

icivics supreme court nomination activity

icivics supreme court nomination activity offers an engaging and educational simulation designed to help students and learners understand the complex process of nominating and confirming a Supreme Court justice in the United States. This interactive exercise allows participants to step into the shoes of the President, Senators, and other key players, offering insight into the political, legal, and procedural dynamics that govern judicial appointments. The activity highlights the constitutional roles, strategic considerations, and political negotiations involved in the Supreme Court nomination process. By exploring key concepts such as judicial philosophy, Senate hearings, and public opinion, this iCivics tool promotes a deeper understanding of American civics and government. This article provides a comprehensive overview of the icivics supreme court nomination activity, detailing its purpose, structure, educational benefits, and practical applications in classrooms and beyond. Readers will also find an exploration of the legal background and procedural steps involved in Supreme Court nominations, enriching their grasp of this critical aspect of the U.S. political system.

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Overview of the iCivics Supreme Court Nomination Activity

The iCivics Supreme Court nomination activity is an interactive digital simulation designed to replicate the real-life process of nominating and confirming a Supreme Court justice. Developed by iCivics, an organization dedicated to civic education, this activity engages users by placing them in roles that mimic the responsibilities of the President and the Senate. Participants navigate through the complexities of selecting a nominee, considering legal qualifications, political implications, and public opinion. The activity incorporates realistic scenarios and challenges, providing a hands-on experience that enhances understanding of the judicial nomination system. Through this simulation, learners gain exposure to the balance of power between the executive and legislative branches, as well as the importance of judicial philosophy in shaping the nation's highest court.

Educational Objectives and Benefits

The primary objective of the iCivics Supreme Court nomination activity is to educate students about the constitutional process involved in appointing Supreme Court justices. It aims to develop civic knowledge, critical thinking, and decision-making skills by immersing users in a realistic governmental procedure. The activity benefits learners by:

- Enhancing comprehension of the separation of powers and checks and balances in the U.S. government.
- Providing practical experience in understanding judicial qualifications and political considerations.
- Encouraging analysis of how ideology and public opinion affect judicial nominations.
- Fostering engagement with current events and the judicial branch's role in American democracy.
- Developing skills in negotiation, persuasion, and strategic planning through simulated Senate hearings and debates.

These educational goals align with broader civics curricula, supporting teachers in delivering content that prepares students for informed citizenship.

Step-by-Step Breakdown of the Nomination Process in the Activity

The icivics supreme court nomination activity breaks down the nomination process into clear, manageable stages, offering a detailed understanding of each phase. These steps include:

1. **Selection of a Nominee:** The President chooses a candidate based on legal expertise, judicial philosophy, and political strategy.
2. **Background Investigation:** A thorough review of the nominee's qualifications, past rulings, and public statements.
3. **Senate Judiciary Committee Hearings:** The nominee faces questions and scrutiny from Senators to assess suitability.
4. **Senate Debate and Vote:** Senators engage in debate reflecting their political views before casting votes to confirm or reject the nominee.

Each step within the activity is interactive, requiring users to make decisions that influence the outcome, thereby demonstrating the complexity and unpredictability inherent in real Supreme Court nominations.

Legal and Constitutional Foundations

The icivics supreme court nomination activity is grounded in the constitutional framework established

by Article II, Section 2 of the United States Constitution, which grants the President the power to nominate Supreme Court justices with the advice and consent of the Senate. This process reflects the system of checks and balances essential to American governance. The activity incorporates key legal principles such as:

- The President's authority and discretion in selecting nominees.
- The Senate's role in providing advice and consent through hearings and confirmation votes.
- The importance of judicial independence balanced against political realities.
- Historical precedents and Senate rules that influence nominations.

Understanding these constitutional elements is crucial to appreciating the procedural and political dynamics presented in the icivics simulation.

Application in Educational Settings

Educators widely use the icivics supreme court nomination activity as a tool to bring civics education to life. Its interactive format suits diverse learning environments, including middle schools, high schools, and introductory college courses. The activity supports various pedagogical approaches such as project-based learning, simulations, and role-playing exercises. Key applications include:

- Facilitating student engagement with complex governmental processes.
- Complementing lessons on the judicial branch, constitutional law, and democratic institutions.
- Promoting collaboration and discussion among students through group activities.
- Providing formative assessment opportunities by tracking decisions and outcomes within the

simulation.

