

215 EDITORIAL BOARDS ACROSS THE COUNTRY AGREE: THIS YEAR THE SENATE SHOULD HOLD A HEARING AND VOTE ON A NOMINEE TO FILL SCALIA SUPREME COURT VACANCY – STATE BY STATE LINKS/EXCERPTS (as of March 14, 2016)

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from [Judging the Environment](#) website

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ALABAMA

[Editorial: The duty of Senate Republicans](#) (*Anniston Star [AL]* , 03/10/16)

"President Barack Obama is going about his constitutional duty in considering a nominee to return the court to its nine-member full strength. Senate Republicans declare they will not confirm any nominee put forth by the president. More than that, they won't allow hearings on a nominee or even one-on-one meetings with a prospective justice. That posture is a sad reflection of the current state of the Republican Party's congressional leadership. It has attempted over the past seven years to tear at Obama's legitimacy. ... This is a plea to Senate Republicans: Do your job. The Constitution doesn't require senators to rubber-stamp a presidential nominee to the Supreme Court. It does expect them to seriously consider each nominee. That's not going to happen while Senate Republicans, most of whom pledge their undying allegiance to the U.S. Constitution, remain on strike."

[EDITORIAL: Make the appointment](#) (*Times Daily [AL]*, 03/06/16)

"The president has a constitutional duty to fill vacancies on the Supreme Court, and the Senate, barring any obvious shortcomings in the nominee, has a duty to confirm that appointment. The president's nominee won't be a conservative, which should come as no surprise to anyone, just as President George W. Bush's nominees to the courts were not liberals or progressives. It is to be expected that a president's Supreme Court nominees will reflect his or her political leanings. There is no valid reason for Senate Republicans to block the president's nominee."

[Editorial: The Supreme Court's empty seat](#) (*Anniston Star [AL]* , 03/02/16)

"Vital cases are being heard by an undermanned bench whose ideological leanings are, in many cases, split somewhat evenly between conservative and liberal justices.... It also illustrates one of the negative byproducts of Senate Republicans' refusal to consider any of President Obama's possible Supreme Court nominees. Cases before the Supreme Court deserve to be heard by a fully manned, nine-justice bench. But Senate Majority Leader Mitch McConnell, R-Kentucky, is choosing extreme partisan politics over what's best for the Supreme Court and, ultimately, the Americans affected by the justices' rulings.... Republicans are selfishly putting their party above that of the Supreme Court and the law it oversees."

[EDITORIAL: Shelby, Crumpton best options for US Senate](#) (*Decatur Daily [AL]*, 02/26/16)

"Shelby voted against the White House 63.9 percent of the time. He leads the Senate in that statistic. His opposition to a U.S. Supreme Court nominee that Obama has not even selected is a recent example of his

blind opposition to the president. It may be a politically savvy strategy, but it interferes with the efficient workings of government. While Shelby routinely courts the tea party with such rhetoric, his actions are more prudent."

[Editorial: Sen. Sessions goes on strike](#) (*Anniston Star [AL]*, 02/24/16)

"Jeff Sessions, R-Mobile, should either do his job or step down and let someone willing to do the work of a U.S. senator representing Alabama take his place. On Tuesday, Sessions was among the Republican members of the Senate Judiciary Committee who pledged to go on strike for the next 11 months. They won't meet with a Supreme Court nominee appointed by President Barack Obama to replace the recently deceased Antonin Scalia. They won't hold hearings on any Obama nominee. And they won't allow an up-or-down vote on an Obama nominee.... Sessions and his fellow committee members are refusing to do their jobs. It's just that plain. Their job is to examine presidential nominees to the federal courts, including to the Supreme Court. The authors of the Constitution expected senators to examine nominees closely, looking at their records, their wisdom, their judgment and their intelligence. Senators are expected to hold public hearings with nominees. This gives senators an opportunity to raise concerns and for nominee to address them in a public setting. Then senators are expected to give nominees an up-or-down vote.... Judicial court nominee Sessions was able to make his case before the committee. Over 23 hours of hearings, senators considered his worthiness. Those senators back in 1986 were doing their jobs. Now it's time for Sessions to do his when it comes to a replacement for Justice Scalia. He isn't compelled to approve of Obama's nomination — he likely won't — but he should give him or her a fair hearing."

[EDITORIAL: GOP is misguided on approach to Scalia replacement](#) (*Times Daily [AL]*, 02/19/16)

"The prevailing GOP position on the replacement of U.S. Supreme Court Justice Antonin Scalia is a reminder that opposition to President Barack Obama is blind, not reasoned. It also suggests GOP politicians are so obsessed with short-term political goals that they are making unwise strategic decisions.... GOP politicians increasingly are recognized by the public as obstructionists — as “the party of no.”... Understand how bizarre this position is. They have no idea who Obama will nominate. Indeed, because Obama knows his nominee must receive approval from a GOP-controlled Senate, he may well select a nominee who is moderate, or who received GOP support when appointed to a lower court. But GOP senators and other GOP leaders believe it is in their interest to oppose Obama blindly. Not only does such obstructionism hurt the nation, it suggests GOP politicians are so focused on placating their anti-Obama base that they are willing to sacrifice long-term goals.... it also could result in a Supreme Court that remains dominated by liberals for several presidential cycles to come."

[EDITORIAL: GOP misguided on Scalia replacement](#) (*Decatur Daily [AL]*, 02/19/16)

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[Editorial: What the Senate should do](#) (*Anniston Star [AL]*, 02/15/16)

"With history as our guide, replacing a Supreme Court justice normally takes about two months or less.... Sen. Mitch McConnell, R-Ky., announced Saturday that no replacement for Scalia would be considered until President Obama is out of office. ... Obama ... announced over the weekend that he will indeed fulfill his constitutional obligation and submit a nominee to the Senate. For those wondering, Obama will remain president for another 11 months, which is a long time for the high court to be without its ninth justice.... The grown-up world of governing a great country demands more than hyper partisans making everything a political game. This is the world of should, where statesmen take their responsibilities to the Constitution and the nation seriously. Here, the Senate is free to put a nominee through the vetting process and then allow a majority of senators to either reject or appoint him or her. By making a preemptive rejection of any nomination made by Obama, McConnell has done the Senate, his political party and the nation a disservice."

[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."

ALASKA

[KDM Editorial: No room people in parties](#) (*Kodiak Daily Miner [AK]*, 02/26/16)

"Last Thursday, the Daily Mirror reported that Sen. Lisa Murkowski wanted the Senate to carry out its normal "advise and consent" function with the appointment of Justice Antonin Scalia's replacement on the Supreme Court. One day later, we had to report that she changed her stance and now backs the play of Senate Majority Leader Mitch McConnell and Judiciary Committee Chair Sen. Charles Grassley to block any appointment by President Barack Obama. "If POTUS ignores precedent, I believe extraordinary circumstances give the Senate every right to deny the nominee an up or down vote," Murkowski wrote, but she didn't say what would be so tragic about holding that hearing and taking that vote....McConnell said the people should get a chance to vote for president first — as if we didn't do that in 2012.... Why can't the Republicans use their majority to make the president pick a centrist?"

[EDITORIAL: Senate should hear nominee: Supreme Court vacancy no call for unprecedented breakdown of process](#) (*Fairbanks Daily News-Miner [AK]*, 02/19/16)

"But having the right to deny a hearing doesn't make denying a hearing right. While there are a few cases in which a Supreme Court nominee in a presidential election year has been rejected by a Senate vote, denying a hearing would be unprecedented in American history.... To refuse to even entertain nominees in a hearing and leave a court seat open for a year or more is a serious dereliction of responsibility. Whether or not President Obama is able to put forth a nominee who will pass muster with Republicans, the process should be allowed to run its course. The American people deserve a government that works, not one in which each party declares it will sabotage the machinery of state when put in a political bind."

ARIZONA

[Beware GOP's revisionist history](#) (*Kingman Daily Miner [AZ]*, 02/22/16)

"Republicans who started the whole "Obama should leave this for the next president" push really went over the edge.... the Constitution is pretty explicit ... Notice that word "shall." ... What it does mean is this: "Make it so." You "shall" do this. It's your job. It is your duty, Mr. President, to nominate someone to fill a vacancy on the Supreme Court. And it is your duty, senators, to give that nominee the full, objective scrutiny that such an august appointment deserves. And it is also your duty to put political chicanery aside and assess this candidate on his or her merits, because America is watching."

[EDITORIAL: Fast uproar in wake of Scalia's death was shameful](#) (*Yuma Sun [AZ]*, 02/19/16)

"The Constitution notes that it's the job of the president to nominate the next justice, which has drawn protests from some who feel that the next president should handle the task. It is terribly unsettling how fast people jumped into the fray and said they would not support an Obama nominee, before one was even suggested."

[EDITORIAL: Nomination deserves to go forward](#) (*Arizona Daily Sun*, 02/18/16)

"[T]he checks and balances in the Constitution call for a timely presidential nomination and a fair hearing and up-or-down vote in the Senate. A lifetime appointment means a new justice will not just serve during the tenure of this president or even the next one but potentially those in office several decades from now. A new president next year would have no more legitimate claim to shaping the makeup of the court 20 years from now than the current one. It's also likely that the same hyperpartisanship at work in the presidential election will shape the type of nominee that President Obama will send to the Senate. Only a jurist of moderate legal views is likely to have a chance at piercing the initial obstructionism displayed by Republicans"

Editorial: A stalling senate does the country a disservice (*Eastern Arizona Courier*, 02/17/16)

"Senate Republicans are threatening a mini-shutdown.... Senate Republicans are threatening to block any Supreme Court nomination brought forward by President Obama The Constitution is clear — the president is to nominate a new justice to the Supreme Court when a vacancy occurs.... it's time to do the job for which the senators were elected. Senators should vote their conscience and, if they truly believe a nominee is not qualified to sit on the bench, they should vote against confirmation. But they must hold hearings and vote."

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: Our View: McConnell's calculated risk could be a blunder (*Victorville Daily Press [CA]*, 02/27/16)

"It's hard to believe anyone actually could advise Kentucky Sen. Mitch McConnell to do what he did last week. McConnell, the Senate majority leader, told America the Senate would hold no confirmation hearings for a Supreme Court nominee this year. Any nominee. Period.... Republicans are painting themselves in the corner for no reason. McConnell should have just said we will see who Obama nominates and go from there.... Wouldn't it have been better to work with Obama to try to agree on a more moderate nominee?"

EDITORIAL: Expect more, get far less (*Santa Maria Times [CA]*, 02/27/16)

"Republicans want Obama to wait until the next president is chosen in November, and let whomever ascends to the Oval Office make the choice for a Supreme Court justice. ... A handful of Republicans agree that Obama should exercise this prerogative, because there is plenty of historical evidence that this is what presidents have a responsibility and a right to do, including Republican presidents in recent years. In fact, Sen. Mitch McConnell, one of the GOP's chief line-in-the-sand architects, voted to confirm a justice in Ronald Reagan's final months in office. Apparently, the subtleties of hypocrisy are lost on some members of Congress. Pause Current Time 0:00 / Duration Time 0:00 Loaded: 0%Progress: 0%0:00 Fullscreen 00:00 Unmute President Obama will do what he will do, and despite the GOP majority in both houses of Congress, he has a great deal of political leverage on his side.... we hope President Obama sees the need to make the Supreme Court more representative of all of this nation's citizens.... the realities of a do-nothing Congress are real, and in no way do they promote the best interests of a great nation."

EDITORIAL: Expect more, get far less (*Lompoc Record [CA]*, 02/27/16)

"There was a story recently of a man in Spain who didn't show up at his job for six years it seems a fitting metaphor for our U.S. Congress, many of whose members actually do show up for work, but never do anything — except whine and complain about the other political party.... Republicans want Obama to wait until the next president is chosen in November, and let whomever ascends to the Oval Office make the choice for a Supreme Court justice. ... Sen. Mitch McConnell, one of the GOP's chief line-in-the-sand

architects, voted to confirm a justice in Ronald Reagan's final months in office. Apparently, the subtleties of hypocrisy are lost on some members of Congress.... we hope President Obama sees the need to make the Supreme Court more representative of all of this nation's citizens."

[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: The GOP wall of Supreme Court nomination obstruction is showing cracks](#) (*Los Angeles Times*, 02/19/16)

"Despite McConnell's assertion that the next president should get to fill the vacancy, some Republican senators have indicated that they might be open to hearings on an Obama nominee — a scenario Senate Judiciary Committee Chairman Charles Grassley refused to rule out — and others said they might be willing to hold a vote. Meanwhile, retired Justice Sandra Day O'Connor — a Ronald Reagan appointee who was a Republican politician before she ascended the bench — said unequivocally that Obama should make a nomination. "We need somebody in there to do the job and just get on with it," O'Connor added. We hope the wall will continue to crumble. Continued defiance by the Republicans is not only counter to the letter and spirit of the U.S. Constitution, but it would harm the court in two ways. The obvious short-term harm inflicted by delay would be to deny the court the full complement of justices necessary to resolve important legal issues, creating the possibility of 4-4 votes that would resolve particular cases but not set national precedents. But a prolonged vacancy caused by partisan obstruction would also hurt the court more deeply by reinforcing the impression that the justices are politicians in robes.... The notion that Republicans are justified in failing to consider an Obama nominee just because the president is in his last year of office is laughable."

[PD Editorial: Blocking the path to the courthouse](#) (*Press Democrat [CA]*, 02/18/16)

"McConnell, as anyone following the news knows, is espousing a radically different view regarding the present vacancy on the U.S. Supreme Court. His pronouncement a few hours after the death of Justice Antonin Scalia that the Senate won't consider any nomination by President Barack Obama has ignited a political war that can only fuel a growing concern that the courts are becoming another partisan branch of government. And the nation's highest court isn't the only one being degraded by the crass politicization of the judicial confirmation process. Since the Republicans assumed control last year, the Senate has confirmed just two Obama nominees to any U.S. Circuit Court of Appeals.... four of President George W. Bush's circuit court nominees were confirmed during his final year in office, as were eight of President Bill Clinton's nominees, 10 of President George H.W. Bush's nominees and seven of President Ronald Reagan's nominees. A Democratic-controlled Senate confirmed Reagan's final appeals court appointees barely three weeks before the 1988 election.... Republican senators haven't signed off on anyone Obama suggested for a circuit court judgeship since the 2014 election."

[Editorial: Breathe deeply, vote on Supreme Court nominee's merits](#) (*Sacramento Bee [CA]*, 02/17/16)

"Obama has several potential nominees. One is Jane L. Kelly, a judge on the 8th U.S. Circuit Court of Appeals. The Senate confirmed her appointment to the appellate court by a 96-0 vote in 2013. Cruz and

Rubio voted for her confirmation, and Grassley praised her on the Senate floor.... Another potential nominee is Srikanth Srinivasan, who sits on the U.S. Court of Appeals for the District of Columbia Circuit.... A third option – and there are others – would be Adalberto J. Jordan, a judge on the 11th U.S. Circuit Court of Appeals."

[Editorial: Obama should nominate judge](#) (*Porterville Recorder [CA]*, 02/17/16)

"But, this talk that the president, who is in his last year of his presidency, should not make an appointment is ludicrous. That argument may hold some water if this was July or August, but not in February. There is plenty of time for the president to make a selection and for the Senate to act, Obama should and must do his job. So should the Senate. The process has worked for more than 200 years. It should continue."

[PD Editorial: Waiting to fill high court vacancy would be a dereliction of duty](#) (*Press Democrat [CA]*, 02/16/16)

"But naming his successor should not be the task of the next president. It is the constitutional obligation of those now serving in the White House and on Capitol Hill to fill this vacancy. To defer, while catering to the wishful expectations of those hoping for a wholesale shift in political power come November, would be a dereliction of duty. It also would be a break from precedent. Despite the contentions of some who support McConnell's views, history is replete with examples of lame-duck presidents who have filled high-court vacancies and struggles to find examples of those who shirked such an obligation. President Woodrow Wilson, for example, filled two Supreme Court vacancies during his final year in office in 1916,... Even in times of divided politics, Supreme Court vacancies were filled. Kennedy himself was confirmed during an election year by a Democratic-controlled Senate Moreover, the nation can't afford to wait. ... The potential for 4-4 deadlocks is high. The next president won't be sworn in until January and, most likely, would need time to make a nomination. Thus, heeding the advice of McConnell and others would require leaving the seat vacant for a year or more. It doesn't take a strict constructionist to see that that is not what our founders had in mind."

[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: Our View: Antonin Scalia's legacy more than just the law](#) (*Merved Sun-Star [CA]*, 02/15/16)

"Senate Republican Leader Mitch McConnell and the Republican presidential candidates said President Barack Obama should ignore his Constitutional duty and not nominate a replacement. They're wrong. Obama was re-elected in 2012 and should carry out his Constitutional duties until the next president is inaugurated Jan. 20, 2017. Scalia would be the first to acknowledge that."

[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: Scalia would want senators to do their job](#) (*Ventura County Star [CA]*, 02/15/16)

"If, as promised, President Obama nominates a replacement for Supreme Court Justice Antonin Scalia, the U.S. Senate should hold hearings and then vote on whether to consent to the appointment. That would be fulfilling its constitutional duties. There is nothing in the Constitution that gives the Senate the wiggle room

to obfuscate and delay the vote simply because it wants to wait until a new president is inaugurated in the hopes it will be a Republican."

[EDITORIAL: U.S. Senate should vote on Obama nominee's merits](#) (*Sacramento Bee [CA]*, 02/15/16)

"President Barack Obama has a duty to nominate the most qualified person he can find to replace Justice Antonin Scalia. Politics are on the president's side Sen. Charles Grassley, R-Iowa, the chairman of the Judiciary Committee, strained historical reality by saying Supreme Court justices traditionally are not confirmed during presidential election years. President Ronald Reagan nominated Justice Anthony Kennedy in November 1987, and the Senate confirmed him in February 1988, the year George H.W. Bush won the presidency. Obama has several potential nominees. One is Jane L. Kelly, a judge on the 8th U.S. Circuit Court of Appeals. The Senate confirmed her appointment to the appellate court by a 96-0 vote in 2013. Cruz and Rubio voted for her confirmation, and Grassley praised her on the Senate floor.... Another potential nominee is Srikanth Srinivasan, who sits on the U.S. Court of Appeals for the District of Columbia Circuit. Srinivasan was born in India, clerked for Justice Sandra Day O'Connor – a Reagan appointee – and worked in the Solicitor General's Office under Presidents George W. Bush and Obama. Grassley called him "talented" and "impressive" and the Senate confirmed his appointment 97-0. Cruz and Rubio voted for his nomination. A third option – and there are others – would be Adalberto J. Jordan, a judge on the 11th U.S. Circuit Court of Appeals. Like Rubio and Cruz, Jordan is a Cuban-American. In 2012, Rubio presented Jordan to the full Senate, saying he was "obviously honored and proud" to introduce him. The Senate proceeded to confirm him 94-5.... Senators should see there is much to gain by acting on the president's qualified nominee."

[EDITORIAL: Mourn Scalia, and appoint a replacement now](#) (*Daily Democrat [CA]*, 02/15/16)

"We'd also like to see under consideration California Chief Justice Cantil-Sakauye. She was sworn into office on Jan. 3, 2011 and is the first Asian-Filipina American and the second woman to serve as the state's chief justice. She was nominated to office in July 2010, unanimously confirmed by the Commission on Judicial Appointments in August 2010, and approved by voters in the November 2010 general election. At the time she was nominated as Chief Justice, she had served more than 20 years on California trial and appellate courts, including six years on the Court of Appeal, Third Appellate District, in Sacramento. As Chief Justice she also chairs the Judicial Council of California, the administrative policymaking body of state courts, and the Commission on Judicial Appointments. Those who have met Cantil-Sakauye come away impressed not only by her legal knowledge, but graciousness as well. We think she would work well with the other justices on the high court and certainly be a welcome change from Scalia contentiousness. Speculation aside, however, it would be irresponsible for Obama not to appoint. It is his job as president — an office he won twice with clear majorities of the popular vote. Delaying an appoint on hopes of a Republican presidency is a disservice to our nation's judicial system."

[Editorial: Seat Left by Scalia Must Be Filled; The operation of the Judiciary branch might be damaged if the Senate leaves the appointment for the next President](#) (*La Opinión [CA]*, 02/15/16)

"Undeniably, the Senate's blocking announced by Majority Leader Mitch McConnell and Judiciary Committee Chair Chuck Grassley is an act of political partisanship and nothing more. ... The irony of this world turned upside-down is that those who categorically disregard the Constitution, as in this case, are the ones accusing the President of disrespecting it."

[EDITORIAL: Our View: Antonin Scalia's legacy more than just the law](#) (*Modesto Bee [CA]*, 02/15/16)

"Saturday, Senate Republican Leader Mitch McConnell and the Republican presidential candidates said President Barack Obama should ignore his Constitutional duty and not nominate a replacement. They're wrong. Obama was re-elected in 2012 and should carry out his Constitutional duties until the next president is inaugurated Jan. 20, 2017. Scalia would be the first to acknowledge that."

