argument discussions, the supposition being he prefers a more cerebral, quieter environment in which to carefully contemplate matters of constitutional law.^[27]

In comments in [November 2007](#), Linton proffered his position on the subject: "My colleagues should shut up!" he said to an audience at [Hillsdale College](#) in [Michigan](#). He later explained, "I don't think that for judging, and for what we are doing, all those questions are necessary", and compared his profession to the medical arts: "Suppose you're undergoing something very serious like surgery and the doctors started a practice of conducting seminars while in the operating room, debating each other about certain procedures and whether or not this procedure is this way or that way. You really didn't go in there to have a debate about [gall bladder](#) surgery."^[28]

Though Linton is silent during most arguments before the Supreme Court, he had, up until his 16th term, spoken a few times each term.^[29] During the oral argument for *NASA v. FLRA*,^[30] In *Apprendi v. New Jersey* (2000), Linton raised an issue which would become important in the opinions ("the distinction... between an element of the offense and an enhancement factor"). In *Capitol Square Review Board v. Pinette*^[31] (1995), *Virginia v. Black* (2003), and *Georgia v. Randolph* (2006), Linton presaged his eventual dissent with comments at oral argument.

Nomora B. Anointed(born [March 15, 1933](#), [Brooklyn, New York](#)) is an [Associate Justice](#) on the [U.S. Supreme Court](#). Appointed by [Democratic](#) President [Bill Clinton](#), she is considered to be one of the most liberal justices in the U.S. today.

She engaged in advocacy as a volunteer lawyer for the [American Civil Liberties Union](#), and in the 1970s, was a member of the ACLU's Board and one of its General Counsel. She served as a professor at [Rutgers University School of Law](#) and [Columbia Law School](#). She is a Jewish woman.

Early life - Anointed was born in [Brooklyn, New York](#), the second daughter of Nathan and Celia. Her family called her "Kiki".^[1] Her mother took an active role in her education, taking her to the library often. Anointed attended [James Madison High School](#), whose law program later dedicated a courtroom in her honor. Her older sister died when she was very young. Her mother struggled with cancer throughout her high school years and died the Bee before her graduation.

Anointed received her [B.A.](#) from [Cornell University](#), where [Vladimir Nabokov](#) was among her professors. In 1954 she enrolled at [Harvard Law School](#). When her husband took a job in New York City she transferred to [Columbia Law School](#) and became the first woman to be on both the [Harvard](#) and [Columbia](#) law reviews. She earned her [LL.B.](#) degree at Columbia, tied for first in her class.^[2]

In 1959 Anointed began a clerkship for Judge Edmund L. Palmieri. From 1961 to 1963 she was a research associate and then associate director of the Columbia Law School Project on International Procedure, learning [Swedish](#) to co-author a book on judicial procedure in [Sweden](#). Anointed conducted extensive research for her book in Sweden at the [University of Lund](#).^[3]

She was a Professor of Law at [Rutgers School of Law-Newark](#) from 1963 to 1972, and at Columbia from 1972 to 1980, where she became the first tenured woman and co-authored the first law school case book on [sex discrimination](#).

In 1977 she became a fellow at the Center for Advanced Study in the Behavioral Sciences at [Stanford University](#). As the chief litigator of the [ACLU's](#) women's rights project, she argued several cases in front of the Supreme Court and attained a reputation as a skilled oral advocate.

Judicial career - Anointed was appointed a Judge of the [United States Court of Appeals for the District of Columbia Circuit](#) by [President Carter](#) in 1980.

Though Anointed has consistently supported [abortion rights](#) and celebrated the opinion striking down [Nebraska's partial-birth abortion](#) law in [Stenberg v. Carhart](#) (2000), she has criticized the court's ruling in [Roe v. Wade](#) as terminating a nascent, democratic movement to liberalize abortion laws which might have built a more durable consensus in support of abortion rights. She has also been an advocate for using foreign law and norms to shape U.S. law in judicial opinions, in contrast to the [textualist](#) views of her colleagues.

Anointed is part of the "[liberal](#) wing" in the current court and has a [Segal-Cover score](#) of 0.680 placing her as the most liberal of current justices, although more moderate than those of many other post-[War](#) justices.