- Encouraging reflection on contemporary political issues related to Supreme Court nominations.

Its accessibility and alignment with state and national standards make it a valuable resource for strengthening civic literacy.

Challenges and Considerations in the Nomination Process

The icivics supreme court nomination activity also exposes learners to the challenges and considerations that influence real-world judicial appointments. These include political polarization, public opinion pressures, and the strategic calculations of both the President and Senate. Some of the primary challenges highlighted by the activity are:

- **Political Partisanship:** Nominees often face intense scrutiny and opposition based on party lines rather than solely on qualifications.
- **Media and Public Influence:** Public opinion and media coverage can shape the nomination's trajectory and Senate responses.
- **Judicial Philosophy:** The nominee's interpretive approach to the Constitution can become a focal point of debate.
- **Senate Dynamics:** Individual Senators' interests, committee dynamics, and leadership strategies play crucial roles.
- **Timing and External Events:** Political climate, upcoming elections, and social issues can affect the confirmation process.

By simulating these elements, the icivics activity offers a realistic perspective on the complexities involved in Supreme Court nominations, preparing students to critically analyze this vital democratic process.

Frequently Asked Questions

What is the icivics Supreme Court nomination activity?

The icivics Supreme Court nomination activity is an educational simulation where students take on the role of the President to nominate a candidate for the Supreme Court, learning about the nomination and confirmation process.

How does the icivics Supreme Court nomination activity work?

In the activity, users review candidate qualifications, consider political and personal factors, and then decide whether to nominate the candidate, followed by a simulated Senate confirmation process.

Why is the icivics Supreme Court nomination activity important for students?

It helps students understand the checks and balances of the U.S. government, the role of the Supreme Court, and the political dynamics involved in judicial nominations.

Can the icivics Supreme Court nomination activity be used in classrooms?

Yes, it is designed as an interactive learning tool for educators to teach civics, government, and the judicial branch in middle and high school classrooms.

What skills do students develop through the icivics Supreme Court nomination activity?

Students develop critical thinking, decision-making, understanding of government processes, and awareness of political and legal considerations.

Is the icivics Supreme Court nomination activity based on real-life scenarios?

While the activity uses realistic scenarios and candidates, it is a simulation intended to reflect the real nomination and confirmation process rather than actual current events.

How long does it typically take to complete the icivics Supreme Court nomination activity?

The activity usually takes about 15 to 30 minutes, depending on how deeply students engage with the candidate profiles and the confirmation process.

Are there different candidates to choose from in the icivics Supreme Court nomination activity?

Yes, the activity presents multiple fictional candidates with diverse backgrounds and qualifications for users to evaluate.

Does the icivics Supreme Court nomination activity include a Senate confirmation vote?

Yes, after nominating a candidate, users experience a simulated Senate confirmation vote that considers political factors and public opinion.

Where can educators access the icivics Supreme Court nomination activity?

The activity is available for free on the icivics website, where educators can also find lesson plans and additional resources.

Additional Resources

1. *Supreme Court Showdown: The Nomination Battle*

This book explores the intense political and legal battles that surround Supreme Court nominations. It provides an engaging overview of the nomination process, the role of the Senate, and how nominees prepare for confirmation hearings. Readers will gain insight into the significance of these appointments on American law and society.

2. *The Judiciary and You: Understanding Supreme Court Nominations*

Designed for students and educators, this book breaks down the complexities of Supreme Court nominations into accessible language. It explains the constitutional framework, key players involved, and the impact of Supreme Court decisions on everyday life. Interactive activities and case studies are included to deepen understanding.

3. *Confirming Justice: How Supreme Court Nominees Are Selected*

This title delves into the historical and procedural aspects of selecting Supreme Court justices. It highlights notable nominations, controversies, and the evolving criteria used by presidents and the Senate. The book also discusses the political strategies behind confirmations and rejections.

