



SOCRATIC SEMINAR: MAKE-UP ASSIGNMENT
The Brethren and The Nine
AP Gov/Ms. Strong



Directions: Using both articles, address the questions below.

Article #1 - Excerpt from *The Brethren*, Bob Woodward & Scott Armstrong

1. Using specific examples, describe the majority opinion in *Roe v. Wade* and discuss how those justices reached that decision (Hint: think about the behind-the-scenes bargaining and compromising.)
2. What role did the clerks play in assisting the justices?
3. Why is this decision considered activist? Why did the decision take so long to be released?

Article #2 - Excerpt from *The Nine*, Jeffrey Toobin

4. Using specific examples, describe the majority opinion in *Bush v. Gore* and discuss how those justices reached that decision (Hint: think about the behind-the-scenes bargaining and compromising.)
5. Discuss the role of politics on the Court as the justices attempted to influence the votes of their colleagues. Use specific examples.
6. In his dissenting opinion, Justice Steven's wrote:
It is confidence in the men and women who administer the judicial system that is the true backbone of the rule of law. Time will one day heal the wound to that confidence that will be inflicted by today's decision. One thing, however is certain. Although we many never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is pellucidly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.
 - What does the quote tell us about the impact of the decision on the legitimacy of the Supreme Court in the eyes of the public after the *Bush v. Gore* decision?

The Big Picture – Includes both articles

7. The public generally believes that justices of the Supreme Court are insulated from politics. Based upon these two articles, what conclusions can you draw about the politics within the Court?