

MERRICK GARLAND: OVER 60 NEWSPAPER EDITORIAL BOARDS THAT ENDORSED REPUBLICAN FOR PRESIDENT IN 2008, 2012, OR BOTH, URGE SENATE HEARING AND VOTE ON OBAMA NOMINEE TO FILL SUPREME COURT VACANCY – STATE BY STATE LINKS/EXCERPTS (as of June 14, 2016)

Compiled by Glenn Sugameli, Senior Attorney, Defenders of Wildlife gsugameli@defenders.org from [Judging the Environment](#) website

See [Newspaper endorsements in the 2008 presidential election for John McCain](#) and [Newspaper endorsements in the 2012 presidential election for Mitt Romney](#).

LINKS to post- Chief Judge Merrick Garland nomination Editorials are in dark blue

LINKS to pre- Chief Judge Merrick Garland nomination Editorials are in light blue

Click on these State names for editorial links/excerpts for each State

[Alabama](#) [Arizona](#) [California](#) [Colorado](#) [Florida](#) [Georgia](#) [Illinois](#) [Iowa](#) [Kansas](#)
[Massachusetts](#) [Michigan](#) [Missouri](#) [Montana](#) [Nebraska](#) [New Hampshire](#) [New Mexico](#)
[New York](#) [Ohio](#) [Oklahoma](#) [Oregon](#) [South Carolina](#) [Tennessee](#) [Texas](#) [Virginia](#)
[Washington](#) [Wisconsin](#) [Wyoming](#)

ALABAMA

[EDITORIAL: OUR VIEW: Court's balance at stake after Scalia's death](#) (*Gadsden Times [AL]*, 02/15/16)

"Obama has the right to send a nominee to Capitol Hill. He's the elected president of the U.S. — won by 10 million votes in 2008 and 5 million in 2012, so the people actually have confirmed his prerogative here — and there's no set in stone precedent that he can't do it in an election year. Republicans also have the right to try to defeat that nominee, although they could find themselves in a difficult position should Obama name someone like U.S. Circuit Judge Sri Srinivasan, a moderate being floated as a top candidate who clerked for GOP judges, worked in George W. Bush's Department of Justice and was confirmed to his seat by a 97-0 margin. That would disappoint liberals who dream of taking control of the court and undoing its conservative rulings, but might be a smart political move for Obama."

ARIZONA

[EDITORIAL: Our View: Just name Scalia's replacement, already; Both the president and the Senate need to get this job done.](#) (*Arizona Republic*, 02/15/16)

"President Barack Obama would be derelict in his duties under the Constitution if he did not nominate someone to bring the U.S. Supreme Court back to its full complement of nine justices. The Senate will be shirking its responsibility unless that nominee gets a prompt and fair hearing... The public had a voice when Obama was elected to a second term. He may lose influence as a lame duck with less than a year left to serve. But he does not become less of a president. His duties are not prorated. It would be irresponsible for him to defer such an important decision to a successor who won't take office for eleven months. With eight justices who are roughly split on ideology, there is a likelihood for the court to deadlock 4-4.... The president should make a careful search and name someone who is a centrist and who has the intellectual wherewithal to contribute to the kind of debate necessary to reach solid decisions.... The president should make a careful search and name someone who is a centrist and who has the intellectual wherewithal to contribute to the kind of debate necessary to reach solid decisions.... The Constitution is also clear on what the Senate has to do. Slow-walking the nomination, stalling it or refusing to acknowledge the need for a ninth justice are not among the listed duties. The Senate's job is to provide "advice and consent." That means giving the president's nominee a fair hearing and taking a vote in a timely way."

CALIFORNIA

[EDITORIAL: Tie Supreme Court vote illustrates Senate GOP's folly](#) (*San Diego Union-Tribune [CA]*, 03/29/16)

"The expected 4-4 Supreme Court deadlock in the Friedrichs v. California Teachers Association case is a fresh reminder of the folly of Senate Republicans refusing to take up Judge Merrick Garland's nomination for the high court. We need to have a fully staffed court to resolve important legal questions of the day, not have them trapped in limbo because of a stalemate How absurd. But unless the Senate does its job, such absurdities may become common. This is already a national embarrassment."

[EDITORIAL: Will we see 7 Supreme Court justices before we see 9?](#) (*San Diego Union-Tribune [CA]*, 03/16/16)

"In less divided times, President Obama's nomination of Merrick Garland of the Washington, D.C., Circuit Court of Appeals to the Supreme Court would be seen as an olive branch to Republicans. Garland, 63, is the oldest nominee since 1971, likely lessening his long-term significance if confirmed. And just this week, he was called a moderate, a strong choice and a "fine man" by the senior GOP member of the Senate Judiciary Committee, Utah's Orrin Hatch."

[EDITORIAL: Enough obstruction; If Senate poo-pooes a qualified Supreme Court candidate, presidential nominees will have some explaining to do](#) (*Chico Enterprise-Record [CA]*, 02/25/16)

"This is obstructionism of the worst sort. McConnell is playing high-stakes political chess, and he's going to lose.... It won't work. Polls show Americans believe the Senate should follow the Constitution and consider the president's nominee. The Senate Republicans' strategy is likely to boomerang on them in the November election. This is especially true if the president nominates a Latino. As Michael Tomasky, political analyst for the Daily Beast, asks: What if the president nominates someone like California Supreme Court Associate Justice Tino Cuellar—Mexican-American, degrees from Harvard, Yale and Stanford, sterling résumé, married to a U.S. district judge? It would be "the GOP's worst nightmare," Tomasky says"

[EDITORIAL: Republican 'tent' keeps getting smaller](#) (*San Diego Union-Tribune [CA]*, 02/20/16)

"Senate Majority Leader Mitch McConnell, R-Ky., has been far more aggressive toward the Obama White House, with only one federal appeals court nominee being confirmed in 2015. And both Bork and Alito ended up being voted on by the full Senate — something McConnell indicated Wednesday will not happen with Obama's choice. This is not how the American government has previously operated or is supposed to operate; it reflects leadership shorn of idealism or principle."

[EDITORIAL: President Obama should nominate a justice for the Supreme Court](#) (*Pasadena Star-News [CA]*, 02/15/16)

"President Barack Obama should nominate another justice, and the Senate should hold hearings and decide whether to approve the nomination. That's what presidents do. That's what the Senate does. It says it right there in Article II, Section 2, Clause 2 of the Constitution ... There is ample time for the president to nominate an excellent candidate for the high court, and ample time for the Senate to decide if it agrees.... The American people do have a voice in this selection: They elected Barack Obama president. Twice. They elected the members of the Senate. Case closed."

[EDITORIAL: President Obama should nominate a justice for the Supreme Court](#) (*Daily Breeze [CA]*, 02/15/16)

"President Barack Obama should nominate another justice, and the Senate should hold hearings and decide whether to approve the nomination. That's what presidents do. That's what the Senate does. It says it right there in Article II, Section 2, Clause 2 of the Constitution... Do the job outlined for you in the Constitution 227 years ago.

[EDITORIAL: President Obama should nominate a justice for the Supreme Court](#) (*Los Angeles Daily News [CA]*, 02/15/16)

"President Barack Obama should nominate another justice, and the Senate should hold hearings and decide whether to approve the nomination. That's what presidents do. That's what the Senate does. It says it right

there in Article II, Section 2, Clause 2 of the Constitution: The president “shall nominate, and, by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court The president has a duty to nominate; the Senate to give its advice. Nowhere in this so-called Appointments Clause of the Constitution are there hems and haws. It doesn’t say, for instance: “Unless the president has some 11 months left in office, in which case all bets are off.”... Here in February 2016, with the current president still in office until January 2017, there is ... ample time for the president to nominate an excellent candidate for the high court, and ample time for the Senate to decide if it agrees.... The American people do have a voice in this selection: They elected Barack Obama president. Twice. They elected the members of the Senate. Case closed.... This is a message for those on both sides of the debate — for those in the Senate who favor delay but should instead give Obama’s nominee a full hearing, and for Obama, who should nominate whoever he truly believes is most qualified, and not just send up the most reasonable person he knows Senate Republicans will reject, so as to make the GOP look bad going into the election. Want to look good for the American people, politicians? Do the job outlined for you in the Constitution 227 years ago."

[EDITORIAL: Leaving Justice Scalia's seat vacant insults him, America](#) (*San Diego Union-Tribune [CA]*, 02/14/16)

"Corrosive calls to delay Scalia's replacement began immediately, predictably widening the country's deep partisan divide. News of Scalia's death on the long Presidents Day weekend was just spreading and flags weren't even at half-staff when Sen. Majority Leader Mitch McConnell, R-Ky., said the next president, not the Democratic one in office for one more year, should replace Scalia.... The president and the Senate should do their jobs: nominate and deliberate.... Kennedy was nominated in November 1987 and confirmed in February 1988 — an election year. Also worth noting? The last Supreme Court justice to die in office was William Rehnquist in 2005. Within a month, the Senate had confirmed President George W. Bush's replacement, John Roberts.... The court is only about halfway through its caseload this term and begins its next term in October. The next president won't be sworn in until January, and it can take several months to confirm a candidate, meaning a lot of potential 4-4 ties. In those deadlocks, lower court rulings would be upheld, but without setting a binding precedent. ... That anyone would advocate leadership by inaction is ludicrous. Let the president try to navigate the storm of the Senate by putting forth a nominee who might be confirmed. Let the Senate consider it in good faith. And to borrow from one of the presidents we are celebrating this weekend, let government of paralysis, by paralysis and for paralysis perish from the Earth."

COLORADO

[Editorial: Follow the Constitution and nominate a replacement for Scalia](#) (*Longmont Daily Times-Call [CO]*, 02/17/16)

"The president of the United States has the power to nominate and — by and with the advice and consent of the Senate — appoint judges to the Supreme Court. The Constitution says so, and it's fair to think that the late Justice Antonin Scalia would want the president and the Senate to hold to a strict application of that language.... fear that the next Supreme Court justice will shift the balance of the court toward the left is no reason not to nominate, vet and appoint a replacement.... the American people do have a voice in the selection, and that happened with President Obama's election to a second term. ... Late-term Supreme Court nominations have happened under three presidents, ... Presidents of both parties have made nominations to lesser courts during their last terms — dozens of nominations."

FLORIDA

[Senate owes Garland full, fair hearing: Editorial](#) (*Orlando Sentinel [FL]*, 03/22/16)

"Senate Majority Leader Mitch McConnell has repeatedly asserted that the Senate won't even consider Garland's nomination. Such behavior isn't just neglecting a responsibility, it's disrespectful to a highly qualified jurist, a former federal prosecutor who has earned praise from both sides of the aisle.... The American people have had a loud voice in this nomination. They have twice elected Obama — by comfortable margins. ... we have long believed presidents have a prerogative earned through their election to choose qualified nominees who align with their principles and priorities. It's why we supported George W.

Bush's Supreme Court nominations of John Roberts and Samuel Alito.... Garland deserves a fair hearing, and an up-or-down vote. Americans do, too."