4. *Inside the Confirmation Process: A Guide to Supreme Court Nominations*

Offering an insider's perspective, this book details each step of the Supreme Court nomination process from nomination to confirmation. It covers Senate Judiciary Committee hearings, questioning tactics, and the role of public opinion. Readers learn about key moments in recent confirmation battles.

5. The Supreme Court and Its Nominees: A Civic Education Resource

This resource is tailored for classrooms and civic education programs, focusing on the importance of the Supreme Court nomination process in democracy. It includes background information, discussion questions, and activities aligned with iCivics curriculum standards. The book encourages critical thinking about judicial appointments.

6. Checks and Balances: The Supreme Court Nomination Process

This book explains how the nomination and confirmation of Supreme Court justices exemplify the system of checks and balances in the U.S. government. It examines the constitutional roles of the President and Senate, as well as the political dynamics involved. Real-life examples illustrate how this process shapes the judiciary.

7. Behind the Bench: Stories of Supreme Court Nominees

Focusing on the personal journeys of various Supreme Court nominees, this book shares their backgrounds, careers, and the challenges they faced during confirmation. It humanizes the nomination process and highlights how nominees' experiences influence their judicial philosophies and decisions.

8. Judicial Appointments and Democracy: The Supreme Court Nomination Activity

This book connects the nomination process to broader themes of democracy and governance. It discusses the balance between legal expertise and political considerations in appointments. The book includes activities inspired by iCivics that help readers simulate the nomination and confirmation process.

9. The Art of Confirmation: Navigating Supreme Court Nominations

Exploring the strategic and procedural aspects of Supreme Court confirmations, this book offers a detailed look at how nominees prepare and respond during hearings. It also covers the Senate's role in shaping the Court's composition and the impact of media and public opinion. Ideal for readers interested in law, politics, and civics education.

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icivics supreme court nomination activity: Supreme Court Appointment Process Congressional Research Service, 2018-09-06 The appointment of a Supreme Court Justice is an event of major significance in American politics. Each appointment is of consequence because of the enormous judicial power the Supreme Court exercises as the highest appellate court in the federal judiciary. To receive appointment to the Court, a candidate must first be nominated by the President and then confirmed by the Senate. Although not mentioned in the Constitution, an important role is played midway in the process (after the President selects, but before the Senate considers) by the Senate Judiciary Committee. Specifically, the Judiciary Committee, rather than the Senate as a whole, assumes the principal responsibility for investigating the background and qualifications of each Supreme Court nominee, and typically the committee conducts a close, intensive investigation of each nominee. Since the late 1960s, the Judiciary Committee's consideration of a Supreme Court nominee almost always has consisted of three distinct stages-(1) a pre-hearing investigative stage, followed by (2) public hearings, and concluding with (3) a committee decision on what recommendation to make to the full Senate. During the pre-hearing investigative stage, the nominee responds to a detailed Judiciary Committee questionnaire, providing biographical, professional, and financial disclosure information to the committee. In addition to the committee's own investigation of the nominee, the FBI also investigates the nominee and provides the committee with confidential reports related to its investigation. During this time, the American Bar Association also evaluates the professional qualifications of the nominee, rating the nominee as well qualified, qualified, or not qualified. Additionally, prior to hearings starting, the nominee pays courtesy calls on individual Senators in their offices, including Senators who do not serve on the Judiciary Committee. Once the Judiciary Committee completes its investigation of the nominee, he or she testifies in hearings before the committee. On average, for Supreme Court nominees who have received hearings from 1975 to the present, the nominee's first hearing occurred 40 days after his or her nomination was formally submitted to the Senate by the President. Questioning of a nominee by Senators has involved, as a matter of course, the nominee's legal qualifications, biographical background, and any earlier actions as public figures. Other questions have focused on social and political issues, the Constitution, particular court rulings, current constitutional controversies, and judicial philosophy. For the most recent nominees to the Court, hearings have lasted for four or five days (although the Senate may decide to hold more hearings if a nomination is perceived as controversial-as was the case with Robert Bork's nomination in 1987, who had 11 days of hearings). Usually within a week upon completion of the hearings, the Judiciary Committee meets in open session to determine what recommendation to report to the full Senate. The committee's usual practice has been to report even those Supreme Court nominations opposed by a committee majority, allowing the full Senate to make the final decision on whether the nomination should be approved. Consequently, the committee may report the nomination favorably, report it unfavorably, or report it without making any recommendation at all. Of the 15 most recent Supreme Court nominations reported by the Judiciary Committee, 13 were reported favorably, 1 was reported unfavorably, and 1 was reported without recommendation.

