



DocketED

September Edition: The Nomination Process – Procedure, Power, & Politics

The judiciary is one of the most misunderstood branches—but also one of the most fascinating. With the right activities, students can see the courts not as distant institutions but as dynamic guardians of constitutional democracy.

This month, we focus on the complex and often contentious process of nominating and confirming federal judges. Understanding the intersection of law, politics, and public opinion is key to helping students engage with the judicial selection process.

Federal Judges & the Nomination Process: A Step-by-Step Breakdown

Objective: Students will learn the steps involved in nominating and confirming federal judges, from the President’s selection to Senate confirmation.

Introduction: Begin by showing a short video or reading a brief article explaining the process. Use a [flowchart](#) to illustrate the key steps:

Presidential Nomination: The President nominates a candidate.

Senate Judiciary Committee Hearings: The nominee is questioned.

Senate Vote: The full Senate votes to confirm or reject the nominee.

Activity:

[Choosing a Nominee for the Supreme Court](#)

[Possible Discussion Points for Each Nominee in the Appointment Activity](#)

Discussion: What factors influence the President’s choice? How do political dynamics in the Senate affect the outcome of confirmations?

Enrichment: Students will examine previous Supreme Court nominees and discuss the controversy surrounding their appointment. (e.g. Bork, Thomas, Kavanaugh, etc.)

Additional Resources:

[Article II, Section 2, Clause 2 of the United States Constitution](#)

[Frontline: Inside the First All-Out War Over a Supreme Court Nominee \(Robert Bork\)](#)

[Crash Course Black American History: Anita Hill and Clarence Thomas](#)

[PBS: Key Moments from Brett Kavanaugh’s Confirmation Hearing](#)

Teaching Tips for Engaging Your Students with the Nominations Process

Use Real-Life Case Studies:

Study specific confirmation hearings (e.g., Brett Kavanaugh, Merrick Garland, or Amy Coney Barrett). Have students compare the hearings and identify how politics, public opinion, and the media influenced the process. This helps students understand the stakes involved in judicial appointments.

AP Government Practice FRQ

The judicial branch is often assumed to be insulated from politics. However, politics affects many aspects of the judiciary.

- A) Describe two political factors that affect presidents' decisions to appoint members of the federal judiciary.
- B) Identify two political factors that affect the confirmation process of a president's nominees and explain how each factor complicates confirmation.
- C) Explain how one legislative power serves as a check on court decisions.
- D) Explain how one executive power serves as a check on court decisions.

Quote of the Month:

"The only thing we have to fear is fear itself — and the Senate Judiciary Committee."
– Anonymous (a light-hearted take on the stressful process of Supreme Court confirmations)

Fun Facts:

The fastest Supreme Court confirmation was Justice William Rehnquist in 1971, who was confirmed in just 45 minutes. The nomination of Justice Luis Brandeis took a record 125 days.

United States District Court for the Western District of Missouri, Chief Judge Brian C. Wimes was confirmed by the Senate with a vote of 92-1.

Looking Ahead

Next month, we will examine the debate over lifetime appointments. Stay tuned for lesson ideas, teaching strategies, and fun facts related to these vital parts of the judicial system.

Until next time, keep guiding your students through the intricate world of the federal judiciary!