

MERRICK GARLAND: 638 EDITORIALS BY OVER 300 EDITORIAL BOARDS IN EVERY STATE & DC URGE SENATE TO HOLD A HEARING AND VOTE ON NOMINEE TO FILL SUPREME COURT VACANCY – STATE BY STATE LINKS/EXCERPTS (as of October 13, 2016)

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These 638 Editorials by 301 newspaper editorial boards in all 50 states and DC represent well over 95 percent of the newspaper editorial board opinions revealed by comprehensive online research.

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

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

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ALABAMA

EDITORIAL: Supreme Court nominee needlessly remains a political football (*Anniston Star* [AL], 09/06/16)

"The really unique do-nothing feature of this Congress is the issue of a vacant seat on the U.S. Supreme Court. Justice Antonin Scalia died in mid-February. President Barack Obama nominated a replacement about a month later. And there the nomination has sat, lonely and neglected in the halls of the Senate. The Republican-controlled Senate has set a record in regards to not considering a Supreme Court nominee. After more than 170 days and counting, Senate Republicans are still refusing to schedule a hearing to consider Garland's nomination. That is a record. Congrats on your foot-dragging, Republican senators.... Obama entered the White House with Republicans vowing to go to exceptional lengths to thwart his administration, and they are still living down to that promise."

EDITORIAL: Act now on Zika outbreak (*Randolph Leader* [AL], 08/10/16)

"Knee-jerk opposition by Congressional Republicans to anything President Obama proposes already has given us a U.S. Supreme Court stalemate, with the lawmakers refusing to even hold a hearing on the suitability of Merrick Garland, the president's nominee to fill a vacant seat."

EDITORIAL: Merrick Garland and our divided U.S. Supreme Court (*Anniston Star* [AL], 05/31/16)

"Republican leaders in the U.S. Senate are standing firm: no hearing or confirmation vote on Supreme Court nominee Merrick Garland until after someone other than President Barack Obama takes over the Oval Office. That decision — shortsighted, bullheaded, disruptive — is having ramifications. The biggest is on the court itself. An eight-justice Supreme Court still operates, but its rulings are marked with an asterisk"

Decoding the Trump Eleven for the Supreme Court: By the editorial board of The Anniston Star (*Anniston Star* [AL], 05/20/16)

"Scalia died 11 months before the end of President Barack Obama's second term. The president nominated a replacement — federal Judge Merrick B. Garland — not long after. During a typical Senate confirmation process, the Senate would consider Garland over the spring and summer. If his nomination was approved by

a majority of senators, Garland could be seated on the Supreme Court well before the presidential election on Nov. 8. This is not a typical Senate confirmation process, however. Within hours of Scalia's death, the Senate's Republican majority declared that no Obama nominee would be considered in the president's final year in the White House. So far, they've stuck to that commitment. Garland can't get a hearing. Garland can't receive a vote on his nomination. Senate Republicans have gone on strike.... It likely doesn't play as well with the rest of the nation who see this episode example of a do-nothing Congress. Thanks to Trump's list, we now have a reminder that there is already one name placed before senators who should perform their constitutional duty and either confirm or reject his nomination."

EDITORIAL: GOP senators refuse to do their jobs (*Montgomery Advertiser [AL]*, 05/08/16)

"Most people who refuse to do their jobs get canned. Not so with GOP senators in Congress who refuse to hold hearings or vote on the Supreme Court nomination of Merrick Garland. President Obama nominated Garland, a moderate, in March Anti-Obama obstructionists in the Senate should stop their disrespectful dereliction of duty. Alabama voters should demand Sessions and Shelby push for timely action on Garland's Supreme Court nomination."

Editorial: A divided Supreme Court votes 8-0 (*Anniston Star [AL]*, 04/04/16)

"Presidential politics usually brings out the worst in some people Even the recent death of Supreme Court Justice Antonin Scalia is bogged down deep in election-year politics. The president has nominated a replacement and Republican leaders in the Senate have reacted by promising to do nothing. No meetings. No hearings. No vote on Merrick Garland, the judge President Barack Obama named as Scalia's replacement. Senate Republicans are content to let one seat on the highest court in the United States sit empty for at least a full 12 months."

EDITORIAL: GOP should quit stalling on High Court candidate's hearings (*Decatur Daily [AL]*, 03/21/16)

"By all accounts, Garland is highly qualified to serve on the Supreme Court. He is considered by all parties politically moderate, and has worked as a prosecutor....The path forward for the Senate, and for the country, is to schedule hearings and weigh the merits of Merrick Garland to serve as a justice on the Supreme Court. That's what the Constitution requires."

Editorial: Credentials of a worthy nominee (*Anniston Star [AL]*, 03/16/16)

"In 2005 after John Roberts was nominated to the Supreme Court by President George W. Bush, this space noted he was a jurist with a keen intellect and an open mind. "This is a man who in the best traditions of the Supreme Court will grow on the job," we wrote. We could say the same of Merrick B. Garland, the federal judge nominated by President Barack Obama Alabama's Richard Shelby and Jeff Sessions are solidly in the camp of senators who are on strike over a replacement for Scalia. What they and others couldn't win at the polling place — the 2008 election and 2012 re-election of Obama — they are trying to short-circuit by failing to follow the Constitution's guidance on staffing the Supreme Court."

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 at 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)

"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."

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

Our View: Blame Congress for failed immigration court ruling; Editorial: The Supreme Court's non-ruling on Obama's Deferred Action for Parents of Americans is a national tragedy. (*Arizona Republic*, 06/23/16)

"A short-handed Supreme Court deadlocked on one of the most pressing national issues, once again highlighting the failure of Congress to do its job. The 4-4 tie on the legality of President Obama's executive action on immigration leaves millions of undocumented parents of U.S. citizen or legal resident children in limbo.... But significant legal questions about whether Obama's actions exceeded his authority remain

unanswered by the highest court in the land. This case will provide no guidance to future presidents.... that's an unfortunate outcome that reflects the challenges faced by a court that's been one justice short since the death of Antonin Scalia. It points to the failure of Congress to even consider a highly qualified Supreme Court nominee from a two-term, sitting president.... Republicans who control Congress should not be crowing about the court victory by default over a Democratic president. They should be telling the American people their plans for immigration reform and restoring the court to nine justices."

