A Seat Opens

Trace how a Supreme Court nominee becomes a justice.

9-12.GOV.40 "Explain the processes of selection and confirmation of Supreme Court justices."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each action the president takes, circle each action the Senate takes, and number the actions in order. Use your marks to trace how a vacant seat is filled.

From Vacancy to Justice

1. A seat on the Supreme Court becomes vacant when a justice retires, resigns, or dies. The Constitution gives the president the power to nominate someone to fill it, but the president cannot place a nominee on the Court alone. White House staff may review a possible nominee's legal writing, career, and public record. The president may also consider judicial philosophy and whether a candidate could win Senate support. After making a choice, the president sends a formal nomination to the Senate. That step begins a separate review by the branch of government that must decide whether to consent.

2. The Senate usually sends the nomination to its Judiciary Committee. Senators and staff examine the nominee's record, gather information, and often meet with the nominee. At a public hearing, committee members question the nominee about legal reasoning, past decisions, and views of a judge's role. A nominee may avoid promising how to rule in a future case, since justices must decide disputes based on the law and facts presented. The committee then votes on whether to report the nomination to the full Senate. A favorable report can help a nominee, but the full Senate, not the committee, makes the confirmation decision.

3. Once the nomination reaches the full Senate, senators may debate the nominee's qualifications and approach to the Constitution. The Senate then votes on confirmation. A majority of senators voting can confirm a nominee if a quorum is present. If senators split evenly, the vice president may cast a tie-breaking vote. After confirmation, the president formally appoints the new justice, who takes the required oaths before carrying out judicial duties. If the Senate rejects the nominee, the president may nominate someone else. The steps matter because the president selects a candidate, while the Senate provides a separate check before that person joins the Court.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why can't the president fill a vacant Supreme Court seat by choosing a nominee alone? Explain what must happen next.

2. How does the Judiciary Committee's work fit between the president's nomination and the full Senate's decision?

3. Suppose senators split evenly on confirmation. How could the vote be settled, and what would still need to happen before the nominee serves?

4. If the full Senate rejects a nominee, what could the president do next? Why would an earlier favorable committee report not change that result?

3 YOUR TURN

Your own words

A radio host says, “The president chose a new justice, so that person can begin work today.” Write a five- or six-sentence correction that traces the process from vacancy to service, including the committee's role and what could happen if senators tie.

ANSWER KEY

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HIGH SCHOOL · 9-12.GOV.40

PART 1 · READ AND MARK

Underline each action the president takes, circle each action the Senate takes, and number the actions in order. Use your marks to trace how a vacant seat is filled. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why can't the president fill a vacant Supreme Court seat by choosing a nominee alone? Explain what must happen next.	**The president nominates a candidate, but the Senate must review the nomination and vote to confirm the nominee.**
2	How does the Judiciary Committee's work fit between the president's nomination and the full Senate's decision?	**The committee examines the nominee's record, may question the nominee at a hearing, and votes on reporting the nomination. The full Senate makes the confirmation decision.**
3	Suppose senators split evenly on confirmation. How could the vote be settled, and what would still need to happen before the nominee serves?	**The vice president could cast a tie-breaking vote. If the nominee is confirmed, the president appoints the justice, who takes the required oaths before serving.**
4	If the full Senate rejects a nominee, what could the president do next? Why would an earlier favorable committee report not change that result?	**The president could nominate someone else. A favorable committee report does not override the full Senate's confirmation vote.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The president's choice is only a nomination, not an appointment to the Court. A vacancy can arise when a justice retires, resigns, or dies. After the president submits the nomination, the Senate Judiciary Committee reviews the nominee's record and may question the nominee at a hearing. The committee reports the nomination, but the full Senate votes on confirmation. If senators split evenly, the vice president may cast a tie-breaking vote. Only after confirmation can the president appoint the justice, who must take the required oaths before beginning judicial duties.

Accept answers that distinguish the president's nomination and appointment from the Senate's confirmation decision. Students may describe a committee hearing as a usual step, not a requirement for confirmation.