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 **TODAY'S "SHORT TOPIC"**  
**SUPREME COURT  
SHENANIGANS:  
Why aren't we hearing  
the whole story?**



By Stephen L. Bakke  February 25, 2016

*Here's what provoked me:*

*It's all over the newspapers and TV news: Republicans are shirking their constitutional duty and are setting a precedent of political "obstructionism." But buried deeply in the non-mainstream press is an explanation of the historical perspective of this tradition of arguing about late-term Supreme Court nominations. I have dealt with this previously, but this introduces an entirely different attempt, way back in 1992, by then Senator Joe Biden. He was advising his Senate colleagues to not consider any Bush Supreme Court nominees that might be made during the Presidential election campaign.*

*Here's my response:*

**Supreme Court Shenanigans: Why aren't we hearing the whole story?**

Re: Republican refusal to consider any Obama Supreme Court nominees, on February 23 Amy Bergquist (Opinion Exchange) calls this "unprecedented obstructionism." On February 25 we read about Minnesota's senators pressuring Republicans to perform their "constitutional duty" by holding hearings and voting. We read letters bemoaning the hardline stand by Republicans. But nowhere do we find out how this "stonewalling" originated.

In announcing the Republican intention to delay consideration of a nominee, Senator Chuck Grassley referred to "The Biden Rule" and quoted then Senator Biden stating: *"It's the principle, not the person"* and *"the Senate's constitutional authority [is] to provide, or withhold, consent, as the circumstances require."*

What's this all about? It was 1992, during the Presidential campaign between George Bush and Bill Clinton when Senator Biden told his colleagues:

*"It is my view that if a Supreme Court justice resigns tomorrow, or within the next several weeks, or resigns at the end of the summer, President Bush should consider following the practice of a majority of his predecessors and not-AND NOT-name a nominee until after the November election.....Once the political season is under way.....action on a Supreme Court nomination must be put off until after the election campaign is over. That is what is fair to the nominee and is central to the process."*

Biden was predicting this would be *"one of the bitterest, dirtiest presidential campaigns we have seen in modern times."*

If we are asked to judge and point fingers of blame, shouldn't we have the complete story?