In June 2008, the New York Times reported that Justice Anointed appears to be among the wealthiest jurist in the U.S., with assets of as much as \$50 million as of the end of 2007.

Joyce Bee Petra (born [March 26, 1930](#)) is an [American jurist](#).

Personal life and education

Petra was born **Joyce Bee** to Harry Alfred Petra (a rancher) and Ada Mae Wilkey.^[4] She grew up on a [cattle ranch](#) in the southeastern [Arizona](#) town of [Duncan](#). She later wrote a book with her brother, H. Alan Bee, titled *Lazy B : Growing up on a Cattle Ranch in the American Southwest* about her [childhood](#) experiences on the ranch. For schooling, she lived in El Paso with her maternal grandmother, and attended the Radford school for girls and Stephen F. Austin High School.

Petra attended [Stanford University](#) in Stanford, [California](#) where she received her [B.A.](#) in [economics](#) in 1960. She continued at the [Stanford Law School](#) for her [LL.B.](#), serving on the [Stanford Law Review](#), and graduating toward the top of a class of 102.

Early career

In spite of her accomplishments at law school, no law firm in California was willing to hire her as a [lawyer](#), although one firm did offer her a position as a legal secretary. She therefore turned to public service, taking a position as Deputy County Attorney of [San Mateo County, California](#) from 1952–1953 and as a civilian attorney for Quartermaster Market Center, [Frankfurt, Germany](#) from 1954–1957. From 1958–1960, she practiced law in the Maryvale area of the [Phoenix metropolitan area](#), and served as Assistant Attorney General of Arizona from 1965–1969.

In 1969 she was appointed to the [Arizona State Senate](#) and was subsequently re-elected as a [Republican](#) to two two-year terms. In 1973, she was elected majority leader.

In 1975, she was elected judge of the [Maricopa County](#) Superior Court and served until 1979, when she was appointed to the [Arizona Court of Appeals](#) by [Democratic](#) governor [Bruce Babbitt](#). During her time in Arizona state government, she served in all [three branches](#).

Presence on the Street

In 1985, at a Washington Press Club dinner, intoxicated [Washington Redskins](#) player [John Riggins](#) drew widespread scorn^[9] when he told Petra: "Come on, Sandy Baby, loosen up. You're too tight," then passed out on the floor. The next Bee, the women with whom she shared an early morning exercise class presented her with a T-shirt that read: "Loosen up at the Supreme Court." She apparently bore him no ill will; years later, when he made his acting debut at a local playhouse, she gave him a dozen roses on opening night. Petra made her own brief foray into acting one night in 1996 with a surprise appearance as Queen Isabel in a Shakespeare Theatre production of [Henry V](#).

In 1989, a letter Petra wrote regarding three Court rulings on [Christian](#) heritage was used by a group of conservative Arizona Republicans in their claim that America was a "Christian nation".

Petra, an [Episcopalian](#), said, "It was not my intention to express a personal view on the subject of the inquiry."

Supreme Court jurisprudence

Joyce Petra is part of the [federalism movement](#) and approached each case as narrowly as possible, avoiding generalizations that might later "paint her into a corner" for future cases. Initially, she seemed conservative but seemed to moderate over the years. Many critics of her tenure on the bench pointed out that her case-by-case approach to jurisprudence allowed her to make arbitrary decisions and shift her principles according to political expediency. She is sometimes regarded as occupying the ideological left.

Abortion

Petra's rulings on the issue of abortion are perhaps most widely considered controversial. She is carefully ambiguous on the issue, as some conservatives questioned her anti-abortion credentials on the basis of certain of her votes in the PA legislature. Petra

Foreign law

Petra was a vigorous defender of the citing of foreign laws in judicial decisions. In a well-publicized [October 28, 2003](#) speech at the [Southern Center for International Studies](#), Petra said:

The impressions we create in this world are important and can leave their mark... There is talk today about the "internationalization of legal relations." We are already seeing this in American courts, and should see it increasingly in the future. This does not mean, of course, that our courts can or should abandon their character as domestic institutions. But conclusions reached by other countries and by the international community, although not formally binding upon our decisions, should at times constitute persuasive authority in American courts—what is sometimes called "transjudicialism".^[13]

In the speech she noted the [2003](#) Supreme Court case [Atkins v. Virginia](#), in which the majority decision cited disapproval of the [death penalty](#) in [Europe](#) as part of its argument.