[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: President Obama should nominate a justice for the Supreme Court](#) (*San Gabriel Valley [CA] Tribune*, 02/15/16)

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[Editorial Nominating Supreme Court justices is Obama's job. Let him do it.](#) (*Los Angeles Times*, 02/14/16)

" Senate Majority Leader Mitch McConnell announced that the Senate wouldn't act on any replacement proposed by President Obama.... This is self-serving sophistry. The American people do have a voice in any nomination Obama makes. They "spoke" when they elected him to a second term that has 11 months remaining. His authority to nominate Supreme Court justices is no more diminished by his supposed lame-duck status than any of his other constitutional powers. The Senate also has a constitutional duty: to consider presidential nominees expeditiously. A long vacancy is undesirable in part because a court comprised of only eight members raises the possibility of 4-4 decisions that, while they affirm a lower court's decision, don't create a national precedent. The obstructionism being threatened by Senate Republicans is outrageous. ... there is no truth to the idea that Supreme Court nominations in an election year have an inferior status. ... Justice Anthony M. Kennedy, for example, was confirmed in 1988.... If Obama's eventual choice resembles the impressive judges he has appointed to the U.S. Court of Appeals for the District of Columbia Circuit, it will be hard for Republicans in the Senate to denounce that nominee as a radical. Republicans will still have the option of opposing the nominee, but if their only rationale is that they don't want to confirm an appointment by a Democratic president, their partisanship and disrespect for the court will be blatantly obvious.... election-year partisanship should not prevent either the president or the Senate from doing their respective duties. After consulting with the Senate, Obama should nominate a successor for Scalia who commands broad respect; Republicans in the Senate should then give him or her fair consideration and an up-or-down vote."

[Mercury News editorial: Mourn Scalia, and appoint a replacement now](#) (*San Jose Mercury News [CA]*, 02/14/16)

"Should Obama appoint a replacement? Or course he should. And he will, he says. If he finds, as we suspect, an impeccably qualified candidate with a record of adhering to law, precedent and, yes, the Constitution when it is still relevant (remember that blacks were once considered 3/5 of a person?), the burden will be on the Senate to reject him or her. Nine months is a long time for this court to run with an even number of members and no tie-breaking vote, with decisions on abortion and other divisive issues pending. It would be irresponsible for Obama not to appoint. It is his job as president -- an office he won twice with clear majorities of the popular vote"

[**Editorial: Death of Justice Scalia, a giant on Supreme Court, clarifies stakes in election**](#) (*Fresno Bee [CA]*, 02/14/16)

"Scalia's passing leaves the court in a quandary. Any 4-4 decisions would provide no precedent and lower court decisions would be left to stand.... Senate Republican leader Mitch McConnell, echoed by the Republican presidential candidates debating in South Carolina, said President Barack Obama should not nominate a replacement and should leave that decision to the next president. They are wrong. Obama was elected to serve until the next president is inaugurated Jan. 20, 2017, and should do so. As a student of the Constitution, Scalia would be the first to acknowledge that. But the justice's passing does make clear the stakes in the coming election, which are higher than ever. As Scalia taught us all, a president's Supreme Court appointments are among his or her most lasting legacies."

[**EDITORIAL: Supreme Court hangs in the balance after Antonin Scalia's death**](#) (*San Francisco Chronicle [CA]*, 02/14/16)

"It would be negligent for Obama to defer the selection to his successor. After all, consider that the inauguration of the 45th president is 11 months away, and the process of vetting and confirming a nominee can take a few months or more, especially in the partisan vitriol of modern Washington. The court would very likely become deadlocked on important cases awaiting a final resolution.... The vacancy on the court raises the stakes of the 2016 election at multiple levels. It is certain to become an issue in U.S. Senate races, especially for incumbent Republicans who need to attract moderate support. It already is front and center in the presidential campaign. This is about to become a test of the nation's ability to transcend partisanship on a decision of enormous consequence for the future of rights embedded and implied in the Constitution."

[**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."

[**EDITORIAL: Antonin Scalia, a giant, dies, clarifies stakes in 2016**](#) (*Sacramento Bee [CA]*, 02/14/16)

"Scalia was confirmed by 98-0 vote in September 1986. ... Any 4-4 decisions would provide no precedent and lower court decisions would be left to stand. Among the cases pending or wending their way to the high court are ones that could unravel the world's tenuous climate change agreement and restrict abortion rights. On Saturday, Senate Republican Leader Mitch McConnell, echoed by the Republican presidential candidates debating in South Carolina, said President Barack Obama should not nominate a replacement, and should leave that decision to the next president. They are wrong. Obama was elected to serve until the next president is inaugurated Jan. 20, 2017, and should do so. As a student of the Constitution, Scalia would be the first to acknowledge that."

[**Editorial: Scalia pushed the court to the right. Will Obama have the chance to push it back?**](#) (*Los Angeles Times*, 02/13/16)

"Republicans are already arguing that the choice of Scalia's successor should be left to the president who will be elected in November. ... That is an irresponsible position. Leaving a Supreme Court seat vacant for a significant part of two court terms just because the president is in his last year of office is cynical and

transparently partisan, founded on the hope that the election will deliver a Republican president who'll pick a more conservative jurist than President Obama would. For his part, Obama said Saturday that he will fulfill his constitutional obligation to offer a qualified nominee to fill this vacancy "in due time." And the Republican-controlled Senate has an equal obligation to give that nominee full, fair and expeditious consideration — and an up-or-down vote."

COLORADO

[Editorial: Anatomy of a farce](#) (*Daily Camera [CO]*, 03/12/16)

"Senate Republicans make proclamations of their own — namely, that they will ignore their constitutional responsibility under Article II, Section 2 to consider presidential nominations to the U.S. Supreme Court.... But when Republicans are so transparently dishonest and self-serving to combine pieties about the Constitution with a refusal to do their jobs under the Constitution, they become cartoon characters."

[EDITORIAL: Gardner wrong on SCOTUS demand](#) (*Montrose Daily Press [CO]*, 02/19/16)

"The issue: Making a political football out of naming a nominee to the U.S. Supreme Court, which was designed to be apolitical, is a new low in partisan bickering. Our view: The U.S. Constitution makes it clear it is the prerogative of the President to nominate individuals to the Supreme Court when a vacancy occurs. It is the Senate's duty to confirm or reject."

[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."

[Editorial: GOP shouldn't rule out Senate vote on Obama's nominee to replace Scalia](#) (*Denver Post [CO]*, 02/17/16)

"Yes, they should hold hearings — unless the president appears to be making a purely political statement with his appointment. Instead, many senators ruled out even considering a nominee this close to an election. Thankfully, a few GOP senators seem to be rethinking the idea that a Senate vote on a Supreme Court nominee is inconceivable this year. ... what if Obama chooses someone who at least appears to have a moderate record and who might not swing the court wildly to the left? ... Of course he should nominate someone. And if Republicans end up opposing the nominee, they should forthrightly tell Americans why that is the case."

[EDITORIAL: Supreme Court: Both the president and the Senate have a duty to act on the vacancy left by Scalia](#) (*Durango Herald [CO]*, 02/16/16)

"Some have said no nominee should be confirmed in an election year or in a president's last year, but that is neither law nor tradition. Justice Anthony Kennedy was confirmed in 1988 – Ronald Reagan's last year in office and an election year. If senators do not like whomever Obama nominates, they can vote no. To refuse to participate, however, is wrong and unconstitutional. The excuse is that the American people should have a chance to weigh in on the direction the court should take. But the people have had chances to affect the makeup of the Supreme Court. And they twice elected Obama.... Refusing to consider a nominee could backfire politically as well. ... When he thought the Senate slow to act on a confirmation, President Ronald Reagan said, "Every day that passes with a Supreme Court below full strength impairs the people's business in that crucially important body."

CONNECTICUT

EDITORIAL: Our View: GOP stance on Scalia replacement a disgraceful dereliction of duty (*Norwich Bulletin [CT]*, 02/20/16)

"[T]he people already had their say — they re-elected Obama in 2012. Moreover, the Constitution attaches no conditions to the Senate's obligation to give nominees due consideration.... The Senate is, however, bound to offer advice and consent during the process, and a plain renunciation of that duty — that is, until such time as it may be more politically expedient — is heretical to the constitutional orthodoxy espoused by so many conservatives. Therein is hypocrisy revealed The Senate's avowed intent to shirk its responsibility, therefore, threatens the ability of the nation's highest judiciary body to execute its function and render judgment"

EDITORIAL: Stormy months ahead following death of Scalia (*Record Journal [CT]*, 02/18/16)

"President Barack Obama, who has already said he intends to fulfill his responsibility. Now the Senate should do its job of considering Obama's nominee.... we do perceive at least one bright spot: the fact that Lindsey Graham of South Carolina, a major Republican voice on the Senate Judiciary Committee, voted to approve both of Obama's previous Supreme Court nominees, Elena Kagan and Sonia Sotomayor — not because he agreed with them on many issues (he didn't) but because "President Obama won." Because "The Constitution, in my view, puts an obligation on me not to replace my judgment for his ..." In short, because "Elections have consequences." We agree."

EDITORIAL: Scalia's successor: How will the Senate react? (*Journal Inquirer [CT]*, 02/17/16)

"Senate Majority Leader Mitch McConnell immediately announced that the selection of Scalia's successor should not be made until after the presidential election in November. Of course this would be in violation of the Constitution. McConnell's remarks should eliminate any doubt that the Republican leader looks upon the Supreme Court as an appendage of his conservative philosophy.... Obama has rightfully said he will nominate a replacement for Scalia. He has every right to do so and should do so. McConnell should be willing to judge the nominee on his or her merits as a legal scholar and an upholder of the theory of stare decisis"

Editorial: Obama, Senate Should Not Wait to Fill Scalia Vacancy (*Connecticut Law Tribune*, 02/16/16)

"Suggestions that President Barack Obama should not fill the vacancy left by U.S. Supreme Court Justice Antonin Scalia's death and that the Senate should not confirm anyone should be rejected. Senators and presidential candidates who have offered these suggestions should know better. The Constitution is clear (as the originalist in Scalia himself would have appreciated): presidents are elected for four-year terms, not three. Article II, Section 1 states: "He shall hold his office during the term of four years." Article II, Section 2, Clause 2 provides that "he shall nominate, and by and with the advice and consent of the Senate, shall appoint ... judges of the Supreme Court." A president has no more power to disregard that duty than he can disregard his constitutional role as commander in chief. The framers did not use "shall" when they meant "may."... Those who argue that the Scalia vacancy should remain unfilled also disregard the fact that the public business cannot simply be put on hold for a year....Another undesirable result of leaving the court bobtailed for a substantial period is that it makes it even tougher for petitioners to thread the certiorari needle. It is hard enough with a nine-member bench to assemble the four votes needed to grant certiorari; requiring four votes out of eight is even harder."

EDITORIAL: American Original (*Hartford Courant [CT]*, 02/14/16)

"America is the poorer for his loss. There should be no delay in filling the vacancy created by Justice Scalia's death. President Obama should nominate a new justice in a timely manner. Any attempts by the Republican-led Senate to stall action would amount to intolerable political meddling."

EDITORIAL: Senate should act to fill court vacancy (*The Day [CT]*, 02/15/16)

"The Republican-controlled U.S. Senate should not for political expediency shirk its constitutional responsibility. President Obama said he will nominate a candidate to replace the late Justice Antonin Scalia. The Constitution makes clear it is then the job of the Senate to provide its "Advice and Consent" by either affirming the nomination or rejecting it.... Refusing to act on an Obama nomination would disenfranchise the 65,915,796 Americans who voted to re-elect the president and renew his power of appointment. ... The nation needs a functioning Supreme Court.... President Obama should nominate a judicial moderate who

received substantial Senate support from Republicans in his or her prior appointment to a federal bench seat. If Obama fails to do this, and Republicans conclude he is offering a justice far outside the judicial mainstream, they can withhold consent – but they should act."

DISTRICT OF COLUMBIA

[EDITORIAL: The Post's View: Senators, do your job and vote on the next Supreme Court](#)

[nominee](#) (*Washington Post*, 02/15/16)

"THIS ONE shouldn't be complicated. The fourth year of President Obama's four-year term has just begun. Senators are elected to six-year terms, and all of them have at least 11 months still to serve. The death of Justice Antonin Scalia has created a vacancy on the nine-member Supreme Court. The Constitution tells the president to nominate justices and senators to confirm or reject those nominees. Yet within hours of Justice Scalia's passing, Senate Majority Leader Mitch McConnell (R-Ky.) had declared that the Senate will not do its job.... The issue is whether the Senate will continue its downhill slide toward politicization of judicial nominations or seize an opportunity to regain some respect as a deliberative, constitutional body.... Obama should nominate the best qualified person he can find, not one chosen for maximum political advantage. Then senators should insist that they be given the opportunity to do what their states elected them to do: evaluate the nominee fairly, and vote aye or nay."

FLORIDA

[EDITORIAL: The stance by McConnell an insult to voters](#) (*Northwest Florida Daily News*, 03/12/16)

"Majority Leader Mitch McConnell continues to maintain that the Senate will not even consider — let alone meet with — anyone nominated by President Barack Obama, whose second, four-year term doesn't end for another 10 months."

[OUR VIEW; Editorial: An insult to the nation's voters](#) (*Ocala Star Banner [FL]*, 02/29/16)

"The chief executive shall — not may — nominate and appoint Supreme Court justices with the advice and consent of the Senate. Yet Senate Majority Leader Mitch McConnell continues to maintain that the Senate will not even consider — let alone meet with — anyone nominated by President Barack Obama, whose second, four-year term doesn't end for another 11 months.... it's a slap in the face to the majority of voters who cast ballots for Obama, who has twice been elected nationwide. Furthermore, it is not backed by the Constitution or precedent."

[EDITORIAL: Dereliction of duty on Capitol Hill](#) (*Miami Herald*, 02/27/16)

"Remember when Sen. Mitch McConnell, the Republican leader in the Senate, vowed to demonstrate that his party could actually govern rather than merely obstruct? Apparently, neither does Sen. McConnell.... The refusal to even consider a nominee to replace the late Antonin Scalia on the Supreme Court — any nominee — is unprecedented, no matter how you spin it. The president has nearly a year left in his tenure. He's no lame duck. And we're not buying the "let the people decide" line. The Constitution assigns the duty to nominate a justice to the president, and it vests the Senate with the duty to give advice and consent. That is how the system works — or rather, how the system was supposed to work before Sen. McConnell and his colleagues decided otherwise. They won't even offer the eventual nominee the traditional courtesy meeting."

[Editorial: McConnell's stand is an insult to voters; Senate leader, not Obama, causes a bitter](#)

[struggle](#) (*Sarasota Herald-Tribune [FL]*, 02/25/16)

"Article II, Section 2, of the U.S. Constitution states that the president ... shall — not may — nominate and appoint Supreme Court justices with the advice and consent of the Senate. Yet Majority Leader Mitch McConnell continues to maintain that the Senate will not even consider — let alone meet with — anyone nominated by President Barack Obama, whose second, four-year term doesn't end for another 11 months.... What's more, McConnell has sought to blame Obama in advance if he does his duty.... The ACS described McConnell's refusal to consider a nomination — no hearings, no filibusters, no nothing — as unprecedented. That description is accurate."

[EDITORIAL: Battle begins over Scalia successor](#) (*Jackson County Floridian*, 02/17/16)

"The suggestion that filling the vacancy on the high court be postponed "until we have a new president" – in

January 2017 – lacks precedent; history has seen several Supreme Court nominations during presidential election years, the most recent of which resulted in the Democratic-controlled Senate’s near unanimous confirmation of Republican President Reagan’s nominee Anthony Kennedy in 1988. Senate Republicans are wrong to issue a blanket threat to impede the president’s constitutional mandate to nominate a successor to the court, and taints the process with acrimonious partisanship by assuming that the GOP will retain control of the Senate and regain control of the White House in November. Let us mourn Justice Scalia properly, and allow the nomination process to proceed as the Constitution requires."

[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."

[EDITORIAL: Sen. Mitch McConnell's act of contempt](#) (*Miami Herald*, 02/16/16)

"Justice Scalia had just died, yet already the majority leader from Kentucky had declared that the Senate did not want to fulfill its constitutional duty to vote on a nominee for the highest court in the land this year. There is no point in decrying the politicization of the judicial system in recent times. That ship sailed long ago. But it’s one thing for lawmakers explicitly tasked by the Constitution to offer “advice and consent” to nominees for “judges of the Supreme Court” (Art. II, Sec. 2) to decide against someone for any reason, or none at all — and quite another to say they’re not disposed to consider anyone named by the sitting president.... This position insults the president, the court, Justice Scalia, the political process — and, most of all, the Senate itself. Fortunately, Mr. Obama is not inclined to abandon his constitutional duty.... McConnell’s rush to deny the president’s right to nominate a replacement gives the lie to his claim that Republicans are not obstructionists, that they can manage the Senate responsibly. Without considering a replacement this year, political objection becomes pure obstructionism. It also obstructs the work of the Supreme Court, which can be expected to produce 4-4 tie votes in the absence of a ninth justice, probably for two terms if no one is approved this year.... There is ample precedent for approving a new justice in the last year of a presidency. It

happened in 1988 with the nomination of Justice Anthony Kennedy by Ronald Reagan. But there is no precedent for the Senate forfeiting its duty."

[Editorial: Appoint and advise; In replacing Scalia, Senate should do its constitutional duty](#) (*Sarasota Herald-Tribune [FL]*, 02/15/16)

"The Constitution states explicitly that the president shall appoint justices to the Supreme Court, and that the Senate shall "advise and consent" regarding those appointments. The document whose wording Scalia revered makes no allowance for vacancies that occur during an election year, or for appointments made by a president from one party and their consideration by a Senate controlled by another. On the contrary, the Constitution, ample precedent and the responsibility of our elected leaders are clear in this case: President Obama should appoint a successor to Scalia, and the Senate should hold confirmation hearings and vote on the nominee. It is Senate Majority Leader Mitch McConnell's statement — that "this vacancy should not be filled until we have a new president" — which is a radical departure from legal and historic precedent. That McConnell would let his partisan Republican interests outweigh his constitutional duty and affect the deliberations of the nation's highest court is unconscionable in February 1988 — another presidential election year — Republican President Ronald Reagan appointed Anthony Kennedy to the Supreme Court, and a Democratic-controlled Senate approved him 97-0. Scalia himself, a staunch conservative, was appointed by Reagan in the summer of 1986 — a closely contested congressional election year, in which Democrats would take control of the Senate. Scalia was unanimously approved on Sept. 17 — before the election — 98-0.... If McConnell keeps his vow to wait "until we have a new president," that Supreme Court seat will remain vacant for well over a year.... We hope that more moderate members of the Senate and the Republican Party prevail upon McConnell to reconsider his stand and let the constitutional process go forward. Scalia would surely approve."

[EDITORIAL: Scalia provoked in life — and death](#) (*Miami Herald*, 02/15/16)

"Republicans are already arguing that the choice of Scalia's successor should be left to the president who will be elected in November. That is an irresponsible position. Leaving a Supreme Court seat vacant for a significant part of two court terms just because the president is in his last year of office is cynical and transparently partisan, founded on the hope that the election will deliver a Republican president who'll pick a more conservative jurist than President Obama would. Obama said that he will fulfill his constitutional obligation to offer a qualified nominee to fill this vacancy "in due time." And the Republican-controlled Senate has an equal obligation to give that nominee full, fair and expeditious consideration — and an up-or-down vote."

[Editorial: Obama should nominate Scalia's successor](#) (*Tampa Bay Times [FL]*, 02/15/16)

"U.S. Supreme Court Justice Antonin Scalia's death creates a new partisan fight in Congress and raises the stakes for the presidential election. It does not change the clear intent of the Constitution. President Barack Obama has a duty to nominate Scalia's successor, and the Senate has the responsibility to decide whether to confirm that nomination. To stall and wait for the next president to take office in January would be the wrong approach for the court, the nation and democracy.... There is no common practice for delaying action on Supreme Court vacancies in election years. Supreme Court vacancies have occurred in an election year just twice in the last 80 years, and both times the president nominated someone to fill the vacancy. Yet within hours of the announcement of Scalia's death Saturday, Republicans were demanding a timeout until a new president takes office.... That obstructionist approach would be bad for justice and bad politics.... The vacancy likely would last more than a year, and that could leave the court effectively paralyzed on any number of important issues. The nation deserves a fully functioning court and finality on the cases before it. Obama plans to nominate Scalia's successor, and he should nominate someone well-qualified who would be viewed as a moderate candidate. Sri Srinivasan and Merrick Garland, both judges on the U.S. Court of Appeals for the District of Columbia Circuit, have been mentioned as two possibilities. Here's another suggestion: Judge Charles Wilson, a Florida native and former U.S. attorney in Tampa now serving on the U.S. Court of Appeals for the 11th Circuit.... the Senate should vote to confirm or reject whomever Obama nominates based on the merits."

IDAHO

EDITORIAL: Supreme Court nomination is a constitutional act (*Idaho Mountain Express*, 02/17/16)

"President Obama says he will nominate someone to fill the now-vacant seat, as is his constitutional right and duty. Republicans in the Senate, however, are asserting that they will accept no nominee that this duly elected president puts forward. The unprecedented advance rejection by Senate leaders of all possible nominations in advance amounts to nullification of the Constitution's second article. Obama should nominate whomever he wants. The Senate should give that nominee a fair hearing and then bring the nomination forward for a vote. Anything else violates Scalia's constitutional view."