EDITORIAL: Party politics destroying three-tiered system (*Arizona Range News*, 04/06/16)

"In 2012 Republicans were confident that Obama would be defeated and the majority in the Senate would be theirs. But that didn't happen. Senate Republicans retaliated by refusing to allow presidential nominees a vote, especially federal judges. ... Even as more judicial emergencies arose, they have refused to move nominees through the confirmation process. It should have been no surprise that when Justice Antonin Scalia passed away they would refuse to consider any nominee the president nominated. ... This was obviously a move based on politics and not governing."

EDITORIAL: Blacktracking the vote (*Eastern Arizona Courier*, 03/23/16)

"The president, who, by the way, is a two-term president elected by the populace, did his job by naming a nominee, a man who was even suggested by one of the staunchest Republicans out there, and yet the Senate won't even dignify the selection by even meeting with the man, much less take a vote on confirmation, which would be doing its job. Garland himself is known to be a uniter, one who runs toward the center of both parties, like the majority of Americans, Maybe the Republicans shouldn't backtrack any longer before their window of getting a moderate justice is closed."

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."

ARKANSAS

EDITORIAL: Diplomatic death among demagogues (*Pine Bluff Commercial [AR]*, 06/08/16)

"Butts, a nominee with impeccable qualifications, never saw her dream realized because people like our own Sen. Tom Cotton thought she made a better political pawn than ambassador. Cotton inasmuch admits that blocking Butts was little more than a spite move, designed to punish President Barack Obama.... Obama's current nominee to the Supreme Court, Judge Merrick Garland, is another fine case in point. Invoking fictitious constructions like "the Biden Rule" Senate Republicans posture and thwart, making reference to imaginary ethical standards and propriety. All the while, important constitutional cases are imperiled by deadlock. That reality finds no purchase in today's cynical flag waving myopia. There is no precedent. History does not order this. Only the hubris of demagogues makes it so. Consider these facts, with respect to Garland's situation. At the time of initial nomination, the Senate had almost a full year to consider and confirm the president's choice. In the past, they never needed more than a couple of months. Since 1975, the average time from presidential nomination to senatorial confirmation is just 67 days. The longest time before confirmation in the last 30 years was 99 days, for Justice Clarence Thomas. Moreover, the last four Justices — across two very different presidential administrations — were confirmed in an average of only 75 days."

EDITORIAL: SCOTUS history against GOP (*Pine Bluff Commercial [AR]*, 03/19/16)

"While Garland's previous vetting en route to the Federal Appellate bench was strongly bi-partisan and without controversy, his road to the Supreme Court may be yet more rocky. This owes in large part to the Republican party's myopic determination to thwart anything vaguely Obama-related. To characterize this latest round of obstructionist bluster as childish would be far too charitable. Take for instance one of the many gems spewed by members of Arkansas' own Congressional delegation. Sen. Tom Cotton released a press statement ...Of the Republican ballyhoo, Cotton's remarks are typical. They seek to cast confirmation of any Obama nominee as somehow undercutting the "voice of the people." Horse-hockey. The historical record is far clearer.... Facts being what they are, the Republicans are on the wrong side of history. ... In short, it's time for the Republican party to grow up, suck it up and deal with the reality of Obama. The people have spoken. They twice voted to give Barack Obama the mantle of the presidency and all that entails, including the discretion to make **nominations** to federal positions. Why are Republican silencing those voices?"

CALIFORNIA

Supreme Court starts term in holding pattern [Editorial] (*San Francisco Chronicle [CA]*, 10/02/16)

"Obama nominated Merrick Garland, a federal appeals court judge generally regarded as the most centrist on the White House short list. ... The stonewalling Senate Republicans have done the court and the nation a disservice by forcing the vacancy to persist. Garland's nomination already has surpassed the record of 125 days between the appointment and confirmation of Louis Brandeis in 1916."

Editorial End the outrageous delay on Garland's nomination (*Los Angeles Times*, 08/09/16)

"Because of obstructionism by Senate Republicans, however, the Senate is no closer to holding a hearing on Garland's nomination, much less voting on it. Meanwhile, the court has divided 4 to 4 in some cases, preventing a definitive resolution of important issues ... Senate Majority Leader Mitch McConnell announced that he wouldn't act on a new nomination by invoking — or, rather, inventing — the principle that a Supreme Court vacancy that occurs in a presidential election year can't be filled "until we have a new president." ... This is shameless partisanship, and it could also be self-defeating. As Obama has warned, continued obstructionism on the Garland nomination could lead to "an endless cycle of more tit for tat [that would] make it increasingly impossible for any president, Democrat or Republican, to carry out their constitutional function." That's a message the president and Senate Democrats need to revive Sen. Tim Kaine replied "absolutely" when he was asked whether the Garland nomination should be taken up in the lame-duck session. If the Senate takes its responsibility to the Constitution seriously, it will act even sooner than that."

Editorial: Congress on vacation: When Congress begins a seven-week recess this afternoon, it will be finishing its shortest cycle of deliberations in 60 years. (*La Opinión [CA]*, 07/14/16)

"Hundreds of judicial candidates waited for the Senate to bother considering them. Senators haven't approved any candidates for ... appeals courts since January 2016. Court cases are piling up because there are no judges available to hear them. Senators refused to debate the appointment of Merrick Garland to the U.S. Supreme Court. As a result, the court only has eight justices and rulings are often tied, forcing the judicial branch to become as paralyzed as the legislature. And now, they're going on vacation."