Editorial: Senate misplays its hand (*Tampa Tribune [FL]*, 03/17/16)

"Senate Republicans are playing right into President Barack Obama's hands by refusing to even consider his nomination of Merrick B. Garland to the Supreme Court. ... Democrats' hypocrisy does not justify the Senate's refusal to do what clearly is its constitutional duty: to "advise and consent" on the president's nomination.... If McConnell and GOP senators want to block Obama's nomination, they should have the courage of their convictions and vote this obviously qualified candidate down, which is their right. If not, they are going to come off looking like whiny obstructionists to Americans not blinded by partisanship."

EDITORIAL: Senate should give Supreme Court nominee fair hearing (*Sun Sentinel [FL]*, 03/16/16)

"Let's remind the Senate that there's another principle here — the principle of doing the job you were elected to do, the job you are paid to do. And part of that job is to fulfill the Senate's duty to advise and consent — or not consent, but at least debate — on presidential nominations for the Supreme Court.... Garland, 63, is chief judge for the U.S. District Court of Appeals for the District of Columbia Circuit, and appears to be universally liked and respected.... Waiting another year to consider a Supreme Court justice is a dereliction of duty for the Senate.... Obama is asking for a fair hearing, and an up-or-down vote on Garland. Garland deserves it. Americans deserve it."

EDITORIAL: Republicans are outsmarting themselves on Supreme Court (*Florida Times-Union*, 02/17/16)

"There are strong reasons, both pragmatic and idealistic, for Republican senators to act on a replacement for the U.S. Supreme Court.... The president is assigned the duty to appoint justices to the third branch of the government, the Supreme Court, and the Senate is given the power to advise and consent on the nominee. Those are the ideals that members of Congress should follow if they really are strict constructionists. To refuse to do their duty is an abdication for the American people.... there is every indication that Obama will suggest a nominee who is a sitting judge who has already received overwhelming support from the Senate. Opposing such a selection would look even more juvenile than it does now."

Editorial: Replacing the irreplaceable Scalia (*Tampa Tribune [FL]*, 02/16/16)

"[T]o demonize Obama for doing something they would do if the positions were reversed underscores the puerile attitude that dominates politics today. Everyone should, as Bush advises, have the wisdom to let the constitutional process work. It is possible, if unlikely, that Obama might nominate a moderate Republican who would be acceptable to both parties. It would be a dramatic step toward easing the partisan divide that would bolster Obama's legacy."

EDITORIAL: Justice Antonin Scalia's death should awaken, energize voters (*Sun Sentinel [FL]*, 02/16/16)

"But the immediate question is whether today's president should nominate — and today's Senate hold confirmation hearings on — a replacement for Scalia. Without question, they should. Our Constitution prescribes a replacement process for a justice who dies, and our leaders should make it happen.... In arguing for a delay, Senate President Mitch McConnell says "the American people should have a voice in the selection of their next Supreme Court Justice." But the American people have spoken. Twice, they have elected Obama, the second time by more than 3 million votes. If another justice isn't chosen until after November, the Supreme Court's next term could easily be defined by 4-4 split votes. In other words, crucial court decisions could be put on hold, or lower court decisions upheld, for a year. The American people deserve better. Obama says that in due time, he will nominate someone. And if senators refuse to consider his pick, they risk awakening and energizing the electorate, including young people, on the critical role the court plays in everyday life."

GEORGIA

Editorial: People want Senate to act on Supreme Court vacancy (*Savannah Morning News [GA]*, 04/21/16)

"It turns out that Americans do care about the U.S. Supreme Court, and that a majority polled wants the Senate to decide this year whether to seat President Obama's nominee.... Key Senate Republicans, Judiciary Chairman Charles Grassley and Majority Leader Mitch McConnell, say they are determined not to move on Garland's nomination. The chief reason given has nothing to do with his qualifications, his views on the law or his 19-year record as a federal judge. Nor does it matter that he drew substantial support from senators of both parties when he came up for appointment in 1997, or that another leading Republican, former Judiciary Chairman Orrin Hatch, said Garland would be a "consensus nominee" who'd definitely be confirmed when his name was floated for a high court seat in 2010.... here's the biggest reason why people should care about the Senate leader's refusal to act on the nomination. Americans are sick of the partisan fighting in Washington the Republican Senate has a chance to step above the fray. It could bring Merrick Garland up for confirmation hearings and then an up or down vote. After all, that is what most Americans want."

ILLINOIS

[Editorial: Kirk must endorse Constitutional process to replace Scalia](#) (*Daily Herald [IL]*, 02/20/16)

"Let it be known that we share some of the Republican concerns that the court could end up swinging sharply to the left, depending upon who is appointed to fill Scalia's chair.... But the Constitution doesn't say anything about mixing elections with Supreme Court appointments.... To give in to the reflex to block a nomination that hasn't even been made would be to give in to a debilitating cynicism that our court is and must be political in nature.... We call on Obama to nominate a jurist whose credentials are beyond dispute and whose approach is founded on Constitutional guidelines and we call on the Senate to hold hearings and genuinely consider the nomination. And we call on Sen. Kirk to lift his voice in favor of that principle."

IOWA

[Editorial: Grassley's court maneuver threatens his legacy, reputation](#) (*Des Moines Register [IA]*, 05/15/16)

"It has been three months since Grassley first declared that he wouldn't hold hearings for any Supreme Court nominee put forward by Obama, and the public outcry shows no signs of tapering off. ... Grassley seems destined to be remembered largely for this single, petulant act of politically motivated obstructionism.... By announcing, within hours of Scalia's death, his intent to prevent any Obama nominee from getting a hearing before the Senate Judiciary Committee, Grassley did more than stake out a controversial position on an issue. He called into question his own integrity and he created the appearance, at least, that he was putting politics ahead of the national interest.... Grassley hasn't helped his cause with his claim that by blocking any Obama nominee to the court, he is simply "letting the people have their say" on the matter this November. "Not very often do the people have a chance to express the view on, 'Do you want a very liberal person put on the court or a conservative person put on the court?'" Grassley says. Not very often? More like never. Supreme Court justices aren't selected through any sort of popular vote — and for good reason. They're not politicians, and issues of constitutional rights are best not determined on Election Day. And that's the fundamental and inescapable problem with Grassley's contrived "let the people speak" rationale for refusing to hold hearings. It's built on a framework of contradictory assumptions that conflict with past practice and the U.S. Constitution, and aren't even grounded in reality: First, there's the notion that the general public — not just the president and the Senate — ought to have some say in selecting Supreme Court justices via the November presidential election. It's bizarre that Grassley, who often complains the court is "too politicized" and doesn't adhere to strict readings of the Constitution, would even suggest this. Second, there's the assumption that presidential elections are single-issue referendums as to what sort of justices belong on the high court. Even now, with Scalia's seat publicly held hostage by Grassley, voters say they're far more concerned with a dozen other domestic and foreign issues. And finally there's Grassley's inexplicable assertion that while we can't rely on the last two presidential elections to determine the will of the people, we will be able to rely on the next one."

[Editorial: Thumbs down to U.S. Sen. Chuck Grassley's "gamble."](#) (*Quad City Times [IA]*, 05/02/16)

"Yes, there's a risk to holding a seat on the U.S. Supreme Court for GOP front-runner Donald Trump, Grassley admitted this week. ... And yes, Grassley's refusal to hold hearings for Obama nominee Merrick

Garland could blow up in the GOP's collective faces, if Democrat Hillary Clinton takes the White House and brings a Democratic Senate majority with her. It's a "gamble" Grassley said he's willing to take. But Grassley [is] playing with house money and each and every one of us might pick up the tab."

[Editorial: Grassley creates stalemate on Supreme Court](#) (*Des Moines Register [LA]*, 04/04/16)

"Americans might need to get used to deadlocks, thanks to Sen. Chuck Grassley. ... The U.S. Supreme Court has tied twice since the death of Justice Antonin Scalia and likely will see more.... How long should the nation's highest court be weakened, and in some situations, effectively neutered? For more than a year, according to Grassley and other Republicans.... He calls it a waste of time to consider President Barack Obama's nominee for the court, Merrick Garland. Even though few disagree that Garland's resume is superb. Grassley even said so in 1997, when the Senate was considering Garland for an appeals court nomination:... Senator, this seat needs to be filled,... refusing to hold hearings on Garland is pure partisanship — and simple stubbornness. Grassley won't give Garland a chance, to even let him in the game. That's unsatisfying. And un-American."

[Editorial: Mark Kirk might be Grassley's undoing](#) (*Quad City Times [LA]*, 04/03/16)

"Sen. Mark Kirk on Tuesday might have lit the fuse that breaches Sen. Chuck Grassley's fortress of obstruction-at-all-cost.... Kirk didn't mince words, either. "He's been duly nominated by the elected president of the United States to fill a vacancy which we know exists on the court, and we need open-minded, rational, responsible people to keep an open mind to make sure the process works," Kirk said.... Kirk's stand opened a crack, one which may, over time, result in the failure of McConnell's and Grassley's rampart. It's a barrier that can't fall fast enough. The shorthanded Supreme Court is broken.... Slowly but surely, the McConnell/Grassley coalition of "no way" is coming asunder, under the weight of political backlash and basic respect for the rule of law."

[Editorial: Majority's voice ignored in SCOTUS stall](#) (*Quad City Times [LA]*, 03/20/16)

"Here's a number for you, Sen. Grassley: 816,429. That's how many Iowans preferred President Barack Obama over Mitt Romney in 2012. That's how many "voices" your utter obstructionism is silencing from your home state in the name of false principle and partisanship. Chuck Grassley continued to impale himself on his party-first sword last week, following Obama's nomination of centrist U.S. appellate Judge Merrick Garland to the U.S. Supreme Court.... Grassley's "voice of the people" dogma, while he stalls for late Justice Antonin Scalia's reincarnation, is tiresome and flatly dishonest."

[EDITORIAL: Supreme Court vacancy: Grassley has a responsibility to lead](#) (*Gazette [Cedar Rapids, IA]*, 03/03/16)

"After 35 years serving Iowa in the U.S. Senate, Chuck Grassley is squandering his leadership and legacy by pledging to ignore any U.S. Supreme Court nominee proposed by the executive branch. Following a closed-door meeting this week between President Barack Obama and members of Congress, Grassley reiterated his position that the nomination process should be postponed until after a presidential election nine months in the future.... Grassley's seniority, the respect he's earned over decades in public office and his position as chairman of the Senate Judiciary Committee put him in a unique position to call for his party to fulfill its responsibility to govern, which makes his refusal to lead all the more disappointing.... President Obama is constitutionally required to name a nominee. Grassley, as chairman, is likewise bound to lead the process of "advice and consent" in the Senate.... the overt obstructionism that Senate Republicans are promising represents a new low, far below Iowans' expectations of their senior senator."