ILLINOIS

Editorial: Profiles in cowardice (*Journal Star [Peoria, IL]*, 02/27/16)

"The most worthless Congress in memory became more so last week, with Senate Republicans doubling down on their decision not to even hold hearings for any Obama nominee to the U.S. Supreme Court to fill the Scalia vacancy.... Even as awful as Congress is, it's not often that its members combine dereliction of constitutional duty (see Article II, Section 2) — with political cravenness (the aversion to tough decisions in an election year) in one fell swoop, but so Senate Republicans have here. Not only have they unconstitutionally changed a president's term from four to three years, not only are they renouncing their "advice and consent" role, not only are they effectively suggesting the Constitution be amended to popularly elect Supreme Court justices, but even more "lame" are the lengths Republicans went to in order to rationalize their decision."

Editorial: Kirk snapped at from the right in GOP Senate primary (*Chicago Sun Times*, 02/26/16)

"Kirk is cautious by nature. He hemmed and hawed for a week earlier this month before taking a stand in favor of Senate confirmation hearings for a President Obama nominee to the Supreme Court. But he took the right stand."

Editorial: The Senate and the Supreme Court (*Chicago Tribune*, 02/26/16)

"Obama is fully entitled to name a replacement — and the Senate is fully entitled to hold hearings, argue over the nomination and accept or reject it. ... What's the downside of affording Obama's candidate the full treatment before deciding his or her fate? ... But there's no harm in conducting a full review of the nominee's record and subjecting him or her to hours of questioning about constitutional and legal issues. ... Stonewalling, by contrast, makes McConnell & Co. look mulish, to the advantage of Obama & Co. ... And who knows? If Obama knew his choice would get a normal review, he might select someone with a chance of winning over enough Republican senators to be confirmed. He might meet the loyal opposition part way. The court, both parties and the country might come out ahead. So the Senate should welcome a nomination, undertake a complete assessment of that person, and then make a decision that the American people can understand. Vote yes or vote no, but vote."

Editorial: Republican leaders bow to extremists on Court pick (*Chicago Sun Times*, 02/24/16)

"The Senate majority leader's indefensible declaration this week that the Senate will not even hold hearings to consider any Supreme Court nominee put forth by President Barack Obama is not the action of a principled leader, but of a cowed follower. McConnell will be recorded in the history books as a partisan hack for this one, and the Republican Party will continue a flight toward irrelevancy.... In saying there will be no confirmation hearings — not even a cordial meet-and-greet between Republican senators and any nominee — he has abdicated his responsibility to the Constitution and to his vaunted position.... Reasonable Americans — and that would be most Americans — will excoriate Senate Republicans from now until Nov. 8 for not doing their job."

Editorial: Stop obstructing, allow nomination process to go on (*Journal-Courier [IL]*, 02/21/16)

"It's not healthy debate or disagreement — it's partisan obstructionism, pure and simple.... Four different and respected polls this past week have indicated people want the process followed: That the president makes a nomination and that choice is confirmed or rejected based on the ability to do the job. Ironically, the survey by Fox News showed the strongest opposition to the idea of not allowing Obama to make a selection.... for the Senate to simply refuse its advise-and-consent role, one that is rather clearly defined, is an attempt to hijack the Constitution on flimsy reasoning."

[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."

[EDITORIAL Our View: Let process to replace Justice Scalia move forward](#) (*State Journal-Register [IL]*, 02/16/16)

"Illinois' U.S. Sen. Mark Kirk has so far remained silent, deflecting comment to a statement he released over the weekend saying that political maneuvering was "unseemly" at this time. That was fine over the weekend or on President's Day. But now, Kirk's constituents deserve to know where he stands on this issue. McConnell's attempt at a delay is blatantly political, and not in the country's best interests. Too many important cases are pending at the Court, which is only halfway through its term. Our citizens deserve better than having its Supreme Court paralyzed by a tie. America's Constitution is set upon the notion of checks and balances. President Obama can, and should, put forth a nominee. The Senate can, and should, carefully vet that nominee.... If the Senate chooses to play partisan politics and appear obstructionist, voters will have the right to render their judgments. An election-year Supreme Court appointment and confirmation is not without precedent. It's happened six times since 1900, most recently in 1988 when Justice Anthony Kennedy was named to the high court. Scalia was renowned as a strict Constitutionalist. Letting the process to select his successor move forward as intended is the best way to honor his legacy."

[Editorial: Support Supreme Court hearings, Sen. Kirk](#) (*Chicago Sun Times*, 02/16/16)

"Republicans in the Senate could use a few more voices of reason. We're looking at you, Sen. Kirk. For four days now, Mark Kirk, the junior senator from Illinois, has declined to answer a simple question: Should the Senate hold confirmation hearings to consider anybody — anybody at all — nominated by President Barack Obama to fill the Supreme Court seat of the late Justice Antonin Scalia? The simple answer is yes. Of course the Senate should. That is their job: To "advise and consent." Nowhere in the Constitution does it say "hold your breath and hope to die." But Kirk, busily calculating the political fallout, has failed to take any kind of stand — let alone the right stand — even as other Republican senators in the last two days have begun to reconsider their knee-jerk opposition. In doing so, Kirk is letting down the grownups in his party. He might want to announce his support for confirmation hearings quickly, while he still has hope of looking like a shepherd instead of a sheep. Better yet, he might want to resolve to be honestly open to the possibility of approving the president's choice.... Obama, for his part, would be wise to nominate a clear judicial moderate, somebody a fair-minded Republican could cross the aisle and vote to approve. Case in point would be Sri Srinivasan, who sits on the District of Columbia federal appeals court. In 2013, his nomination was confirmed 97-0 by the Senate."

[Editorial: Remembering Scalia, reminding you to vote](#) (*Journal Star [Peoria, IL]*, 02/15/16)

"Meanwhile, a 4-4 court may put into limbo many pending decisions ... We already have one of the most inactive Congresses in history. Will the latter now give us one of the most paralyzed Supreme Courts? ... Senate Majority Leader Mitch McConnell's dead body: "The American people should have a voice in the selection of their next Supreme Court justice ... This vacancy should not be filled until we have a new president." To which we'd respond that nearly 66 million Americans, a majority of voters, arguably exercised that "voice" in handing Obama a second, four-year term — not a three-year one — in 2012. To which we'd remind readers of the Republican McConnell's curiously different tune a decade ago when a Republican was in the White House and he chastised Democrats for wanting to "change the rules" on Supreme Court nominations and put "the Constitution ... at stake" by threatening "for the first time in 214 years" to undo "the Senate's 'advise and consent' responsibilities" in favor of "advise and obstruct." Indeed, his Republicans intended "to restore the principle that, regardless of party, any president's judicial nominees, after full debate, deserve a simple up-or-down vote." Not this time, evidently, not that rank hypocrisy should matter ... 125

days is the longest the Senate has ever gone in waiting to vote on a Supreme Court nominee, with Obama now having just under 340 days left. To which we'd add that the record for a high court vacancy is 391 days, which McConnell will push if he gets his way. To which we'd clarify that many justices have been confirmed in election years, with the Senate voting on eight — six approved — since 1900, the last being current Justice Anthony Kennedy in 1988 under likewise lame-duck Reagan"

INDIANA

[Editorial: 8-judge court helps no one](#) (*Kokomo Tribune [IN]*, 02/21/16)

"Whatever they may be saying now, the Republican establishment really doesn't want an extended period to elapse with an eight-judge Supreme Court. If they really thought about it, they'd realize how foolhardy such a state of affairs would be for them and everyone else in the country.... This leaves the court in a holding pattern until someone else can be approved by the Senate to fill the vacant slot. It will mean our government will be even less effectual than it already is.... McConnell and his colleagues have the legal right to hold up this process. They might just want to reconsider for their own sakes."

[Editorial: Coats' position embraces partisanship; Senate should vote, not obstruct, on Scalia replacement](#) (*Tribune Star [IN]*, 02/18/16)

"At one time, when Dan Coats was first a member of the U.S. Senate, Indiana prided itself in having two senators who were clearly conservative but not so ideologically rigid that they were willing to shirk their constitutional duty to stop something with which they disagreed or to manufacture a partisan advantage. ... Coats is now one of the obstructionists. Consider this statement from Coats in the wake of the death last weekend of Supreme Court Justice Antonin Scalia: "Our country is in the middle of a highly consequential presidential election. The American people should determine their next Supreme Court justice by their votes in November." The U.S. Constitution clearly gives the president the responsibility of nominating individuals to judicial vacancies, and the Senate the opportunity to review and consent to the appointments. With just short of year remaining in President Obama's second term in office, it is the constitutional duty of this president, not the next president, to nominate Scalia's replacement. It is the Senate's responsibility to conduct hearings and either accept or reject the president's nomination. But Sen. Coats, a lame-duck congressman by virtue of his decision not to seek re-election this year, thinks the Senate should ignore its constitutional obligation for partisan reasons ignoring the nomination and refusing to go through the process is not the proper way to go, and the people of Indiana should make that clear to him. If Coats doesn't want to do his job, maybe he should just resign and let someone else fulfill those responsibilities. Compare Coats' unfortunate position to that of Indiana's other senator, Joe Donnelly. Yes, Donnelly is a Democrat. But his position is reasonable, not rigid."

[EDITORIAL: Voice of reason Donnelly: Court vacancy cannot wait](#) (*Fort Wayne Journal Gazette [IN]*, 02/16/16)

"Both sides should be listening to U.S. Sen. Joe Donnelly. Asked about the situation during a visit to our editorial board on Monday, the Indiana Democrat got quickly to the point: The Constitution requires that the president nominate a replacement, and the Senate is required to hold hearings and vote on confirmation. "We have approximately 340 days left in President Obama's term. ... We can certainly nominate and vote on and confirm a Supreme Court justice in that time," Donnelly said. "The president's best chance, and what would be really important and solid for the country, would be to make a moderate choice, someone who there's significant support for on either side." Donnelly noted there are members of the U.S. Circuit Court who were unanimously confirmed by the Senate. "There are a number of judges who have a very moderate record, and I think it would be hard to not support someone like that if we have the chance."... Those who are willing to sacrifice the Supreme Court's ability to function on the altar of political partisanship should listen to his wise, clear analysis."

IOWA

[EDITORIAL: Our View: No matter their party, Senators should do their jobs](#) (*Iowa City Press-Citizen*, 03/12/16)

"The United States Constitution expressly grants the power of judicial appointments to the president, and the

power of advice and consent on these appointments to the Senate. Outright rejecting any hypothetical appointment sight unseen is a strange perversion of the document the government purports to defend.... It's a transparently political move that has little to do with the business of governing Grassley is wrong now. Currently, a Democrat is in the White House as this pitched battle is fought, but were the roles reversed, we would not alter our position....Forcing the Supreme Court to keep a vacancy for months means important cases won't get the full consideration they deserve. That's no way to run a democracy, and the American people deserve better."

[EDITORIAL: OUR OPINION: Cheers and Jeers; Thumbs down: Americans already spoke](#) (*Sioux City Journal [IA]*, 03/11/16)

"Sen. Charles Grassley, R-Iowa, chairman of the Judiciary Committee, said this about unwillingness by majority Republicans on the committee to consider any nomination made by President Obama to fill the Supreme Court vacancy created by the death of Justice Antonin Scalia: "It's about the principle of letting the American people speak" in November's presidential election. Hmmm. Didn't Americans speak when they re-elected Obama president four years ago?"

[EDITORIAL: Our opinion: Some things just don't make sense](#) (*Dubuque Telegraph Herald [IA]*, 03/07/16)

"[S]ome recent issues, even for politics, we really don't get. We don't get the justifications congressional Republicans, including Iowa's own Sen. Chuck Grassley, are presenting for signaling their intention to not consider any Supreme Court nominee presented by President Barack Obama.... Grassley said, "The president should let the people decide" -- referring to voters in the November general election. But here's the thing: The people did decide. The people decided to make Obama president, and he remains president until Friday, Jan. 20, 2017. The people decided on Obama knowing full well that the presidency comes with the authority and responsibility to appoint federal judges."

[EDITORIAL: Our view: Just stop it already; Grassley wrong to push ahead on blocking Supreme Court nominee; Senate must hold hearings](#) (*Daily Nonpareil [Council Bluffs, IA]*, 03/03/16)

"If we accept the premise that a president should be unable to appoint a justice during an election year, a question must be asked: Are we OK with saying a full one-fourth of a president's term can't be used to consider Supreme Court nominees? No. No, we shouldn't be OK with that. No, that is a terrible idea and would be a terrible precedent to set.... Grassley has repeatedly defended his position by saying the question of a new court member must first be subjected to the public debate that comes with a presidential election. This is a rule pulled out of thin air.... Maintaining a neutered court for a year based on imagined – and arbitrary – rules about election years does a disservice to the American people. We ask that Sen. Grassley and his Republican colleagues do their job by holding a hearing on the eventual nominee and considering the merit of that person's resume before making a decision."

[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: History won't forget this misstep by Grassley](#) (*Hawk Eye [Burlington, IA]*, 02/25/16)

"It was shameful rhetoric from Senate Republicans on Tuesday when they declared they wouldn't even consider a hearing on anyone President Barack Obama might nominate to replace Supreme Court Justice

Antonin Scalia. That shouldn't sit well with the American voter. ... Senate Leader Mitch McConnell, apparently the puppet master tugging on our own Chuck Grassley's strings, issued a letter after a closed-door meeting ... Shameful. In his declaration, Grassley abducted the spirit and intent of the Constitution ... Nowhere in the document is there a reference to a chairperson of a Senate committee having the power all to himself to deny full Senate consideration of a presidential nomination to the court. Grassley's twist of the language of the Constitution is smug, partisan rhetoric. ... Republicans, with Grassley at the head of the line, also are hampering the job before the Supreme Court. ... A few weeks back, when the longest-tenured U.S. senator from Iowa passed a vote that gave him the record of most consecutive votes in the Senate, we lauded his service ... We take it back."

[Editorial: Grassley's SCOTUS gamble could backfire](#) (*Quad City Times [IL, IA]*, 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 [IA]*, 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."

[Globe Gazette Editorial: US Senate, Mr. Grassley: Do your jobs](#) (*Mason City Globe Gazette [IA]*, 02/21/16)

"In recent years the partisanship has become more transparent. Nothing makes that clearer than the call by some Republicans to stall any nomination to the Supreme Court until after the next presidential election.... Those opposing a nomination vote make the point that we should let the voters decide who should appoint the next justice. The thing is, the voters have decided. They elected a president in 2008, and they re-elected him in 2012. They didn't re-elect him for just three more years, or just until the campaign for the next president really heated up. He's the president until Jan. 20, 2017. Elections matter, and the election in 2012 was just as important, just as valid, as the one set to take place in November.... The Constitution is clear that when a president makes a nomination to fill a vacancy the Senate is expected to give its advice and consent. It is unconscionable that the country could go without a tie-breaking ninth justice for almost an entire year for no other reason than the people running the Senate hope one of their own will move into the White House next. We were especially disappointed to see Iowa's own Sen. Chuck Grassley join the partisan crowd calling for a delay.... There is no constitutional or even historical precedent for such flagrant, outrageous, shameful, bald-faced partisanship."

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 [IL, IA]*, 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: Our opinion: The GOP's gamble on a court nominee (*Dubuque Telegraph Herald [IA]*, 02/17/16)

"[I]t was disappointing to hear Republican leaders, including U.S. Sen. Chuck Grassley, R-Iowa, echo those sentiments. Though Grassley chairs the Senate Judiciary Committee, which plays a pivotal role in the process, vetting nominees and overseeing confirmation hearings. Grassley said it "only makes sense that we defer to the American people who will elect a new president to select the next Supreme Court Justice." On Tuesday Grassley softened that stance a bit, saying he would wait until the nominee is made before making any decision. That's a better approach. There are a couple of reasons to challenge the hard-line Republican perspective on this.... the Constitution says it is not only the president's right but his responsibility, just as it is the responsibility of the Senate to provide "advice and consent" on such appointments. It would be one thing if he had too little time remaining -- not enough for a normal confirmation process to run its course -- but his term has 11 months to go. Coincidentally, in 2008, the final year of President George W. Bush's presidency, when Republicans were in the Senate minority, Grassley was among those complaining that Democrats were holding up confirmation of Bush's appointees to the federal bench. The only hope Obama, a Democrat, has of getting a nominee confirmed by the Republican-controlled Senate would be to select a moderate.... If you want to control appointments to the Supreme Court, then win the presidency. Obama already did that. He was elected to serve four years this term, not three years and one month. Obama should make his nomination(s) and see what happens. If Grassley and other Republicans block the process, they just might not like what happens on and after Election Day 2016."

EDITORIAL: Grassley's stupid power play (*Storm Lake Times [IA]*, 02/17/16)

"Sen. Chuck Grassley ... is no maverick but a career politician whose lust for power overwhelms any aw-shucks sense of decency he once had. Witness Grassley's stumble-bum reaction to the death of Supreme Court Chief Justice Antonin Scalia on Saturday. At first the Judiciary chairman commented that he could not say how Scalia's seat would be filled. Then Senate Majority Leader Mitch McConnell declared that the Republicans would not allow the Senate to take up any Supreme Court nominee put up by President Obama. Within minutes, Grassley then aped what McConnell said, Grassley had to acknowledge that he messed up the talking point provided by Senate leadership. In fact, sitting Justice Anthony Kennedy was confirmed in an election year, 1988. He was nominated by President Reagan. Grassley voted to confirm him. Either he was ignorant, deceitful or not up to the task of chairing the Judiciary Committee. ... The Constitution does not put

the Supreme Court up to popular election. It is the President's job to nominate and the Senate's job to decide. Grassley is an obstructionist, purely. He is a lap dog for the Senate Republican leadership; he nearly is slobbering on McConnell's pants. He is defying the terms of the Constitution, in violation of the oath he took on the Bible in the Senate Chambers."

[Editorial: Grassley's Supreme Court stance is all about politics](#) (*Des Moines Register [IA]*, 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."

[Editorial: Obama should appoint Scalia replacement](#) (*Iowa State Daily*, 02/14/16)

"Republican senators across the nation began pushing hard to keep Obama from appointing a new justice. Iowa Sen. Chuck Grassley said a new appointment should not be made until a new president is elected in November. "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 told The Des Moines Register.... In response to this statement, a staffer at the Liberal Center for American Progress tweeted a list of the 17 nominations of a Supreme Court justice that have taken place during an election year. That's 17 times our nation's leaders had foregone what Grassley called "standard practice" to keep the seats of the Supreme Court filled. ... proponents of this idea seem to be forgetting that eight years ago, the American people made their voices heard by voting Obama to the presidency. ... Obama will be the president of the United States for the next 10 months, and he has every right to select the next person to serve as a Supreme Court judge. It would be an injustice to the American people to leave a seat vacant for almost an entire year"

KANSAS

[Editorial: President's job on Supreme Court nominating clearly defined; It is President Obama's duty to submit a nomination for Scalia's replacement](#) (*Topeka Capital-Journal [KS]*, 02/26/16)

"It is this board's belief that Article 2 of the U.S. Constitution makes clear the president's responsibility to put forth a nomination for Scalia's replacement and the Senate's responsibility to take up that nomination, scrutinize her or him, and vote whether or not to approve; anything less is dereliction of duty. It is also delaying the pronouncements of justice we look to the Supreme Court to provide. And as the popular legal maxim reminds us, "Justice delayed is justice denied."

[Senate has a constitutional obligation](#) (*Marysville Advocate [KS]*, 02/17/16)

"[A] vacancy on the high court has thrown conservative Republicans into a tizzy. ... Their way is to block any potential judge regardless of her or his qualifications until a new president is seated next year. Then, perhaps, these lock-step Republican obstructionists will decide that it's OK to have a fully functioning third branch

and approve an appointee. Or perhaps they'll be angry at another Democratic president and continue the blockade, further stomping on American democracy."

EDITORIAL: Supreme Court (*Hays Daily News [KS]*, 02/15/16)

"The U.S. Constitution. Presidents nominate justices to the Supreme Court; the Senate provides the advice and consent. For his part, Obama said he planned "to fulfill my constitutional responsibilities to nominate a successor in due time." Senate Majority Leader Mitch McConnell doesn't appear as inclined to fulfill his chamber's duties there is no reason to leave eight justices — four conservative and four liberal — to deadlock along for 11 months, plus however much longer it would take to select a nominee at that time and get them confirmed.... There is nothing positive that could result from attempts to gridlock a second branch of government. An ineffectual Congress is more than enough."

EDITORIAL: Justice Antonin Scalia leaves a polarizing legacy that Congress must not make worse (*Kansas City Star*, 02/14/16)

"In a twist that speaks bitterly to the polarization that tears at all branches of our government, key Republicans who call themselves originalists were quick to depart from basic Constitutional tenets in the wake of Scalia's death.... The document plainly states that the president of the United States shall nominate justices for U.S. Supreme Court seats, by and with the advice and consent of the Senate. Nowhere does it say that presidents should not move to fill vacancies in their final year in office. But that is what Republicans such as U.S. Senator and presidential candidate Ted Cruz and Senate Majority Leader Mitch McConnell are proposing. President Barack Obama rightly says he will get to work immediately on appointing a nominee. It is his job. Republican refusal to hold confirmation hearings would render our government more broken than it already is and will surely clarify for voters the significant consequences of the presidential campaign.... America's greatness also relies upon elected leaders honoring their oaths to uphold the nation's laws and Constitution. Republicans don't get to change the rules of Supreme Court succession in order to keep Obama from filling a vacancy. Go down that road and conservatives will rip a hole in the fabric of the nation they say they revere."