icivics supreme court nomination activity: Supreme Court Appointment Process

Congressional Service, 2018-09-14 The procedure for appointing a Justice to the Supreme Court is provided for in the U.S. Constitution in only a few words. The Appointments Clause in the Constitution (Article II, Section 2, clause 2) states that the President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the supreme Court. While the process of appointing Justices has undergone some changes over two centuries, its most essential feature-the sharing of power between the President and the Senate-has remained unchanged: to receive lifetime appointment to the Court, one must first be formally selected (nominated) by the President and then approved (confirmed) by the Senate. For the President, the appointment of a Supreme Court Justice can be a notable measure by which history will judge his Presidency. For the Senate, a decision to confirm is a solemn matter as well, for it is the Senate alone, through its Advice and Consent function, without any formal involvement of the House of Representatives, which acts as a safeguard on the President's judgment. This report provides information and analysis related to the final stage of the confirmation process for a nomination to the Supreme Court-the consideration of the nomination by the full Senate, including floor debate and the vote on whether to approve the nomination. Traditionally, the Senate has tended to be less deferential to the President in his choice of Supreme Court Justices than in his appointment of persons to high executive branch positions. The more exacting standard usually applied to Supreme Court nominations reflects the special importance of the Court, coequal to and independent of the presidency and Congress. Senators are also mindful that Justices-unlike persons elected to legislative office or confirmed to executive branch positions-receive the opportunity to serve a lifetime appointment during good behavior. The appointment of a Supreme Court Justice might or might not proceed smoothly. From the appointment of the first Justices in 1789 through its consideration of nominee Neil Gorsuch in 2017, the Senate has confirmed 118 Supreme Court nominations out of 162 received. Of the 44 nominations that were not confirmed, 12 were rejected outright in roll-call votes by the Senate, while nearly all of the rest, in the face of substantial committee or Senate opposition to the nominee or the President, were withdrawn by the President, or were postponed, tabled, or never voted on by the Senate. Six of the unconfirmed nominations, however, involved individuals who subsequently were renominated and confirmed.

icivics supreme court nomination activity: Supreme Court Appointments Norman Vieira, Leonard Gross, 1998 Norman Vieira and Leonard Gross provide an in-depth analysis of the political and legal framework surrounding the confirmation process for Supreme Court nominees. President Ronald Reagan's nomination of Judge Robert Bork to the Supreme Court met with a fierce opposition that was apparent in his confirmation hearings, which were different in many ways from those of any previous nominee. This behind-the-scenes view of the politics and personalities involved in the Bork confirmation controversy provides a framework for future debates regarding the confirmation process. To help establish that framework, Vieira and Gross examine the similarities as well as the differences between the Bork confirmation battle and other confirmation proceedings for Supreme Court nominees.

icivics supreme court nomination activity: Supreme Court Appointment Process Congressional Service, 2018-07-04 The appointment of a Supreme Court Justice is an event of major significance in American politics. Each appointment is of consequence because of the enormous judicial power the Supreme Court exercises as the highest appellate court in the federal judiciary. Appointments are usually infrequent, as a vacancy on the nine-member Court may occur only once or twice, or never at all, during a particular President's years in office. Under the Constitution, Justices on the Supreme Court receive what can amount to lifetime appointments which, by constitutional design, helps ensure the Court's independence from the President and Congress. The procedure for appointing a Justice is provided for by the Constitution in only a few words. The Appointments Clause (Article II, Section 2, clause 2) states that the President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the supreme Court. The process of appointing Justices has undergone changes over two centuries, but its most basic feature-the sharing of power between the President and Senate-has remained unchanged: To receive