[Editorial: Grassley's SCOTUS gamble could backfire](#) (*Quad City Times [LA]*, 02/25/16)

"Sen. Chuck Grassley, on Tuesday, gripped the grenade he's clutching and pulled the pin. It's only a matter of time before, one way or another, it blows up in the GOP's collective face. Iowa's senior senator and chairman of the Senate Judiciary Committee fired off a letter to Majority Leader Mitch McConnell stating unequivocally that his committee refuses to vet any Supreme Court nominee put forth by President Barack Obama. ... But McConnell's and Grassley's political game could, in the end, be one of the greatest own-goals in recent history.... Grassley and McConnell are, in essence, holding a seat on the Supreme Court for a Trump administration ... Polls also show that the majority of Americans oppose the obvious obstruction now under

way in the Senate. ... Suddenly, the legislative body -- designed to provide a check to the more populist House's shenanigans -- is just another cesspool of ridiculous stonewalling. And Grassley, a longtime leader, is now just another bricklayer. Sen. Mark Kirk, R-Ill., can't flee fast enough from his peers' constitutional hijacking.... Those following McConnell and Grassley's lead are getting hammered by their Democratic opponents. Those breaking ranks must still grapple with bolstered Democratic turnout, the probable result of such high-profile obstruction. If McConnell and Grassley get their way, a Clinton nominee could very easily sit before a Democratic Judiciary Committee. Talk about an exercise in self-flagellation. any serious nominee put forth would be fairly centrist. Handing Clinton and Senate Democrats the keys in January would have far more liberal results. Grassley is doing more than just ducking his duty. He's probably partaking in the GOP's slow political suicide."

[EDITORIAL: OUR OPINION: Obama, Senate should fulfill constitutional duties](#) (*Sioux City Journal [LA]*, 02/22/16)

"In our view, both President Obama and the Senate should fulfill their duties under the Constitution. In other words, Obama should nominate a man or woman to the court and the Senate should exercise its "advice and consent" responsibility, including a full, fair vetting of the nominee by the Judiciary Committee.... In our view, refusal even to take up an Obama nomination disrespects the Constitution.... the current president and current Senate should deal with the current court opening."

[EDITORIAL: Grassley should follow the process to fill court vacancy](#) (*Gazette [Cedar Rapids, IA]*, 02/20/16)

"Iowans deserve a full explanation if Grassley is considering sidestepping a Supreme Court nomination process spelled out in the Constitution in favor of leaving the court short-handed for nearly a year, or longer.... It's hard to conclude this is anything but political maneuvering meant to meet partisan objectives at the expense of the Supreme Court, our constitutional process and the common good. It's the sort of obstruction we've seen often in recent years, with ceaseless political warfare holding critical issues and institutions hostage.... Grassley and Republicans should follow the process where it leads. The president should select a qualified, high-quality nominee, and Grassley's committee should hold hearings to delve into that nominee's fitness to serve. The Senate should hold an up-or-down vote. Americans would be far better served by a transparent process that holds our elected leaders publicly accountable through hearings and votes than by gridlock. Grassley should be leading the charge to make it happen."

[Editorial: Thumbs up, thumbs down](#) (*Quad City Times [LA]*, 02/20/16)

"Thumbs down to U.S. Sen. Chuck Grassley for waffling on filling deceased Supreme Court Justice Antonin Scalia's seat. The chairman of the Senate Judiciary Committee, last week, initially parroted Majority Leader Mitch McConnell and his calls to block anyone appointed by President Barack Obama. Grassley appeared to realize his severe constitutional error and backed off a few days later. And then, on Thursday, he circled back to his claim that the president shouldn't do his job and nominate Scalia's successor. Republicans want this to be a presidential issue. They want the specter of another Democratic appointee on the Supreme Court to drive voters to the polls in November. They've politicized the issue while acting as if Obama wasn't twice elected. Shameful."

[Editorial: Grassley's Supreme Court stance is all about politics](#) (*Des Moines Register [LA]*, 02/15/16)

"In fact, it appears the Senate may choose to not even consider the nominee, whoever that will be, by refusing to bring the issue to a vote. There's only one explanation for this sort of obstructionism: Politics. The president is a Democrat, and the Senate is controlled by Republicans. Of course, that's not what Iowa's Chuck Grassley, the Republican chairman of the Senate Judiciary Committee, says. He argues that "it only makes sense that we defer to the American people who will elect a new president to select the next Supreme Court justice." That almost sounds reasonable until you consider the fact that "the American people" elected the current president, twice, and that they did so with the expectation that he would fulfill his constitutional duties as long as he remained in office.... "The fact of the matter is that it has been standard practice over the last nearly 80 years that Supreme Court nominees are not nominated and confirmed during a presidential election year," Grassley says.... The trouble is, during those 80 years, the opportunity for an election-year confirmation has rarely come up, and it when it last did, in February 1988, the Democratically controlled

Senate, including Grassley, voted 97-0 to confirm Ronald Reagan's nominee, Anthony Kennedy. So, if Senate Republicans truly will be guided by precedent, they should make plans to vote on President Obama's nominee and not discuss stalling tactics and filibusters, which seems to be the plan that's now taking shape. What makes the Republicans' effort all the more galling is that it flies in the face of their oft-professed, unwavering allegiance to the Constitution, a document that says the president "shall nominate," with the "advice and consent of the Senate," our Supreme Court justices. It doesn't say anything at all about these duties and obligations being suspended a year or so before each president is scheduled to leave office.... The GOP effort to block an Obama nominee from the court isn't about letting voters have their say, or respecting past precedent, or demonstrating strict adherence to the Constitution. In fact, it's precisely the opposite."

KANSAS

Editorial: Political paralysis; How can the federal government function properly when politics takes precedence over sound policy? (*Lawrence Journal-World [KS]*, 03/23/16)

"It's sad to see Merrick Garland, a respected judge and highly qualified nominee for the U.S. Supreme Court, caught in the political morass that is paralyzing Washington, D.C.... Many senators, including Kansas Sens. Pat Roberts and Jerry Moran, support the decision to block any Supreme Court nomination in the final year of President Obama's term. Interestingly, Roberts was one of 76 senators who voted in favor of Garland's appointment to the U.S. Court of Appeals for the District of Columbia Circuit in 1997. But, sometimes, things change quickly. Less than a week before Obama announced his choice of Garland, Sen. Orrin Hatch, R-Utah, suggested Obama "could easily name Merrick Garland, who is a fine man."... since 1900, the Senate has voted on eight Supreme Court nominees during an election year and confirmed six of those. There also appears to be plenty of time to decide this issue before the end of Obama's term."

MASSACHUSETTS

EDITORIAL: Make Obama blink -- weigh his justice pick (*Sentinel & Enterprise [Fitchburg, MA]*, 03/20/16)

"In any other situation, Garland would encounter little opposition.... This GOP-controlled Senate apparently would rather fight among itself -- presenting the country with another example of Washington's dysfunction So Republicans, why not call Obama's bluff? Hold those confirmation hearings, and if Judge Garland's record passes muster, endorse his appointment and let the full Senate decide."

EDITORIAL: Make Obama blink -- weigh his justice pick (*Lowell Sun [MA]*, 03/18/16)

"Are the Republicans going to get caught in another Obama-orchestrated trap? It sure appears that way, now that the president has nominated centrist jurist Merrick Garland to the Supreme Court ... In any other situation, Garland would encounter little opposition. Since we have no Republicans representing this state in Congress, we're at least glad to see that New Hampshire's Kelly Ayotte is one of several GOP senators who plan to meet with Garland in the coming weeks. Much like the Democratic majority with an exiting President Ronald Reagan in 1988, the Republicans now face the prospect of approving a primarily moderate Supreme Court nominee or leaving it to the next administration. That Senate, which included McConnell, approved Justice Anthony Kennedy, 97-0.... So Republicans, why not call Obama's bluff? Hold those confirmation hearings, and if Judge Garland's record passes muster, endorse his appointment and let the full Senate decide."

Editorial: High court gamble (*Boston Herald*, 03/17/16)

"President Obama's Supreme Court pick shows both a level of seriousness about the work of the court and the confirmation process — and his unerring political instinct in finding a nominee Republicans should be ashamed to deny a fair hearing.... With this nomination the president has called the bluff at least of thinking Republicans, who should be making some serious re-calculations long about now.... do the more sober among them really want to leave a seat on the U.S. Supreme Court hanging in the balance when a legitimate consensus nominee has been put before them?"

EDITORIAL: Political extremes call for compromise justice (*Sentinel & Enterprise [Fitchburg, MA]*, 02/18/16)

"Obviously, the GOP-controlled Senate would reject a bona fide liberal, but a more recognized middle-of-the road candidate would be politically difficult to dismiss, especially in an presidential election year. The Senate has a history -- with a few exceptions -- of confirming a president's Supreme Court justice selection, regardless of which party controls Congress. Already a handful of names have surfaced that would appear to pass Senate muster. Since neither party can predict the winner of this presidential race, a centrist Supreme Court justice seems a reasonable compromise. For Republicans, filibustering this process until the next term could backfire."

[EDITORIAL: Political extremes call for compromise justice](#) (*Lowell Sun [MA]*, 02/18/16)

"The president says he intends to submit a nominee. Obviously, the GOP-controlled Senate would reject a bona fide liberal, but a more recognized middle-of-the road candidate would be politically difficult to dismiss, especially in a presidential election year. The Senate has a history -- with a few exceptions -- of confirming a president's Supreme Court justice selection, regardless of which party controls Congress. Already a handful of names have surfaced that would appear to pass Senate muster. Since neither party can predict the winner of this presidential race, a centrist Supreme Court justice seems a reasonable compromise. For Republicans, filibustering this process until the next term could backfire -- with either Hillary Clinton or Bernie Sanders in the White House."

[EDITORIAL: Senate majority leader McConnell is wrong about court vacancy; Constitutional abdication](#) (*Cape Cod Times [MA]*, 02/17/16)

"McConnell and Obama both took oaths to protect and defend the Constitution. McConnell is demanding Obama abdicate the responsibility the Constitution gives the president and promising to ignore the obligation the Constitution places on the Senate. Such paralysis was not what the Founders had in mind. If McConnell refuses to allow President Obama to fill a vacancy on the Supreme Court, it is a sign of disrespect for the presidency itself, and for the Constitution that established the presidency. Obama is still president, and it is his duty to fill a court vacancy. Republicans who control the Senate should do their duty as well, and give the president's nominee a hearing, a debate and a vote on confirmation."

[EDITORIAL: In Scalia's wake - Justice Scalia's death launches Supreme Court battle](#) (*Telegram & Gazette [MA]*, 02/16/16)

"President Obama has every right to nominate a successor, and could reach for someone who might appeal to Republicans. If so, do they still block it? Would it be a more strategic position for Republicans to accept a moderate nominee from President Obama with the potential to dictate the court's makeup during the term of the next president?... the long game may be the smarter game."