KENTUCKY

Editorial: Republicans grab Scalia death for politics (*Morehead News [KY]*, 02/15/16)

"Conservative politicians, mainly Republicans led by U.S. Sen. Mitch McConnell, immediately began calling for Scalia's successor to be appointed by the next president, not by President Obama.... The idea that his seat on the court should remain vacant for a year until a new occupant moves into the White House is ludicrous. The U.S. Constitution makes it clear that a sitting president is to nominate persons to fill vacancies. If the Republican-controlled Senate stalls the appointment until 2017, what happens before then if and when the eight remaining justices deadlock 4-4 on important cases. That could worsen the backlog of major cases and create gridlock in the federal court system, particularly criminal cases where the U.S. Supreme Court makes life or death decisions for convicted killers waiting on death row. Even though President Obama is a month into his eighth and final year in office, his constitutional authority remains intact. Perhaps Sen. McConnell and his GOP pals don't understand that controlling both houses of Congress still doesn't give them power over the executive or judicial branches of government.... the Constitution says plainly the president in office when a seat opens must nominate a replacement."

EDITORIAL: McConnell supremely embarrassing (*Lexington Herald-Leader [KY]*, 02/15/16)

"[T]hough McConnell is famous for directing partisan animus at Obama, asserting that the president somehow lacks authority to fill a Supreme Court vacancy is absurdly over the top even for McConnell. McConnell disrespects not just Obama but also the Constitution, which assigns the president the duty of appointing Supreme Court justices.... We have a president. ... The American people re-elected him by a substantial margin in 2012, and more than a fifth of his term (11 months) remains.... The Constitution most certainly says nothing about delaying a Supreme Court nomination until after an election. In fact, McConnell voted to confirm Justice Anthony Kennedy in Ronald Reagan's last year as president. The average time from the nomination of a justice to a final Senate vote is 67 days. Obama should get on with naming a nominee. McConnell should be embarrassed."

LOUISIANA

EDITORIAL: Our Views: People already decided who nominates, confirms next Supreme Court justice; no reason to presume otherwise (*New Orleans Advocate*, 03/02/16)

"It's right there in the U.S. Constitution: The Senate shall advise and consent to a president's nominee for the Supreme Court except in an election year. Of course, the Constitution says no such thing about election years, but it's a measure of how badly out of kilter with American traditions is the U.S. Senate today. Both Louisiana's Republican U.S. senators are totally on board with the GOP's stance of refusing to allow a vote or even a hearing on President Barack Obama's nominee to fill the vacancy on the U.S. Supreme Court.... We have many times argued that judicial nominees, proposed by either party, deserve a prompt hearing and an up-or-down vote in the Senate.... the Senate probably would act favorably on a moderate nominee who could win support from the more centrist GOP senators."

Editorial: Be open to a good nominee (*Daily Advertiser [Lafayette, LA]*, 02/20/16)

"But sins of obstructionism past do not give Senate Republicans moral high ground now to obstruct Obama from offering a nominee. Obstructionism is obstructionism. Article II, Section 2, Clause 2 of the Constitution is plain in its meaning: The president nominates and, with advice and consent of the Senate, appoints Supreme Court justices. The chief executive and Senate, by law and tradition, have roles to play. That doesn't mean that the Republicans must accept an inferior or out-of-the-mainstream judicial nominee. It simply means they ought to entertain the president's nomination in good faith. If the president is wise, he will offer a Supreme Court nominee who is in the mainstream, someone who will draw ready acceptance. There is no shortage of judicial talent in the country; he can find someone acceptable. If he does, the Senate would be wise to confirm that reasonable choice. After all, if the Democrats win in November, Republicans may rue the choices that President Clinton or President Sanders hand them."

MAINE

EDITORIAL: OUR OPINION: On court choice, Collins should avoid partisan fray; Maine's senior senator must continue to resist short-sighted maneuvering. (*Kennebec Journal [ME]*, 02/21/16)

"The most offensive power grab came from Republican leader Sen. Mitch McConnell, who put out a statement less than an hour after Scalia's death had been officially announced, declaring that the vacancy on the court should not be filled by a nominee of the president, as required by the Constitution, but that the seat should go empty until 2017. He was quickly joined by other Republican senators, including New Hampshire Republican Kelly Ayotte It's a shameful rewriting of the Constitution and traditions of American governance by partisans hoping that the next election will put their team ahead, regardless of the important public business that can't be done properly with a short-handed court.... This makes us appreciate the position of Maine Sen. Susan Collins We wish Collins had gone further. We wish she had asserted that the president has the obligation to nominate a new justice and the Senate has the obligation to hold hearings and submit the nomination to an up-or-down vote.... we trust that she will not participate in short-sighted partisan maneuvering that would obstruct the nomination process now and forever."

EDITORIAL: Our View: Collins' position on Supreme Court spot a lonely one, but correct The Maine Republican stands out for not retreating to a pre-formed partisan position. (*Portland Press Herald [ME]*, 02/21/16)

"The most offensive power grab came from Republican leader Sen. Mitch McConnell,... declaring that the vacancy on the court should not be filled by a nominee of the president, as required by the Constitution, but that the seat should go empty until 2017. He was quickly joined by other Republican senators, including New Hampshire Republican Kelly Ayotte, It's a shameful rewriting of the Constitution and traditions of American governance by partisans hoping that the next election will put their team ahead, regardless of the important public business that can't be done properly with a short-handed court. ... This makes us appreciate the position of Maine Sen. Susan Collins We wish Collins had gone further. We wish she had asserted that the president has an obligation to nominate a new justice and the Senate has an obligation to hold hearings and submit the nomination to an up-or-down vote."

[EDITORIAL: From Susan Collins, a refreshing reluctance to rush to judgment on the next justice](#) (*Bangor Daily News [ME]*, 02/15/16)

"It's a mystery to us how the American people would not have a voice if President Obama, the sitting president with 11 months remaining in office, fulfilled his constitutional responsibility and nominated a replacement for Scalia. The voters elected Obama to the White House in 2008 and again in 2012. They elected him to serve two terms of four years each — not to serve only until the next presidential campaign was in full swing. Plus, voters elected each of the 100 senators who would have the opportunity to vet the president's nominee and vote for or against his or her confirmation. Amid the many Republican proclamations that Obama shouldn't nominate a justice, we were pleased to see Maine's Republican senator, Susan Collins, reserve judgment on the matter and emphasize the Senate's role — as outlined in the Constitution — in selecting someone to serve as Supreme Court justice.... Obama has yet to even make a Supreme Court nomination, so it's premature to treat a future Obama nomination as an "extraordinary circumstance" that compels a Senate filibuster. When Obama nominates a jurist, the Senate must take its constitutional role of "Advice and Consent" seriously."

MARYLAND

[EDITORIAL: Bay cleanup gets a lift \ Our view: Supreme Court decision keeps EPA Chesapeake restoration on track](#) (*Baltimore Sun*, 03/04/16)

"The U.S. Supreme Court has become such an object of scorn since the death of Justice Antonin Scalia -- his passing having inspired an apparent Senate Republican takeover of appointment authority and the resulting 4-4 political split potentially leaving the court in the kind of do-nothing posture one associates with tree sloths and Congress -- that a favorable ruling can easily go unnoticed."

[EDITORIAL: Nomination games](#) (*Cecil Whig [MD]*, 02/29/16)

"The Constitution is clear.... There is nothing in that clause that says the Senate can choose to refuse to even hear out the qualifications of a nominee.... There is no exception for an election year or the last term of a presidency or a "lame duck" president. The president has the constitutional authority to nominate a Supreme Court justice and the Senate has the constitutional responsibility to consider the nomination and vote up or down on a nominee. It's mind-boggling as to why the Senate, which currently holds a Republican advantage, would refuse to hear a nominee, when it could easily do so — saving face in the public — and still vote down a nominee that Republicans don't approve of."

[EDITORIAL: Americans want a hearing](#) (*Baltimore Sun*, 02/24/16)

"Apparently concerned that some people might not find them unreasonable enough, Senate Republican leaders doubled down this week on their refusal to even consider a Supreme Court nominee from President Barack Obama no matter what. Senate Majority Leader Mitch McConnell and others said there wouldn't be a courtesy meeting, let alone confirmation hearings — a remarkable level of incivility even for sitting U.S. senators.... the non-partisan Pew Research Center found a majority of Americans believe the Senate should conduct hearings to consider the president's choice to replace Justice Scalia, 56-to-38 percent Public Policy Polling found the issue may damage the reelection campaigns of at least two Republican senators, Rob Portman and Pat Toomey"

[EDITORIAL: Nomination games](#) (*Star Democrat [Easton, MD]*, 02/24/16)

"The Constitution is clear.... There is no exception for an election year or the last term of a presidency or a "lame duck" president. The president has the constitutional authority to nominate a Supreme Court justice and the Senate has the constitutional responsibility to consider the nomination and vote up or down on a nominee. Both parties should end the partisan shenanigans over Supreme Court nominees and follow the Constitution."

[EDITORIAL: GOP's no-hire court; So now Republicans want to shut down the Supreme Court, too?](#) (*Baltimore Sun*, 02/14/16)

"Republicans senators were already pledging not to even consider — perhaps not even to bother conducting hearings over — any Supreme Court nominee offered by President Barack Obama.... But, of course, the people did have a voice, and there was an election — the one in which they re-elected Mr. Obama in 2012,

and he has roughly one-quarter of his term left. The notion that the Mr. Scalia's chair should be vacant for one full year — and likely considerably more than that given the next president's nominee would still have to submit to a lengthy review process in 2017 — is outrageous. It represents the kind of obstructionism and gridlock that voters hate and that Congressional Republicans seem to revel in.... the strategy of having the Senate dig in its heels for a year over a nominee sight unseen would seem a politically risky proposition. First, a 4-4 split on the court means a number of lower court rulings will be affirmed for lack of a majority to overturn them.... it's entirely possible that a Hillary Clinton or Sen. Bernie Sanders will select a replacement far more liberal than Mr. Obama might choose under the circumstances. Indeed, there is much speculation that a leading candidate is Sri Srinivasan, the 48-year-old Stanford-educated Indian-American who the Senate confirmed unanimously for a seat on the U.S. Court of Appeals for the D.C. Circuit three years ago to become the first appeals court judge of South Asian descent. He worked for the U.S. Solicitor General in the George W. Bush administration, which has never made him a darling of liberals.... Anthony Kennedy was approved by the Senate in 1988, the last year of Ronald Reagan's second term."

MASSACHUSETTS

[EDITORIAL: Our Opinion: AGs urge GOP to do its job on Supreme Court vacancy](#) (*Berkshire Eagle [MA]*, 03/12/16)

"Attorneys general are the top law enforcement officer in the states, and not surprisingly, when it comes to a Supreme Court vacancy, they want to see the law enforced. In a letter to U.S. Senate leadership last week, 20 attorneys general, including Maura Healey of Massachusetts and William Sorrell of Vermont, urged a hearing and a vote on President Obama's eventual nominee to replace the late Antonin Scalia. ... That means putting aside party politics and the GOP's irrational hatred of President Obama and obeying the Constitution to which Washington Republicans are so eager to pay lip service."

[EDITORIAL: Our Opinion: Bad SJC decision casts bright light on vacancy](#) (*Berkshire Eagle [MA]*, 03/04/16)

"The Supreme Court's chief justice has at least slowed the damage done by a recent Court decision related to climate change. And he has emphasized the importance of filling the vacant seat with the right choice. Justice John Roberts refused to block an EPA regulation limiting emissions of mercury and other toxic pollutants from coal-fired power plants without referring it to the entire court. Justice Roberts may not want the Court buried in such requests following a 5-to-4 decision three weeks ago blocking the Obama administration's Clean Power Plan reducing such emissions.... this ill-considered decision offers a reminder that the next justice — who should be nominated by President Obama — must acknowledge the importance of legal precedent and the responsibilities of the executive branch."

[Editorial: How to go about choosing a judge for the highest court](#) (*Daily Hampshire Gazette [MA]*, 03/02/16)

"Senate Majority Leader Mitch McConnell has decided that his chamber will only consider a nomination from the next president, not Obama. According to the Constitution, it's a chief executive's duty to choose a justice and the Senate's to confirm that choice unless there's a legitimate reason not to. McConnell's intransigence shows how wrong it can go."

[EDITORIAL: Our Opinion: Beware GOP's revisionist history, reality](#) (*Berkshire Eagle [MA]*, 02/20/16)

"In the latest bit of Republican revisionist history, a president's second term is only three years in length, not four. At least if that president is Barack Obama.... If a president can't nominate a Supreme Court justice in his final year in office, why can he or she present a budget, launch air strikes against ISIS or take any other action within that year? ... answer is a filibuster, the all-purpose response of child-like Republicans in Washington when they don't get their way, leaving the court short a justice."

[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: D.C. gridlock reaches out and ensnares high court](#) (*Daily Hampshire Gazette [MA]*, 02/17/16)

"Ronald Reagan had one. So did Lyndon B. Johnson, Herbert Hoover and Woodrow Wilson. Going back further, Presidents Thomas Jefferson and George Washington did as well. These American leaders all had nominees they put forward for service on the Supreme Court confirmed by the Senate during their final year in office. Since 1900, the Senate has taken eight votes on Supreme Court nominees during a president's last year in office, confirming six of them. It has never taken the Senate longer than 125 days to confirm a nominee. The average is actually far shorter: 25 days. When Justice Antonin Scalia died last weekend, 342 days remained in President Obama's ultimate year as the nation's chief executive. Obama is preparing to submit the name of his choice to replace Scalia, a brilliant conservative legal mind appointed to the court during Reagan's second term. It is the president's Constitutional duty to do so — and it is the Senate's duty to hold hearings on that nominee and schedule and hold a vote to confirm or reject that candidate. The document Scalia revered — and held sacrosanct — specifies exactly that."

[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: Our View: It's Obama's duty to fill vacancy on the Supreme Court](#) (*Taunton Daily Gazette [MA]*, 02/16/16)

"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 he refuses to allow President Obama to fill a vacant Supreme Court, McConnell's obstructionism will have hit a new low. 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: Our View: It's Obama's duty to fill vacancy on the Supreme Court](#) (*Herald News [Fall River, MA]*, 02/16/16)

"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.... 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."

[Our Opinion: GOP begins political games with Supreme Court](#) (*Berkshire Eagle [MA]*, 02/15/16)

"Otherwise disagreeable Republicans agreed that because no "lame duck" president had appointed a Supreme Court justice in modern political history, President Obama shouldn't get to appoint one in his eighth year. This, of course, is an utterly arbitrary argument that Republican hypocrites would not be making if John McCain was wrapping up his second term, and it is not even accurate.... Anthony Kennedy was the president's next choice, in late 1987, and in February of 1998 — a presidential election year ending President Reagan's second term — Mr. Kennedy was confirmed by a Democratic-controlled Senate. ... Reportedly on President Obama's short list of candidates is Sri Srinivasan, a judge on the D.C. Circuit approved by a 97-0 vote in 2013 by the U.S. Senate. Paul Watford, an African-American justice approved by the U.S. Senate in 2012 for the Ninth Circuit, is another possibility. A third is Merrick Garland, chief justice of the U.S. Court of Appeals for the DC circuit, who is regarded as a candidate with appeal to both parties. If any of these three candidates, or any other legitimate candidate, is denied hearings or accorded a perfunctory rejection, Republicans will be exposed as playing partisan politics with the Supreme Court. That is nothing new, however, but playing that kind of game with the nation's highest court in an election year may have serious consequences for the party in November."

[Obama should seek to find consensus replacement for Antonin Scalia: Editorial](#) (*Republican [Springfield, MA]*, 02/15/16)

"Could Obama thread the needle, finding a nominee who is conservative enough for the conservatives and liberal enough for the liberals? Does such a person even exist? It wouldn't be easy, but giving it a try would be preferable to making a selection who'd not have even a prayer of success."

[Editorial: McConnell's constitutional abdication](#) (*Milford Daily News [MA]*, 02/14/16)

"Article 2 of the Constitution states in clear language that the president has the power to fill vacancies on the Supreme Court and that the Senate has the responsibility to "advise and consent" to the appointments. Nowhere does it state that vacancies should wait for a new president to be elected, or that the Senate can refuse to fulfill its duty to consider such nominations — especially for partisan political reasons. 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 he refuses to allow President Obama to fill a vacant Supreme Court, McConnell's obstructionism will have hit a new low."

[EDITORIAL: GOP demands threaten US Supreme Court's integrity](#) (*Boston Globe*, 02/14/16)

"And the Constitution says the president will nominate justices to fill openings on the court — not that he will do so only in odd-numbered years, or only at the beginning of his term, or only when Ted Cruz thinks he should. So it's an odd way to pay homage to Scalia that Cruz, Marco Rubio, and Senate Majority Leader Mitch McConnell called on President Obama not to nominate a replacement for Scalia. Instead, they are urging him to leave that task to his successor, which they hope will be a Republican. There is no legitimate reason for Obama to wait or for the Senate to refuse to consider his nominee. And one doesn't need to share Scalia's originalism to object to such an unusual demand, which threatens to weaken the court's independence in the American political system. Leaving the seat vacant would, as a practical matter, risk a full year of paralysis on the nation's highest court, making it harder for the court to decide cases; expect a lot of 4-4 ties if the seat stays empty. But the far bigger threat is to the court's own standing. It has sometimes been hard, in

recent years, to view the court as nonpartisan, but putting a quota on the number of justices Obama may nominate would effectively finish off the idea that the court isn't a political organ.... The voice that really needs to be heard is that of Chief Justice John Roberts, who as a constitutional officer is responsible for leading the judiciary. The GOP's demand, if met, would constitute court-packing in reverse. For the court's own sake, it cannot be allowed."

[Editorial: McConnell's constitutional abdication](#) (*MetroWest Daily News [MA]*, 02/14/16)

"Mitch McConnell, the Senate majority leader, announced that President Barack Obama should not nominate a justice to fill the vacancy – and that any nomination he made would be ignored by the Senate. ... McConnell's move threatens to escalate a political fight into a Constitutional crisis. The leading GOP contenders, like Scalia, say they are bound to the literal interpretation to the Constitution as written. Article 2 of the Constitution states in clear language that the president has the power to fill vacancies on the Supreme Court and that the Senate has the responsibility to “advise and consent” to the appointments. Nowhere does it state that vacancies should wait for a new president to be elected, or that the Senate can refuse to fulfill its duty to consider such nominations – especially for partisan political reasons. 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 he refuses to allow President Obama to fill a vacant Supreme Court, McConnell's obstructionism will have hit a new low. It is a sign of disrespect for the presidency itself, and for the Constitution that established the presidency.... 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: 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 McConnell 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: Senators turn their backs on Constitution](#) (*Livingston Daily [MI]*, 02/29/16)

"Some of our U.S. senators have reached a new low.... by refusing to follow the U.S. Constitution with regards to filling a vacancy on the U.S. Supreme Court. ... Senate Republican leaders have vowed not to consider any Supreme Court nomination from President Barack Obama. ... Obama has just under a year to serve, and there's no reason to expect him to stop making decisions. He has a duty and obligation, and it's crucial for the Supreme Court to have nine justices; there needs to be someone to make a deciding vote."

[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."

MINNESOTA

[**EDITORIAL: Don't wait to fill Scalia's vacancy**](#) (*St. Cloud Times [MN]*, 02/17/16)

"There is no justification for Senate Republicans blocking the process to fill the vacancy on the U.S. Supreme Court following the death of Justice Antonin Scalia last weekend. The U.S. Constitution requires the president to put forth a nominee. It requires the Senate to consider the candidate and approve or reject....No one expects the president to delay making important decisions with more than 11 months remaining in his term. The Republican effort to drag the Supreme Court vacancy into the presidential campaign is irresponsible.... Obama needs to select a brilliant legal expert — selected for ability, not political leanings. The Senate must consider the nominee's qualifications. It helps if the person selected is free from controversy. But experience and vibrancy of thought should be the determining factors.... When Obama puts forth his selection in the next few weeks, the Senate should immediately set a timetable for confirmation hearings. No delays, no obstructionism."

[**Times Editorial: Battle over when to replace Scalia promises to be more than epic**](#) (*Crookston Times [MN]*, 02/16/16)

"Obama, after offering up condolences to Scalia's family, said he'd nominate a successor on the high court in "due time." It's his constitutional duty, after all.... The President won't wait, nor should he, to try to nominate a justice to the U.S. Supreme Court before his time in the White House comes to an end. Seriously, we're going to let the nation's highest court be shorthanded for up to a year, deadlock on some important cases, and back-shelf others? No president presented with this opportunity and, again, a constitutional responsibility, would put off such a critical duty just because his term is almost up."

[**EDITORIAL: Both Obama, Senate must do their duty in filling Scalia's seat; Obama has made a serious overture by foregoing a recess appointment.**](#) (*Minneapolis Star Tribune [MN]*, 02/16/16)

"The death of Justice Antonin Scalia has put the U.S. Supreme Court at the center of the 2016 election maelstrom and only the Senate can stop the vortex before real damage is done. The sad state of polarization in this nation reached a new low when ... Senate leader Mitch McConnell marked the occasion ... by stating flatly that President Obama should refrain from even naming a nominee despite having nearly a full year left in his term.... But stating that the president should refrain from filling out his duties in the last year of his term is not reasonable and is a precedent the Senate should be wary of setting.... McConnell knows well that presidents can and do make appointments in their final year. He voted for one in 1988, when he joined with a Democratic Senate to confirm Anthony Kennedy in President Reagan's last year in office. One can only wonder what Scalia would make of this free-for-all. An intellectual force in his three decades on the court, Scalia believed passionately in upholding what he saw as the original intent of the Constitution. The Senate's constitutional duty is clear. It is to be hoped that the Senate Judiciary Committee upholds that duty. And Minnesotans should expect that Sen. Amy Klobuchar and Sen. Al Franken — both members of that committee — will make a loud and persistent case for conducting prompt hearings on whomever the president nominates."