PD Editorial: Senate's new record for dysfunction (*Press Democrat [CA]*, 07/23/16)

"Wednesday was the 126th day since President Barack Obama nominated Judge Merrick Garland to fill a vacancy on the U.S. Supreme Court. More than four months have passed, and the Republican-controlled Senate has yet to vote on the nomination or even schedule a confirmation hearing. Some senators refuse to meet with Garland, the chief judge of the D.C. Circuit Court of Appeals. Never in the 225-year history of the republic has the Senate neglected for so long its constitutional duty to advise and consent on a Supreme Court appointment.... If McConnell keeps his word, it will be the first time that the Senate has ever refused to consider a Supreme Court nominee. That would be a dangerous precedent.... McConnell disingenuously insists it would be inappropriate for senators to vote on a Supreme Court nomination during the final year of Obama's term. Obama, like all presidents, was elected for four years, not three.... Obama, in his commentary, urged not only a vote on Garland but a commitment from senators in both parties to guarantee a hearing and a vote on all Supreme Court nominees within a fixed period of time. The idea originated with President George W. Bush. It's an idea worthy of a bipartisan compromise."

In Our View: Courting the next president [EDITORIAL] (*Santa Maria Times [CA]*, 07/06/16)

"Here's a semi-rhetorical question — who is hurt by a U.S. Supreme Court with eight justices instead of nine? Here's our non-rhetorical answer — just about everyone. Our point was made clear last week when the short-handed court deadlocked 4-4 on President Obama's de facto immigration reform executive order, thus sending the lower-court ruling against Obama's law back into a state of legal limbo.... There is a fair chance the next president will have an opportunity to nominate two candidates for Supreme Court seats That scenario alone is reason enough to vote in November."

PD Editorial: Kennedy's court shaping the law (*Press Democrat [CA]*, 06/30/16)

Justice "Kennedy is Exhibit No. 1 in the case against the Senate's refusal to even schedule a confirmation hearing for Merrick Garland, Obama's choice to succeed Scalia. President Ronald Reagan nominated Kennedy, a fellow Californian, in November 1987 — with less than a year remaining in his final Oval Office term. Reagan picked Kennedy The Senate, controlled by Democrats, confirmed Kennedy on a unanimous vote barely two months later. Despite the efforts of Kennedy and his colleagues, the failure to fill Scalia's seat rendered the court unable to settle several major issues, including aspect of Obamacare and dues collections by public employee unions. There's no assurance that the court will have another chance at these issues soon,

nor is there any guarantee that the vacancy will be filled soon after November's election. ... three justices will be at least 78 when the next president is inaugurated. Kennedy will be 80. If the Senate turn the court into another partisan battlefield, Kennedy's court could soon be filled with empty chairs."

EDITORIAL: Immigration ruling hard on California (*Daily Democrat [CA]* , 06/28/16)

"Last week's non-decision by a paralyzed U.S. Supreme Court on President Barack Obama's immigration policy reflects congressional failure on two levels. One is Senate Republicans' refusal to even vote on Obama's nominee to replace the late Justice Antonin Scalia, who died in February. The vacant seat leaves the court doomed to tie votes on divisive issues that should be resolved.... But this isn't just about immigrants. The high court has been operating with eight justices instead of its full complement of nine since Scalia died. Obama has nominated Judge Merrick Garland to take Scalia's place, but Senate Republicans have refused to hold a hearing or a vote.... a Supreme Court tie is akin to the court having never heard the case at all, a waste of time and effort. ... we would rather have a full nine-person Court capable of taking definitive stands on complex issues rather than leaving the laws of our country in limbo."

Editorial: Immigrants End Up in Limbo (*La Opinión [CA]*, 06/23/16)

"Such is the result of the Supreme Court's 4-4 deadlock caused by Antonin Scalia's death and by the Republican-led Senate's refusal to consider the judge nominated by the White House to occupy his seat. Thus, the dispute ends without resolution regarding whether the president's decision to place dangerous undocumented people at the top of the priority list and take other immigrants out of it exceeds his powers."

EDITORIAL: High court's immigration ruling underscores Congress' failures (*Sacramento Bee [CA]* , 06/23/16)

"In a nine-word order, the U.S. Supreme Court on Thursday underscored Congress' multiple failures. As the Senate departed Washington for yet another break, Senate Majority Leader Mitch McConnell remained steadfast in his refusal to convene confirmation hearings on Merrick Garland, President Barack Obama's nominee to fill the Supreme Court vacancy left when Justice Antonin Scalia died in February. The short-handed court deadlocked 4-4 and failed to resolve important questions of executive powers."

Mercury News editorial: Immigration ruling hard on Silicon Valley families (*San Jose Mercury News [CA]*, 06/23/16)

"Thursday's non-decision by a paralyzed U.S. Supreme Court on President Obama's immigration policy reflects congressional failure on two levels. One is Senate Republicans' refusal to even vote on Obama's nominee to replace the late Justice Antonin Scalia, who died in February. The vacant seat leaves the court doomed to tie votes on divisive issues that should be resolved either way.... it's no way to run a three-branch system of government."

Editorial: A deadlocked Supreme Court has real consequences for 4 million people (*Los Angeles Times*, 06/23/16)

"Here is a real-world consequence of the Senate Republican leadership's refusal to consider President Obama's nomination of Merrick Garland to the U.S. Supreme Court: the dashed hopes of more than 4 million immigrants living in fear of deportation. Thanks to yet another 4-4 deadlock among the justices Thursday, Obama's "Deferred Action for Parents of Americans and Lawful Permanent Residents" still will not go into effect, and the immigrants who would have been protected by it will not, at least for the moment, be permitted to remain in the United States legally. ,, while we wait for it to work its way through the courts, we have a Republican-led House that won't address immigration reform, a Republican-led Senate that has paralyzed a divided Supreme Court,"

EDITORIAL: Immigration reform stalls at the Supreme Court (*San Francisco Chronicle [CA]*, 06/23/16)

"For the Supreme Court, the upshot is an unsettling reminder of the need to fill the vacancy resulting from the death of Justice Antonin Scalia. The court is split evenly along liberal and conservative lines, as reflected in this 4-to-4 nondecision. That means that appeals courts — the next step down the legal ladder — have the final say because a tie vote by the high court justices leaves the last decision intact. Senate Republicans are refusing to allow Obama to fill that post. Because of this contrived stubbornness, the legal wheels aren't turning in the nation's third branch of government. The White House nominee, Merrick Garland, can't even

get a full Senate hearing, much less a confirmation vote. A close case will need to wait until next year and possibly months after the next president's term begins. This is a prime example of how Washington gridlock undermines the nation's interest."

