

# The Sad Untimely Death Of Chief Justice Scalia

The death of Chief Justice Scalia on February the 13th marks the end of an era in American law. For the last 30 years, Scalia has been the main conservative bulwark, protecting the original meaning of the Constitution as ferociously as a mother bear protecting her young. Scalia's opinions and dissents will be studied by lawyers and trial judges for decades to come.

But his death has left the country in a quandary, surrounded by controversy. As can be expected, cries of "conspiracy" and "foul play" have been raised by his death. This is not without reason, considering that found dead, lying on top of an unmussed bed, with a pillow over his head. Adding fuel to the fire, the judge who pronounced him dead was a Democrat, who decided an autopsy was not necessary.

To me, his position demands an autopsy, unless he were to die in a hospital somewhere, under the care of a physician. But to the judge who made the decision, there was no reason for an autopsy, especially considering that there was no sign of wrongdoing. A pillow over his head apparently isn't a sign.

While the decision reached is legal, it's still fishy. It's especially fishy when you take into consideration the number of suspicious deaths there have been on Obama's watch. Everyone who could even be an embarrassment to Obama has mysteriously died, including just about anyone who knew anything about his childhood, people who have opposed his extreme liberal politics and even Seal Team 6.

But, at least for now, anyone who committed any wrongdoing in Scalia's death is going to get away with it. Other evidence will have to come forth, before enough of an outcry can be

raised to warrant Congress launching an investigation. Were they to do so now, it would look like nothing more than a witch hunt.

However, the bigger issue here isn't how Scalia died, but what that means for the country. For the last several years, the Supreme Court has been fairly well balanced between liberals and conservatives. Many say that it has been a 5/4 split, favoring conservatives. But if you look at the voting record of the various chief justices, it's really more like a 4/1/4 split. With one justice who has been more of a moderate than a conservative, siding with the liberals in many cases.

We see this clearly in the Obamacare case. If there had been a true 5/4 split in the Supreme Court, Obamacare would have been adjured unconstitutional. But the swing vote went to the liberal side and Obama won that case. The same thing happened with the case on same sex marriages. So, while Obama hasn't won everything he wanted from the Supreme Court, he has had some major victories.

But now things are likely to change. The most liberal president in the history of our country is poised to nominate the next Supreme Court Justice. Does anyone want to bet that he'll pick a conservative? No, I seriously doubt that he'll even pick a moderate. I am sure he'll pick the most liberal justice he can find. One that will continue Obama's work of fundamentally transforming America.

If he manages to appoint a liberal Supreme Court Justice to the bench, it will turn the Supreme Court's makeup to 5/1/3 with five liberal justices on the court and only three conservatives. Even if the lone moderate were to side with the conservatives, they would have no chance of winning. Every case would come out in favor of liberals, pushing this country more and more down the path of progressive liberalism (otherwise spelled socialism).

This means that the death of Justice Scalia could spell the end of the United States as we know it. Federal judges are appointed for life, so there would be no recall election. The only way the court could ever change would be if the next president was a staunch conservative and had the opportunity to replace two liberal justices with conservatives. While there's a chance of that happening, it is by no means guaranteed.

### **So, What's Really the Big Deal about This?**

So what if the liberals get their way on things? Right? Wrong! This isn't about whether or not we get socialized medicine or whether the constitution allows someone to marry their dog. It's about whether the Constitution itself even survives.

There is a very basic disagreement between liberals and conservatives about the Constitution itself and how the Supreme Court is supposed to interpret it. Conservatives hold that the Constitution is not only the founding document of our country, but it is unchangeable, except by properly executed amendments. But liberals see the Constitution as a living document, which can be changed by every generation to match their ideas.

This means that a strongly liberal Supreme Court would be actively working to change the Constitution. Although they couldn't make amendments to it (that has to be done by Congress), they could change it in their interpretation of case law and the judgments they handed down.

This is basically what happened in the same sex marriage case. The Constitution doesn't say anything about marriage at all. In this, the Founding Fathers left marriage either in the hands of the several states or, considering that this nation was founded as a Christian nation, probably in the hands of the church. Yet, the Supreme Court ruled that gays and lesbians had a "Constitutional Right" to marry.

Anyone who has any understanding of the law and of the Constitution can see that the Supreme Court had no right to make the judgment they did. They shouldn't have even accepted the case for judgment, as it didn't have anything to do with Constitutional law. But they did, and by their judgment they extended the Constitution into an area that it isn't written to address. Essentially, they changed the Constitution.

By the way, even that judgment shouldn't have forced the states to allow same sex marriages, because there was no law passed allowing same sex marriage. Their actions should have kicked the issue to Congress, so that they could pass a law. But in today's twisted system, their judgment became law.

So, the thing to do is to block Obama's appointment. There is ample precedent for that and Mitch McConnell, the Senate Majority Leader, has vowed to do just that. If anyone can block it, he's the one in the position to do so. All he has to do is not allow the confirmation vote to go before the Senate. But McConnell hasn't been good at standing up to Obama in the past. He's basically caved to everything that Obama has demanded. So, there's no real guarantee that he'll stand his ground this time.

Democrats are already screaming that the Republican controlled Senate "do their job" and approve whoever Obama sends to them. This is not surprising, as they have been screaming for Republicans to rubber stamp everything Obama has wanted for the last seven years. Why should they change now?

But the same Democrats blocked President Bush from appointing a Supreme Court Justice during his last year in office. So, they are clearly hypocritical in their demands. Of course, they say that this situation "is different" because Bush wasn't doing the will of the people, whereas Obama is. Apparently, Democrats define "the people" to mean anyone who agrees with them. I wonder what that makes the rest of us.

Blocking Obama's nomination is risky, politically speaking. Democrats, and their lapdog media will make it appear that the Republicans are being obstructionists by not approving Obama's nominee. That could cost Republicans votes for Senate seats in the November elections. If enough seats are lost, control of the Senate would revert back to the Democrats.

Now, here's the thing. The new Senate will be sworn in about 20 days prior to the president. That means that they could push through a vote of approval in that time. Harry Reid already exercised the "nuclear option" changing confirmation votes to simple majority (51%) rather than super-majority (66%), as well as eliminating the possibility of filibuster. While Supreme Court approvals were specifically left out of that change, it wouldn't take much to vote to allow it. Then, a Democrat controlled Senate could confirm the appointment, before Obama left office.

The other possibility is that Obama could make a recess appointment, as he did in his first year in office. The Constitution allows for recess appointments, although they are only until the next time the Senate goes into recess. So, any appointment Obama made like this would be only temporary. The only way to prevent that, is to not have any Senate recesses until the new president is sworn in.

Here again, we have to count on the strength of Mitch McConnell. There is a Senate recess scheduled and he's the one who would have to cancel it. That's the only way that he could prevent Obama from using a recess appointment to fill the vacant seat.

Friends, the country is quite literally at risk. Conservatives need a number of things to go right, or the Constitution will become irrelevant. We need the Senate to stay in session, Mitch McConnell to block the vote on any nomination by Obama, a true conservative president to be voted in to replace Obama and the Republicans to retain control of both houses of

Congress. That's a lot. It can't happen if you and I don't do our part. We've got to get the vote out, or the liberals will win.

It seems that each election cycle has become more and more critical. Well, this is the most critical election our country has ever faced. As the country has become more and more polarized, the risk that we face is greater and greater. If we don't stand together and block the actions of the liberals, we will lose. Worse than that, our children will lose. The country we turn over to them won't be the one we inherited from our parents.

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