

 **TODAY'S "SHORT TOPIC"**
**DISCOURAGING LATE
TERM SUPREME COURT
NOMINATIONS:
WHO SET THE
PRECEDENT?**



By Stephen L. Bakke  February 19, 2016

Here's what provoked me:

A recent editorial, in its attempt to give good advice, in my opinion diverted readers' attention from past actions of democrat politicians when faced with Supreme Court nominees late in a Republican president's term. Also, I can't figure out why Obama would expect deferential treatment from Congress, considering how he has disrespected their discretion and authority.

Here's my response:

Discouraging Late Term Supreme Court Nominations: Who Set the Precedent?

The February 16 editorial, "Both Obama, Senate must do their duty," starts by giving very good advice – i.e. Obama should promptly nominate a Supreme Court candidate with hopes for approval – that's his absolute right. The Senate's duty is just as important – to use their absolute discretion to accept or deny that nomination – it's essential to our system of checks and balances. The Senate must not apply deference to the President on this decision.

The editorial also warns against setting a precedent of restricting/obstructing a president's late term Supreme Court nominations. I suggest the precedent has already been set. Consider:

- "Well, I will be supporting the filibuster because I think Judge Alito, in fact, is somebody who is contrary to core American values, not just liberal values." – Then Senator Barack Obama, January 29, 2006.
- "[F]or the rest of this president's term and if there is another Republican elected with the same selection criteria...I will recommend...that we should not confirm any Bush nominee to the Supreme Court." – Senator Chuck Schumer, July 2007.
- "Filibusters of judicial nominees and in particular of Supreme Court nominees are hardly something new." – Former Senate Judiciary Committee Chairman, Senator Pat Leahy, January 30, 2006.
- "If there is any possibility of keeping [Judge Alito] off the bench, I would support [a filibuster], because of his vast, vast expansive view of the president's power." – Then Senator Joe Biden, January 27, 2006.

If Obama wanted more deference in approving his appointments, he should have started long ago to promote a more collegial relationship with Congress!