[Editorial: Filling the Scalia void](#) (*Boston Herald*, 02/14/16)

"But before it goes any further let us table this "debate" over whether President Obama should nominate a replacement for Scalia. News of his death had barely penetrated the public consciousness before Senate majority leader Mitch McConell had urged the president, who has nearly a full year left to serve, not to nominate a replacement, in deference to his yet-to-be-chosen successor. We understand Republican aversion to a late-term appointment by a Democratic president, which would tip the balance of the court in favor of its liberal justices. But the notion that a president should leave a vacancy on the Supreme Court for a year, for no discernible reason other than partisan preference, is, to borrow a Scalia phrase, "interpretive jiggery-pokery." GOP leaders would be better advised to urge a nominee who can win bipartisan support. Scalia, after all, was one of those "consensus" nominees, confirmed in a 98-0 vote in 1986. There was not a senator, Democrat or Republican, who could have questioned the nominee's judicial brilliance, his devotion to the rule of law. Perhaps the greatest tribute to Scalia would be the selection of a nominee with those qualities — and fair Senate consideration of same."

MICHIGAN

[Editorial: Trump's would-be justices](#) (*Detroit News [MI]*, 05/19/16)

"President Barack Obama nominated Appeals Court Judge Merrick Garland to replace Scalia. Garland is a well-respected centrist who should, by the way, get a hearing from the Senate."

Editorial: Senate should give Garland a hearing (*Detroit News [MI]*, 03/16/16)

"Merrick Garland, a federal appeals court judge with indisputable credentials and a reputation as a centrist, is as good as the Republican Senate can expect from a Democratic president. Actually, he's much better than they expected. Sen. Orin Hatch, chair of the Judiciary Committee, just last week said Garland was the type of nominee Obama should submit, but predicted he wouldn't... "He's a judge's judge," said Detroit Federal District Judge Gerald R. Rosen, pondering the nomination rather than the political context of the appointment. "Garland is unquestionably among the most highly qualified judges in our nation to serve on our highest court. He is widely respected throughout the federal judiciary, well-known for his attempt to follow the law as best as he can ascertain it."... McConnell should bow to the qualifications of this nominee, give him a hearing and judge his appointment on the merits, not on politics."

Editorial: Scalia stood for the Constitution (*Detroit News [MI]*, 02/14/16)

"Obama has a Constitutional duty to submit a nominee. The Republican-controlled Senate can delay or block confirmation through the filibuster process, but that's a high-risk endeavor, and one the GOP should consider carefully. First, Republican senators running for reelection must weigh the potential of voter backlash against one more example of dysfunction in Washington. The blame for gridlock always falls heavier on Congress. They also can't be anywhere near certain the next president will be a Republican. If Obama offers them a moderate nominee — an example mentioned is Sri Srinivasan, the D.C. circuit judge unanimously confirmed by the Senate — he presents Republicans a tricky gamble. Do they turn down a well-credentialed, moderate nominee at the risk of positioning Hillary Clinton or Bernie Sanders to name a much more liberal justice? Republicans want another Scalia on the court. To get that, they'll have to win the White House and wait for the next opening."

MISSOURI

EDITORIAL: Our Opinion: Constitutional obligations and sworn oaths (*Jefferson City News Tribune [MO]*, 02/17/16)

"The vacancy on the U.S. Supreme Court created by the unexpected death of conservative Justice Antonin Scalia has prompted some government officials to suggest the traditional process be abandoned.... But the president and U.S. senators, in their oaths of office, swear to uphold the Constitution. Article II reads: "He (the president) shall nominate, and, by and with the advice and consent the Senate, shall appoint ... judges of the the Supreme Court." In this case, the president likely will nominate someone who reflects his philosophy and the Senate will scrutinize the nominee's history and judicial leanings. That's fine. It's how the process works. What is not acceptable is ignoring constitutional responsibilities. The obligations and oaths are clear, and no particular set of circumstances supports dereliction of sworn duties."

MONTANA

EDITORIAL: Gazette opinion: Sen. Daines, do your job (*Billings Gazette [MT]*, 03/22/16)

"What would your boss do if you refused to do your job? Then, what would happen if after refusing to do it, you proudly proclaimed it on email, social media and to anyone who would listen? That's exactly what Montana Sen. Steve Daines did Wednesday after President Barack Obama nominated Merrick Garland to the Supreme Court. Daines' constitutional oath — the same one he swore upon a Bible to uphold — obligates him to consider Garland. ... Daines is choosing to become part of the problem, and it's shameful. If Garland's record and background make him unfit or unqualified to serve, then Daines should argue that. But, he'll also have to explain why Garland's confirmation was supported by Republicans and his record seems moderate. ... Daines' excuses aren't just weak; they're inaccurate. Sen. Daines, it's ridiculous that we have to beg you to do your job."

EDITORIAL: Gazette opinion: Daines' politicking epitomizes what's wrong with Congress (*Billings Gazette [MT]*, 02/22/16)

"Montana Sen. Steve Daines is so worried about the federal court system's backlog and Americans' access to justice that he really must insist that no new Supreme Court justice be confirmed until after the election of the next president. Sometime next year. Confused? So are we.... Days earlier, Daines fretted on the floor of the U.S. Senate about the terrible backlog in the Ninth Circuit Court of Appeals, the federal circuit of appeals

which includes the Montana District. In fact, he's so concerned that's he's supporting a bill to make a brand new federal circuit court of appeals. ... His obligation — his oath — to uphold the Constitution says that he will advise and consent on judicial nominations. Nowhere does it say delay and deny.... It seems almost unbelievable to us that Daines could sponsor legislation to speed up the courts while simultaneously wanting to stall and delay. It's typical, though. The Republican-led Senate has more than 140 confirmation hearings to conduct, many of them for openings on the federal bench. Maybe instead of sponsoring new legislation, Daines should be urging Senate leadership and his own party to uphold their Constitutional duty to give these nominees an up-or-down vote."

NEBRASKA

Editorial, 5/22: High court limping along (*Lincoln Journal Star [NE]*, 05/22/16)

"The U.S. Supreme Court's non-ruling on the contraceptive mandate shows how functional decay in the legislative branch has now spread to the judicial branch.... "The court expresses no view on the merits of the cases," the justices said in an unusual, unsigned opinion. It's difficult to imagine this outcome if the court was operating at full strength with nine justices. But Republicans in the Senate have refused to even hold hearings on President Barack Obama's nominee, Judge Merrick Merrick Garland, to replace Justice Antonin Scalia. This leaves the court with a 4-4 split on some hot-button topics.... But the high court's most important role under the U.S. Constitution is to rule with finality on important legal questions. The refusal by the U.S. Senate to fulfill its responsibility leaves the nation's high court hamstrung. The non-ruling on religious freedom shows the high court's justices are doing the best they can, but uncertainty and delay are growing."

Editorial, 4/23: Rust in the system (*Lincoln Journal Star [NE]*, 04/22/16)

"In ways both big and small, the machinery of the federal government is slowly rusting shut. Take, for starters, the judicial system. The most glaring example is the refusal of the Republican majority in the Senate, including Sens. Deb Fischer and Ben Sasse, to have a hearing or vote on President Barack Obama's appointment of federal Judge Merrick Garland to the U.S. Supreme Court. But the rust goes a lot deeper into the system. Obama's appointment of Omaha attorney Robert Rossiter to Nebraska's federal District Court has been pending since June.... The Nebraska vacancy, created when U.S. District Judge Joseph Bataillon of Omaha announced his retirement, qualifies as a "judicial emergency." ... There are almost a hundred judicial vacancies on lower federal courts. The Senate has confirmed only six federal judges this year. There's nothing controversial about Rossiter's appointment. It's just that Sen. Chuck Grassley, R-Iowa, chair of the Senate's Judiciary Committee and Senate Majority Leader Mitch McConnell will not allow the Senate to act.... 25 members of the Law College at the University of Nebraska urged confirmation hearings and a vote on Judge Garland, noting that Republican senators in past years have cited Judge Garland as an example of a nominee they could support.... The same scenario applies to Rossiter. If the Senate fails to act on his nomination during the current system of Congress, the whole process would restart next year when there is a new president in the White House."

World-Herald editorial: FURTHERMORE (*Omaha World-Herald [NE]*, 04/06/16)

"Not holding a hearing on the nomination of Judge Merrick Garland to the Supreme Court isn't the only thing Congress isn't doing. ... One answer might be in a resolution introduced by Rep. Pete Sessions, R-Texas, who wants to officially recognize magic as a "rare and valuable art form and national treasure." Ending the gridlock would, indeed, be wizardry."

Editorial, 3/18: A worthy nominee for high court (*Lincoln Journal Star [NE]*, 03/18/16)

"By nominating Merrick Garland for the U.S. Supreme Court, President Barack Obama took firm command of the principled high ground in American governance. If Senate Republicans stick to their vow to not even hold hearings to consider his nomination they'll set a new low for partisanship.... In 2010 Sen. Orrin Hatch, R-Utah, said that if Obama nominated Garland for the U.S. Supreme court there was "no question" that Garland would have bipartisan support and Hatch added "I will do my best" to win votes for Garland's confirmation. Now Hatch won't even hold a hearing to allow senators to review his suitability for the position. That's a disgrace."

World-Herald editorial: Senate's past offers lesson (*Omaha World-Herald [NE]*, 03/17/16)

"In 2005, political frictions similar to those of today threatened the Senate's ability to vote on judicial nominees by President George W. Bush. The problem was acute with Supreme Court Justice Sandra Day O'Connor announcing her retirement and Chief Justice William Rehnquist's death. In the face of stalemate and sharp political exchanges, a bipartisan group of 14 U.S. senators stepped up to seek a solution. A leader in the effort was then-Sen. Ben Nelson, D-Neb. Those swing-vote senators, holding the balance of power, pulled the Senate back from the brink. Senators voted on a group of judicial nominees.... the spirit of the Gang of 14 should set the example. The Senate best serves the public interest by letting its "advise and consent" process work with Wednesday's nomination of Appeals Court Judge Merrick B. Garland. The important thing is to allow a vote to be held"

EDITORIAL: Supreme Court seat should not be kept open (*Independent [Grand Island, NE]*, 02/24/16)

"The Supreme Court requires nine justices to constitutionally function properly and has before it issues concerning many important topics We urge Nebraska's senators to place their ideology below their duty to the Constitution and democratic governance of America. Once the president decides who to appoint to the open Supreme Court seat, the Senate should give serious consideration to that person's qualifications, not just refuse to even consider the appointment, thereby leaving the Supreme Court short a justice."

Editorial, 2/18: Nomination should proceed (*Lincoln Journal Star [NE]*, 02/18/16)

"Some "conservative" Americans who have spent years blasting the president for alleged violations of his constitutional authority now want him to ignore not only his constitutional right but his constitutional responsibility to appoint a replacement for U.S. Supreme Court Justice Antonin Scalia. They ought to be ashamed of themselves.... Conservative insistence that the U.S. Senate not even allow a vote on an Obama nominee is petty and juvenile. Tactics like this threaten to make the country ungovernable.... there is no established historical tradition for presidents to defer a U.S. Supreme Court nomination to his or her successor. The U.S. Senate in 1988 voted to confirm Justice Anthony Kennedy in President Ronald Reagan's last year in office. ... Republican refusal to allow a Senate vote would also be bad politics."