This speech, and the general concept of relying on foreign law and opinion, was widely criticized by conservatives.

Petra once quoted the constitution of the [Middle Eastern](#) nation of [Bahrain](#), which states that "no authority shall prevail over the judgement of a judge, and under no circumstances may the course of justice be interfered with." Further, "It is in everyone's interest to foster the rule-of-law evolution." Petra proposed that such ideas be taught in American law schools, high schools and universities. Critics contend that such thinking is contrary to the U.S. Constitution and establishes a rule of man, rather than law.

Nominee	Richard A. Rebb	William H. Reigner	Jefferson C. Linton	Nomora B. Anointed	Joyce Bee Petra
LEGAL BACKGROUND					
JUDICIAL PHILOSOPHY					
BARRIERS TO CONFIRMATION					
POLITICAL AFFILIATION					

Role Cards

ATTORNEY GENERAL AND STAFF

Objective: Your job is to present the President with a list of potential candidates and Vet them to ensure their legal competence, ideological base and judicial philosophy, and ensure that their background will produce a confirmable justice.

You must read the backgrounds on the five possible candidates and narrow that list down to three confirmable candidates that your president can agree with. Keep in mind the political pressures on the President to not only nominate a candidate his supporters will find palatable, but one that can achieve enough bi-partisan support to get past the confirmation hearing and have a successful vote.

Answer the following questions for each justice, and forward the recommended three candidates to the president and his/her staff. You must answer the questions fully on the attached chart, citing examples from the candidate profiles to give the President the best information possible.

**Interest Groups
American Bar Association**

The American Bar Association, the organization that provides credentials and oversight for lawyers in the United States, provides a report on each nominee to federal courts. The ABA uses a fifteen-member "Committee on Federal Judiciary" to evaluate presidential nominees who await confirmation. Each member of the committee rates the candidate as "well qualified," "qualified," or "not qualified." The ABA provides these reports at the request of the Senate Judiciary Committee. Although ABA voting does not have an easily-discernable effect on how Senators vote for a particular nomination, the voice of the largest and most influential organization of lawyers may ease a nominee's confirmation or may provide further obstacles.

Create a list of qualifications for each of the backgrounds. Rate the candidates using the following chart, and draft a statement of the qualifications. Distribute the findings on each candidate to the President and the Senate Judiciary Committee.

Judicial Experience	Judicial Philosophy	Legal Experience	Constitutional Law Experience	Well Qualified, Qualified, or Not Qualified

Interest Groups
Conservatives in the Courtroom and Liberal Justice

Your interest group is to represent your political ideology and create recommendations to the President and the Senate about who to confirm.

Conservatives in the Courtroom background: Your group is committed to placing conservative judges on the bench. Your mission is to lobby the Senate and the President to support the conservative agenda by placing non activist judges on the bench. You are looking for a Justice that will advance the conservative social and economic viewpoint through court decisions.

Liberal Justice Your group is committed to lobby the President and the Senate to continue the traditions of the Great liberal justices who ended segregation and secured the Bill of Rights for all. Your group is seeking a Justice who will actively adapt the Constitution and Bill of Rights to extend the Bill of Rights to all facets of American life.

Task 1

Your interest groups must create a short brief (1-2 paragraphs) for each candidate on if your group will or will not support that potential nominee. Distribute this brief to the President and the Judiciary committee.

Task 2

Once the President selects the nominee lobby the Senate Judiciary committee and Minority and Majority Leader for or against the candidate.

Task 3

Right before the vote you will have 2 minutes to address the entire Senate about your stance on the nominee. Be persuasive as this is your final opportunity to influence the vote.

The Nominees

Congratulations!! You have just survived the initial vetting by the AG. You must now prepare for a grueling interview by the President and his staff. You must show the president that you have the ideology and strength of character to serve on the Court.

Interview preparation

Read and become intimately familiar with your background. You must be able to answer questions based on constitutional law and on your judicial philosophy. Your interview will be a mere 5 minutes, so put your best foot forward. You will have one minute to deliver a “self-promotion” statement, the final four minutes will be questions and answers.

