

Merrick Garland For Scalia's Place In Supreme Court?

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Ever since [the death of Justice Antonin Scalia](#) of the Supreme Court, there's been a political hot potato being thrown around Washington.

Democrats have seen this as an excellent opportunity to get rid of one of the great defenders of conservatism and replace him with a liberal pick, changing the makeup of the highest court in the land from tilting slightly to the left, to tilting heavily to the right.

Together with the left-leaning media, Obama and liberal lawmakers have been exerting all the pressure they can on the Senate to take quick action on this and fill the vacancy. According to the law, the president nominates new justices, but he cannot appoint them. They must be approved by the senate before they can take office.

This is probably the clearest example of the huge loss that the Democrat party suffered in the 2014 midterm elections.

Before that time, the Democrat-controlled Senate, under Harry Reid's leadership, was able to do pretty much as they pleased. They even instituted the "nuclear option" reducing the requirement for a supermajority (2/3 of the voting members) for judicial appointments to a simple majority (51%).

But now, Democrats have lost that control, even though they try to pretend that they still have it. Reid and the White House have continually tried to dictate to the Republican-controlled Senate, as well as the lower house of Congress. But this time, they've encountered resistance.

Senator Mitch McConnell is the Senate Majority Leader and as such he essentially runs the Senate. He has publicly stated on several occasions that the Senate will not confirm any of Obama's lame duck Supreme Court nominations, or even have committee hearings, the first part of the process. So far, he's held his ground and even as late as today has said that he will continue to hold his ground on this issue.

This is not an unprecedented position that McConnell is taking. It's not uncommon for the Senate to deny confirmation hearings for appointments nominated in the last year of a president's term in office. But it's not unheard of to confirm those who have been appointed in the last year either.

The funny thing here (if we can find anything to laugh about in this situation), is that some of the very same Democrat Senators who were standing strong against any appointments during Bush's last year in office, are the same ones who are coming out the strongest to say that the Republican-controlled Senate has a responsibility to not only have the confirmation hearings promptly, but to out-and-out approve whoever the President nominates.

It's amazing how the shoe feels differently when it is on the other foot, as well as how short the memory of politicians can be. Clearly, those who are changing their tune are doing so for personal gain, or at least for the benefit of their own political party. They don't care about what's right or wrong, or even what's best for the country. They are married to an ideal and they are pushing for that ideal to go forward, at whatever cost.

[embed]http://iframewidth=640height=360src=https://www.youtube.com/embed/5cTSn_pZZKU?rel=0frameborder=0allowfullscreen/iframe[/embed]

Video first seen on [CNN](#).

As far as I'm concerned, Mitch McConnell is correct in waiting until after the elections to hold any confirmation hearings.

But that isn't without some risk either. Democrats, and their media lapdogs are going to make as much hay out of the delays as they can. Past precedent will be ignored and the Republicans will be made out to be the bad guys... like always.

Of course, there is an easy solution to this; all McConnell has to do is go ahead with the confirmation hearings, putting a safeguard in place. That safeguard is an agreement between the Republicans in the Senate that no nominee from Obama will be acceptable to them.

Were the parties reversed in this situation, that solution would work. The Democrats are well-versed in marching in lockstep, with everyone following the party line. But Republicans don't do that so well. There are actually many factions within the Republican party, unlike the Democrats. On one hand, that means that Republican lawmakers think for themselves; but on the other hand, it means that it is hard to get agreement, when needed.

A Tough Choice to Make

The candidate that Obama has selected to replace judge Scalia doesn't make that easy either. Merrick Garland is probably the most conservative liberal that we could ever expect to see Obama nominate. For that matter, we can extend that to [Hillary](#) too. As a more centrist liberal, he has received votes from Republicans before, helping to secure the bench he currently holds.

For a liberal, Garland is an almost acceptable choice, from a Republican point of view, and in other years, he would probably receive the nod from the Republican-controlled Senate. But this is the last year of Obama's presidency, so the Republicans have a legitimate opportunity to wait.

The biggest point against Garland is that [he is in favor of gun control](#). Should he receive approval and join the Supreme Court, we can be sure that liberals will take the opportunity to shower the Supreme Court with gun control cases, trying to pass through the judicial branch, what they couldn't pass through legislation. While this probably wouldn't include a full repeal of our Second Amendment rights, it would most likely result in some new limitations.

Considering how hard [Obama has tried to limit our rights to own firearms](#) and how he has used every trick his extensive legal team can muster to take that right away from specific groups of people, it seems likely that he would not have nominated Garland, if he had any doubt about the judge's stance on gun control.

The other big issue that would probably make or break Garland in Obama's eyes, is his stance on abortion. Surprisingly, nobody seems to know the judge's opinion on the matter, even after serving as a judge for 19 years. It seems that he never tried a case involving abortion and doesn't talk about cases that he is not presiding over. Not even his staff knows his stance on abortion.

As for other issues, Garland comes across as a moderate. However, even that may not be all that

great, especially when you compare his record to that of Scalia, who was a staunch conservative. So, it's hard to say which side he would come down on, for any particular issue.

However, there is one other major area where the judge has presided over enough cases to provide clear guidance on his stance; that's on cases involving environmental regulations. Obama has been using the EPA extensively to push his agenda, in many cases, ignoring existing law or stretching it to the extreme. It appears that Garland would back Obama's position in this area, rather than giving the subject a fair trial.

All-in-all, this nomination is a definite hot potato. If the Senate doesn't confirm Garland, Obama will just nominate someone else; probably someone who wouldn't even be as acceptable as this choice is. However, if they do confirm the nomination, then we end up with a liberal supermajority in the Supreme Court; something that could last for years.

Then there's [the possibility of the Democrats winning in November](#). It's quite possible that Obama made the selection he did, knowing that Garland was more palatable to Republicans than just about anyone else he could choose. If they turn him down, they can be sure that anyone Hillary or Bernie will choose, won't be as moderate, but will in all likely be extremely liberal. Unless they can maintain control of the Senate and win the presidency, Republicans stand a chance of losing, no matter what happens.

[embed]http://iframewidth=640height=360src=https://www.youtube.com/embed/hI_9-NvYU5k?rel=0frameborder=0allowfullscreen/iframe[/embed]

Video first seen on [David Packman Show](#).

As I and many others have said before, [the country is at a tipping point](#). We have become more polarized over the years, with the rift between conservatism and liberalism growing wider by the year. A major loss in this election could drive a stake through the heart of conservative politics, effectively putting an end to it.

Oh, it won't totally go away. There are still too many conservatives in the country to make it go away altogether. But neither party is currently supporting conservative ideals. Should the Democrats win the presidency and take control of the Senate, the conservative voice would become nothing more than just that... a voice.

More than anything, the conservative loss would happen in the Supreme Court. As I've previously mentioned, there are several justices on the court, who are old enough that they might die at any time. There's no way that a Democrat president will nominate a conservative to the court, so unless the Senate is willing to keep rejecting nominee after nominee, leaving seats on the court vacant, they will eventually have to approve someone. Who that someone will be, is the question.

Of course, if the Democrats manage to take control of the Senate back, then they will win. It won't matter if we have a Republican president or a Democrat one; the Democrats will call the shots. The only true chance that conservatives have is for the Republicans to retain control of both houses of Congress, while voting in a Republican president.

But I've got to say, even that isn't much of a chance for conservatism in our country.

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This article has been written by Bill White for [Survivopedia](#).

References:

<http://www.washingtontimes.com/news/2016/mar/16/merrick-garland-has-very-liberal-view-gun-rights/>

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