PD Editorial: Supreme Court held hostage: Day 70 (*Press Democrat [CA]* , 05/25/16)

"The Republican-controlled Senate is threatening to take the Capitol to historic depths of partisanship by refusing to take action, leaving the Supreme Court locked in a potential 4-4 split well into its next term. Some say it's just politics. But it's worse than that. It's a dereliction of duty, one that comes without regard for the potential long-term impacts on the nation's judicial system. The 70 days is already longer than the length of time taken to vet Chief Justice John Roberts,... Perhaps the greatest injustice is to Garland himself who is more than qualified for the position and would most likely receive bipartisan support — as he did when overwhelmingly confirmed for the D.C. Circuit court in 1997 — if and when nomination hearings are ever scheduled.... the American public continues to wait for the U.S. Senate to do its job. So far the wait has been 70 days. If the Senate acts now, it would still have plenty of time to have Garland vetted and confirmed before the Supreme Court begins its new term in October."

EDITORIAL: Birth control must wait for a ninth justice (*San Francisco Chronicle [CA]*, 05/17/16)

"The Supreme Court needs a ninth justice.... The entire disappointing process demonstrates, yet again, how the lack of a ninth justice is seriously affecting the court's ability to conduct its business. It's been two months since President Obama nominated Merrick Garland, chief judge for the U.S. Court of Appeals for the Washington, D.C., circuit. Garland has provided the Senate with a 142-page questionnaire listing his employment record, opinions and public remarks. He's met with 46 senators, including 14 Republicans. Yet the Senate Judiciary Committee continues to express no interest in holding a hearing on his nomination. The senators' resistance is nothing more than base partisan obstructionism. Neither the court's calendar nor the importance of its rulings is based on the national election schedule. The Senate's holdouts are depriving all Americans of their third branch of government."

EDITORIAL: Strategy to divide and fail (*Lompoc Record [CA]*, 04/29/16)

"What seems to be lost in the fog of Washington politics is that, from a constitutional standpoint, this nation's voters have already spoken. In 2008 and 2012 they elected, then re-elected Barack Obama, who has every right to name Scalia's replacement. Meanwhile, the Supreme Court trundles on, doomed to deadlocks on some of the nation's most pressing legal and social issues — all because Republican political power brokers want to have it their way, using the excuse that Americans need to decide. If the presidential campaigns have shown us nothing else, it is that politics is a dirty business, but what the GOP Senate leadership is doing by stonewalling a viable candidate to fill Justice Scalia's seat is showing absolute contempt for the Supreme Court, and the role it plays in balancing the three branches of government. Party leaders should be ashamed, and so should those resorting to such demagoguery.... That's not what framers of the U.S. Constitution had in mind."

EDITORIAL: A 'no comment' from Supreme Court is not acceptable (*Fresno Bee [CA]*, 04/24/16)

"Senate Majority Leader Mitch McConnell is failing the country by refusing to act on Obama's nomination of Judge Merrick Garland to fill Scalia's seat."

EDITORIAL: A Supreme Court 'no comment' in Texas case is not acceptable (*Sacramento Bee [CA]*, 04/19/16)

"Senate Majority Leader Mitch McConnell is failing the country by refusing to act on Obama's nomination of Judge Merrick Garland to fill Scalia's seat."

EDITORIAL: Building nation for everyone (*Lompoc Record [CA]*, 04/12/16)

"There have been a few cracks in the partisan wall of resistance against President Obama's nomination for the U.S. Supreme Court vacancy, but not enough to make a dent.... it's not working for America.... Voter ID and similar restrictions foster less voting, which works in favor of a small portion of one party. How can that be good for true democracy? Perhaps that is what is really behind the GOP's drawing a line in the sand on Obama's Supreme Court nomination. The irony is that Judge Garland would likely be middle-of-the-road philosophically as a Supreme Court justice"

PD EDITORIAL: One short, the Supreme Court is all tied up (*Press Democrat [CA]*, 04/02/16)

"As Harvard Law Professor Noah Feldman put it in his Bloomberg View column, "The Supreme Court is getting desperate." With good reason. The court has been reduced from nine members to eight on several pending issues, lower courts have issued conflicting rulings, leaving the country without a settled legal standard. No one benefits from that. Senate GOP leader Mitch McConnell says Scalia's seat on the court should be filled by the next president. That would leave the court shorthanded not just for the remainder of this term, which ends in June, but for most — if not all — of its next term, too."

Editorial: A Victory For Workers; A Supreme Court tie decision eliminates a financial threat for public unions (*La Opinión [CA]*, 03/29/16)

"The tie decision is an example of the lack of resolution that entails leaving a long vacancy on the Supreme Court, as it seems is going to be the case if the Senate fails to confirm Merrick Garland, the judge nominated to replace Scalia."

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

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

EDITORIAL: An empty seat on the Supreme Court leaves law unsettled (*San Francisco Chronicle [CA]*, 03/29/16)

"The U.S. Supreme Court is entering no-man's land, a place where key legal issues aren't resolved and political paralysis reigns. The high court found itself tied 4 to 4 President Obama's pick for the high court, Merrick Garland ... remains stalled by obdurate Republican senators who want to wait until after the November election, hoping to give a GOP president a chance to make the pick. That strategy denies Obama his right to make a choice, one of his duties of office.... Unless the Senate's Republican leadership relents, this might be just the first in a series of deadlocks that effectively prevent the high court from having the final say on significant matters of constitutional law."