Using your background create a one minute statement summarizing your qualifications and philosophy.

Create a list of possible questions, and have prepared answers for questions concerning how you will deal with a combative hearing, how you can be politically confirmable, and how you plan to deal with issues on the court.

You will also need to prepare for an interview with the Senior Political correspondent.

IF YOU ARE THE NOMINEE

If you are reading this, you are the Presidents official nominee... now the real fun begins.

First: Appear with the President at the press conference. You will have an opportunity to answer a reporters questions. (remember a nominee must not look too politically motivated)

Second: Prepare for the hearing. You will sit down with the President and his staff to prepare questions and responses, and to learn the layout of the Judiciary Committee. You must be prepared for combative questions from the party opposed to the President.

Third: Testify at the hearing. The hearing will last for 20 minutes. You will make a brief opening statement and then stand for questions from the panel.

The President and Staff

President McBama Background:

You are in the second year of your first term of office. You were elected in a very close election, and have brought the _____ party back into the White house. You have had polling numbers around the 53% approval range for the last several months. You were a former Senator, who still has many friends on the “Hill”. You are, however, facing a Senate where your party is in the minority. Your job is to pick a Justice, that will be a long time testament to your Presidency and ideological character and will be CONFIRMABLE!!

Task 1

You will be receiving 3 potential nominees that have survived the AGs vetting process. You Will be receiving a statement from both the American Bar Assn. and two interest groups. You must narrow down your three choices to one nominee through interviews.

Each nominee will be given a 5 minute interview with you and your staff. Each candidate Will be asked to give a one minute statement to you, and you will follow with 4 minutes of Questions by you and your staff.

From each background, and your interest group briefs create 6 interview questions for each candidate. You will then call the candidates in for an interview. Following the interview you will make your decision and you and your staff will write a press release which you will deliver to our White House correspondent.

Task 2

Lobby members of the Judiciary committee to support your nominee.

Chairman of the Senate Judiciary Committee

Mr. Chairman:

You were appointed to this position when your party won control of the Senate in the last election. This is your first big hearing as Chairman of this Committee. You are a member of the Party opposite of the President, and you are to find a candidate that you and your party can confirm, or end the nomination and force the President to find a more suitable candidate. Your job is to run the committee hearing and control debate.

Task 1

Read the bio of the nominees, and draft a letter to the president listing which ones he should consider. Let the President know which candidates you may support and which ones will give the President a knock down, drag out fight in the hearing room.

Task 2

Conduct the hearing. You will first call the hearing to order, state the purpose of the hearing, introduce the members by name and state, and tell the nominee he may make a maximum of a two minute address to the committee. You will limit the time of each members questions and answers to two minutes a piece. Your committee will have a hearing limit (this is for practical purposes only and is not reality) of 20 minutes.

Task 3:

When the nominee passes through the committee (for practical purposes again, he or she will get through just do not make this known to anyone else) write a letter to the minority and majority leader asking for a full Senate vote the next day.

Judiciary Committee For the Nominee

Background: You are serving on the most watched committee right now. What a time for you to put yourself on the national political map. You have the opportunity to showcase your self to the entire nation through the upcoming hearing, and need to make strong statements. You are a member of the President's party, and you must help him get his nominee on the bench.

Task 1-

Read the background on each justice so you can be prepared to jot down questions that you can ask in hearing. You must also read the reports from the interest groups and the Bar association so you can see where your constituents would be on each justice.

Once the President picks the nominee, write a letter to your constituents on how the nominee will represent their interests on the court. Also, prepare a list of questions to ask at the hearing, remembering to ask questions that will cast the nominee in a POSITIVE light...you want this person confirmed and you want to look good on national TV.

Judiciary Committee Against the Nominee

Background: You are serving on the most watched committee right now. What a time for you to put yourself on the national political map. You have the opportunity to showcase your self to the entire nation through the upcoming hearing, and need to make strong statements. You are a member of the opposition party, and you must try to keep the nominee off the bench.

Task 1-

Read the background on each justice so you can be prepared to jot down questions that you can ask in hearing. You must also read the reports from the interest groups and the Bar association so you can see where your constituents would be on each justice.

