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## Collegiality and the Supreme Court selection process

By Steve Bakke  September 21, 2020



Political polarization, pandemic, economy shut-down, storms, fires, riots, impeachment, and a presidential election – what could make 2020's perfect storm worse? A Supreme Court opening, that's what.

Iconic liberal Supreme Court Justice Ruth Bader Ginsburg died, and political maneuvering has started. Predictably, democrats and republicans exchange sides on arguments about replacing election year Court vacancies, depending on which party holds the presidency and the Senate.

Ginsburg's deathbed wish was that the next president should choose her successor. But she doesn't own the right to that decision, and we've forgotten her September 2016 comment on that topic: "The president is elected for four years, not three years, so the power he has in year three continues into year four, and maybe some members of the Senate will wake up and appreciate that that's how it should be."

Republicans hold the presidency and the Senate, which gives them the absolute right to nominate a replacement and vote in the Senate. It would be naïve for republicans to gratuitously defer and await the winner of the presidential election.

I'm not being hypocritical. I'm simply recognizing that collegiality is a two-way street. Next time, the "other team" wouldn't reciprocate. Of that we can be sure.