World-Herald editorial: Constitution sets the process (*Omaha World-Herald [NE]*, 02/17/16)

"Originalism is a sprawling set of legal theories with all kinds of ramifications that should be considered carefully. But one need not embrace the theory to understand the Constitution's succinct and straightforward language about filling Supreme Court vacancies. The president, it says, "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States." That instruction — Article II, Section 2 — doesn't say anything about pausing the process during an election year. Scotusblog, a website devoted to covering the Supreme Court, looked back to 1900 and found, "In that period, there were several nominations and confirmations of justices during presidential election years."... While it might be unusual in an election year, a nomination by the president would be entirely appropriate under the Constitution. It's also entirely appropriate for the Senate to debate, vote on and perhaps reject the appointment if that's the majority's will."

NEW HAMPSHIRE

EDITORIAL: Ayotte needs to break ranks on SUPCO nominee (*Foster's Daily Democrat [NH]*, 04/12/16)

"Ayotte's "courtesy and respect" shtick rings more than a little hollow to our ears. Why bother with pleasantries if you have no intention of taking this nomination seriously?... What's also unclear is why Ayotte and other senators in lockstep over blocking Garland's nomination can't simply let this man go through the process We agree it's time to give Garland a hearing."

EDITORIAL: Stalemate, taken to the extreme (*Telegraph [Nashua, NH]*, 02/28/16)

"The dispute over whether President Barack Obama should nominate and the Senate should consider a replacement for the late Supreme Court Justice Antonin Scalia represents yet another new low in this country's partisan divide and has moved the nation into uncharted territory. With an election on the horizon, Senate Republicans - led by Sen. Mitch McConnell with the support of New Hampshire Sen. Kelly Ayotte - have said they will not vote on any Obama nomination to the court."

Editorial: Ayotte, many Republicans put partisanship ahead of Constitution (*Foster's Daily Democrat [NH]*, 02/18/16)

"The U.S. Constitution is clear, the president nominates and the Senate provides advice and consent. This is why we find it appalling that New Hampshire U.S. Sen. Kelly Ayotte and many of her Republican colleagues, have put partisan politics ahead of the U.S. Constitution, by arguing that the Senate should refuse to hold hearings on the president's nominee to fill the vacancy created by Justice Antonin Scalia's death Saturday.... Ayotte's statement parrots Senate Majority Leader Mitch McConnell, R-Kentucky Ayotte, McConnell and other Republicans opposed to filling the position, dishonestly ignore that the people did "have a voice" and "the American people spoke" when they re-elected President Obama in 2012 and gave the Republicans majority control of the Senate in 2014. ... Far more responsible are the comments of Maine's Republican U.S. Sen. Susan Collins, who did not jump on the delay bandwagon President Obama said he intends to nominate That is what the Constitution requires him to do. The Senate, to uphold its constitutional duties, must then offer "advice and consent" by holding hearings on the nominee. And the American people will be able to express their opinions loudly and clearly on the quality of the nominee and the fairness of the Senate confirmation process when they go to the polls in November."

Editorial: Rules are clear on court appointment (*Telegraph [Nashua, NH]*, 02/17/16)

"Within hours of Scalia's death, Republicans were united in their view that Obama should leave the seat open and let his successor fill the spot on the court. To rationalize their view that the president and Senate should abdicate their constitutional responsibility to fill the seat on the court, they used the "American people" as cover. ... The world does not stop spinning in an election year, nor does the Constitution cease to be the Constitution, though you'd never know it from some of the rhetoric that's being bandied about... ... The notion that the Senate should wait until voters "weigh in" is a red herring trotted out for political convenience... The Constitution says what it says, and the fact that this is an election year doesn't change that, even if it happens to be politically inexpedient for one of the parties. If Ayotte and other Senate Republicans want to block Obama's nomination, that's their prerogative – but there should be hearings on the nominee and, ultimately, a vote."

NEW MEXICO

Editorial: Senate should conduct Supreme Court hearings (*Albuquerque Journal [NM]*, 03/20/16)

"[T]he Republican-controlled Senate should put politics aside and hold hearings on President Obama's nominee, Judge Merrick Garland Obama put forth a sound nominee whose long record as a federal judge, and former prosecutor, would appear to be far more moderate than far-left partisans would have desired.... the GOP refusal to even meet with Judge Garland is an insult to the American public and to the Constitution.... It's time to get the process for filling vacancies on the Supreme Court back on the right track. Conduct hearings. Make a decision."

NEW YORK

EDITORIAL: Bad faith on Merrick Garland confirmed: Senate Republicans now suggest they might hold hearings and a vote — if it looks politically convenient (*New York Daily News*, 05/11/16)

EDITORIAL: The charade marches on: GOP Senate keeps playing games with Obama's Supreme Court pick (*New York Daily News*, 04/13/16)

"Senate Judiciary Committee Chairman Chuck Grassley spent 70 minutes with the judge in the Senate dining room. On Wednesday, Kelly Ayotte of New Hampshire is set to receive Garland "out of courtesy and respect." There is neither courtesy nor respect in empty ceremony.... Speaking for his caucus, Majority Leader Mitch McConnell says plugging ears and saying "la la la, I'm not listening" is a matter of high principle. ... The ways of Washington have rarely been as transparently false."

EDITORIAL: GOP senators dishonor the Supreme Court and themselves (*Newsday [NY]*, 03/16/16)

"McConnell, however, maintained that the decision should wait until the next president takes office to "give the people a voice in filling the vacancy." It's a ridiculous argument that is easily countered: The people already made their voice known in selecting the current president. Twice.... Obama made a tactical decision,

and a political one, to nominate the chief of the federal appeals court in Washington, D.C., an excellent jurist who is as mainstream a candidate as can be found. Garland is an older white male, an establishment figure in the nation's capital, someone with a prosecutorial background who has rarely overturned a criminal conviction. He would be comfortable in the Supreme Court's center, not one who would clearly tip it to the left. Garland's judicial record shows that he moves the law in increments, deciding the facts of the case before him, not trying to bend them to fit a predetermined outcome. In that vein, he's a more conservative justice than the man he would replace. The Senate should hold confirmation hearings and vote on the nomination."

EDITORIAL: Merrick Garland deserves a hearing and a vote: President Obama has nominated a broadly respected, centrist jurist to the Supreme Court (*New York Daily News*, 03/16/16)

"In flat-out rejecting within minutes to even consider the nomination of Merrick Garland for the Supreme Court, Senate Majority Leader Mitch McConnell and the Republicans are breaching their sworn duty, leaving the court with a vacancy for a year or more following Antonin Scalia's death last month. President Obama's choice of Garland, a highly qualified judge who is squarely in the mainstream of American jurisprudence, is in line with the best tradition of finding the finest legal minds for the nation's highest court. McConnell's over-my-dead-body partisanship, fully backed by his GOP colleagues, comes in the worst tradition of politics interfering with the work of government. Their obstruction cannot stand."

EDITORIAL: Save the Supreme Court by finding someone so qualified there won't be a fight (*New York Daily News*, 02/17/16)

"Majority Leader Mitch McConnell said he would deny consideration to any Obama nominee, putting on hold the Senate's power to confirm or reject candidates. Obama on Tuesday said he would nominate a candidate of impeccable qualifications. Having chosen to move forward, he must serve the nation by choosing someone whose gravitas is strong enough both to demand Senate approval and, more important, to prevent further damage to the court's standing as an apolitical interpreter of the rule of law."

NORTH DAKOTA

Forum editorial: Get moving on high court nominee (*The Forum [Fargo, ND]*, 02/17/16)

"[T]he president is obligated to act and the U.S. Senate is required to debate and vote on the president's nominee. Article II, Section 2 of the Constitution is clear: "... and he shall nominate, and by the Advice and Consent of the Senate, shall appoint Judges of the supreme Court ..." Shall nominate. Shall appoint. The only wiggle room in those words is being created by the political gamesmanship of Senate Majority Leader Mitch McConnell Even North Dakota's Republican Sen. John Hoeven is marching in lockstep to McConnell's divisive rhetoric by repeating the thin-as-tinfoil boilerplate that "the people" should have a say in Scalia's replacement. but it's not what the Constitution says about the process. Hoeven knows that, or he should. There are all sorts of precedents of presidents tapping nominees for the high court in the last years of a president's term and/or in an election, the latest being Ronald Reagan's nomination of Anthony Kennedy. Kennedy was confirmed 97-0 in 1988 by a Democrat-controlled Senate. President Barack Obama should name his nominee soon. The Senate should take up the nominee, have a vigorous debate and vote up or down.... Stonewalling also would be politically risky for Republicans who have embraced the role of obstructionists."

OHIO

EDITORIAL: GOP blunders on nomination (*Columbus Dispatch [OH]*, 03/20/16)

"[I]t seems obvious that the Founders expected that the Senate would engage in some sort of dialogue with the president and his nominee, otherwise there is no exchange of "advice." But perhaps Republicans regard "Get lost" as advice. Senate Republicans, such as Ohio's Rob Portman, have advanced the argument that the voters of the United States should decide who should be nominated to the Supreme Court through their vote for president in November. But that's exactly the decision the voters made three Novembers ago when they elected Obama to a four-year term, which continues until January. Presumably, voters elected him with the expectation that he would exercise his duties for his entire term. And it is illogical to argue that the president already elected has less right to seat a new justice than a president who has yet to be elected.... The Senate should hold confirmation hearings for Garland and then take a vote on his nomination."

EDITORIAL: President, senators need to do their duty on nomination (*Marietta Times [OH]*, 02/18/16)

"On the heels of the death of Supreme Court Justice Antonin Scalia has come an already-heated debate about whether our current president should nominate a replacement, or leave a vacancy until the next president is in office. We're disappointed that some of Ohio's representatives in the House and Senate—including one that lives right in Marietta—are calling for a delay. President Obama still has nearly a year left in his presidency. ... more than 10 months is too long to responsibly leave that seat on the Supreme Court vacant, hindering the court's usefulness and productiveness ... Obama is still the president and will be for some time. A year is too long to have an eight-member Supreme Court that could tie on every decision. It's his duty to make a nomination and it's our Senate's duty to consider that nomination in a fair way. Those who refuse to do so are failing to do the job to which they were elected."

EDITORIAL: The bitter battle begins (*Columbus Dispatch [OH]*, 02/17/16)

"It is regrettable that Republican presidential candidates and Senate Majority Leader Mitch McConnell, R-Ky., have said the court vacancy shouldn't be filled until the country has elected a new president. ... This is an affront to the president's constitutional authority to nominate a justice. And it is an abdication of the Senate's duty to "advise and consent" in confirming a nominee; it should consider an individual's merits. ... Obama has an opportunity to present an eminent legal scholar who reflects the nation's majority middle."