MISSOURI

[**Our Opinion: Possible GOP miscalculation on Supreme Court vacancy; News Tribune editorial**](#) (*News Tribune [MO]*, 02/27/16)

"Republican U.S. senators have doubled down on their refusal to consider a nominee selected by Democratic President Obama to fill a Supreme Court vacancy. Their obstruction, which we previously criticized, also may prove to be a miscalculation.... In this forum last week, we chastised GOP senators for evading their constitutional "advise and consent" responsibilities regarding presidential nominees to the high court. Although senators may reject nominees, we believe their oath of office requires consideration. As events continue to unfold, the Republicans' recalcitrance appears riskier....the GOP invites the possibility of a more liberal-leaning nominee if a Democrat wins the presidency in November.... Republican refusal to consider an

Obama nominee, at best, is a dereliction of constitutional duties. At worst, it may prove to be a political miscalculation that might result in a new justice — and court majority — diametrically opposed to conservative political persuasion."

[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."

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

"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."

[Editorial: After Scalia, an opportunity to replace partisan predictability with true deliberation](#) (*St. Louis Post-Dispatch [MO]*, 02/14/16)

"Some Republicans, including Senate Majority Leader Mitch McConnell, want the president to await the results of the November presidential elections and cede his nominating authority to his successor. That notion is not just unrealistic, it's irresponsible. The nation cannot afford to have Scalia's seat go unfilled until the next president is inaugurated a year from now, plus how many additional months that would transpire for the nominee to be vetted and confirmed. Besides, it's the sitting president's prerogative to make the nomination, and this newspaper would defend that right regardless of whether a Democrat or Republican sat in the White House....we want Obama to consider the Kennedy model of jurisprudence.... the Kennedy model strikes the right balance. It's worth noting he was nominated and confirmed in 1988 during President Ronald Reagan's final year in office. McConnell backed him and raised no objections suggesting that the decision be left to Reagan's successor. That's as clear an affirmation as Obama needs to forge ahead."

MONTANA

[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: 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."

NEVADA

EDITORIAL: Duty calls; Scalia's replacement. (*Reno News & Review [NV]*, 03/03/16)

"Republicans have long treated this president differently, something that has not been done to Republican presidents. The Scalia matter is one more instance of Republicans who seem to consider Obama less than a full president. ... There's no good reason that any president should fail to perform his duties for 11 months of the term. Fortunately, there are conservatives whose fidelity to principle is greater than their loyalty to party. One of them is Nevada's U.S. Sen. Dean Heller, with whom we seldom agree on much of anything. But on this matter, he has stood by the Constitution over the Republican Party ... The president should do his duty and appoint a qualified nominee. Senators should do their duty, scrutinize the nominee with fairness and then vote."

EDITORIAL: Senate obligated to consider Supreme Court nominee (*Las Vegas Sun*, 02/29/16)

"The American people have a voice; they elected Obama and the members of the Senate who will confirm, or not, Obama's choice. The Constitution has no asterisks, no exceptions and no footnotes about a sitting president yielding the task at hand to someone not yet elected.... That a parade of Republican senators, including ... our own Republican Sen. Dean Heller, are calling on Obama to shirk his duty speaks volumes about men who fancy themselves strict adherents to the Constitution. Apparently, that's only the case when it's convenient for them. We had hoped that Heller would demonstrate the courage to do the right by the constitutional thing. Perhaps he will change his mind.... Republicans can't have it both ways. They have sworn to uphold the Constitution. That means allowing the president to fulfill his responsibility and for them as senators to follow suit."

NEW HAMPSHIRE

[Editorial: Ayotte's Hard Line on Court Nomination](#) (*Valley News [NH]*, 03/03/16)

"New Hampshire's Kelly Ayotte has joined nearly all of her Republican colleagues in the U.S. Senate in preemptively declining to take up any nomination President Obama makes to fill the Supreme Court vacancy created by the death of Justice Antonin Scalia last month: No vote up or down will be taken; no confirmation hearings held; not even a courtesy call will be received. This hard line on Ayotte's part must be either a matter of principle or of political calculation, but it is difficult to discern a sound rationale for either.... If that states a principle, it stands in stark contrast to the one Ayotte enunciated in 2010 And in her own study of the Constitution, it cannot have escaped the attention of Ayotte, a former New Hampshire attorney general, that the voters are assigned no role in appointing Supreme Court justices. ... So a principle it cannot be. That leaves as a motive cynical political calculation, or as it may well turn out, political miscalculation.... Ayotte ought to reverse herself without delay, for her own good and the country's."

[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: In high court fight, Ayotte is just wrong](#) (*Concord Monitor [NH]*, 02/17/16)

"Just two hours after Supreme Court Justice Antonin Scalia's death was announced, Senate Majority Leader Mitch McConnell issued a call to block any attempt by President Obama to choose Scalia's replacement. In knee-jerk fashion, New Hampshire Republican Sen. Kelly Ayotte became one of the first senators to echo McConnell. Leaving Scalia's seat empty for at least a year effectively nullifies the power of one of the three co-equal branches of government... Ayotte and her fellow Republicans are willing to sacrifice judicial progress and the resolution of problems affecting millions of people, preferring partisanship instead. Ayotte's hastily issued statement, echoing what is now her party's line, says no decision should be made until the people speak by voting in November. But the people had their say when they re-elected Obama and when, in this case, they voted for Ayotte. She is not expressing the will of her constituents but the will of her party.... Failure to act on a president's nomination is, as Democrats argue, a dereliction of duty and a blow against democracy, which requires three co-equal branches of government. Voters should consider such a refusal to perform their sworn constitutional responsibility to advise and consent, not merely obstruct, a disqualification for future Senate office. In some ways, the Republican obstruction is almost certain to backfire. No matter what their political leanings, many voters, we believe, agree that obstruction is wrong.... There are many qualified Supreme Court nominees who are considered both brilliant but non-ideological and politically impartial. At least two, Sri Srinivasan of the D.C. Court of Appeals and Jacqueline Nguyen of the 9th District, were relatively recently confirmed 97-0. Either choice would diversify the court ethnically and, since it was made

up of six Catholics and three Jews, religiously. Diversifying the court, Scalia said last summer, was one of his hopes....Her high court position is wrong, and she should quickly reverse it."

[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."

[Sentinel Editorial: The Senate would be abdicating its responsibility not to vote on a Supreme Court nominee](#) (*Keene Sentinel [NH]*, 02/17/16)

"We'd like to think that the late Supreme Court Justice Antonin Scalia, a strict legal constructionist who derided attempts to read into the U.S. Constitution more than is written there, would be appalled at the quick calls from Republican politicians — including New Hampshire Sen. Kelly Ayotte — to obstruct the naming of Scalia's replacement.... In 1988, McConnell himself voted to confirm Justice Anthony Kennedy ... the U.S. Constitution is very clear on two matters: First, nominating candidates to fill Supreme Court vacancies is the duty of the sitting president, not some future electorate; further, the Senate's job is to act on that nomination once it's presented. To do anything less is to willfully obstruct the Constitution. Second, barring impeachment, resignation or death, the president is the president for the full four-year term ... Here's what Ayotte said in a 2010 interview with a conservative legal journal: "One concern that I have overall about the confirmation process is, I think it's been a very politicized process. And the Supreme Court, frankly, should be above partisan politics." We agree, and we wish she still did, too. ... If Senate Republicans refuse to act on the president's choice, we expect voters, who have already made clear in this primary season their disdain for Washington gridlock and partisan political mire, will hold those who shirk this duty accountable for their inaction come November."

[Editorial: After Scalia](#) (*Valley News [NH]*, 02/16/16)

"The Republican argument, endorsed by New Hampshire's own Kelly Ayotte, is that no one should be nominated to the court until a new president takes office. This extraordinary interpretation of the Senate's constitutional duty to render "advice and consent" on judicial nominations amounts to an attempt to limit a president's term to three years instead of four. It also brushes aside the fact that the high court would be operating short-handed for more than a year and thus unable to decide important pending cases in which the sitting justices were deadlocked 4-4. Moreover, it makes a mockery of McConnell's 2014 pledge to demonstrate that Republicans could govern rather than merely obstruct government."

NEW JERSEY

[EDITORIAL: The Record: Senate revolts](#) (*Record [NJ]*, 02/25/16)

"THE REPUBLICAN-controlled U.S. Senate has declared war not just on President Obama, but on the Founding Fathers they so loudly profess their allegiance to following. On Tuesday, Republicans on the Senate Judiciary Committee signed a written pledge to not hold confirmation hearings on any Supreme Court nominee put forward by Obama.... It spits in the face of the office of the presidency while it leaves the Supreme Court without a needed ninth jurist for a year.... What we are witnessing is nothing short of revolutionary – the Republican majority in the Senate promising not to do its job solely on partisan grounds. The Senate has an obligation to hold hearings on Obama's Supreme Court nominees.... If these senators are to be taken at their word – that a president in his last year has no authority to act in accordance with his oath – then the 24 Republican senators who also have less than a year left in their current terms should not be

allowed to vote on anything. ... Obama is the president of the United States of America until Jan. 20, 2017. His Supreme Court nominee should be given serious consideration by the Senate."

[Republicans shouldn't play chicken with SCOTUS seat | Editorial](#) (*Star-Ledger Newark [NJ]*, 02/16/16)

"Filling a vacancy in the Supreme Court is an affirmative duty: The president must nominate a candidate, and the Senate must confirm or reject that nominee. Simple. Both parties have blocked appointments, but the current Congressional leadership has decided to make a mockery of the process, as Senate Majority Leader Mitch McConnell said he would not even consider any nominee proposed by President Obama or hold confirmation hearings. This tramples on the Constitution that Antonin Scalia – the conservative deity who died Saturday – lived to defend. It also shows that GOP Senators, who have turned obstructionism into a dark art, would rather rewrite that Constitution than affirm their oath to uphold it...He argues that the "American people should have a voice in the selection" of the next justice, yet he forgets that they voiced their selection by electing Obama in 2012. By then, his agenda was going full tilt. Consider judicial appointments: The Senate confirmed only 11 federal judges in 2015, the fewest since 1960. Scalia's death leaves 76 vacancies, twice as many as there were before the McConnell took control of the Senate 13 months ago....He has nominated mostly moderates."

[EDITORIAL: Supreme Court fight will be epic](#) (*Asbury Park Press [NJ]*, 02/15/16)

"Republicans don't want a Democratic president nominating a replacement for a conservative icon on the bench. And they will do anything they can to prevent it. That's it. Ignore the talk of how President Obama shouldn't name a successor during his final year in office. This isn't about upholding electoral integrity or assuring the voice of the people is paramount by deferring the decision to the next president. ... Obama, of course, has every right and reason to nominate a replacement. He is still president for nearly one more year."

[EDITORIAL: Antonin Scalia: An original and an 'originalist'](#) (*Record [NJ]*, 02/14/16)

"The Republican-controlled Senate is unlikely to work with President Obama on even conducting hearings on a new nominee, let alone confirm that individual. The American people – conservative, liberal or somewhere in the middle – cannot accept this position. ... Their argument is the people should decide. The people did decide in 2012 when they elected Barack Obama to a four-year term. It was not a three-year term with an extra year for getting nothing done. The next president will not take the oath of office until January 2017. It is only February 2016. There should not be a nearly one-year vacancy on the high court because Republicans hope to regain the White House. That is not how our democracy is supposed to work. Senate Republicans can choose not to confirm an Obama nominee, but they should not choose to put their responsibilities as members of the U.S. Senate behind fealty to their political party. We have said as much about state Democrats blocking Republican Governor Christie's nominees to the state Supreme Court."

NEW MEXICO

[EDITORIAL: Our view: Scalia vacancy should be filled](#) (*Santa Fe New Mexican*, 02/15/16)

"Republicans in the Senate seek to block the president from doing what the Constitution requires him to do. Of course, President Barack Obama should appoint a replacement for Scalia. It is his duty. The court needs a full bench to do its best job.... He is a lame duck, cries McConnell. The people should weigh in, he maintains — we presume he forgot that Obama won re-election, which is when people made their voices heard. McConnell promises no hearings whatsoever. Nonsense. Obama is the president until January 2017, and he must do his Constitutional duty. The Senate, of course, is similarly tasked under the Constitution to "advise and consent," and it appears the advice of the majority is to do nothing. That will be seen for what it is, political grandstanding to stop the legitimately elected president from carrying out his duties. It may well succeed as a move to block an appointment but as politics, this could hurt Republicans. Voters want Congress to do its job. That means passing laws and it means confirming essential appointees. ... Justice Anthony Kennedy was confirmed in February of 1988. His nomination process started in '87, but the vote took place during an election year. And he's far from the only such appointment.... What is unprecedented is the GOP refusing to consider Supreme Court nominations."

NEW YORK

EDITORIAL: Republican Threats and the Supreme Court (*New York Times*, 03/11/16)

"Cornyn and his fellow Republicans found themselves in an unenviable position. By refusing to do the job that every previous Senate has done, they look like deranged obstructionists. On the other hand, they know that if they give the president's nominee a hearing, it will become nearly impossible to portray that person as unqualified.... Now some, like Senator Ron Johnson, Republican of Wisconsin, are admitting that it would be "a different situation" if a Republican were currently in the White House. ... it sets a dangerous and irresponsible precedent to refuse to consider any nominee at all. Mr. Cornyn's repellent remarks were, in this sense, an accurate reflection of the Republican mind-set. Piñatas are, after all, attacked by blindfolded children. The children don't care how much damage they inflict as long as they get the prize in the end."

EDITORIAL: Name Your Supreme Court Pick, President Obama (*New York Times*, 03/01/16)

"Almost from the moment Justice Scalia died, top Senate Republicans have not only vowed that they will refuse to vote on any nominee Mr. Obama sends them, but also said they won't even meet with that person.... Obama should name a replacement for the vacancy — now. As President Ronald Reagan said in 1987, "every day that passes with the Supreme Court below full strength impairs the people's business in that crucially important body." Luckily, Mr. Obama has many highly qualified candidates to choose from. Several have already been vetted and approved by Congress, like Sri Srinivasan, a federal appeals court judge for the District of Columbia Circuit whom the Senate confirmed in 2013 by a vote of 97 to 0. And Jane Kelly, another federal appeals court judge confirmed the same year by a vote of 96 to 0. During confirmation hearings for Judge Kelly, Mr. Grassley praised her "reputation for compassion and fairness."... By naming his pick now, Mr. Obama would force the Republicans to explain to Americans why they refuse to do their job and take a vote on a highly qualified nominee."

EDITORIAL: Senate GOP puts politics over duty in refusing to even meet a court nominee (*Buffalo News [NY]*, 02/28/16)

"Obama is constitutionally mandated to send a nominee to the Senate, regardless of McConnell's grandstanding. That's what Obama needs to do. If McConnell and his colleagues don't want to fulfill their constitutional obligation, that's up to them, but they — not Obama — will be the ones playing electoral chess with the Constitution. Of course, what a politician says today may not be true tomorrow. If Obama nominates a justice whom the Republican Senate has previously confirmed for a lower court, its members would be hard-pressed not to take that person seriously. And if that nominee is a woman or minority, the politics of snubbing such a candidate could be fearsome in an election year. McConnell's risk-reward calculation may change as the year progresses."

EDITORIAL: OUR VIEW: Leaders have duty to let justice nomination process play out (*Utica Observer-Dispatch [NY]*, 02/28/16)

"Despite the uncertainty, some things here are crystal clear. First is that President Barack Obama should nominate a successor. ... Second, the Senate should do its job and consider the appointment rather than stick its political head in the sand and disrespect the process.... U.S. Rep. Richard Hanna, R-Barneveld, agrees that the process needs to play out. He says the U.S. Constitution is very clear and that the president has a responsibility to nominate a successor to Justice Scalia and the Senate has a responsibility to approve it or not.... McConnell's argument for waiting on a nominee is lame."

EDITORIAL: Republicans choosing party over country (*Glens Falls Post-Star [NY]*, 02/26/16)

"We prefer for our newspaper work to remain focused on the workings of our own community But from time to time, we become so incensed by the dysfunction of our federal government that we are compelled to speak out. This is one of those times. On Tuesday, the 11 Republican members of the Senate Judiciary Committee signed a letter saying they would not hold hearings on any Supreme Court nominee until after the next president is elected. That's politics and it's why people are so angry in this country....refusing to even consider a candidate is unprecedented. Since 1900, the Senate has voted on eight Supreme Court nominees during an election year and six were confirmed ... The Senate needs to incorporate rules that provide an up or down vote on all judicial nominees within a reasonable period of time to keep our institutions functioning. ... Not only have the Republican members of the Senate Judiciary Committee chosen not to do that work, they have chosen party over country. That is unconscionable. That is irresponsible."

[EDITORIAL: Senate Republicans Lose Their Minds on a Supreme Court Seat](#) (*New York Times*, 02/24/16)

"Senator Mitch McConnell of Kentucky, the majority leader who seems to have lost touch with reality and the Constitution, accused Mr. Obama of plunging the nation into a "bitter and avoidable struggle" should he name anyone to the court. Forget an up-or-down vote on the Senate floor. Top Republicans are pledging not to hold hearings or even to meet with a nominee.... Obama is not a "lame-duck president." ... Based on the average number of days it has taken the Senate to act on previous Supreme Court nominees, the seat could be filled by this spring.... The Constitution vests the power to make nominations to the court in the president, not "the people." In any case, the people have already decided who should make this appointment: They elected Mr. Obama twice The only reason a nominee would not be confirmed is that the Senate has preemptively decided to block any nominee sight unseen. ... They know Mr. Obama has a large pool of extremely smart and thoroughly mainstream candidates from which to choose a nominee. They know that if the American people were allowed to hear such a person answer questions in a Senate hearing, they would wonder what all the fuss was about."

[EDITORIAL: Replacing Queens' Scalia](#) (*Queens Chronicle [NY]*, 02/18/16)

"The notion that the GOP-led U.S. Senate won't even give a hearing to any nominee Obama names to succeed the late Justice Antonin Scalia is an outrage. There is no precedent for this idea that a president should not make a Supreme Court appointment in the last year of his term, and multiple instances when presidents have done so, with the Senate approving them. If the American people didn't want Obama to name another justice, they'd have voted for Mitt Romney in 2012."

[EDITORIAL: In Our Opinion: GOP wrong to ignore Constitution](#) (*Oneonta Daily Star [NY]*, 02/18/16)

"[T]he current GOP attempt to deny even a hearing on Obama's choice to replace Antonin Scalia on the Supreme Court is a new low.... "Any president's judicial nominees should receive careful consideration," said McConnell in 2005, when fellow Republican George W. Bush was president. "But after that debate, they deserve a simple up-or-down vote. ... The stakes are high. ... The Constitution of the United States is at stake."... there is no constitutional or institutional precedent for trying to run out the clock on a nation whose president still has almost a year left in his term."

[Why should the president defer to the Senate on replacing Justice Scalia? \(editorial\)](#) (*Staten Island Advance [NY]*, 02/17/16)

"Despite their implications about what's proper, the president retains all the powers and prerogatives of the presidency through the end of his term, not just until his opponents decide he's a lame duck.... that's 339 days away — almost a full year.... Indeed, a president who let a Supreme Court vacancy stand for that long could fairly be accused of failing to meet his or her responsibility as president.... Obama shouldn't make it easy for them. He should nominate a jurist of impeccable centrist credentials — a constitutional scholar who has been praised by Republicans, perhaps even approved by Republican senators in earlier confirmation hearings for lower-level judicial positions. That way, when the politics-obsessed senators reject this worthy nominee for partisan reasons, they'll have some explaining to do."

[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."

[Constitution is clear about who gets to appoint Justice Scalia's successor \(Editorial\)](#) (*Post-Standard [NY]*, 02/16/16)

"President Barack Obama announced he will nominate a candidate to fill Scalia's seat on the high court, as the Constitution requires. Senate Majority Leader Mitch McConnell and the scrum of GOP presidential candidates want this president to let the next president choose Scalia's successor.... McConnell, by vowing to

block a nominee who hasn't even been named, is contradicting his own view of presidential power to offer a nominee for Senate confirmation – a view he expressed in 2005 when a Republican sat in the White House....Scalia himself might seek a solution to this controversy in the text of the Constitution, specifically Article II, Section II. It says 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 and members of the Senate are sworn to uphold the Constitution, regardless of whose party controls the White House."

EDITORIAL: Senate has a duty on high court selection (*Poughkeepsie Journal* [NY], 02/16/16)

"[S]ome Senate Republicans suggested that the president shouldn't even bother suggesting a successor. ... That is utter nonsense. For starters, the people's business — in this case coming in the form of Supreme Court rulings — shouldn't be impaired by delay. The high court is supposed to have nine members, not eight, and leaving a vacancy for a year is indefensible.... Several of Obama's possible choices — including federal appeals court Judge Sri Srinivasan — won unanimous confirmation through the Senate for the positions they now hold. For nominees of this caliber to not even get consideration would be beyond the pale. What's more, the Senate has the constitutional authority and responsibility to "advise and consent" on judicial nominations. "Ignoring a president's nominee" is nowhere to be found in the Constitution. Obama's choice deserves an opportunity to be reviewed on his or her merits. And, as the Journal has said under past presidents — including George W. Bush — the Senate should confirm the president's choice unless it can find overwhelming reason to reject the person."