Editorial Ending the Supreme Court stalemate (*Los Angeles Times*, 03/24/16)

"[S]talemates are likely if Senate Republicans continue with their ridiculous refusal to hold hearings on President Obama's nomination of federal appeals court Judge Merrick Garland to fill the Scalia vacancy. ... It's better for the Senate generally to focus on qualifications and accept that every president, by virtue of his election, has the right to try to shape the court. ... Based on his comments last month, it would seem that the chief justice agrees. He would be doing his court and the Constitution a favor by explicitly calling on the Senate to do its job and give Garland a fair hearing."

EDITORIAL: Grinding gears of politics (*Santa Maria Times [CA]*, 03/23/16)

"Obama's nominee, appeals court Judge Merrick Garland, is a judicial moderate who has won the praise of top Republicans in the past. ... it's difficult to imagine how naysayers would justify denying the nominee so much as a hearing, when so many of those same senators sang Garland's praises in the recent past. The GOP hardliners' major theme is that the vacant seat should be filled by the next president, to be chosen in November, so the American people will have been given a voice and a choice in the Supreme Court seating arrangements. That argument crumbles in the face of reality. The American people already made such a choice, twice in fact, to elect and re-elect the person responsible for filling vacant court seats."

EDITORIAL: Grinding gears of politics (*Lompoc Record [CA]*, 03/20/16)

"Obama's nominee, appeals court Judge Merrick Garland, is a judicial moderate who has won the praise of top Republicans in the past. By nominating Garland, the Obama administration has put the GOP in a real bind. How, for example, do Republican senators who have heaped praise on Garland's judicial balance now oppose him for a place on the high court?... McConnell's Senate GOP colleagues who face re-election next November appear to be having second thoughts. If they cave to the party leader's intransigence, voters are

likely to see such foot-dragging for what it is — an act of political self-preservation, undertaken without regard for America or its citizens."

EDITORIAL: Our View: GOP is wrong on court nomination (*Sentinel [Hanford, CA]*, 03/18/16)

"Short-circuiting the system by refusing to acknowledge a nomination is diverting the will of the people. The people chose the president, and for any political party's leadership to refuse to acknowledge the nomination is to ignore the will of the people.... Ignoring Obama's nomination to avoid making it an issue in the presidential election is a bogus argument. Ignoring the nomination has itself become an issue; ... Merrick Garland should be recognized as the current nominee for Supreme Court justice. By all accounts, he's a respected jurist who has found favor with both Democrats and Republicans. He should be vetted and approved or denied based on his merits."

Editorial: Obstructionist McConnell stiffs a qualified nominee (*Fresno Bee [CA]*, 03/17/16)

"President Barack Obama fulfilled his constitutional obligation Wednesday by nominating an obviously well-qualified jurist to serve on the U.S. Supreme Court.... McConnell's refusal to even meet with a qualified nominee and respected jurist drives the process further into dysfunction."

PD Editorial: Obama did his duty; the Senate should too (*Press Democrat [CA]*, 03/17/16)

"By nominating Judge Merrick Garland to fill a vacancy on the U.S. Supreme Court, President Barack Obama fulfilled his constitutional obligation. It's time for the U.S. Senate to do the same. Garland, the chief judge of the Circuit Court of Appeals for the District of Columbia, deserves a confirmation hearing and a vote.... It's the Senate GOP, not the president, playing politics with the Supreme Court and, by extension, the public's faith in the independence of the judicial branch.... There is no precedent for leaving a Supreme Court seat open in an election year."

EDITORIAL: Obstructionist McConnell stiffs a qualified nominee (*Sacramento Bee [CA]*, 03/16/16)

"McConnell's refusal to even meet with a qualified nominee and respected jurist drives the process further into dysfunction.... The president has presented the Senate with a wise and decent judge who spent 19 years on the bench, has a record of collegiality and has shown himself to be anything but an ideologue.... Sen. Orrin Hatch, R-Utah, has gone out of his way to praise Garland, as have other Republicans. Rejecting someone with Garland's credentials would be unprecedented."

Editorial: Republicans should not play politics with Supreme Court nominee (*Ventura County Star [CA]*, 03/16/16)

"President Barack Obama has named an eminently qualified and highly respected judge, Merrick Garland, as his nominee to the U.S. Supreme Court.... Republican leaders in the Senate, who control that body, have decided they will not consider Garland's nomination. No hearing. No vote.... They have an opportunity with this nomination to show that the Constitution and the process still matter. They can do that by holding nomination hearings for Merrick Garland and voting on whether this qualified jurist should be named to the Supreme Court."

Mercury News editorial: Garland is superb court nominee (*San Jose Mercury News [CA]*, 03/16/16)

"President Obama sensible choice of the moderate Judge Garland makes clear that if Republicans refuse to hold hearings on his nomination, it is simply because GOP senators don't want Obama to fulfill his Constitutional duty to appoint Scalia's successor. Merrick Garland deserves to be confirmed by the Senate and to sit on the Supreme Court."

Editorial: Senate Republicans' refusal to consider Merrick Garland's Supreme Court nomination is dangerous obstructionism (*Los Angeles Times*, 03/16/16)

"The stubborn refusal of Senate Republicans to consider any Supreme Court nominee offered by President Obama would be outrageous, regardless of whom the president selected to succeed Justice Antonin Scalia. But Obama's announcement Wednesday that he will nominate Merrick Garland, a moderate federal appeals court judge who has won bipartisan praise during a long and distinguished legal career, puts the Republicans' irresponsibility and cheap partisanship in even starker relief.... "Give the people a voice in the filling of this vacancy," McConnell pleaded. This is a preposterous argument, and a cynical one to boot. The relevant vote

of "the people" in this situation is their decision to support Barack Obama for president in 2008 and again in 2012."