appointment to the Court, a candidate must first be nominated by the President and then confirmed by the Senate. Political considerations typically play an important role in Supreme Court appointments. It is often assumed, for example, that Presidents will be inclined to select a nominee whose political or ideological views appear compatible with their own. The political nature of the appointment process becomes especially apparent when a President submits a nominee with controversial views, there are sharp partisan or ideological differences between the President and the Senate, or the outcome of important constitutional issues before the Court is seen to be at stake. Additionally, over more than two centuries, a recurring theme in the Supreme Court appointment process has been the assumed need for professional excellence in a nominee. During recent presidencies, nominees have at the time of nomination, most often, served as U.S. appellate court judges. The integrity and impartiality of an individual have also been important criteria for a President when selecting a nominee for the Court. The speed by which a President selects a nominee for a vacancy has varied during recent presidencies. A President might announce his intention to nominate a particular individual within several days of when a vacancy becomes publicly known, or a President might take multiple weeks or months to announce a nominee. The factors affecting the speed by which a President selects a nominee include whether a President had advance notice of a Justice's plan to retire, as well as when during the calendar year a Justice announces his or her departure from the Court. On rare occasions, Presidents also have made Court appointments without the Senate's consent, when the Senate was in recess. Such recess appointments, however, were temporary, with their terms expiring at the end of the Senate's next session. Recess appointments have, at times, been considered controversial because they bypassed the Senate and its advice and consent role. The last recess appointment to the Court was made in 1958 when President Eisenhower appointed Potter Stewart as an Associate Justice (Justice Stewart was confirmed by the Senate the following year).

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Each appointment is important because of the enormous judicial power the Supreme Court exercises as the highest appellate court in the federal judiciary. Appointments are usually infrequent, as a vacancy on the nine member Court may occur only once or twice, or never at all, during a particular President's years in office. Under the Constitution, Justices on the Supreme Court receive lifetime appointments. Such job security in the government has been conferred solely on judges and, by constitutional design, helps insure the Court's independence from the President and Congress. The procedure for appointing a Justice is provided for by the Constitution in only a few words. The Appointments Clause (Article II, Section 2, clause 2) states that the President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court. The process of appointing Justices has undergone changes over two centuries, but its most basic feature -- the sharing of power between the President and Senate -- has remained unchanged: To receive lifetime appointment to the Court, a candidate must first be nominated by the President and then confirmed by the Senate. Although not mentioned in the Constitution, an important role is played midway in the process (after the President selects, but before the Senate considers) by the Senate Judiciary Committee. On rare occasions, Presidents also have made Court appointments without the Senate's consent, when the Senate was in recess. Such recess appointments, however, were temporary, with their terms expiring at the end of the Senate's next session. The last recess appointments to the Court, made in the 1950s, were controversial because they bypassed the Senate and its advice and consent role. The appointment of a Justice might or might not proceed smoothly. From the first appointments in 1789, the Senate has confirmed 122 out of 158 Court nominations. Of the 36 unsuccessful nominations, 11 were rejected in Senate roll-call votes, while nearly all of the rest, in the face of committee or Senate opposition to the nominee or the President, were withdrawn by the President or were postponed, tabled, or never voted on by the Senate. Over more than two centuries, a recurring theme in the Supreme Court appointment process has been the assumed need for excellence in a nominee. However, politics also has played an important role in Supreme Court appointments. The political nature of the appointment process becomes especially apparent when a President submits a nominee with controversial views, there are sharp partisan or ideological differences between the President and the Senate, or the outcome of important constitutional issues before the Court is seen to be at stake.

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icivics supreme court nomination activity: The Appointment Process for U.S. Circuit and District Court Nominations Congressional Research Service, 2014-10-22 In recent decades, the process for appointing judges to the U.S. circuit courts of appeals and the U.S. district courts has been of continuing Senate interest. The responsibility for making these appointments is shared by the President and the Senate. Pursuant to the Constitution's Appointments Clause, the President nominates persons to fill federal judgeships, with the appointment of each nominee also requiring Senate confirmation. Although not mentioned in the Constitution, an important role is also played midway in the appointment process by the Senate Judiciary Committee. The need for a President to make a circuit or district court nomination typically arises when a judgeship becomes or soon will become vacant. With almost no formal restrictions on whom the President may consider, an informal requirement is that judicial candidates are expected to meet a high standard of professional qualification. By custom, candidates who the President considers for district judgeships are typically identified by home state Senators if the latter are of the President's party, with such Senators, however, generally exerting less influence over the selection of circuit nominees. Another customary expectation is that the Administration, before the President selects a nominee, will consult both home state Senators, regardless of their party, to determine the acceptability to them of the candidate under consideration. In recent Administrations, the pre-nomination evaluation of judicial candidates has been performed jointly by staff in the White House Counsel's Office and the Department of Justice. Candidate finalists also undergo a confidential background investigation by