OKLAHOMA

Tulsa World Editorial: Supreme Court nondecision on 'Obamacare' points to the need for Senate action on the Garland nomination (*Tulsa World [OK]*, 05/20/16)

"With the death of Justice Antonin Scalia in February and the refusal of the Republican U.S. Senate majority to take up President Barack Obama's nomination of Merrick Garland, the court is moving ahead with eight members, which it appears is not enough to make a decision on this closely watched case.... No one wins when the Supreme Court is deadlocked, least of all the nation. The Senate needs to do its job: Consider the Garland nomination. Reject him if he isn't acceptable. Confirm him if he is. But don't leave the Supreme Court in limbo, short one justice and no path to a resolution."

Tulsa World Editorial: Senate should do its job and let the president do his (*Tulsa World [OK]*, 02/24/16)

"Senate Majority Leader Mitch McConnell claims that the American people should have a say in the selection of the next Supreme Court justice who will fill the vacancy created by the death of Antonin Scalia. The American people already have — when they re-elected Barack Obama If the Senate decides to foot-drag, then it can take the heat for the fact that any 4-4 decisions the high court might make (in the interim) will set no precedent. ... The Senate should remember its own duty under the Constitution, which is to consider presidential nominees expeditiously Obviously, the president should choose someone of high character and legal acumen. There are several candidates — a couple of whom recently were approved by the Senate as circuit court judges — who might not be as ideologically well-defined as Scalia, but who would faithfully follow the law. Both sides should do their job: The president should put forth a name and the Senate, after fair consideration, should give that nominee an up-or-down vote. The American people deserve for all three branches of their government to work."

OREGON

EDITORIAL: Senate GOP runs big risk over court (*Albany Democrat-Herald [OR]*, 03/19/16)

"For our money, the 63-year-old Garland seems to be a well-qualified centrist who likely would serve with distinction for a decade or so on the nation's highest court. Regardless of what else you may have heard, Garland apparently believes that the role of a judge is to interpret the law, not to make it. But let's be honest: The fight over Garland in the U.S. Senate isn't about Garland's qualifications. (In fact, in 2010, Republican Sen. Orrin Hatch said Garland could be confirmed to the Supreme Court "virtually unanimously.") ... Senate Republicans who are taking a realistic look at this might well decide that the hard line they're trying to hold is too much of a gamble."

EDITORIAL: Winners, losers in the news (*Statesman Journal [OR]*, 03/17/16)

"WINNER: Merrick B. Garland. President Obama nominated the federal appellate judge to fill the U.S. Supreme Court seat held by the late Antonin Scalia. By most accounts, Garland is a thoughtful, centrist and well-regarded jurist. He currently is chief judge of the Court of Appeals in the District of Columbia. Now the U.S. Senate should heed its constitutional obligation, hold hearings on Garland's nomination, and either approve or reject him as the nation's 113th Supreme Court justice."

Editorial: Senate should consider a Supreme Court nominee (*Bend Bulletin [OR]*, 02/18/16)

"Anthony Kennedy, was confirmed by a Democratically controlled Senate during Ronald Reagan's final year as president, though he was nominated late in the year before.... Some Republicans are suggesting, loudly, that Obama should simply let the matter rest until next year, when a new president takes office. He shouldn't. The country deserves better.... The country also deserves to know just what sort of person Obama would nominate. A liberal, moderate or conservative? Someone with impeccable credentials who's already serving as a federal judge?... And, we deserve to know how the Senate would treat such a nominee.... Obama is right to want to fulfill his obligation to nominate someone, and the Senate must fulfill its obligation to hold hearings and a vote on that nominee."

Editorial: Obama's shot to reshape high court (*Albany Democrat-Herald [OR]*, 02/15/16)

"Prominent Republicans this weekend suggested that President Barack Obama should simply hand off nominating a successor to Supreme Court Justice Antonin Scalia to the next president. It's a ludicrous suggestion, and Republicans know it. Obama made it clear that he would move forward with nominating a successor to Scalia In fact, in any other circumstance, had Obama actually said he would wait a year to name a successor to Scalia, Republicans would be arguing that the president was guilty of dereliction of duty — and they would be right. The Supreme Court is far too important an institution to leave short-handed for any length of time"

SOUTH CAROLINA

EDITORIAL: Gridlock at the Supreme Court (*Post and Courier [SC]*, 03/31/16)

"Tuesday's 4-4 gridlock on an important First Amendment case.... was also a vivid demonstration of the power of a 5-4 Supreme Court vote to define the nation's legal framework for better or for worse, and a clear example of the reason the Senate should closely examine the judicial record and philosophy of any nominee But by postponing consideration of President Obama's nominee, federal appeals court Judge Merrick Garland, the senators are passing up an opportunity to lay before the public just how Judge Garland has approached the law. ... Of course, by holding such hearings the Senate would be under no obligation to confirm Judge Garland if a majority of Senators found his judicial philosophy objectionable. But the Senate performs a service by bringing such issues forward even for the high court nominee of a lame duck president."

EDITORIAL: Give Garland fair consideration (*Post and Courier [SC]*, 03/17/16)

"That's a particularly misguided position given Judge Garland's reputation as a generally moderate jurist who decides cases not on ideological grounds but sound legal principles. The group of GOP senators vowing to not even hear him includes both of our state's senators — Lindsey Graham and Tim Scott.... Sen. Graham has previously emphasized that "elections have consequences" — including the power of those who win the presidency to nominate federal judges. And Sen. Graham has frequently emphasized the importance of the Senate giving presidential judicial nominees fair consideration. Judge Garland deserves that much. So does the Constitution."

EDITORIAL: Follow court nomination rules (*Post and Courier [SC]*, 02/28/16)

"Politicians play politics ... But this rule from the U.S. Constitution's Article II, Section 2, Clause 2 is also a constant: ... presidents make Supreme Court nominations, and senators decide whether to confirm them.... the Senate did confirm Anthony Kennedy, a Ronald Reagan appointee, to the high court early in that presidential election year such a nominee rates fair consideration — election year or not. After all, if Republicans really want to honor the late Justice Scalia's strict constructionist legacy, they should follow the Constitution's instructions."

EDITORIAL: A case for judicial diversity (*Post and Courier [SC]*, 02/23/16)

"President Barack Obama has said he will soon nominate a successor to Antonin Scalia Some of the betting focuses on Attorney General Loretta Lynch. The Senate would do well to carefully and fairly consider whomever he appoints. If nominated and consented to by the Senate, Ms. Lynch would make an already conventionally diverse Supreme Court even more so. She would be the court's second black member and its fourth woman. She has a strong record as a prosecutor, and it has been a while since a prosecutor sat on the Supreme Court. Raised a Baptist, she would add religious diversity to a court that consists today of five Roman Catholic and three Jewish justices. But there are other measures of diversity besides race and gender that should go into the choice of a new justice, as Justice Scalia himself pointed out ... It would be wise for this president and his successors to broaden the pool of candidates they consider for nomination to the Court to include politicians like Chief Justices William Howard Taft and Earl Warren and Justice Hugo Black — men and women with experience of the nation grounded in the vast lands between the two coasts; and others not cut from the current cloth of the federal judiciary."

EDITORIAL: Scalia's extraordinary legacy (*Post and Courier [SC]*, 02/16/16)

"Now the president and the Senate must move on with the selection of a successor. President Barack Obama has already properly declined to exploit the possibility of making an appointment during this week's Senate recess, though there is precedent for recess appointments to the court. If he now chooses to nominate an almost universally acceptable candidate — of whom there appears to be an ample supply — there is no good reason for the Republican Senate to oppose that person, even if he or she is seen to represent a liberal point of view. The next president is going to have an opportunity to shape the balance of the court no matter who is chosen to replace Justice Scalia, since it is widely anticipated that two justices — Anthony Kennedy, age 79, and Ruth Bader Ginsburg, age 83 — are likely to retire next year or soon after."

TENNESSEE

EDITORIAL: Senate right to confirm Crenshaw; move on to Garland (*Tennessean*, 04/13/16)

"Republicans have given President Barack Obama a hard time, too, delaying judicial confirmations for political points. A silver lining came on Monday when the Senate unanimously confirmed Nashville attorney Waverly Crenshaw to the federal bench in Middle Tennessee after 14 months. Tennessee Sens. Lamar Alexander and Bob Corker, both Republicans, and Rep. Jim Cooper, D-Nashville, applauded the move Most important, fairness will return for people who deserve their day in court.... A majority of senators may decide that Garland is not the right person for the post, but he should be given a fair hearing....Garland could very well be that person of character, temperament and community mindedness to become the next U.S. Supreme Court justice. Rather than ignoring him and his qualifications, maybe senators should do their jobs and find out. For the good of the American people."

Editorial: Senators shirk responsibility on justice vote (*Knoxville News Sentinel [TN]*, 02/21/16)

"The position taken by U.S. Sens. Lamar Alexander and Bob Corker opposing a confirmation vote on any nominee to replace the late Supreme Court Justice Antonin Scalia is disappointing.... Waiting to consider a nominee to the nation's highest court until after the inauguration of the new president on Jan. 20, 2017, would be a great disservice to the court, the people and the Constitution. Though Alexander and Corker have argued in the past that a president's Supreme Court nominees should receive an up-or-down confirmation vote in the Senate and should not be subject to a filibuster, except in extraordinary circumstances, they have joined McConnell in thwarting the process. ... The flaw in their reasoning is that the American people already have had a say in the direction of the country. Nearly four years ago, they elected President Barack Obama.... Restricting any president's ability to carry out his or her responsibilities by 25 percent of a four-year term is ludicrous.... they should vote down a nominee whose qualifications are suspect or who places political ideology above the law. Rejecting a nominee sight unseen, however, amounts to shirking responsibility. A failure to consider a nominee also is disrespectful to the eight remaining justices and could disrupt the progress of important cases. ... It would be to their credit if they reverted to form and insist their colleagues fulfill their duties to the Constitution and the people of the United States."

TEXAS

EDITORIAL: Agree or disagree, Baylor Law School panel smartly highlights supreme outrage (*Waco Tribune-Herald [TX]*, 04/17/16)

"We have heard from other constitutional scholars who believe Republicans assault the Constitution by declining to "advise and consent," as the Constitution would seem to demand upon the president's nomination of a Supreme Court nominee. They're convincing, too. But while Guinn, [Ken] Starr and others on last week's panel might disagree, their view is no less instructive. By declining to hold Senate hearings for much-respected U.S. District of Columbia Circuit Chief Justice Merrick Garland to answer questions, Senate Republicans further politicize the nation's highest court — a colossally regrettable move. They also marginalize the one branch of government that arguably operates most efficiently. "It's a mess," Starr said. "Four-four (rulings) is just a horrible state. ... the court needs to have an odd number (of justices) to get its work done." Incidentally, this panel was composed of those who revel in the wit, restraint and adherence to "originalism" of arch-conservative Justice Antonin Scalia,"

EDITORIAL: Deadlock: Why Senate should act (*San Antonio Express-News [TX]*, 03/31/16)

"The Supreme Court deadlocked Tuesday on a major case Tuesday's ruling underscores why the U.S. Senate should act on President Barack Obama's nominee, Merrick Garland, so the court can have its full complement of nine justices. Quickly.... the deadlock Tuesday demonstrates how the GOP-controlled Senate, by refusing to convene hearings or a vote on the nominee, is hobbling the court this year.... As the No. 2 leader in the Senate, Cornyn's refusal to be the adult in the chamber is particularly egregious.... And the argument is particularly untenable in Garland's case.... The Senate should do its constitutional part and leave politics — and the wish for a Republican in the White House — out of it. Even if another justice can't get to the court in time to help decide current cases, the deadlock demonstrates the peril of leaving the seat vacant. Senators, give Garland a vote."

