Who Chooses Judges?

Trace a federal judicial nomination from vacancy to appointment.

SS24.USG.6b "Outline and explain the process of appointing Supreme Court Justices and other federal judges."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Number the steps from vacancy to appointment in the order they happen, and underline the action taken by the president, the Judiciary Committee, or the full Senate at each step.

From Vacancy to Federal Judge

1. When a seat opens on the Supreme Court, a federal appeals court, or a federal district court, the president does not simply hire a judge. Article II of the Constitution gives the president power to nominate federal judges and gives the Senate a role in their appointment. The president and advisers review candidates' legal work, experience, and views about judging. For a district court vacancy, presidents also commonly consult senators from the state where the court sits. The president then sends one person's nomination to the Senate. A nomination identifies a candidate; it does not put that person on the bench.

2. The Senate usually sends a judicial nomination to its Judiciary Committee. Committee members examine the nominee's record, request written answers, and often hold a public hearing. At a hearing, senators can question the nominee about qualifications and legal reasoning. The committee may vote to report the nomination to the full Senate, sometimes with an unfavorable recommendation. Its vote alone cannot confirm a judge. The full Senate debates under its rules and votes on confirmation. A simple majority of senators voting, with a quorum present, is generally enough to confirm a judicial nominee. Senators may also reject a nomination or leave it without a confirmation vote.

3. After Senate confirmation, the president formally appoints the judge by signing a commission. The new judge takes required oaths before performing judicial duties. If the Senate rejects the nominee, the president can choose another candidate and begin again; a rejected nominee cannot take the seat through that nomination. These steps apply to Supreme Court justices and to judges on federal district and appeals courts. Once appointed, these Article III judges hold office during good behavior, rather than for a fixed term. A president cannot fire one for an unpopular ruling. Removal requires impeachment by the House and conviction by the Senate.

2 ANSWER WITH EVIDENCE

Use the passage

1. Outline the steps that take a candidate from the president's review to the start of judicial duties.

2. Explain how the Judiciary Committee's role differs from the full Senate's role in confirming a judge.

3. If the Senate rejects a nominee, what can the president do next, and why can the rejected nominee not take the seat?

4. For a district court vacancy, how does the president's consultation with state senators differ from the Senate's confirmation vote?

3 YOUR TURN

Your own words

A president's district court nominee tells senators, "If I make an unpopular ruling, the president can fire me." Write four or five sentences explaining how this nominee could become a judge, how senators could respond to the statement, and whether the statement is correct.

ANSWER KEY

Who Chooses Judges?

GRADE 12 · SS24.USG.6b

PART 1 · READ AND MARK

Number the steps from vacancy to appointment in the order they happen, and underline the action taken by the president, the Judiciary Committee, or the full Senate at each step. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Outline the steps that take a candidate from the president's review to the start of judicial duties.	**The president reviews candidates and sends a nomination to the Senate. The Judiciary Committee examines it, and the full Senate votes on confirmation. If confirmed, the president signs a commission, and the judge takes required oaths before performing duties.**
2	Explain how the Judiciary Committee's role differs from the full Senate's role in confirming a judge.	**The committee examines the nominee, may hold a hearing, and may report the nomination. The full Senate votes on whether to confirm; a committee vote cannot confirm a judge.**
3	If the Senate rejects a nominee, what can the president do next, and why can the rejected nominee not take the seat?	**The president can choose another candidate and begin the process again. The rejected nominee lacks Senate confirmation and cannot be appointed through that nomination.**
4	For a district court vacancy, how does the president's consultation with state senators differ from the Senate's confirmation vote?	**Consulting state senators commonly helps the president consider candidates before nomination. The full Senate's vote determines whether the nominee is confirmed.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The president sends the district court nomination to the Senate. The Judiciary Committee could question the nominee about the statement at a hearing and report the nomination to the full Senate. Senators could vote against confirmation if the statement raises concerns about the nominee's understanding of the job. If the Senate confirms the nominee, the president signs a commission, and the new judge takes required oaths before working. The claim is false: a president cannot fire an Article III judge for an unpopular ruling; removal requires House impeachment and Senate conviction.

Accept outlines that distinguish nomination from confirmation and appointment. For Part 3, students may describe senators questioning or opposing the nominee, but should not claim that a committee vote alone confirms a judge.