



## Speechwriting Case Study

### ETHICS AND LEADERSHIP

*The School for Ethics and Global Leadership*

*n.b. This is a hypothetical exercise. Some facts, events, and characters are real. Others are not.*

It is early February, 2020. In several days, the all-important Iowa Caucuses will formally launch the 2020 Presidential race; three weeks later, the South Carolina Primary will provide another early test. President Trump is expected to win both Republican votes by a wide margin against several protest candidates. Meanwhile, the Democratic Party field is packed with challengers struggling to break through the noise. Each is trying to reach beyond natural constituencies and convince a broad coalition of voters. A strong showing in Iowa and South Carolina can influence voters in other states; a weak showing will end a campaign.

Race is at the forefront of Democratic voters' minds. Most Democrats consider President Trump to be a racist, but many on the left wing of the party have also called out several front-running Democrats for questionable positions on race. At the same time, moderate Democrats worry that the party is lurching too far to the left, and are wary of supporting candidates whose policies might boost Trump's 2020 chances.

Several of the current candidates (Elizabeth Warren, Bernie Sanders, Cory Booker, Amy Klobuchar, and Kamala Harris) are also U.S. Senators. Among other responsibilities, Senators must vote to confirm (or not confirm) President Trump's nominees to the federal judiciary. Court nominees have been an explosive issue for Democratic voters every since Republicans blocked Merrick Garland, President Obama's nominee to replace Antonin Scalia on the Supreme Court, from consideration.

#### THE SCENARIO

President Trump has recently nominated Adele Williams to be a United States District Court Judge. The Republican-led Senate Judiciary Committee has voted to recommend her confirmation. Williams is only the second African American woman to be nominated by the Trump Administration. She is a graduate of Claflin College (an Historically Black College/University in Orangeburg, South Carolina) and the first in her family to attend college. During her nominations hearing, Williams remarked that she "stands on the shoulders of her grandmother," who worked in a segregated restaurant where she could not eat herself due to her race. The American Bar Association rates Williams "Well Qualified" to be a federal judge.

In response to a Senator's question, Williams acknowledged the existence of implicit racial bias, noting that she had taken Harvard's Implicit Bias test to examine her own potential bias. "Racism and implicit bias will have no place in my courtroom," she said. She also stressed the importance of having a diverse judiciary, explaining that litigants who see people who look like them on the bench believe that the system is fair. Additionally, Williams described what she as a judge would do to ensure that people are not excluded from serving on juries on account of their race.

Despite these facts, which many Democrats would view as strengths, she has taken several positions that Democrats would find disturbing. For example, although the American Civil Liberties Union has said "the color of a defendant and victim's skin plays a crucial and unacceptable role in deciding who receives the death penalty in America," Williams has written in favor of the death penalty. She also opposes affirmative action, once penning an op-ed stating, "Preferential treatment turned some of us into the walking wounded. An able-bodied person who uses crutches becomes weak and dependent. When you tell intelligent black folks that they don't have to run as fast as everyone else to win, some will come to believe that they can't compete without a head start. Worse yet, the rest of society will believe it, too." And, perhaps most egregiously, Williams was unable to say unequivocally whether the Supreme Court correctly decided the landmark desegregation case *Brown v. Board of Education*. According to the Leadership Conference on Civil and Human Rights (which includes over 200 civil rights organizations), confirming Brown would "fail to meet even the lowest bar." Williams is also a member of the Federalist Society, which helped conservatives take back control of the Supreme Court (Neil Gorsuch, Samuel

Alito, Clarence Thomas, and Brett Kavanaugh are all Federalist Society-affiliated). Though nonpartisan, many are convinced the Federalist Society wants to reverse *Roe v. Wade*, *Obergefell v. Hodges* (which made same-sex marriage Constitutional), and other progressive decisions.

Williams' nomination is even more consequential because many view her as a future Supreme Court nominee. She is only 45 (which means she would remain on the Court for decades) and, because she would be the first African American woman on the Court, could be harder for Democrats to oppose.

## THE SCENARIO

Though Williams is almost certain to be confirmed given the Republican Senate majority, each Democratic candidate's stance on confirmation will weigh heavily on voters' minds. If your candidate votes to oppose confirmation, you risk alienating African American voters in South Carolina (who see Williams as a hometown hero) and also moderate voters who want a bridge-building nominee with respectable legal qualifications. If your candidate votes to confirm, you risk alienating African American voters outside South Carolina (who see Williams as a sell-out) and progressive voters who are willing to do almost anything to take back the judiciary and care deeply about the court's impact on issues such as abortion rights and gay marriage.