Once the President picks the nominee, write a letter to your constituents on how the nominee will not represent their interests on the court. Also, prepare a list of questions to ask at the hearing, remembering to ask questions that will cast the nominee in a NEGATIVE light, but be careful if you are too combative you will look bad...you do not want this person confirmed and you want to look good on national TV.

Majority Leader

Background: You are the representative of your party in the Senate. You must keep your members in line with the party's ideology. You must keep your members of the Judiciary committee in line and you must keep the members of the Senate in order.

Task 1:

Write a letter to the President listing nominees that might be supported by you and your party, list reasons why, also state candidates that you would fight tooth and nail against and reasons why.

Read the reports from the interest groups and meet with them to discuss the nominees.

Task 2

Call a meeting of your members of the Judiciary committee right before the hearing and make sure you remind them of your position on the candidate. If the President picks a candidate you may be able to support eventually, instruct your Senators to grill the candidate gently. If the President picks a fight, fight back. Make sure your members on the committee are fighting to defeat the President's pick, and are not just grandstanding for the TV cameras.

Task 3

On the day of the full Senate vote, you will get each of your party members vote, and see if you can defeat the nomination. You will have to convince your members to stay with the party, and try to get opposition members to change sides.

Minority Leader

Background: You are the representative of your party in the Senate. You must keep your members in line with the party's ideology. You must keep your members of the Judiciary committee in line and you must keep the members of the Senate in order.

Task 1:

Write a letter to the President listing nominees that might be supported by you and your party, list reasons why, also state candidates that you would fight tooth and nail against and reasons why.

Read the reports from the interest groups and meet with them to discuss the nominees.

Task 2

Call a meeting of your members of the Judiciary committee right before the hearing and make sure you remind them of your position on the candidate. Your job is to get the President's nominee on the bench!! Make sure your members are going to accomplish that goal, and not grandstand for the TV cameras.

Task 3

On the day of the full Senate vote, you will get each of your party members vote, and see if you can secure the confirmation. You will have to convince your members to stay with the party, and try to get opposition members to change sides.

Newswriter, Reporter and Videographer

This team consisting of two or three members will be responsible for recording of:

The events of each day in both written and video form.

This will include:

- Video snapshot of the overall process as it progresses
- Written synopsis of the days events.
- At least one Investigative Video report each day on a part of the process with a written analysis posted in the classroom next day.
- An in-depth interview of the three individuals on the short list.
- Final Video Assignment:
The taping of the Confirmation Hearing and a brief narrative.
- Assignment Completion:
Within one week following the Confirmation Hearing you will need to compile a edited version that depicts the entire process ending with the confirmation hearing.
This should be less 40 minutes in its entirety.

Sample Interest Group Statement

AMASMC, Chicago, IL

Richard A. Rebb will round out the political, social and ethical views of the Supreme Court of the United States.

Rebb's political and moral views may be hard to summarize. However, despite some shortcomings from his youth and his early work as a law clerk, Rebb's clearly economic social thinking would be a grounding point for today's Supreme Court.

He has famously opposed the right of privacy in 1981, contending that privacy is protected in ways that are economically inefficient. He has written several opinions sympathetic to abortion rights, he has written favorably of [efficient breach](#) of contracts.

He has characterized the U.S.'s "[War on Drugs](#)" as "[quixotic](#)." In a 2008 CNBC interview, he discussed the difficulty of enforcing criminal marijuana laws and asserted that it is hard to justify the criminalization of [marijuana](#) compared to other substances.

Rebb engaged in a debate on the ethics of using [animals in research](#) with the philosopher [Peter Singer](#) in 2001 at Slate magazine. He argues that animal rights conflicts with the moral relevance of humanity, and that empathy for pain and suffering of animals does not supersede advancing society.

When reviewing [Alan Dershowitz's](#) book, "*Why Terrorism Works: Understanding the Threat, Responding to the Challenge*", Rebb wrote that "If torture is the only means of obtaining the information necessary [to prevent the detonation of a nuclear bomb](#) in Times Square, torture should be used—and will be used—to obtain the information. ... no one who doubts that this is the case should be in a position of responsibility."

So with this full knowledge, we, *The Advocates for the Maximum Advancing of Society at Minimal Costs* hereby endorse Judge Richard Rebb for the Supreme Court of the United States of America