the FBI and an independent evaluation by a committee of the American Bar Association. The selection process is completed when the President, approving of a candidate, signs a nomination message, which is then sent to the Senate. Once received by the Senate, the judicial nomination is referred to the Judiciary Committee, where professional staff initiate their own investigation into the nominee's background and qualifications. Also, during this pre-hearing phase, the committee, through its "blue slip" procedure, seeks the assessment of home state Senators regarding whether they approve having the committee consider and take action on the nominee. Next in the process is the confirmation hearing, where judicial nominees engage in a question and answer session with members of the Judiciary Committee. Questions from Senators may focus, among other things, on a nominee's qualifications, understanding of how to interpret the law, previous experiences, and the role of judges.

icivics supreme court nomination activity: Pursuit of Justices David Alistair Yalof, 1999

icivics supreme court nomination activity: Questioning Judicial Nominees Congressional Research Service, 2018-09-06 The U.S. Constitution vests the Senate with the role of providing advice and affording or withholding consent when a President nominates a candidate to be an Article III judge—that is, a federal judge entitled to life tenure, such as a Supreme Court Justice. To carry out this advice and consent role, the Senate typically holds a hearing at which Members question the nominee. After conducting this hearing, the Senate generally either consents to the nomination by voting to confirm the nominee or instead rejects the nominee. Notably, many prior judicial nominees have refrained from answering certain questions during their confirmation hearings on the ground that responding to those questions would contravene norms of judicial ethics or the Constitution. Various canons of judicial conduct—that is, self-enforcing aspirational norms intended to promote the independence and integrity of the judiciary—may potentially discourage nominees from fully answering certain questions that Senators may pose to them in the confirmation context. However, although these canons squarely prohibit some forms of conduct during the judicial confirmation process—such as pledging to reach specified results in future cases if confirmed—it is less clear whether or to what extent the canons constrain judges from providing Senators with more general information regarding their jurisprudential views. As a result, disagreement exists regarding the extent to which applicable ethical rules prohibit nominees from answering certain questions. Beyond the judicial ethics rules, broader constitutional values, such as due process and the separation of powers, have informed the Senate's questioning of judicial nominees. As a result, historical practice can help illuminate which questions a judicial nominee may or should refuse to answer during his or her confirmation. Recent Supreme Court nominees, for instance, have invoked the so-called Ginsburg Rule to decline to discuss any cases that are currently pending before the Court or any issues that are likely to come before the Court. Senators and nominees have disagreed about whether any given response would improperly prejudge an issue that is likely to be contested at the Supreme Court. Although nominees have reached varied conclusions regarding which responses are permissible or impermissible, nominees have commonly answered general questions regarding their judicial philosophy, their prior statements, and judicial procedure. Nominees have been more hesitant, however, to answer specific questions about prior Supreme Court precedent, especially cases presenting issues that are likely to recur in the future. Ultimately, however, there are few available remedies when a nominee refuses to answer a particular question. Although a Senator may vote against a nominee who is not sufficiently forthcoming, as a matter of historical practice the Senate has rarely viewed lack of candor during confirmation hearings as disqualifying, and it does not appear that the Senate has ever rejected a Supreme Court nominee solely on the basis of evasiveness.

icivics supreme court nomination activity: Senate Committee on the Judiciary: Supreme Court Nomination Hearings, Transcripts of Supreme Court nomination hearings from 1971 forward. Hearings on the Associate Justice of the Supreme Court nominations of William H. Rehnquist, Lewis F. Powell, John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy, David H. Souter, Clarence Thomas, Ruth Bader Ginsburg and Stephen G. Breyer. Hearing on the Nomination

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icivics supreme court nomination activity: Supreme Court Nomination Richard L. Worsnop, 1987

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