Editorial: Sen. John Cornyn should steer party away from obstructionist path (*Dallas Morning News*, 03/28/16)

"Sen. Mark Kirk, R-Ill., has done the right thing -- and the smart thing, politically -- by bucking the example of his party's bosses, including our own Sen. John Cornyn. We urge Cornyn, who is this state's senior senator and a former member of the Texas Supreme Court, to find his own voice and set a new course for his party. ... When voters made the GOP the majority, the Senate's new leaders immediately pledged to return the senate to "regular order."... But the party's recalcitrance on the Supreme Court threatens to obliterate any claim to a return to civility and respect for the institution. We feel this course risks ruin for the Senate GOP Consider the op-ed Sen. Orrin Hatch wrote He said Democrats have no right to complain because they opposed past nominees Robert Bork and Clarence Thomas. And as senator, Obama had opposed John Roberts and Samuel Alito, too. What he left out was that each and every one of those nominees had been given a hearing, a debate and a vote. Only Robert Bork, the most extreme nominee put forth by a president in modern era, was denied a seat on the court. Hatch's arguments follow on weeks of statements from Cornyn and McConnell about the so-called 'Biden Rule.' There is no such thing and never has been."

EDITORIAL: Job left undone; Senate needs to get to work on confirming or rejecting the president's nominees. (*Houston Chronicle*, 03/22/16)

"[P]rotesters hit the pavement Their message to Texas' two Republican senators: Do your job and give Supreme Court nominee Judge Merrick Garland a hearing.... By waiting for an election, McConnell and other Republicans essentially give into that "view to popularity" that the founders warned against. It also works to undermine the legitimacy and authority of the nation's highest court. Supreme Court Chief Justice John G. Roberts Jr. raised that concern in a speech last month the sins of the past do not justify today's stonewalling, which renders our judicial system without full guidance from the Supreme Court."

EDITORIAL: High court's top jurist needs to remind Senate of its constitutional duties (*Waco Tribune-Herald [TX]*, 03/22/16)

"Of the defiant refusal to consider Obama's nominee to succeed conservative Supreme Court Justice Antonin Scalia, there is no doubt. Republicans who supposedly cherish the Constitution now prove how hollow such

claims are by opting to neglect their duty to advise and consent on that nominee through hearings and an up-or-down vote. Their idea that “precedent” allows the Senate to defer such nominations in a president’s final year is absolute hokum.... Shortly before Scalia’s death, Roberts spoke strongly on the need to scrutinize high court nominees’ qualifications but leave politics out of it — something we saw last week in Baylor University President and former federal jurist Ken Starr’s own endorsement of Obama’s pick, Merrick Garland. Roberts must now stand tall again and remind the Senate of its duties"

EDITORIAL: Abbott, Cornyn, Cruz forsake the Constitution (*Corpus Christi Caller-Times* [TX], 03/20/16)

"Gov. Greg Abbott and Texas' two U.S. senators, John Cornyn and Ted Cruz, have impressive credentials as lawyers steeped in constitutional law. ... Yet, these three constitutional loyalists have volunteered their services to a conspiracy to stretch that revered document like a rubber band until it frays or snaps.... They agree that the Senate should shirk its duty to consider and approve whom Obama nominates unless the nominee is discovered to be incompetent — which nominee Merrick Garland is well known not to be. These three Texas Republicans have chosen fealty to a specific desired political outcome over loyalty to the Constitution.... We're not good enough at math to count all the holes in the GOP argument. ... all three Texans issued statements against Obama doing what a president is supposed to do and in favor of the Senate not doing its job."

EDITORIAL: Give high court nominee a hearing (*San Antonio Express-News* [TX], 03/18/16)

"Now that President Barack Obama has nominated Merrick B. Garland to the U.S. Supreme Court, Republican senators should hold a fair confirmation hearing. And he merits an up-or-down vote.... Republican Sens. Orrin Hatch of Utah and Lindsey Graham of South Carolina, who both sit on the Judiciary Committee, have heaped praise on Garland.... This type of rhetoric only highlights the ludicrous stance Republican lawmakers have taken As a matter of principle, the U.S. Senate should hold a confirmation hearing for Garland followed by a vote, judging his nomination on his abilities, viewpoints and legal interpretations. It’s a sad reflection of the moment that this is even a question."

EDITORIAL: Senate slams a political door on court nominee (*Fort Worth Star-Telegram* [TX], 03/17/16)

"Does the Constitution contemplate a popular vote as part of the process of filling a Supreme Court seat? No, and the Founders were quite deliberate in that decision.... It is not good to subject the Supreme Court to politics. Justices should bow only to the Constitution, not political winds. McConnell and Senate Republicans will achieve their goal of delaying this nomination because they can, not because they should."

EDITORIAL: Cornyn's next move: Texans should expect their senior senator to keep his word on not blocking nominees. (*Houston Chronicle*, 03/16/16)

"Cornyn isn't merely threatening to vote against Merrick, or even attempting to filibuster a vote. As a member of the Senate Judiciary Committee, Cornyn refuses to have hearings in the first place. In fact, Texas' senior senator and former justice on the Texas Supreme Court threatened to wallop any nominee like a pinata.... Widely considered the model, neutral judge, according to Supreme Court blogger Tom Goldstein, Garland, 63, has more federal judicial experience than any other Supreme Court nominee in U.S. history.... Garland's nomination is a good faith effort by Obama to put forward a non-controversial, middle-of-the-road candidate. ... As Cornyn himself has said through the years, an up-or-down vote on judicial nominees is a matter of fundamental fairness.... It is the Senate's constitutional duty to act on each nomination," Cornyn said under President Bush. "It is also critically important to our judicial system and the proper functioning of our federal government to fill these positions. Senators have a right to vote for or against any nominee - but blocking votes on nominations is unacceptable." Presidents may change, but we will still hold Cornyn to his word. Like any honorable Texan, we expect him to keep it."

Editorial: Obama's done his job, now it's time for senators to do theirs (*Dallas Morning News*, 03/16/16)

"President Barack Obama has done his duty and nominated a qualified federal judge to succeed the late Antonin Scalia on the Supreme Court. Now it is time for the Senate to do the same. Judge Merrick Garland deserves, as any reasonable nominee deserves, a full hearing and a vote. For the Republicans who control the

Senate to do less is to shame themselves and the institution they represent. It is to neglect their duty, insult their president, and weaken this democracy's faith in justice. It would ultimately weaken the very rule of law."

[EDITORIAL: Cornyn, Senate should consider Supreme Court nominee](#) (*Beaumont Enterprise [TX]*, 03/11/16)

"President Obama is expected to announce his nomination any day now for a justice to replace Antonin Scalia, who died last month. When Obama does, Cornyn and thoughtful Republican senators need to reconsider their hasty "no hearings" pledge and give the nominee a fair chance.... Scalia was one of the most conservative justices in the court's history, yet he was confirmed by a 98-0 vote in 1986. Clearly many Democrats voted for him even though they didn't share his philosophy. That's the way the founders planned it, and it's a process the Senate should return to."

[Our View: Supreme Court nominee matter became another confrontation](#) (*Lubbock Avalanche-Journal [TX]*, 03/11/16)

"President Obama is interviewing judges he is considering nominating for the Supreme Court — just as he should be doing. ... But the conflict didn't have to be as divisive as it is. Why couldn't the Republicans wait to see who the nominee was before they challenged the president? They may have approved of the nominee. ... Vice President Joe Biden said the president was looking for a nominee who had past Republican support. That would, of course, have the best chance for confirmation. "There are plenty of judges (who) are on high courts already who have had unanimous support of the Republicans," the vice president said."

[EDITORIAL: GOP builds a wall around Supreme Court vacancy](#) (*Fort Worth Star-Telegram [TX]*, 02/25/16)

"The Republicans could have waited to see what name Obama might put up, even gone through the motions of consideration — who knows, it might have been someone they could accept.... Obama has taken an irrevocable stand, too. He has said he will put up a nominee, as the Constitution says he should. ... But the Republicans have forestalled any possibility of success. They have sentenced the nation to live under a short-handed Supreme Court for the rest of this session and most if not all of the next. Real court cases, on real important issues, are likely to suffer. That's a loss for us all."

[Editorial: Senate Republicans' flat-out refusal to meet with Supreme Court nominee is scandalous](#) (*Dallas Morning News*, 02/23/16)

"In a letter Tuesday, Republicans on the Senate Judiciary Committee have declared in one voice they will hold no hearings on any nominee by President Barack Obama to succeed the late Supreme Court Justice Antonin Scalia. It's a scandalous decision, unnecessary and without reasonable grounds. We were especially disappointed to see that the usually wiser Sen. John Cornyn was among those signing the letter.... None dispute that 11 months is plenty of time for a nominee to be vetted, scrutinized and finally either approved or rejected. A typical nomination takes three or four months to complete.... There is no principle on display, constitutional or otherwise. ... presidents are entitled to deference in judicial nominations."

[EDITORIAL: Judicial giant Antonin Scalia stressed US Constitution, but are we truly worthy of the document?](#) (*Waco Tribune-Herald [TX]*, 02/16/16)

"Republican Senate Majority Leader Mitch McConnell's opening salvo before Scalia's body was even cold that his successor should be picked by President Obama's own successor a year from now was crass, inappropriate and contrary to the very constitutional tenets Scalia spent his life championing. Article II, Section II of the Constitution says the president "shall" nominate judges to the Supreme Court. It says nothing about that power being abridged because a president is in his last full year in office.... A Supreme Court nominee put forward by no less than President Reagan was confirmed in 1988 — the last full year of Reagan's considerable eight years in office. To deny Obama the same consideration would demonstrate the hypocrisy of Republicans who pretend to respect the Constitution. That said, we would hope that the president recognizes the intense political divide that exists by selecting as his nominee a moderate acceptable to reasonable people in both parties such as D.C. Circuit Judge Sri Srinivasan, approved by the Senate unanimously in 2013 and labeled even by Sen. Cruz a longtime friend."