Editorial: The Senate must consider Garland's nomination; Having an incomplete Supreme Court for a record amount of time would be detrimental for democracy (*La Opinión [CA]*, 03/16/16)

"The White House, far from nominating a liberal judge, selected Merrick Garland, the chief judge of the U.S. Court of Appeals for the D.C. Circuit,.... If the situation were different, the Republican-majority Senate, which in the past only had good things to say about Garland, would have confirmed him quickly. ... The president did his part. Now the Senate must stop searching for excuses not to fulfill its obligations, and consider Garland's nomination."

Contra Costa Times editorial: Senate should act on Garland nomination (*Contra Costa Times [CA]*, 03/16/16)

"Merrick Garland is a superb nomination by President Barack Obama to fill Justice Antonin Scalia's seat on the U.S. Supreme Court. The chief judge of the U.S. Court of Appeals for the District of Columbia circuit is a moderate who is widely respected by both Democrats and Republicans for his integrity, judgment, intellect and basic decency. It would be irresponsible for Republicans in the U.S. Senate to withhold consideration of Garland's nomination for strictly political reasons."

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

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

EDITORIAL: Don't play politics with Supreme Court nominee (*San Francisco Chronicle [CA]*, 03/16/16)

"President Obama's choice of federal Appeals Court Judge Merrick Garland is getting a stone-cold response from GOP leaders. No hearings, no debate, no vote — never mind the constitutional duties to review the nominee.... Garland's background, at least initially, more than qualifies him for the post. His record, recommendations from colleagues and a prior Senate approval vote all argue for his selection to the high court. But none of his background can be vetted without the Senate's quizzing and review.... Republicans are creating a political hurdle that ignores the Constitution's dictates on divisions of responsibilities, and undermines the dignity and independence of the nation's highest court."

Oakland Tribune editorial: Senate should act on Garland nomination (*Oakland Tribune [CA]*, 03/16/16)

"Merrick Garland is a superb nomination by President Barack Obama to fill Justice Antonin Scalia's seat on the U.S. Supreme Court. The chief judge of the U.S. Court of Appeals for the District of Columbia circuit is a moderate who is widely respected by both Democrats and Republicans for his integrity, judgment, intellect and basic decency. It would be irresponsible for Republicans in the U.S. Senate to withhold consideration of Garland's nomination for strictly political reasons.... Obama's sensible choice of the moderate Garland makes clear that if Republicans refuse to hold hearings on his nomination, it is simply because GOP senators don't want Obama to fulfill his constitutional duty to appoint Scalia's successor. The nomination of Merrick Garland deserves consideration from the Senate in a timely manner. And, assuming things are as they seem, he should be confirmed to sit on the Supreme Court."

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-poops 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)

"President Barack Obama should nominate another justice, and the Senate should hold hearings and decide whether to approve the nomination.... 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.... 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."

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? Of 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: GOP senators taking huge risk with standoff over nominee (*Longmont Daily Times-Call [CO]*, 07/22/16)

"Senate inaction on President Obama's nomination of Merrick Garland is not unconstitutional per se. But clearly, it's political — and, for the body given the power of "advice and consent," is more glaringly wrong-headed and impractical as this impasse stretches. As of this week, Judge Garland has gone longer than any other Supreme Court nominee without being confirmed or rejected.... Republicans in the Senate are taking a risk — a huge risk — in planning on a holdout that could last 11 months.... As part of their constitutional charge to provide advice and consent, these senators should do their job and begin the confirmation process for Merrick Garland. Vet this judge and vote on him"

EDITORIAL: Gardner weighs in (*Daily Sentinel [CO]*, 03/30/16)

"“To me it says Washington continues to face challenges it hasn't addressed,” U.S. Sen. Cory Gardner, R-Colorado, told the Sentinel's editorial board Tuesday. One of those challenges is coming to some accord on filling a vacancy on the Supreme Court. Despite national polls indicating that even a majority of Republican voters say the Senate should hold hearings on President Obama's nominee Merrick Garland, Gardner remains steadfast in his belief that confirmation should wait until after the election.... We disagree with Gardner's stance on the Senate's refusal to hold hearings. It's an abuse of process established in the Constitution and leaves a deadlocked court in place for far too long."

EDITORIAL: Senate should give Supreme Court nominee Merrick Garland a hearing; Senate GOP could rue day they dismissed nomination (*Denver Post [CO]*, 03/16/16)

"President Obama tried to put Senate Republicans on the spot Wednesday by nominating someone for the Supreme Court who is closer to the center in his judicial philosophy than they could have hoped for under normal circumstances.... We happen to believe the Senate should hold hearings rather than ignore the nomination"

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.""

Editorial: Follow the Constitution: Nominate a justice (*Loveland Reporter-Herald [CO]*, 02/16/16)

"[F]ear 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.... And, no, presidents have not stopped nominating judges during their final year in office. ... Obama should nominate a judge, which is something he said that he will do, and that nominee should appear before the Senate. At that point, the Senate's Republican majority may grill the president's nominee as they see fit. ... What's at stake here is not just whether the court leans left or right, but whether the American government should operate as the Constitution guides."

CONNECTICUT

EDITORIAL: Act on Garland nomination (*Day [CT]*, 05/11/16)

"A sense of duty has not propelled the Republican leaders of the U.S. Senate to act on President Obama's nomination of a U.S. Supreme Court justice. But even if patriotic and constitutional responsibility were not enough to move them, maybe something they hold dearer will force their hands — political expediency.... Swallow your pride, Senator McConnell, and move the Garland nomination forward."

EDITORIAL: Senate Republicans would be foolish to block Supreme Court nominee (*Day [CT]*, 03/16/16)

"President Obama's nomination of a judicial moderate to fill the Supreme Court vacancy created by the death of Justice Antonin Scalia leaves the Republican leaders in the Senate with no justification to shirk their constitutional role to either deny or confirm the selection. In fact, Republicans should be motivated to act on the appointment. ... Obama has offered Republicans a potential justice who may prove far more palatable than any candidate they get after the November presidential election. ... Continuing Senate delay would give the Democrats an issue to use against the Republicans in the election and the opportunity to fill the vacancy after the election. In other words, continued stalling would be politically foolish for the Republicans. So if Senate Republicans do not want to act because it is their constitutional responsibility, perhaps they can be motivated by political pragmatism."