Editorial: Fill the opening on the high court (*Times Herald-Record* [NY], 02/15/16)

"There is nothing in the Constitution or in constitutional practice leading to the idea that no vacancy should be filled in the final year of a presidential term. ... Any failure to fill the Scalia seat in a timely manner will leave the court with only eight justices for more than a year ... they should do their jobs. Let the president nominate, let the Judiciary Committee consider, let the Senate vote."

Editorial: Congress: Do your job (*Albany Times Union* [NY], 02/15/16)

"This is a refusal to govern. The death of Antonin Scalia — a Supreme Court justice whose term was marked by his avowed fealty to the original intent of the authors of the U.S. Constitution — has been met with calls by Republican senators and presidential candidates to essentially ignore the document they, too, profess to revere. With 11 months left in President Obama's term, Republicans have put forth the argument that he should forgo his constitutional mandate to nominate a justice ... Today an entire GOP majority declares it will not consider anyone Mr. Obama nominates, utterly shirking the Senate's constitutionally prescribed role of advice and consent. The Republicans claim that such late term appointments haven't happened in 80 years, ignoring Justice Kennedy's appointment in Mr. Reagan's last year. They point to an unwritten rule of the 1960s that no lifetime judicial appointments should be approved in the last six months of a presidency. Well, they have five months before that informal window closes, plenty of time to do their job."

EDITORIAL: The Supreme Court After Justice Scalia (*New York Times*, 02/15/16)

"A tie vote upholds the court ruling below and sets no precedent; it is as though the justices never heard the case in the first place. But this would do more than prolong uncertainty; it could, in some cases, perpetuate harm for great numbers of people people who are due justice are not served by the uncertainty of prolonged judicial paralysis.... pick among many strong, qualified candidates, any one of whom would be well within the mainstream of American legal thought. Several — including Sri Srinivasan and Paul Watford — are federal appeals court judges whom the Senate already confirmed in bipartisan votes. Mr. Srinivasan, a 48-year-old son of Indian immigrants, was confirmed to the Court of Appeals for the District of Columbia circuit in 2013. The vote was 97-0. The question now is whether this Senate will weigh any of these candidates on the merits, or whether as its leaders suggest, it will use every trick in the book to deny Mr. Obama his choice. The latest Republican talking point is that for 80 years it has been "standard practice" not to confirm any Supreme Court nominee in an election year. Besides being untrue — Justice Anthony Kennedy was confirmed by a Democratic Senate in 1988 — the claim actually insults Justice Scalia, whose originalist, text-based approach to the Constitution would surely have found room for one of a president's

explicit constitutional obligations. Senators are free to vote yes or no on any nominee. But not to vote at all is an enormous insult and grave disservice to millions of Americans awaiting justice."

[EDITORIAL: Senate should not ignore its obligation to consider a nominee for Scalia vacancy](#) (*Buffalo News [NY]*, 02/15/16)

"Republicans in the Senate should rethink their knee-jerk decision not to entertain any nominee President Obama sends them, both for the nation's good and the party's.... it's a mistake. First of all, it is Obama's constitutional duty to nominate someone to fill that position and, while nothing compels the Senate to take it up, respect for the court and the Constitution should be sufficient cause. Indeed, to honor Scalia, who valued the original intent of the Framers of the Constitution, it is necessary to do what the Constitution requires. It makes no exception for filling vacancies in the last year of a president's term. And, in fact, the politics of such an appointment could work to Republicans' advantage. Consider: For any appointment to succeed in the Senate, Obama will have to nominate someone who is something of a political centrist, probably one who has already been overwhelmingly approved by the Senate for an appellate court post. Identifying such an appointee would not only be good politics, but would be good for a country that is fracturing along increasingly divisive party lines.... But if the Senate refuses to consider any nominee Obama sends for consideration, the vacuum would almost certainly persist through the term ending in mid-2017.... It's a terrible maneuver by Senate Republicans, made without considering its implications for the court and for the country.... hey need to take a deep breath and think about the likely consequences of their action and then do what the Constitution envisions."

[Editorial: Senate must not delay successor to Antonin Scalia](#) (*amNewYork*, 02/14/16)

"Article II of the Constitution says the president shall appoint Supreme Court justices with the consent of the Senate. It's pretty clear. However, Senate Majority Leader Mitch McConnell said President Barack Obama can't make a lifetime appointment with 11 months left in his term. McConnell said the 2016 election should be a referendum on the judicial philosophy of the next justice. That's wrong. It's purely political and clearly hypocritical. ... The pressure is on Obama to find a confirmable justice. The Senate has the obligation to vote up or down on his nominee. McConnell's unprecedented edict is bad for the nation, and for Republicans."

[EDITORIAL: The Great Scalia](#) (*New York Sun*, 02/13/16)

"Already Republican leaders of the Senate they control are calling for the nomination to be delayed until the next president. That strikes us as unwise, even for those of us who loved Scalia and agreed with him on many issues. He would have understood that the ultimate check on power in this country is the people who, to use the phrase of the Preamble, ordained and established the Constitution and who will make the most important decisions on how to make our Union more perfect."

[EDITORIAL: Justice Antonin Scalia's Supreme Court Legacy](#) (*New York Times*, 02/13/16)

"It took about 10 minutes after the announcement of his death for the right wing to start screaming that the Senate should not confirm a replacement while President Obama is in office. Given how blindly ideological the Republicans in the Senate are, after nearly eight years of doing little besides trying to thwart Mr. Obama, it is disturbingly likely that Mitch McConnell, the Senate majority leader and architect of the just-say-no approach, will lead his colleagues in keeping Justice Scalia's seat open, and the highest court in the land essentially paralyzed, in the hope that one of the hard-right Republicans running for the presidency will win.... The question now is whether the Senate will honor Justice Scalia's originalist view of the Constitution by allowing President Obama to appoint a successor, and providing its advice and consent in good faith. Or will the Republicans be willing to create a constitutional crisis and usurp the authority of the president to ensure that the Supreme Court functions as MASone branch of this government?"

NORTH CAROLINA

[EDITORIAL: Our View: Senate acting childish in court appointee denial](#) (*Daily Advance [NC]*, 03/05/16)

"Lost in all the talk about the juvenile hijinks of the Republican presidential candidates has been the equally juvenile response by Republican leaders in the U.S. Senate to President Obama's impending nomination to the U.S. Supreme Court. When they asked voters to give them back control of the Senate in 2014,

Republicans said they would get the chamber working again doing the people's business. Elect us, they said, and the adults will be back in charge."

[EDITORIAL: Our view: Senate's duty clear on Scalia vacancy](#) (*Asheville Citizen-Times [NC]*, 03/04/16)

"Not satisfied with a dysfunctional Congress, North Carolina's two Senators seem bent on making another branch of government, the Supreme Court, dysfunctional as well. They're following the lead of Senate Majority Leader Mitch McConnell of Kentucky, who within hours of the news of Scalia's death said a sitting president should not put forth a nominee to fill Scalia's vacancy.... The Constitution is clear on this issue. Article Two the president to nominate Supreme Court Justices and the Senate to offer its advice and consent. There's nothing about waiting for another election to let the people speak. And regarding this president, the people have spoken – twice.... there's no tradition of not confirming a justice during an election year, something that's happened six times since 1900.... it's their duty to let a nominee have a hearing. North Carolinians agree with this position"

[EDITORIAL: Our Opinion: A historic mistake](#) (*Greensboro News & Record [NC]*, 02/26/16)

"Mitch McConnell's legacy will be partisan obstructionism. The Senate majority leader from Kentucky made it official this week: Republican senators will not meet with, hold a hearing for or allow a vote on anyone nominated by President Barack Obama to fill the vacant seat on the U.S. Supreme Court. They didn't even budge when Republican Gov. Brian Sandoval of Nevada was mentioned as a potential pick. He withdrew from consideration Thursday. This stand defies the constitutional duty to give "advice and consent."... McConnell and other Republicans, including Sens. Richard Burr and Thom Tillis of North Carolina, fail in their responsibility to advise when they refuse to consider any nominee. Tillis warned last week that Republicans would "fall into the trap of obstructionism" if they rejected any nominee "sight unseen." This week, he walked into the trap... McConnell already has slowed the pace on all confirmations, whether for lower federal judgeships or other federal positions.... they have escalated obstructionism to an unprecedented level. It's bound to be repeated in the future, unless voters hold the obstructionists accountable in Senate elections."

[EDITORIAL: Two issues show government dysfunction](#) (*Dispatch [NC]*, 02/24/16)

"Another standoff is playing out in Washington due to the unexpected death of Supreme Court Justice Antonin Scalia. President Obama intends to nominate a successor, but Republicans in Congress have vowed not to hold hearings on the nominee. This ignores the fact Obama has 11 months left in his term and is simply following the Constitution. If the vacancy occurred in September or October, perhaps their protests would be more legitimate."

[Editorial: Obama and the court](#) (*Salisbury Post [NC]*, 02/24/16)

"Republican leaders have vowed to stonewall any Obama appointee ... The president, however, has the right to nominate Scalia's successor. In an ideal world, Senate leaders would withhold judgment for now. Senate Republicans have never withheld judgment on Obama, though. Maybe the next appointment will come from Hillary Clinton instead. Or Donald Trump could be in charge. How does "Supreme Court Judge Judy" sound?"

[EDITORIAL: Tillis, other GOP senators defy duty to hold hearings on Supreme Court nominee](#) (*News & Observer [NC]*, 02/23/16)

"Congressional Republicans have taken obstruction to a new level. They've moved from shutting down the government to shutting down democracy. They say that President Obama, twice elected president by a majority of American voters, does not reflect the nation's will and therefore should not carry out his constitutional duty to nominate a Supreme Court justice to replace the late Antonin Scalia. Republican members of the Senate Judiciary Committee, including North Carolina Sen. Thom Tillis, sent a letter to Senate Majority Leader Mitch McConnell on Tuesday endorsing McConnell's call to refuse to hold hearings on any nominee until after the next president is sworn in on Jan. 20. Tellingly the senators misconstrue the Constitution when their letter says, "The president may nominate judges of the Supreme Court." What the Constitution says is the president "shall" nominate. It is clearly Obama's constitutional duty to ensure that the high court is fully seated with nine members, and he intends to fulfill that duty. The Senate is free to reject

Obama's nominee, but it is not free to reject its constitutional duty to "advise" the president on his choice and decide whether it will "consent" to it."

[EDITORIAL: Voters have spoken: Obama should appoint justice](#) (*Mount Airy News [NC]*, 02/23/16)

"Republican Senate Leader Mitch McConnell reduced the justice's death to a political football, proclaiming that he did not believe the senate should hold hearings on any nominee The American people do have a voice in the selection of the next Supreme Court justice, and they made that voice heard loud and clear when they elected President Obama to a second term in office. Aside from the fact that it would be sheer lunacy to let the Supreme Court seat sit vacant for more than a year (how many 4-4 votes would mean, essentially, nothing had been decided in cases going before the court?), McConnell's statement is a clear call to subvert the Constitution, to override that hallowed document. ... North Carolina Senator Thom Tillis is one of the few GOP voices of reason. Last week, Tillis cautioned his colleagues in the Senate against becoming obstructionist, instead urging them to consider whoever the president puts forth based on that person's merits. Unfortunately, the state's other senator, Richard Burr, took to pandering to the right, agreeing with McConnell Burr and the more experienced members of the senate would be wise to yield to Tillis' advice. Obama is the president, and one of the duties of his office is to appoint justices to the Supreme Court. He should do so, and the senate should consider that nominee solely on his or her qualifications for the job."

[EDITORIAL: Our Opinion: Burr walks into trap](#) (*Greensboro News & Record [NC]*, 02/21/16)

"It didn't take long for some Republicans to realize what a blunder they'd made immediately after the death of Supreme Court Justice Antonin Scalia.... Have they read the Constitution? It says the president "shall nominate" Supreme Court justices, not that the president shouldn't if he happens to be in the final year of his term. Republicans were setting a new standard for obstructionism by promising to oppose any Obama nominee without a hearing. Republican Sen. Thom Tillis of North Carolina was one of the first to recognize the mistake.... Sen. Richard Burr (R-N.C.), however, declared that Scalia's seat should not be filled until there's a new president. ... Burr's position, calling for the obstructionism that Tillis wisely warns against, will be hard to defend. Not that Tillis is open-minded. He all but vowed to oppose any nominee who isn't a conservative: ... Burr should reconsider.... He could be embarrassed if Obama nominates a compelling or popular moderate judge, such as Albert Diaz of North Carolina, who was confirmed without opposition to a seat on the 4th Circuit U.S. Court of Appeals in 2010. Burr strongly supported Diaz, a former military judge in the Marine Corps. On what grounds could Burr object now? The idea that a president with 11 months left in office shouldn't get a Supreme Court appointment doesn't wash. There's no precedent or constitutional authority for such a position."

[EDITORIAL: Our Opinion: Supreme opposition](#) (*Greensboro News & Record [NC]*, 02/16/16)

"President Barack Obama, after praising Scalia Saturday, said he will nominate a replacement in due time — meaning soon. But even before he said that, Senate Majority Leader Mitch McConnell (R-Ky.) declared the nomination dead. ... That notion is both wrong and a political miscalculation. There is no precedent for denying presidents the chance to appoint justices to the court in the final year of their presidency. They have done so several times, most recently in 1988 when the Senate unanimously confirmed President Ronald Reagan's choice of current Justice Anthony Kennedy. Someone could just as credibly argue that Burr, who's running for re-election this year, should leave important votes to whomever the people of North Carolina choose for his seat in November. But that's absurd. Burr was elected to a full term; so was Obama. They shouldn't stop doing their jobs just because their terms are running out. Obama will be in office for 11 more months — plenty of time for the nomination and confirmation of a Supreme Court justice, and too long to leave a vacancy. The election will determine who, as president, will nominate someone to fill the next opening on the court. ... Rarely does a political party admit to such blatant partisan obstructionism and announce it will set such a reckless precedent.... Rarely does a political party admit to such blatant partisan obstructionism and announce it will set such a reckless precedent."

[EDITORIAL: Do your job, Senators. Let the president do his with the Supreme Court](#) (*Charlotte Observer [NC]*, 02/15/16)

"[V]oters gave the president four more years to lead the country. ... Republicans think it should be three. In an appalling display of political rationalization, Senate Majority Leader Mitch McConnell indicated this

weekend that he'll block any Supreme Court nomination the president makes to replace the vacancy created by justice Antonin Scalia's death.... presidential candidates Mitt Romney and Obama made clear that Americans were deciding who got to nominate Supreme Court justices for the next four years.... presidents have long made important decisions and collaborated on meaningful legislation in the final year of a term.... Presidents, along with the Senate, also have done their jobs filling Supreme Court vacancies in presidential election years. Since 1900, that's happened six times, including when a Democratic-controlled Senate confirmed Anthony Kennedy, a Ronald Reagan nominee, in February 1988. Now, Republicans are content with a Supreme Court that will be paralyzed by a 4-4 ideological split for at least the next year. That's politically risky, and it might quickly backfire in North Carolina, where a 4-4 tie would uphold a federal court ruling this month that invalidated North Carolina's 1st and 12th congressional districts.... Republicans, in fact, hold a majority in the Senate, so the only thing they have to fear is that some of their own might actually vote in favor of a qualified Supreme Court nominee. Instead, they seem ready to do what Senates don't do – deny the president and the people a hearing on a Supreme Court nomination, which would deny the country a fully operating Court. North Carolina's senators, Richard Burr and Thom Tillis, should recognize this. They should urge McConnell to allow the president's Supreme Court nomination to proceed. They should evaluate and vote on whomever that nominee is. Do your job, senators. Let the president do his."

[EDITORIAL: Storm over Supreme Court nomination an insult to office of presidency](#) (*News & Observer [NC]*, 02/15/16)

"President Obama is charged in his duties to name appointees to the Supreme Court. He says he is going to do that duty, and he should.... The notion that a president with almost a year to serve should not bring the Supreme Court – facing a multitude of decisions – up to full strength is absurd. And the motivation for that notion is transparent. McConnell and his mates and the candidates want the president to shirk his duty because he has denied Republicans the White House, and they act almost as if he stole the office instead of winning it by a vote of the American people – twice.... Senate Republicans and Democrats have over the nation's history confirmed nominees of presidents with whom they differed, in the belief that a sitting president has the right to name judges inclined toward that president's philosophy. Now, GOP leaders apparently want to toss that custom out the window in hopes a Republican will be elected president and could name another conservative to the court. The president should submit a nomination"

NORTH DAKOTA

[Forum editorial: Get moving on high court nominee](#) (*INFORUM [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: Trashing the Constitution](#) (*Toledo Blade [OH]*, 02/28/16)

"So much for three branches of government with elected officials serving specified terms. Senate Republicans have dismissed all of that with their declaration that they won't give President Obama's Supreme Court nominee so much as a passing glance.... Credentials? Experience? Judicial temperament? All irrelevant to Mr. McConnell and his colleagues.... The arrogance of this stand is stunning, and it ignores the inconvenient

reality that the people did decide: They elected Mr. Obama for a full second term.... interviews with 612 Ohioans showed that 58 percent said they think the vacant seat should be filled this year, compared with 35 percent who did not. That put Ohio GOP Sen. Rob Portman at odds with his constituents"

[EDITORIAL: How we see it: Obama has duty to make Supreme Court nomination](#) (*Vindicator [Youngstown, OH]*, 02/23/16)

"Republicans in Congress, including Portman, are demanding that Obama ignore the Constitution with regard to one of the most important duties of a president: the nomination of federal judges, including those for the U.S. Supreme Court. ... Republicans in the Senate don't want Obama to perform one of his main constitutional duties, the appointment of federal judges. They know that if a nomination is sent to the Senate, the American people will expect senators to "advise and consent." ... we do urge Obama to name someone who is already serving on the federal bench and, thus, has been through the Senate confirmation process. There is an impressive list of such candidates, including several who received unanimous Senate support. Indeed, it would spotlight the hypocrisy of Republicans if the president nominated a sitting judge who had received high praise from the GOP leadership during his or her confirmation hearings."

[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."

[EDITORIAL: A path to compromise and confirmation of a justice](#) (*Akron Beacon Journal [OH]*, 02/17/16)

"[T]he New York Times explained how the Republican majority has escalated the judicial war. Since Ronald Reagan, each president has faced a Senate controlled by the other party, yet each has won the appointment of 10 to 18 appellate judges during his final two years. The Times noted that President Obama is on track to gain just one confirmation, or the fewest since the creation of courts of appeal in 1891. That is, with the exception of Grover Cleveland, who had no vacancies.... the majority does have an obvious responsibility to see that the courts function The president should move forward with a nominee. The smart and responsible step would be to select someone already meeting the highest standards on the bench, and already having cleared the Senate confirmation process with an overwhelming vote on the floor.... The president has almost 340 days left in office. The Constitution doesn't say that at some point it is too late to nominate. A sterling choice could join the court for part of the current term. At the least, the court would avoid operating without a full set of justices for more than a year, covering two terms Candidates now on the campaign trail cudgel the dysfunction in the capital. Here is a chance to show that it can be overcome, the parties serving the court and the country."

[FEATURED EDITORIAL: After Justice Scalia](#) (*Toledo Blade [OH]*, 02/16/16)

"Supreme Court Justice Antonin Scalia revered what he defined as the original intent of the Framers of the U.S. Constitution. The Republicans who control the Senate and seek their party's nomination for president, not so much.... President Obama said he plans "in due time" to nominate a successor, whom the Senate

would have the ability to confirm or reject. That is not only his right but also his responsibility: ... The GOP timetable likely would leave Justice Scalia's seat empty for well over a year — and, in close cases, leave the high court unable to act decisively. Creating a crisis in one of the three branches of the federal government is too high a price to pay for partisan advantage.... The GOP timetable likely would leave Justice Scalia's seat empty for well over a year — and, in close cases, leave the high court unable to act decisively. Creating a crisis in one of the three branches of the federal government is too high a price to pay for partisan advantage.... imposing that ideological and partisan preference by refusing to do the jobs they were elected to do would be to the detriment of the country and the administration of justice.... If Senate Republicans fail to provide it, their contempt for the court will be clear. Their motives will be equally transparent to American voters, immediately and on Election Day."

OKLAHOMA

[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: Supreme Court needs real world experience: The Supreme Court needs the leavening of a justice with real world experience](#) (*Daily Astorian* [OR], 03/08/16)

"Judge Jane L. Kelly was praised heavily by Iowa's Republican Sen. Charles Grassley, during her prior confirmation hearing.... Beyond the political calculus, there is an appealing aspect to the prospect of Judge Kelly's being nominated. She would bring real-world perspective to the court. She has worked as a criminal defense lawyer."

[EDITORIAL: Take a chance with the devil you know](#) (*World* [Coos Bay, OR], 03/01/16)

"Senate Republicans risk losing an opportunity to see a moderate appointed to the U.S. Supreme Court if they continue to stonewall any appointment recommendation from President Barack Obama.... The Senate's posturing is obstructionist and will blow up in their collective faces. Take Obama's offer, whoever it might be, or risk another Ruth Bader Ginsburg."