EDITORIAL: Replacing Scalia; Whether Reagan or Obama, Supreme Court nominations are the president's to make (*Houston Chronicle*, 02/16/16)

"President Barack Obama will nominate a replacement and the Senate has a duty to provide its advice and consent. This means an up-or-down vote.... Sen. Mitch McConnell, the Republican majority leader, has said that the Senate will block any consideration of a replacement for Scalia's seat until there's a new president. For those counting, Obama had 342 days left when Scalia passed away, and no modern Supreme Court confirmation process has lasted longer than 125 days. McConnell's stance removes that curtain of political niceties and reveals the naked truth: Republicans would rather see a vacant court seat than any Obama pick.... There will be plenty of opportunities for the next Republican presidents to make their own appointments. But for now, the nation elected Obama."

Editorial: McConnell's promise to reject Obama's nominee sight unseen is bad politics and terrible judgment (*Dallas Morning News*, 02/15/16)

EDITORIAL: Scalia left lasting legacy of influence (*San Antonio Express-News [TX]*, 02/14/16)

"But the stance to delay a nomination for the next president ignores the Constitution. Article II makes it clear the president has the power to nominate Supreme Court justices, which must be approved by the Senate. Delaying when Obama has nearly a year left in his term is nonsensical. Obama was elected to office — a decision made by the American voters. There is a vacancy during his term. He should nominate someone, and that person should be considered on judicial merits, not political calculus. Anything less would leave the court in paralysis."

VIRGINIA

Editorial: All Supreme Court nominees deserve hearings, votes (*Richmond Times-Dispatch [VA]*, 04/02/16)

"Republicans in the Senate say they will not bring Garland's nomination to a vote and will not even hold hearings on it.... Strict constructionists and believers in original intent must agree that the process should proceed whenever a vacancy opens. Refusing to give Garland a hearing violates the spirit of the Constitution and disgraces conservatism properly understood.... Blocking Garland without a hearing or a vote implicitly would limit the consequences of Obama's 2012 re-election to fewer than four years. This is preposterous The Republican treatment of Garland is worse than the Democratic treatment of Bork. Bork testified at a hearing; he came up for a vote. "

Editorial: Senate Republicans, do your job (*Richmond Times-Dispatch [VA]*, 03/16/16)

"Merrick Garland, the man President Obama nominated Wednesday to fill Antonin Scalia's seat on the Supreme Court, deserves a fair hearing.... Senate Majority Leader Mitch McConnell's stated refusal even to consider anyone Obama nominates has no principled rationale whatsoever. The president still has nine months left in his term. The Republican argument that the country should wait until the next president for a nominee is fatuous. ... By all accounts, Garland is eminently qualified for the country's highest court. Republican Sen. Orrin Hatch even floated Garland's name a few days ago: ... refusing even to hold hearings on the nomination constitutes the sort of knee-jerk, dog-in-the-manger opposition that has left much of the American public justifiably disgusted."

Editorial: Justice Antonin Scalia leaves difficult dilemma for divided US (*Daily Press [VA]*, 02/17/16)

"Senate Majority Leader Mitch McConnell has openly announced his intent to delay that process until a new president is inaugurated in January 2017. (Since the Supreme Court reached nine members in 1869, there has been only one instance when a seat has remained vacant for a full year — when the Senate rejected President Richard Nixon's first two candidates.)... it feels like a misstep for the GOP to immediately refuse to even consider any nominees — a sharply partisan move at a time when the electorate seems to be asking Washington for some political cooperation."

Editorial: Scalia set precedent for his successor (*Richmond Times-Dispatch [VA]*, 02/17/16)

"The Constitution does not refer to timing. It does not empower the president to make nominations to the Supreme Court except during the final year of his tenure. Democrats stand on firmer constitutional ground

The Times-Dispatch believes that presidents deserve considerable discretion regarding judicial selection. Although hearings can emphasize — and for didactic reasons ought to emphasize — constitutional philosophy, an individual's personal preferences ought not to prove disqualifying, except in extreme circumstances. The Senate's eye properly focuses on disposition and character."

EDITORIAL: Don't play games with big issues (*Danville Register & Bee [VA]*, 02/17/16)

"There is, of course, nothing in the Constitution that prevents presidents — during their last year in office — from nominating a new member of the Supreme Court. There's also nothing in the Constitution that requires the Senate to wait 11 months for the next president to fill a vacancy on the court... In the past four presidential elections, we've endorsed George W. Bush (twice), John McCain and Mitt Romney. While President Barack Obama hasn't nominated anyone yet, several of the "front runners" for nomination were, within the past 10 to 15 years or so, approved by a vote of 97-0 by the Senate. So what's the logic in rejecting their nomination now because they were put forward by Obama? Today the Senate is controlled by Republicans. Because of the make-up of the Senate, Obama will be forced to nominate a moderate — and the Senate should force him to do so. But it's politically risky for the Senate to delay this for 11 months. ... if the Senate is presented with a moderate nominee that previously was approved by senators — and that person is rejected, it will turn an insiders' issue — the nomination of a Supreme Court justice — into a central issue in the presidential campaign. It also would be proof, once again, of the GOP's efforts to thwart this president on every issue."

Opinion/Editorial: Senators should do their jobs on Scalia replacement (*Daily Progress [Charlottesville, VA]*, 02/16/16)

"Sen. McConnell said, "The American people should have a voice in the selection of their next Supreme Court justice." Yet, the American people had a voice in the last election, when they convincingly re-elected President Barack Obama to a second term....senators have a duty to fulfill their constitutional responsibilities, and failing to do so will be detrimental to all three branches of government. The nonpartisan SCOTUSBlog noted that there has never been an instance in the past 100 years of a president or Senate failing to fill a Supreme Court vacancy because of an upcoming election. ... If the Senate doesn't act, the court — for a year or longer — may be issuing reams of 4-4 opinions that will have the effect of upholding lower court rulings but not will result in new legal precedents.... And, in any case, why assume an Obama nominee would not be to their liking? Maybe the odds are slim, but senators can't know until a name is proposed. Again, this is part of allowing the system to work as designed. Indeed, Sen. Grassley has now indicated he may do just that.... GOP senators should follow the justices' lead and put their partisan differences aside for the greater good of the republic they serve."

Editorial: Scalia leaves a towering legacy (*Richmond Times-Dispatch [VA]*, 02/15/16)

"The Senate has a duty to seriously consider any nominee brought forward by the president — which does not imply an equal obligation to confirm that nominee. The Constitution's requirement for senatorial consent is not a mandate for a rubber stamp. Yet although we likely will find the views of Obama's nominee wrongheaded, our view is that the occupant of the White House is entitled to fulfill his duties until the day he leaves it. That is how the system works and what the Constitution says. We suspect Scalia would agree."

WASHINGTON

EDITORIAL: Judicial tussles can't find audience (*Spokesman-Review [Spokane, WA]*, 04/16/16)

"Idaho's two Republican senators, Mike Crapo and Jim Risch, worked with the White House to find Lodge's replacement. Crapo tried to quell concerns that the Garland stalemate would hurt Nye's chances for a speedy confirmation. Speaking of Nye, he said: "The White House is strongly in support of their nomination, and Sen. Risch and I are strongly in support on the president's nomination. There hasn't been that consensus developed yet on the Supreme Court" nomination. Well, consensus is impossible to achieve when the Senate majority leader declares the Supreme Court process to be shut down before anyone is nominated.... filling that position is far more important than tit-for-tat. Last July, the feds declared a "judicial emergency" in Idaho ... Forty-nine of Obama's nominees for federal judgeships were awaiting votes vacancies affect individuals and businesses with genuine concerns that need legal resolutions."

Editorial: Senate should hold judicial hearing (*Spokesman-Review [Spokane, WA]*, 03/20/16)

"Garland is probably the best nominee Republicans could've hoped for from a Democrat. McMorris Rodgers wasn't alone in trying to cover blatant partisanship with high-minded-sounding rhetoric. Sen. Mike Crapo, R-Idaho, said, "The next Supreme Court justice will make decisions that affect every American and shape our nation's legal landscape for decades." That's always the case....The next member of the court is apt to outlive the terms of several presidents, so skipping the current one, for the first time ever, makes no sense.... There simply is no principle on which to hang an argument that a yet-elected president should be handed the task. ...With nearly 300 days left in the current term, there is plenty of time."

EDITORIAL: In Our View: Constitution Being Ignored; Senate GOP embarrasses itself in refusal to hold hearing for Obama's high court pick (*Columbian [WA]*, 03/17/16)

"President Obama has done his job; now Senate Republicans should do theirs. On Wednesday, Obama nominated Merrick Garland to the U.S. Supreme Court Republicans are embarrassing themselves and ignoring the U.S. Constitution. While Obama's tenure as president will come to an end, that end is still 10 months away. There is no provision in the Constitution that says a president's power ends three years into their term; there is no provision that calls for the suspension of constitutional duties when other candidates start running for president. The fact is that the American people have had a say in the direction of the Supreme Court. They re-elected Obama this is meant as ... a call for him to receive a fair hearing as has become common practice under the parameters of the Constitution In 2010, Sen. Orrin Hatch, R-Utah, called Garland "terrific" and said he could be confirmed "virtually unanimously." The American public deserves to know whether that still holds true."

WISCONSIN

EDITORIAL: The faces of the rejected establishment (*Beloit Daily News [WI]*, 03/23/16)

"Obama is still president and the Constitution gives him the authority to make a nomination. Nothing in the Constitution suggests that authority expires until the occupant of the White House hands over the keys to the next duly elected president. Refusing to acknowledge the nomination, hold hearings and vote up-or-down is a stretch of the Senate's constitutional obligation. Refusing even to meet with the nominee — the position McConnell has taken — is just plain rude."

EDITORIAL: High court pick deserves a hearing and vote (*Wisconsin State Journal*, 02/28/16)

"But rejecting Barack Obama's nominee before that person is even identified is unfair and irresponsible. It risks a prolonged vacancy, causing high court dysfunction if 4-4 votes occur. U.S. Sen. Ron Johnson, R-Oshkosh, has noted he's not the Senate majority leader. ... Johnson must lead, not follow his stubborn colleagues. "I'm not in control of it," Johnson initially said of the process. Then last week he defended his party's insistence that neither a hearing nor vote would be allowed until Obama is gone.... But they should at least wait for a high-court candidate to be revealed, meet with him or her, and hold a hearing before passing judgment.... waiting at least a year to fill a vacancy is too long. It's obstruction. Johnson and the GOP majority should honorably give the president's nominee a serious look."

WYOMING

Editorial board: Move forward on high court (*Casper Star Tribune [WY]*, 02/24/16)

"It is frustrating to hear some Senate Republicans play politics by insisting that a replacement should not be named until Obama's successor takes office and nominates a justice for the senate's consideration nearly one year from now. It is almost unforgivable that leading members of the party said that any candidate, no matter how worthy, would be rejected out of hand. It's outrageous because, politics aside, the country needs a judge. With an even number of justices, the court has a diminished ability to set precedent. Any tie decision would effectively uphold the ruling of a lower court.... Pledging to reject any nominee outright raises questions of disenfranchisement. American voters put Obama in the position to nominate the nation's next Supreme Court justice, and their will must be carried out.... The process may be high stakes, but it needs to begin now, not next year."