The candidates include:

Cory Booker: A former popular mayor of Newark, New Jersey, and current U.S. Senator from New Jersey, Booker is eager to capitalize on a strong recent debate performance, has built an experienced campaign staff and, as one of only three African-Americans in the Senate, has earned a reputation for thoughtful, even courageous, positions on matters of race. On the other hand, he has had trouble pushing past the low single digits in national polls. Booker was active on the Senate Judiciary Committee during the Brett Kavanaugh hearings, earning ridicule from Republicans (and some Democrats) for his so-called "[I am Spartacus](#)" moment.

Kamala Harris: Though not the first African American woman to seek the Democratic Party's Presidential nomination (that distinction goes to former congresswoman [Shirley Chisholm](#)), Harris is the first with a real chance to win it. The freshman Senator from California won accolades for her successful launch speech, high-profile Senate career, and cutting-edge progressive stances, but [many have criticized](#) her record as California's Attorney General. Harris came out of the gate well, earning praise for her attack on frontrunner Joe Biden in the first debate, but since then has struggled to maintain relevance. To many voters, including African Americans, she remains an enigma: Is she "for the people," as she claims, or really just a hard-nosed prosecutor seizing a political opportunity?

Joe Biden: The clear frontrunner in most polls, Biden's conduct during the Clarence Thomas confirmation hearings in 1991 is [a sore spot](#) with progressives. He has also stumbled mightily in response to several key questions on race in media interviews and in debates. At the same time, his support among African Americans remains extremely high (significantly higher, in fact, than his support among white voters), perhaps in part because of his eight year tenure as Barack Obama's Vice President. Polls consistently give him the best chance in the general election against President Trump, in part because of his reputation as a moderate.

Pete Buttigieg: After a quick rise early last year, Buttigieg's campaign has lost steam in recent months due to [racial controversy in South Bend, Indiana](#), where he has served as mayor since 2012: among other issues, a white police sergeant shot and killed an unarmed African American man last summer. The man allegedly had a knife, but the police officer failed to turn on his body camera. At the height of the controversy, Buttigieg famously declared in a Presidential debate, "I didn't get it done." In a recent poll, he earned less than 1% of African American primary voters. Still, Buttigieg has hired a strong staff, has ample funding, and is considered a sleeper pick by many observers. A strong statement could change his fortunes with African American voters.

Elizabeth Warren: Warren has overcome a slow start to become, arguably, the leading alternative to Joe Biden. Her [slow start](#) was largely due to her past claims of American Indian ancestry—claims that a DNA test showed were weak and that President Trump has repeatedly ridiculed. She also lags behind Biden, Sanders, and Harris in polls of African American voters. On the other hand, Warren has spent significant time courting the African American community, has strong support from African Americans in Massachusetts, and has an impressive grasp of issues affecting communities of color.

Bernie Sanders: Sanders, the Democratic runner-up in the 2016 primaries, is well-known among primary voters for his outspoken, progressive stands, and he runs second to Biden in most polls of African Americans. He is particularly strong with millennial voters, who remember his strident stands on criminal justice reform and other liberal priorities in 2016. Still, some observers view the Sanders campaign as an [“old boys club” that is far less sensitive to women and people of color](#) than Sanders’ policies might suggest. Meanwhile, his recent claim that the U.S. was “founded on racist principles” is sure to rile moderates.

Voters are expecting each candidate to deliver a speech about Judge Williams on Friday, the day of the Senate confirmation vote. Each campaign must select a venue and audience for that speech. Will it be a friendly audience? A skeptical one? A large crowd? A small group? Will it be in Iowa, or South Carolina, or elsewhere? One thing is clear: the TV cameras will be rolling and voters will be watching.

#### YOUR CHALLENGE:

1. Decide *whether to confirm or oppose* confirmation
2. Decide *where* to deliver a 2-3 minute speech announcing and defending that decision
3. *Author and deliver* that speech

#### GROUPS:

**Group One (Kamala Harris):** Rosie Juma, Noah Lee, Nic Tumaneng, Lara Yellin

**Group Two (Cory Booker):** Kennedy Anderson, Saw Kay, Keigan McCullagh, Jack Preble

**Group Three (Joe Biden):** Peter Beck, Lily Brenner, Nora Estrada, Korey Sam

**Group Four (Pete Buttigieg):** Mia Felt, Carlos Hernandez, Will Magrone, Fiona McManus

**Group Five (Elizabeth Warren):** Seyi Ikujuni, Carly McAdam, Jonas Rosenthal, Manavi Sinha

**Group Six (Bernie Sanders):** Katherine Cassese, Elek Krizsán, Tori Sullivan, Adela Thompson Page