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."

DELAWARE

EDITORIAL: Our thumbs up, thumbs down for the week (*News Journal (DE)*, 03/24/16)

"Thumbs Up: To Delaware's Joe Biden for calling for the Senate to act in a timely manner on the current Supreme Court vacancy. Biden believes that leaving it unfilled would produce "a patchwork Constitution inconsistent with equal justice and the rule of law." ... The vice president hoped to convince Republican senators that their refusal to consider the nomination of appellate judge Merrick Garland hurts ordinary Americans."

Editorial: Court obstructionism nothing but bluster (*News Journal (DE)*, 03/16/16)

"Elected officials like McConnell and Vitter say they're beholden to the best interests of the American people. If, through hearings, it emerged that Merrick Garland was not fit for the highest court in our land, we would be the first to thank legislators like McConnell and Vitter for shining a light on the President's erroneous nomination. But, by refusing to do their jobs, McConnell, Vitter and the other obstructionists are serving only to get their names engraved on some sort of monument to bluster. We think many Americans have heard enough out of them. Where are the lawmakers who actually want to work for the salaries we're paying them?"

DISTRICT OF COLUMBIA

Bring on the judges [BY WJW EDITORIAL BOARD] (*Washington Jewish Week [DC]*, 09/14/16)

"The Republican-led Senate, which had been dragging its feet in considering Obama's federal court nominees, announced earlier this year that it will not act on any more appointments until the president's term ends in January. That effectively put Judge Merrick Garland's nomination as Supreme Court justice in deep freeze and does the same for every other judicial nominee. It is the Senate's job to act on those nominations and not to use its constitutional role for political purposes. Each of the nominees deserves a hearing. The Senate should fulfill its mandate to advise and consent."

EDITORIAL: The Supreme Court leaves undocumented immigrants in the shadows (*Washington Post*, 06/23/16)

"The icing on the cake of misgovernance is the refusal of Senate Republicans to take up Mr. Obama's nomination of highly qualified judge Merrick Garland to the Supreme Court. Their excuse was the upcoming presidential election, but their action essentially decrees that a president can exercise his constitutional authority to name judges for only three-quarters of his constitutional term. The result is an evenly numbered court prone to deadlock. The standoff heightens the stakes of the presidential election."

Editorial: The showdown Democrats don't need to have (*Washington Post*, 06/15/16)

"No doubt the GOP poisoned the atmosphere with its obstruction of Merrick Garland, Mr. Obama's pick to replace Antonin Scalia on the Supreme Court, and other appointees."

EDITORIAL: Eight is not enough: GOP blocking of a Supreme Court nominee is political, not principled (*Washington Post*, 06/06/16)

"Since Antonin Scalia died, leaving a vacancy on the Supreme Court and depriving it of a deciding ninth vote, the justices have had to punt, duck, dodge and weave around contentious issues. Justice Ginsburg provided a timely reminder that the judicial branch of government is not properly functioning, and has not been for months. Meanwhile, even as Justice Ginsburg subtly prods the nation's politicians, those responsible for this dysfunction — Senate Republicans — are doing more than ever to discredit themselves. Senate Majority Leader Mitch McConnell (R-Ky.) ... has gone a step further, making his opposition not simply cynical but patently ridiculous.... It is absurd to claim that Mr. Garland, a nominee about whom many liberal groups are not excited, a judge whom Sen. Orrin Hatch (R-Utah) once called a "consensus nominee," is the worst-case scenario for Republicans.... McConnell's admission that Mr. Garland is "well-qualified" should end the discussion. The president gets to nominate; the Senate gets to object in extraordinary circumstances, but has an obligation to confirm if nominees are, as in this case, obviously qualified and within the mainstream of judicial thinking. No other arrangement can keep the system working."

EDITORIAL: Don't Let GOP Antics Downplay Importance of Supreme Court Justice

Nominee (*Washington Informer*, 04/06/16)

"Seventeen national organizations, led by MoveOn, have pressed for the Senate to do their job and give Garland a fair hearing, fulfilling their job as senators while remembering the oath of service they took upon their election to office. ... We urge our readers to contact their senators and voice their opinion."

EDITORIAL: The Supreme Court needs a ninth justice immediately (*Washington Post*, 03/31/16)

"[K]eeping the court understaffed for any significant length of time would be bad for the law, the court and the country.... It is likely that, without a ninth justice, the court will more often deadlock on major cases, in which values are more fundamentally in conflict. Even if we might agree with some of the results, a quarter of a presidential term is a long time to go without a full Supreme Court. Senate Republicans should consider Merrick Garland's nomination immediately."

EDITORIAL: Dear GOP: Stop playing politics and give Merrick Garland a confirmation

hearing (*Washington Post*, 03/16/16)

"In fact, it is Republicans who are putting politics above their essential responsibilities. Mr. Garland should get confirmation hearings, and after those a straight up-or-down vote. Any political damage Republicans endure for refusing will be self-inflicted and well-deserved. The case against Mr. Garland — well, there is not much of a case against him. He is unusually well-respected across the ideological spectrum.... Obama could have chosen to nominate a more ideological figure or a minority candidate with an eye to turning out voters. Instead, the president selected someone whose primary political advantage is that he is eminently reasonable, which is what a Democratic president would do if he were reaching out in good faith to a GOP Senate. Republicans should respond with the same good sense."

