



---

## “Deciding Difficult Cases”

**Jeffrey Rosen, president and CEO, National Constitution Center (Interviewer)**  
**The Honorable Emmet G. Sullivan, U.S. District Court for the District of Columbia**

---

**Summary:** Jeffrey Rosen, who is also a prolific author on the subject of the U.S. Supreme Court, and Judge Emmet G. Sullivan discuss the 2008 public corruption trial of GOP Sen. Ted Stevens of Alaska. Stevens’ prosecution cost him reelection, and his defeat deprived the GOP of its narrow majority in the U.S. Senate at the time. Sullivan, who presided over the trial, chastised the prosecutors and the U.S. Justice Department, in general, for their mishandling of evidence and misconduct in the case. Sullivan’s role in these developments are a testament to the importance of judicial independence.

### **Discussion Questions:**

1. Sullivan talks about the *Brady* and *Jenks* rules that protect individuals charged with federal offenses. What are these rules and how do they protect individuals?
2. How does Sullivan’s behavior attest to the importance of judicial independence? Do you think he would have behaved in the same manner had he been elected to the court? Do you think his behavior would have been different if his position did not have life tenure? Explain your reasoning.
3. Sullivan notes a possible conflict between the rights of the whistleblower in this case and the right of Stevens to a fair and speedy trial, as protected by the Sixth Amendment. How do you think you would resolve such a conflict?

The Fair and Impartial Symposium was sponsored by the Rendell Center for Civics and Civic Engagement in partnership with the Annenberg Public Policy Center.