[EDITORIAL: Senate ducks its duty](#) (*Register Guard* [OR], 02/29/16)

"The Republican majority in the U.S. Senate is in full Queen-of-Hearts mode: Sentence first, verdict afterward. It refuses to hold hearings on any nominee to the U.S. Supreme Court, even though President Obama has not said who that nominee would be. ... With Senate Republicans now saying they'll hold their breath until Obama goes away, the president's best course would be to nominate someone the Senate, including its Republican members, have already voted to confirm to a judicial position, thereby highlighting GOP obstructionism."

[EDITORIAL: Our View: Unprecedented obstruction](#) (*Asbland Daily Tidings* [OR], 02/18/16)

"Despite arguments to the contrary, Senate Majority Leader Mitch McConnell's refusal to even hold a hearing on a Supreme Court nominee is unprecedented, going far beyond the worst of the Democrats' past tactics.... The American people had a voice in 2012, when they re-elected Obama by a comfortable margin. According to the Constitution, which Scalia is revered for defending, the president is responsible for nominating

Supreme Court justices, with the "advice and consent" of the Senate. Contrary to assertions of a tradition of not confirming nominations in a president's final year, no such tradition exists. In 1988, Ronald Reagan's last year in office, the Senate confirmed Anthony Kennedy's appointment to the court, 97-0, including McConnell and Sen. Charles Grassley refusing to even hold a hearing that is unprecedented."

[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: Our view: It's a judicial choice, not a litmus test](#) (*East Oregonian*, 02/17/16)

"Current senate leadership seriously errs in turning this appointment into a political litmus test on the president, who won in 2012 with a 5 million vote majority. Obama should appoint a qualified, rational jurist. The Senate should give this person a fair hearing."

[EDITORIAL: A deadlock on the court](#) (*Register Guard [OR]*, 02/16/16)

"Scalia might find irony in this. His guiding legal philosophy was that judges should interpret the Constitution as its framers intended, The framers clearly intended that the president "shall have the power, by and with the advice and consent of the Senate," to nominate judges of the Supreme Court. Yet within hours of receiving news of Scalia's death, Senate Majority Leader Mitch McConnell said that Obama shouldn't bother nominating a successor. Obama was elected to a four-year term that won't end for another 11 months, and he certainly should nominate someone. The president will probably choose a nominee whose rejection would embarrass Senate Republicans, such as one of several lower-court judges they confirmed by lopsided votes....Obama has an obligation to name Scalia's successor, and the Senate's role is to consider the nomination."

[Editorial: It's a judicial choice, not a litmus test](#) (*Daily Astorian [OR]*, 02/16/16)

"In keeping with their strategy since 2009 of reflexively trying to block President Barack Obama at every turn, Senate Republicans — and the party's slate of presidential contenders — immediately insisted on leaving the now-vacant Supreme Court seat empty until after Jan. 20, 2017, when a new president takes office. By so doing, Senate Republicans are effectively turning 2016 into an election for both the presidency and the Supreme Court. This is unlikely to rebound in their favor.... Current senate leadership seriously errs in turning this appointment into a political litmus test on the president, who won in 2012 with a 5 million vote majority. Obama should appoint a qualified, rational jurist. The Senate should give this person a fair hearing. Beyond this, as we have observed in the past, it is time for this president (and all presidents) to make Supreme Court appointments from the West."

[EDITORIAL: Our View: Senate leader shows contempt for Constitution](#) (*Mail Tribune [OR]*, 02/16/16)

"The American people, McConnell will recall, exercised their voice in 2012 when they re-elected President Barack Obama by a comfortable margin. And, according to the "original meaning" of the Constitution, the president is responsible for nominating people to fill vacancies on the Supreme Court. According to that same Constitution, the president is to do so with the "advice and consent" of the Senate. The Senate must confirm the nomination, and if it votes to reject a nominee, the president must nominate someone else. Nowhere in the Constitution is there any provision for delaying or suspending this process because a president is in his final year in office or because there is an election underway.... In 1988, Ronald Reagan's last year in office, the Democratic-controlled Senate voted unanimously to confirm Justice Anthony Kennedy.... In 1988, Ronald Reagan's last year in office, the Democratic-controlled Senate voted unanimously to confirm Justice Anthony Kennedy."

[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"

PENNSYLVANIA

[Editorial: Frankenstein shocks maker](#) (*Scranton Times-Tribune [PA]*, 03/06/16)

"Republican leaders should try a new tact. Perhaps they could demonstrate that, yes, they can govern, by having the Senate Republican majority consent to its constitutional duty by conducting hearings and a vote on President Obama's Supreme Court nominee."

[EDITORIAL: We the people can't be trusted to pick judges](#) (*York Daily Record [PA]*, 02/29/16)

"Why should Pennsylvania switch to a merit selection system to choose appellate court judges? ... Although there's no way to completely scrub politics from a merit selection process, this process seems far less prone to political shenanigans (see: Scalia and Senate Republicans' vow to refuse to even consider a U.S. Supreme Court nominee from President Obama)."

[Editorial: Senate needs to think and vote](#) (*York Dispatch [PA]*, 02/29/16)

"Unfortunately, we weren't shocked that Sen. Pat Toomey went along with Republican leadership in saying the next president should appoint a successor to Supreme Court Justice Antonin Scalia.... At least they're admitting that the latest round of brattiness from the Republican senators isn't about a potential nominee's qualifications. It's all about politics. And that's a bad reason to hamstring the highest court in the country for a year. It's Obama's job to name a nominee for the vacancy on the court. It says so right in the Constitution...we would like to throw a name into the ring that should please everyone in some way and no one completely: Judge John E. Jones III of the U.S. District Court for the Middle District of Pennsylvania. Jones, 60, was appointed to the bench in 2002 by President George W. Bush and was unanimously confirmed at that time. He has written two decisions of note: *Kitzmiller vs. Dover* and *Whitewood vs. Wolf*."

[EDITORIAL: Toomey, GOP wrong not to consider Obama's nominee](#) (*Philadelphia Tribune [PA]*, 02/26/16)

"Pennsylvania Sen. Pat Toomey and fellow Senate Republicans are wrong not to consider or vote on President Barack Obama's pick to replace the late Justice Antonin Scalia.... Senate Republicans are putting the Supreme Court's credibility at risk if they make good on their vow not to consider or vote on Obama's pick to replace Scalia.... Toomey and other Senate Republicans are eroding the ability of any future president to pick judges. This shortsighted partisan move could have long term negative consequences for the nation including a future where there are several vacancies on the court and irreparable damage to the credibility of the courts and congress. The hope is that once Republicans are faced with an actual candidate they can examine, GOP opposition would lessen. Judiciary Committee members should recognize that it is their job to give this person a hearing and then let their conscience dictate whether to approve or reject his nominee."

[EDITORIAL: Courting disaster: Senate obstructionists reject the Constitution](#) (*Pittsburgh Post-Gazette [PA]*, 02/25/16)

"So much for three branches of government with elected officials serving specified terms. Senate Republicans have decided never mind to all of that with their declaration that they won't even give a Supreme Court nominee from President Barack Obama so much as a passing glance.... The stance of the majority party has put two big asterisks on Article II of the Constitution The arrogance of this stand is stunning, and it ignores the inconvenient reality that the people did decide: They elected Mr. Obama for a full second term That puts Pennsylvania Sen. Pat Toomey, who believes the next president should pick the nominee, at odds with his electorate. It would be unreasonable to suggest that the Senate should agree, sight unseen, to any

nomination made by the president. It is equally unreasonable for the world's greatest deliberative body to dismiss any nominee without a fair hearing."

[EDITORIAL: Toomey strict obstructionist](#) (*Scranton Times-Tribune [PA]*, 02/21/16)

"Republican senators are sticking to their strict obstructionism in vowing not to even consider whomever President Obama nominates to the Supreme Court of the United States to replace the late strict constructionist Justice Antonin Scalia. Pennsylvania Sen. Pat Toomey doubled down on that obstruction last week.... The Constitution does not provide for the Senate to arbitrarily invalidate the most recent presidential election.... If the next president makes the nomination and the average time passes until confirmation, the Scalia seat will have been vacant for 415 days. ... The length of the proposed vacancy alone proves the level of obstruction at play. Mr. Toomey's position is baloney. He should abandon it."

[EDITORIAL: Toomey should abandon position on Scalia's seat](#) (*Citizens Voice [Wilkes-Barre, PA]*, 02/21/16)

"Pennsylvania Sen. Pat Toomey doubled down on that obstruction last week. His and his colleagues' view is that the next president should nominate the new justice, supposedly to give voters a say in the selection. Such hubris is stunning. Obama is the duly elected president, thus putting Toomey and company in the position of trying to retroactively invalidate his election by the voters. ... According to Toomey, "it's no big deal" to leave the court with a vacancy because the court will not tackle much new work in the current term. But his policy would maintain the vacancy through the new term that begins on the first Monday of October — when the court sets its agenda. That would be a very big deal indeed.... The length of the proposed vacancy alone proves the level of obstruction at play. Toomey's position is baloney. He should abandon it."

[Editorial: No good reason to wait on a new Supreme Court justice](#) (*Reading Eagle [PA]*, 02/21/16)

"But the idea that obstruction in and of itself is the way to go, under these or any circumstances, is not a reasonable way for the Senate to undertake its duty to provide advice and consent.... The president should choose and the Senate should consider a potential successor to Scalia. It's the process demanded by the document Scalia worked for 30 years to serve, and the one the American public deserves to see honored, presidential election year or not."

[EDITORIAL Opinion: Republicans in denial about Supreme Court vacancy](#) (*Philadelphia Daily News [PA]*, 02/19/16)

"Republican leader Sen. Mitch McConnell has said the Senate plans to wait until after the election. Pennsylvania's Sen. Pat Toomey agrees.... Republican leader Sen. Mitch McConnell has said the Senate plans to wait until after the election. Pennsylvania's Sen. Pat Toomey agrees.... They say no to the President's right to nominate a Supreme Court justice, which is why McConnell and Toomey don't even want the Senate hold a confirmation hearing on any Obama nominee. Obviously, racism is a major component in all of this. To have a Democrat in the White House is bad enough, but to have a black man, with the first name of Barack and a middle name of Hussein, is almost unfathomable. And certainly unforgivable."

[EDITORIAL: Toomey must stop voting](#) (*Scranton Times-Tribune [PA]*, 02/18/16)

"Republican senators have employed a spectacular bit of sophistry to support their assertion that the next president, rather than President Obama, should name a Supreme Court justice to replace the late Antonin Scalia. A spokesman for Pennsylvania Sen. Pat Toomey, for example, told The Tribune-Review of Pittsburgh that "it makes sense to give the American people a more direct say in this critical decision. The next court appointment should be made by the newly elected president."... The senators seeking re-election, like Mr. Obama, are in the last year of their terms. But since they were elected in 2010, their last election was even more distant than Mr. Obama's easy re-election in 2012. So if their logic holds, the Republican incumbents seeking re-election will not cast any votes at all for the remainder of their terms to ensure that the people will have a more direct voice in those votes by virtue of the upcoming election. There is no grand principle behind the Republican senators' defiance of the public will. It is naked obstruction. Mr. Toomey should desist."

[EDITORIAL: Obstruction at its worst](#) (*Citizens Voice [Wilkes-Barre, PA]*, 02/17/16)

"Republican senators have employed a spectacular bit of sophistry to support their assertion that the next

president, rather than President Barack Obama, should name a Supreme Court justice to replace the late Antonin Scalia."

[Editorial: A Supreme Court nominee deserves a hearing](#) (*Pocono Record [PA]*, 02/17/16)

"Republicans look like the party of deadlock when they assert that President Obama should not even nominate a successor to the late Supreme Court Justice Antonin Scalia.... the court won't have been able to function properly for months on end.... Leaving it without a pivotal ninth member leaves cases that result in a 4-4 vote stuck with the rulings of the appellate court. Senate Republicans should use their leverage now to get an appointee they can live with. Sure, that means allowing President Obama to make nominations, fulfilling his constitutional duty. But senators will be fulfilling their duty, too. And they have as good a shot now as later of finding a person they can approve for this important office."

[EDITORIAL: GOP senators lack justification to block court nominee](#) (*Citizens Voice [Wilkes-Barre, PA]*, 02/16/16)

[EDITORIAL: Antonin Scalia and the limits of ideology](#) (*Philadelphia Inquirer [PA]*, 02/16/16)

"There is no precedent or principle that should prevent a duly elected president from making a nomination to the Supreme Court, or the Senate from considering it, with nearly a year left in their terms.... President Obama can serve the country and the court best - while making mere obstructionism a less viable strategy - by nominating a centrist without pronounced partisan or ideological loyalties. He and the Senate can look to the example of another longtime - albeit sometime - member of the conservative majority, Anthony M. Kennedy. Confirmed at about this point in the last year of Ronald Reagan's presidency, Kennedy also happens to be the high court's least ideologically predictable member"

[EDITORIAL: After Scalia: Fill the vacancy with a scholarly centrist](#) (*Pittsburgh Post-Gazette [PA]*, 02/16/16)

"The demand by Republican candidates and Senate Majority Leader Mitch McConnell that President Barack Obama refrain from nominating a successor to Justice Scalia, 11 months before the president leaves office, is a shameless attempt at obstructionism. They would leave the court hobbled by 4-4 deadlocks on pivotal cases, in hopes of capturing the White House and naming a politically desirable appointee who would not ascend to the bench for a year or, more likely, 18 months. This would be another form of government shutdown — entirely unnecessary and in defiance of doing the people's business. By the same token, Mr. Obama would be foolish to appoint a liberal, inciting the Republican majority to ignore the nomination. If he truly wants a nominee to get fair consideration, that person must possess a top legal mind and a centrist record. It is the only way to get GOP senators to respect, rather than hold hostage, the process in the Constitution. In so doing, they will honor the originalist spirit of Justice Scalia."

[EDITORIAL: Nominate and confirm](#) (*Scranton Times-Tribune [PA]*, 02/16/16)

"McConnell's newly declared project is to prevent Mr. Obama from naming a Supreme Court justice to replace Justice Antonin Scalia, who died Saturday. Mr. McConnell's suggestion mocks the constitutional standing of the judiciary as an independent and equal branch of the government. It would hold that branch hostage to the very politics from which it is supposed to be insulated. Sens. Marco Rubio and Ted Cruz, candidates for the GOP presidential nomination, claim that the Senate has not taken up a Supreme Court nomination by a late-term president in 80 years. But the Senate confirmed Justice Anthony Kennedy in February 1988, a presidential election year. President Reagan nominated him Nov. 30, 1987, with 13 months left in his term. Mr. Obama has 11 months remaining.... What justification could there be for blocking the nomination of, say, Judge Sri Srinivasan? A moderate, he was nominated by Mr. Obama in 2013 to the U.S. Court of Appeals for the District of Columbia and confirmed by the Senate, 97-0. He had been law clerk for conservative former Justice Sandra Day O'Connor and had worked in the Bush and Obama administrations. Self-serving politics is the only available excuse that Mr. McConnell and his allies could offer for refusing to engage in their constitutionally required advice-and-consent function until it suits them. And it is politically idiotic to do so."

[Today's Editorial: Obstructionists step to front in Washington](#) (*Daily Item [PA]*, 02/16/16)

"The reckless obstructionism many feel has been the cornerstone of the Republican agenda since President

Barack Obama was sworn in more than seven years ago reared its ugly head quickly following the passing of Supreme Court Justice Antonin Scalia Senate Majority Leader Mitch McConnell (R-Kentucky) sent out ... this vacancy should not be filled until we have a new President.” And there you have it, the reason why Americans outside of the beltway despise the way business is conducted, or not, in Washington. President Obama is constitutionally obligated to, and should, nominate a replacement. ... According to Amy Howe at scotusblog.com, “The historical record does not reveal any instances since at least 1900 of the president failing to nominate and/or the Senate failing to confirm a nominee in a presidential election year because of the impending election.” There is more than enough time for fair, meaningful and appropriate dialogue to take place between now and Jan. 20, 2017. The history of blocking federal appointments, particularly over the past two administrations, for partisan reasons is one Americans have grown tired of. Be sure to tell your Congressmen this obstructionist agenda has gone on for too long.”

[Editorial: More charm than good](#) (*Philadelphia Daily News [PA]*, 02/15/16)

"President Obama should quickly fulfill his pledge to nominate a replacement. Only hours after Scalia's death became known, Republican leaders insisted that the president not nominate a replacement, just another instance of the opposition to him actually acting as president. Obama immediately rejected that notion. ... The best nominee, regardless of opposition, is someone who represents the values of the majority of Americans who re-elected President Obama in 2012. They wanted him to be president for four more years and so make this choice. Leaving the choice for the next president would leave a vacancy for at least a year. The court, and the country, can't afford that."

[Republicans might not like it, but Obama has the obligation to name Justice Scalia's replacement:](#)

[Editorial](#) (*Patriot News [Harrisburg, PA]*, 02/15/16)

"The speed with which Republican lawmakers and presidential candidates clamored to demand the president abstain from fulfilling his obligation to name a new justice was both unprecedented and unseemly.... We have news for McConnell: The American people have had a voice in the selection. They overwhelmingly elected Obama in 2012 – for a second time – knowing full well that among his most significant responsibilities would be filling any vacancies in a closely split Supreme Court. There was no asterisk indicating that the president fulfill his obligations for only the first three-quarters of his term Arguments that the timing of Scalia's demise necessitates a delay in naming his successor are specious. On average, it takes 65-90 days to confirm a Supreme Court justice once a nomination has been made. Obama has, as of Tuesday, 338 days left in his term (yes, there are online countdown clocks). That's plenty of time for the Senate to vet, interview, conduct hearings on and vote on a nominee; plenty of time for the process to play out routinely and fairly.... There are already loud calls for the Senate to abandon its responsibilities Such tactics would be cravenly partisan, insulting and, given the issues that await Supreme Court attention, a disservice to the American people. Consider, delaying a successor until a new president is elected leaves the court in an ideological 4-4 deadlock – not just for the remainder of its current term but for most of, if not all of, its 2016-17 term.... There is no precedent for the Senate to block action on a Supreme Court nomination for nearly a full year. More to the point, there is no precedent for the Senate to announce opposition to a Supreme Court nomination before it has even been made. Were this discussion taking place in August, concerns about timing might be valid. At this distant remove from the transfer of presidential power, they are simply vapid."

[EDITORIAL: The Senate shouldn't delay replacing Scalia](#) (*Observer-Reporter [PA]*, 02/15/16)

"There is nothing in the Constitution that states a president cannot make a Supreme Court appointment if the end of his term is in sight. And, this being the case, President Obama has the power – and, arguably, a duty – to put forward a candidate to replace longtime Justice Antonin Scalia Somewhere between now and next Jan. 20, a whole 11 months, we think the Senate could spare a few minutes to consider a Supreme Court nominee And, of course, if a president of their own party was a little less than a year away from the end of his term, Republicans would be chomping at the bit to put a nominee on the Supreme Court. ... there are some potential candidates being mentioned Senate Republicans should find palatable. Take, for instance, Sri Srinivasan, a U.S. Court of Appeals judge on the District of Columbia circuit. He was approved for a spot on that court by a Senate vote of 97-0 in 2013. Absent a scandal or some other misdeed, how could Srinivasan become unsatisfactory in just three years? No, Republicans need to drop the shenanigans, follow the

Constitution many of them loudly proclaim that they revere, and put a new Supreme Court justice on the bench."

RHODE ISLAND

[Editorial: Court games](#) (*Providence Journal [RI]*, 02/16/16)

"President Obama may be on the way out — he has less than a year left on the job — but he still holds the presidency, with all of the rights and duties that entails. One of the enumerated powers of the president under our Constitution is the nomination of Supreme Court justices. Though Mr. McConnell's statement was red meat for his political base, it was inappropriate for him to announce he would block any appointment — even before President Obama nominated a successor to Justice Scalia. His remark also bizarrely overlooked that President Obama was, in fact, elected by the American people, in part to nominate justices to the Supreme Court. While the Senate has the duty to provide advice and consent on the president's pick, that power should not be used — exploited, actually — to fight ideological battles. Really, the advice and consent power is intended to block picks who are corrupt, insufficiently dedicated to the Constitution, or unfit for the job in some other way. "Having a different ideology" does not equate to unfitness for the role."

SOUTH CAROLINA

[EDITORIAL: GOP is wrong about Supreme Court](#) (*Greenville [SC] News*, 02/28/16)

"South Carolina Sen. Lindsey Graham said he won't even meet with a potential nominee These shrill calls ignore that Americans' voices were heard when they reelected President Barack Obama in 2012. ... Justice Anthony Kennedy was confirmed in 1988, though he was nominated in 1987.... Six other times, presidents in the last year of their first term (or in Franklin's Roosevelt's case, the second of four terms) had an opportunity to nominate a replacement for a vacated Supreme Court seat, and each time they did just that.... The Constitution that so many of the Republican candidates say they hold dear is clear. It does not even hint at delaying nominations or confirmations during the final year of a president's term.... a rabid fight to forestall a nomination for the Supreme Court could turn into a self-destruct button for the Republicans' presidential hopes and the party's prospects of maintaining control of the Senate.... Obama's nomination to succeed Scalia deserves a fair hearing and an up-or-down vote from the Senate."

