

44 INT. LARGE HEARING ROOM -- AN HOUR LATER

A short time later. Across town. In a large HEARING ROOM.

A CONFIRMATION HEARING is in progress. The room is filled with SPECTATORS and PRESS.

Judge Ethan Rickover is testifying. He's facing a panel of FIVE STATE SENATORS, including a COMMMTTEE CHAIRMAN. The mood is dignified. restrained.

COMMITTEE CHAIRMAN
Judge Rickover. I'd like to return
to one of your earlier decisions:
Harurra vs. California. You were
the deputy solicitor general on that
brief, is that correct?

JUDGE RICKOVER

That is correct, Senator. That was a death penalty case, in which we held that the prisoner, Mr. Harurra, was only entitled to relief in the clemency process.



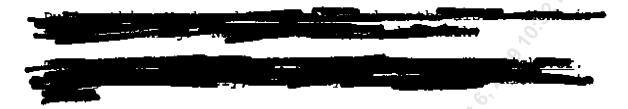
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hold?

COMMITTEE CHAIRMAN
And is that an opinion you still



JUDGE RICKOVER

To be honest with you, Senator, I'm not sure. The law has changed. And I've changed. I was 28 years old at the time. I thought I knew everything.

The SENATORS chuckle. Rickover is charming them. Monk continues to glarg.

COMMITTEE CHAIRMAN

You're aware, of course, that these are cases pending where the circumstances are similar some of them involve new advances in DNA evidence.

COMMITTEE OHÂIRMAN (CONT'D)

Judge Rickover?

Rickover is <u>distracted now</u>. He keeps glancing back

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JUDGE RICKOVER

(resuming, unnerved) Senator, we can't rewrite the Constitution every time there's a

scientific breakthrough.

Rickover is off his game now. He keeps glancing & EVERYONE exchanges puzzled looks. What's wrong with Rickover?

JUDGE RICKOVER (CONT'D)

The basic principals of common law haven't changed. They never do. The issue is simply application in a new context.

COMMITTEE CHAIRMAN Is context always the overriding factor?

Rickover doesn't respond. He's distracted

JUDGE RICKOVER

Excuse me?

COMMITTEE CHAIRMAN Is context always the owe in ding factor?

JUDGA RICKOVER (recovering somewhat) sir. in my opinion. These are the same basic principals that have animated the common law system since the time of John Cook. But I'm not heie to teach you gentlemen high school civics.

COMMITTEE CHAIRMAN Actually, I wish you would. Some of us could use it.

The SENATORS chuckle.