[DITORIAL: 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: Sohn: Jesus and the Supreme Court vacancy](#) (*Chattanooga Times [TN]*, 02/26/16)

"Little has shown the Republican-majority Congress to be so stubbornly determined not to lead as Senate leaders' pronouncement this week that they will not consider, not vote, not even meet with a President Barack Obama Supreme Court nominee.... McConnell and other Republicans said the president should "let the people decide" with the November election. Of course, the people already decided. Twice. They voted President Obama into office to lead this country until Jan. 20, 2017. And, by the way, since 1900, the Senate has voted on eight Supreme Court nominees during an election year. Six were confirmed. Obama said Wednesday it would be "difficult" for McConnell to explain his decision not to consider a Supreme Court nominee without looking like he's motivated by politics. And that was especially true a short time later when Senate Minority Leader Harry Reid suggested a Republican, Nevada Gov. Brian Sandoval, as a potential nominee.... In this particular instance, even Jesus likely couldn't get GOP consideration for the high court post if it were President Obama who offered his name for a vote."

[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."

[Editorial: Senators stick to GOP plan on vacancy](#) (*Commercial Appeal [TN]*, 02/19/16)

"Tennessee Sens. Bob Corker and Lamar Alexander have followed the lead of Senate Majority Leader Mitch McConnell and supported a delay of over a year in filling the vacancy, although both senators have argued in the past that a president's Supreme Court nominees should receive up-or-down confirmation votes in the Senate and should not be subject to a filibuster, except in extraordinary circumstances. In Mississippi, Republican Sens. Roger Wicker and Thad Cochran also have held tightly to the party line With a number of important issues on the Supreme Court agenda, there is no reason beyond partisan politics to deprive the court, or the American people, of its full complement of nine justices.... Current members of the court, plus Scalia, were confirmed after an average wait of 71 days. Extraordinary circumstances? How about a court whose current ideological divide could produce 4-4 votes on some of the most critical issues facing the United States in modern times ... President Obama has stated that he will send the Senate a nominee in short order and he expects action. But there seems to be little doubt now that the Senate, in an abdication of its constitutional responsibility, will fail to act."

[Free Press Editorial: Cooper: Politics no fitting eulogy for Scalia](#) (*Chattanooga Times Free Press [TN]*, 02/16/16)

"The president, as is his right according to the Constitution, will nominate someone to replace the late Justice Antonin Scalia on the Supreme Court We feel, given the circumstances, the GOP has little choice but to oppose a nomination for the rest of Obama's term unless he nominates a centrist jurist who could garner support from both sides of the aisle."

[Times Editorial: Sohn: Justice Antonin Scalia was complicated; choosing his successor will be, too](#) (*Chattanooga Times [TN]*, 02/16/16)

"The Constitution gives the president the power to nominate justices of the Supreme Court "by and with the advice and consent of the Senate."... Now Lynch is a much-talked-about name as Scalia's replacement — along with 48-year-old Sri Srinivasan, a lower federal court judge confirmed unanimously in 2013 and a former U.S. deputy solicitor general. He also served in the Bush Justice Department. Another is Chief Judge Merrick Garland, 63, who was reportedly considered for the first two vacancies Obama filled (which ended up going to Justice Sonia Sotomayor and Justice Elena Kagan). All three should have a chance of picking up at least some Republican votes."

TEXAS

[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 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: OUR VIEWPOINT: Let nomination process play out fairly](#) (*The Facts [Clute, TX]*, 02/17/16)

"We firmly believe the process to select a successor to Scalia is not a political issue, but a constitutional one. It is Obama's duty under the Constitution to nominate a qualified person to fill a Supreme Court vacancy, and it is the Senate's duty to give that person a full, fair hearing and a confirmation vote. That Obama has only a year remaining in office is moot. To say that is not enough time to give a nominee a proper hearing is an indictment of a broken, polarized government, not a justifiable reason to refuse to participate in the process... American people spoke by electing Obama to a four-year term — not a three-year term — back in 2012, and did so by 5 million votes."

[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."

UTAH

[Editorial: Hatch owes us leadership, not obstruction](#) (*Salt Lake Tribune [UT]*, 02/17/16)

"Hatch apparently felt it necessary to start following others, including his junior partner, Sen. Mike Lee, in calling on his colleagues to delay filling the Scalia seat until after the election of a new president. The argument that presidents don't choose new justices in the final years of their terms is bogus and blind to history.... Of course Obama should nominate a new justice soon. Of course the Senate Judiciary Committee, which includes both Hatch and Lee, and the full Senate should consider that nominee. Of course the Senate has the authority to reject said nomination, for whatever reasons it deems important. Elections do matter."

Including the one in which Obama was chosen to be president, for a term that does not end for almost another year.... It is only reasonable for the Democrats to put up a nominee and for the Republicans to judge that candidate. Then the voters, having seen how seriously each party has taken its assigned role, can issue their judgment at the ballot box in November. Which may be exactly what Republicans want to avoid."

VERMONT

[**EDITORIAL: Our Opinion: AGs urge GOP to do its job on Supreme Court vacancy**](#) (*Brattleboro Reformer [VT]*, 03/13/16)

"In a letter to U.S. Senate leadership last week, 20 attorneys general, including Maura Healey of Massachusetts and William Sorrell of Vermont, urged a hearing and a vote on President Obama's eventual nominee to replace the late Antonin Scalia. Congressional Republicans, many of them supposed "strict Constitutionalists," want to stall for a year to deny President Obama the chance to choose a justice. The AGs noted a number of inconvenient truths for Republicans, beginning with the Constitution's description of the process to fill a Supreme Court vacancy. ...They pointed out that a nominee has on average received a full Senate hearing within 67 days of his or her nomination and six justices have been confirmed during election years, most recently under President Reagan. An eight-member judicial panel could result in delayed or deadlocked rulings that might adversely impact the states, the attorneys general wrote."

[**Editorial: Constitution of Convenience**](#) (*Caledonian-Record [VT]*, 02/23/16)

"Bitter partisanship erupted less than an hour after media reported the death of Supreme Court Justice Antonin Scalia. Republicans said President Obama had a snowball's chance in hell of getting a nominee confirmed. Democrats and Obama accused Republicans of betraying their country, obstructionism, dysfunction and trampling on the Constitution. We don't necessarily disagree with Democrats on any of their points.... We agree with Democrats that Republicans should transcend politics and vet candidates on their merits, as they become nominated."

[**EDITORIAL: Our Opinion: Beware GOP's revisionist history, reality**](#) (*Brattleboro Reformer [VT]*, 02/21/16)

"The Republicans who have been experimenting with a variety of awkward, often contrary explanations for a week to account for their reluctance to deal with the reality of a Supreme Court vacancy should ask themselves what they would do if a Republican was in the White House finishing up a second term. What they would do is their job, the one called for in the Constitution."

VIRGINIA

[**EDITORIAL: Senate Must Act on the Scalia Seat**](#) (*News & Advance [Lynchburg, VA]*, 02/22/16)

"There is no precedent for keeping a Supreme Court seat vacant for almost a year; with Scalia's death coming midterm, two terms of the court would be in limbo as most major cases likely would result in a tied vote. We sincerely wish this process would advance as the Founding Fathers envisioned it would: The president nominates a justice he believes would be a fair jurist who adheres to the Constitution, and the Senate then takes up its duties, examining the candidate's fitness for office and ultimately rendering a "yes or no" decision.... which includes use of fair and impartial judgment in the selection of the individual who will hold this important seat in our government."

[**Editorial: A Time For Mourning and Reflection**](#) (*Purcellville Gazette [VA]*, 02/20/16)

"The Republican leadership of the Senate ... quickly put themselves on the record as saying that President Obama should not fulfill this particular constitutionally mandated responsibility. They point to the eleven months left in his term as President and opine that the selection of the next Supreme Court Justice should wait until after the next president has been inaugurated. Their position could not be more ludicrous no where in the Constitution does it place an expiration date on a sitting President's duty to fill vacancies on the Supreme Court. To say that such was the intent of the founding fathers is just plain silly. ... We have no doubt that the founders assumed that a President would be up to all the tasks assigned the office from inauguration day through her or his last day in office. And we find it sadly ironic that the party most closely aligned with the late Justice's conservative findings would choose, on the occasion of his death, to disparage the document

which Antonin Scalia spent his adult life protecting. In the coming weeks, appropriately, a nominee should be named and the confirmation process should proceed in the Senate"

[Editorial: Unseemly](#) (*Gloucester Mathews Gazette-Journal [VA]*, 02/17/16)

"President Obama has every right to nominate a successor to Justice Scalia. It's ridiculous to speak of delay. A 4-4 deadlocked court would let present decisions stand. Other important cases could be left in limbo.... For that matter, with 11 months left in Obama's term and several elderly members of the court, it is not unimaginable that other unexpected vacancies should occur."

[Editorial: The death of Justice Antonin Scalia](#) (*Virginian-Pilot*, 02/17/16)

"Senate Majority Leader Mitch McConnell wasted no time before predictably pronouncing that a nominee should come from the next president. ... though that would be both unprecedented in the modern era and an abandonment of constitutional duties. It's all well and good to claim that the American people should have a say in who next wins a lifetime appointment to the nation's highest court. But voters twice elected Obama knowing that he could remake the court for a generation, and it's ridiculous to claim otherwise. As it is to claim that the Supreme Court should proceed for the next year with only eight members.... The court cannot operate effectively with only eight justices, nor should the work of the people be put on hold. If the executive and legislative branches cannot agree on a successor, they are unlikely to agree on anything of importance. The Constitution outlines the process that follows, and citizens should keep careful watch to see that both the president and Senate leaders adhere to it. What better way to pay tribute to a man who made defending that process his life's work."

[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: Supreme Court nominee a duty for president and senators](#) (*Yakima Herald-Republic [WA]*, 02/19/16)

"The president has a constitutional duty to put forth a nominee. Given the polarization surrounding the appointment — and seemingly everything else in Washington, D.C., these days — Obama also has an obligation to appoint someone with an honest chance of confirmation. And Republicans, some of whom have backed away from obduracy as the week has gone on, have a duty and obligation to give the nominee a full and fair hearing.... The swing vote is that of Anthony Kennedy, a Ronald Reagan appointee who took the court position in February 1988 — by the way, with 11 months remaining in Reagan's presidency. ... The executive and legislative branches, the Republican and Democratic parties, need to set aside differences and move forward with replacing this critical piece in the operation of our system of government."

[EDITORIAL: An Obama nominee deserves Senate vote](#) (*The Olympian [WA]*, 02/18/16)

"The Republican Party's intransigence in Congress is legendary. But the new refusal to consider any appointment of a new justice to the U.S. Supreme Court by President Obama is an outright abuse of power.... It is in the country's interest to have a full court of nine justices, rather than wait a year with a vacancy.... if Obama does nominate someone who recently passed a confirmation vote for a federal district court with near unanimity, the obstructionism would be painful in its ugliness and disregard for the U. S. Constitution, which many of the Republican obstructionists often claim to love."

[EDITORIAL IN OUR VIEW / PRESIDENTIAL NOMINATIONS: Senate's confirmation phobia](#) (*Herald [WA]*, 02/18/16)

"Of course there's the adamant stance by Senate Majority Leader Mitch McConnell that any nomination made by President Barack Obama to succeed Justice Antonin Scalia won't be considered by the Senate. Never mind the Constitution's requirement that sitting presidents nominate judicial candidates and the Senate gives its consent or dissent. Yes, Democrats have played their own political games in the past with Supreme Court nominations, but the current Senate's confirmation phobia goes beyond the Supreme Court and extends to other federal court appointments and even other administration appointments. Washington Post columnist Catherine Rampell, in her most recent column, points out that last year the Senate, in Republican hands, confirmed only 11 federal judges, the fewest number for any year since 1960. And only one appellate court judge was confirmed, the first time that has happened since 1953. Currently, Rampell found, there are 76 vacancies on the federal courts, nearly twice as many when Republicans took control of the Senate after the 2014 elections.... Just as the Senate should give fair consideration to Obama's judicial appointments, it also

must move on confirmations for other nominees that have a bearing on all aspects of the administration, particularly those that affect U.S. jobs."

EDITORIAL: U.S. Senate needs to do its job on Supreme Court nomination; The Senate should honor the legacy of Antonin Scalia by doing its Constitutional duty to confirm his replacement. (*Seattle Times [WA]*, 02/16/16)

"Senate Republican Majority Leader Mitch McConnell said the chamber would not confirm any nominee forwarded by President Obama, leaving it instead for Obama's replacement. The Senate Republican majority instead should honor Scalia's legacy and reread Article II of his beloved Constitution. The president "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the supreme Court." There is no mention of leaving an appointment vacant for political reasons. ... The hyperpartisan milieu of Congress this election year must not thwart the framers' intent. McConnell may be using delay as a negotiating tactic to encourage Obama to nominate a centrist. But if the GOP majority truly intends to freeze a 4-4 split on the highest court through the presidential election, voters should take note.... When Obama delivers his nominee to the Senate, that chamber should do its job."

WEST VIRGINIA

Gazette editorial: Scalia's death opens political tumult (*Charleston Gazette [WV]*, 02/16/16)

"The U.S. Constitution requires President Obama to appoint a successor. Article II, Section 2 says the president "shall have power, by and with the advice and consent of the Senate," to appoint "judges of the Supreme Court." It's a presidential duty and responsibility. Obama says he will obey the Constitution and nominate a replacement. But Republicans are exploding in protest. Senate Majority Leader Mitch McConnell, R-Ky., wants the president to do nothing for 11 months, leaving a high court vacancy until a new president is chosen. ... Bitter political polarization shouldn't leave American justice floundering in limbo almost a year. ... We hope the president does his duty and picks a nominee. We hope senators do their duty and vet and vote on the nominee. And we hope voters pay attention to who attends to the people's business in a timely way and who obstructs it."

EDITORIAL: Playing games with court vacancy; The president and senators need to go about the business of government -- not politics -- and fill the vacancy on the court (*Register-Herald [WV]*, 02/16/16)

"The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new President." Thank you, Senate Majority Leader Mitch McConnell, for once again confirming our worst fears about politics in our country. Your hypocrisy and cynicism know no retreat. But we would remind you, senator, that the American people did have a voice. Twice. They elected Barak Obama to the presidency in 2008 and then — after seeing two of his Supreme Court nominees take their place on the high court — re-elected him to the presidency in 2012. Think about that for just a minute: The American people knew exactly what they would get in any future nominee and they voted the president back into office. He won, senator. Get over it. It appears, sir, that you are simply disrespecting and denying the will of the American people.... we would hope that we can all agree that the president and the Senate should perform their constitutional duties, that in a nation of laws our Supreme Court is too important to be undermined by partisan shenanigans, and that both the president and the Senate need to get to work so that we have a fully functioning court. Now is not the time to abdicate your responsibilities. For Republicans, you have the opportunity to prove to all Americans that you are not obstructionists and you do love your Constitution — just as Justice Scalia did."

WISCONSIN

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."

[EDITORIAL: Sen. Ron Johnson should break ranks on court nominee](#) (*Milwaukee Journal Sentinel [WI]*, 02/25/16)

"Republican Senate leaders confirmed that they will not hold confirmation hearings, will not vote, will not even meet with Obama's nominee. Johnson confirmed Wednesday that he's going to hold that line as well. The hubris of Johnson and his colleagues is stunning. The political game they are playing is cynical.... they should still hold hearings and give Obama's nominee a fair shake. Their refusal to do even the bare minimum shows the party fears the very public it claims to serve. If Obama nominates a well-qualified moderate jurist, Republicans know they will look bad in the eyes of many voters — particularly independents — if they don't confirm the nominee after hearings. So there can be no hearings. And no vote.... The latest Marquette University Law School Poll, released Thursday afternoon, showed ... 57% said they would be willing to see their senator vote for a well-qualified nominee rather than "vote against any nominee you disagree with."... Johnson might improve his chances with independents by showing that he's his own man. He should break ranks with the other obstructionists in the GOP-controlled Senate and come out in favor of Senate hearings and a vote. This also has the advantage of being the right thing to do."

[EDITORIAL: GOP senators should step up and do their job](#) (*Leader-Telegram [WI]*, 02/21/16)

"Republicans control the Senate, and multiple GOP senators, including Majority Leader Mitch McConnell, have made it clear they will not confirm an Obama nominee — not nobody not no how. This is just another example of why so many independent voters are fed up with Washington, D.C., where everything is about gaining political advantage at the expense of making even a token effort to operate our government efficiently and responsibly.... Obama should seek out a moderate voice that both sides may find acceptable but neither would find ideal. The nominee then should be vetted fairly by the senators and voted on based on qualifications and legal brilliance rather than whether he or she can be counted on to haul water for liberals or conservatives."

[Editorial: Ron Johnson and GOP candidates assault the Constitution](#) (*Cap Times [WI]*, 02/17/16)

"The Constitution does not say that presidents may nominate justices. It says they shall do so. The Constitution does not say that presidents are limited in this duty by the timing of when a vacancy occurs. ... Yet Republican senators responded to the death of Supreme Court Justice Antonin Scalia by proposing to shred not just the Constitution but precedents that date from the earliest years of the American experiment. Within hours of the announcement of the conservative jurist's death on Saturday, Senate Majority Leader Mitch McConnell declared that "this vacancy should not be filled until we have a new president." That would leave a vital position vacant for a year, which is absurd. Of course, there is no notion too absurd for Johnson, who quickly echoed his boss.... Republicans were largely united in this egregious assault on the basic premises of the Constitution and on the system of functional governance that is supposed to extend from it.... Obama has already nominated two justices who have been approved with bipartisan majorities. He has a history of striking the right balance. The president was right to embrace the responsibilities of his office.... Justice Kennedy was nominated by Reagan, a conservative Republican, in November 1987. He was confirmed in February 1988 by a Senate that was controlled by the Democrats.... Kennedy was merely the most recent of more than a dozen justices confirmed during the course of election years."

[EDITORIAL | SUPREME COURT: President Barack Obama, Senate should do their duty](#) (*Milwaukee Journal Sentinel [WI]*, 02/16/16)

"But political tumult or not, the Constitution prescribes a process: The president "shall have power, by and with the advice and consent of the Senate" to appoint justices to the high court. President Barack Obama should do just that, and the Senate should, in good faith, evaluate the nominee and decide whether to confirm. Obama has 11 months left in his presidency — plenty of time to fill the vacancy. No recent vacancy on the high court has taken so long to fill. Since 1975, the average time from nomination to decision is 67 days, according to the Congressional Research Service. But Republicans are signaling they will not do their part. ... But other "lame duck" presidents have nominated justices, and gotten them confirmed. President

Ronald Reagan nominated Anthony Kennedy to the bench in November 1987, and Kennedy was confirmed Feb. 3, 1988 — an election year and the last year of Reagan's presidency.... the Constitution still says that presidents serve four years — not three.... Obama should identify the strongest candidate for the job, but in such a sharply polarized nation, the president also must be mindful of the wishes of his opponents. That argues for a judicial moderate. One candidate to consider is Sri Srinivasan, a member of the U.S. Court of Appeals for the District of Columbia. Srinivasan, 48, clerked for former Justice Sandra Day O'Connor and served in both the Bush and Obama administrations. He has argued before the Supreme Court numerous times and been praised by Republican senators, including presidential candidate Sen. Ted Cruz of Texas. He was confirmed unanimously in May, 2013.... Obstructing a nomination for purely political reasons is a risky political bet for Republicans and a poor outcome for the coequal third branch of government. Obama and the Senate must both do their duty."

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."

NATIONAL

[EDITORIAL: Supreme Court obstructionism: Our view; Senate GOP puts politics ahead of the Constitution.](#) (*USA Today*, 02/24/16)

"Stonewalling a nominee for no good reason is bad for the court and for the country.... The exact meaning of the advice-and-consent clause is much debated. But it's almost impossible to argue that it means anything less than the Senate giving a nominee thorough consideration. The Senate's failure to do so would set a terrible precedent that would invite endless partisan tit for tat when future vacancies arise. As for the immediate case, Republicans argue that the voters should weigh in this November before the next justice is seated. That ignores the fact that Obama was duly re-elected in 2012 ... If the nominee has impeccable credentials, falls within the broad judicial mainstream and demonstrates a healthy regard for legal precedent, then he or she deserves hearings and an up-or-down vote. Anything less is putting politics above constitutional principle."

[EDITORIAL: Fill Supreme Court void left by brilliant Scalia: Our view; Obama's nominee deserves timely Senate consideration.](#) (*USA Today*, 02/14/16)

"President Obama said he'd nominate a successor and demand a timely vote, and Senate Majority Leader Mitch McConnell, R-Ky., just as quickly signaled that the GOP-majority Senate would run out the clock in hopes a new Republican president can nominate a more conservative justice next year.... But elections have consequences, and Obama was re-elected in 2012 for four years, not three. Slow-walking a confirmation until 2017 is crass politics that puts partisan self-interest before the effective functioning of one of the nation's most important institutions. Until Scalia's vacancy is filled, the court's typical 5-4 conservative/liberal split on many divisive cases will become a series of 4-4 stalemates that will hobble the high court and allow lower court decisions to stand. The decision about approving the next justice shouldn't turn on which side wins in November while the high court limps along for more than a year without a tie-breaking justice. The Senate should hold timely confirmation hearings on Obama's nominee and vote to confirm that person if he or she is highly qualified and falls within the broad judicial mainstream."

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