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: Extreme partisanship blocks judges, cripples federal courts (*Palm Beach Post [FL]*, 06/27/16)

"Think it's bad that we have an empty seat on the U.S. Supreme Court? Well, that's just the tip of the iceberg. Senate Republicans have been so successful in their strategy of obstructing any nominees by President Barack Obama that there are now 89 vacancies in the federal courts system. Waiting to fill those spots are 58 nominees, the limbo for some going back almost a year and a half. That includes South Florida attorney Mary Barzee Flores, whose nomination 16 months ago has been blocked by her own senator, Marco Rubio. ... federal courts are where citizens go to protect important constitutional rights on voting access, the environment and discrimination. It's where consumers and workers go to hold corporations accountable. With those courts crippled, essential liberties may be eroded."

Editorial: Casualties of a broken Congress, Supreme Court (*Tampa Bay Times [FL]*, 06/23/16)

"It's up to voters in November to send a message that they want Congress to act on bipartisan immigration reform and the Supreme Court to be fully functioning rather than held political hostage.... Senate Republicans are blocking confirmation hearings for Obama's Supreme Court nominee, federal appellate Judge Merrick Garland. The Supreme Court remains one justice short since the death of Antonin Scalia earlier this year, unable to break 4-4 deadlocks. Because of the obstructionist tactics of congressional Republicans, the nation still has a broken immigration system. It has a Supreme Court incapable of reaching final decisions on key issues."

EDITORIAL: Congress just can't get its act together on anything except discord (*Miami Herald*, 06/23/16)

"Where's a ninth Supreme Court justice when you need one? There is little doubt if the late Justice Antonin Scalia had voted, a 5-4 vote would have been a simple, declarative ruling, likely finding the president's action unconstitutional. Of course, the result might have been the same if Senate Republicans had done the responsible thing and held hearings and a vote on Mr. Obama's eminently qualified nominee, Merrick Garland. But their leaders have refused, to their shame. ■ With the Supreme Court's majority obviously in play, voters this year will have a huge say in its direction"

Editorial: Another case for filling U.S. Supreme Court vacancy (*Tampa Bay Times [FL]*, 05/17/16)

"Once again, the stubborn refusal by Senate Republicans to act on the president's nominee to fill the court's vacancy is undermining the court's rule and delaying justice.... the larger problem is a high court so paralyzed it cannot function as a final word on constitutional rights. Bumping these cases to the lower courts fosters a patchwork legal system, where rights are defined by the geography of individual judicial circuits. Since the death of conservative Justice Antonin Scalia in February, the court has deadlocked three times, leaving the nation without clarity in the law, the Supreme Court's very constitutional purpose. Senate Republicans have made clear they do not intend to act on President Barack Obama's highly qualified nominee, federal appellate Judge Merrick Garland, currently chief judge of the D.C. circuit, arguing the next president should fill the vacancy. All parties before the court deserve a fully functioning bench, and justices need to be deciding cases, not engineering legal settlements. This court has a singular role, and it needs to fulfill it. Senate Republicans need to get on with their jobs and take up the nomination. The vacancy is creating uncertainty across the judicial system. There is no just reason to delay the resolution of the serious cases that come before this court. One branch of the government is being held hostage by another, and it's time to return the balance of power to the democratic system."

Editorial: Another case for filling Supreme Court seat (*Tampa Bay Times [FL]*, 03/24/16)

"The U.S. Senate should need no more compelling reason to vote on President Barack Obama's nominee to the Supreme Court than the possibility of a deadlock among the justices on important cases.... The Senate should do its job and stop impeding government from functioning as it was designed.... Obama has nominated a well-respected centrist, federal appeals court Judge Merrick Garland, but Senate Republicans refuse to hold confirmation hearings and argue the vacancy should be filled by the next president. Their

stalling tactics show a lack of respect for the Constitution and the American people who deserve a court that can rule on important cases before it."

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

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

IN OUR OPINION: Editorial: Court nominee deserves hearing (*Ocala Star Banner* [FL], 03/19/16)

"With his choice of a nominee to the Supreme Court on Wednesday, President Obama gave Republican senators a golden opportunity to act in solidarity with the American people — a majority of whom want Washington to get over itself and move forward with filling the vacancy on the bench. Obama nominated Merrick B. Garland ... He is so well qualified that no less an authority than GOP Sen. Orrin Hatch commended him. Even so, today's Republican leadership is locked in obstruction mode.... Top senators, including Majority Leader Mitch McConnell, continue to insist that the nomination should be left up to the next president — not Obama. That stance is an insult to Obama and to voters, a majority of whom re-elected him in 2012 to a four-year — not a three-year — term. ... Garland should get a hearing, at least, for the chance to sit on the nation's highest court."

EDITORIAL: Our View: Court nominee deserves Senate hearing (*Daytona News-Journal* [FL], 03/18/16)

"President Obama on Wednesday made a shrewd pick for the vacant seat on the Supreme Court when he nominated Merrick B. Garland, chief judge of the U.S. Court of Appeals for the District of Columbia Circuit. Garland deserves a full hearing before the Senate Judicial Committee. ... the president selected Garland, universally acknowledged by the law community as being eminently qualified for the position, at age 63 significantly older than the usual nominee — and widely described as being a judicial "moderate."... It positions Obama as being temperate and willing to work with the GOP — and makes those who support McConnell's "no-hearings" stance look like hidebound obstructionists blinded by partisanship.... The Senate should respect the nominating process norm by giving Garland a hearing."

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

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

Editorial: U.S. Senate should hold hearings, vote on court pick (*Tampa Bay Times* [FL], 03/16/16)

"President Barack Obama has fulfilled his constitutional obligation by nominating an experienced, well-regarded appeals court judge to fill the U.S. Supreme Court vacancy created by the death of Justice Antonin Scalia. Now the Senate should do its job by holding hearings and voting on whether to confirm Judge Merrick Garland. Senate Republicans who continue to act as obstructionists and ignore the president's nomination for political reasons are eroding public confidence in the legal system and abdicating their constitutional responsibility. Obama chose carefully in nominating Garland, the widely respected chief judge of the U.S. Court of Appeals for the District of Columbia Circuit he is well-liked by Republicans and would be viewed as a consensus choice under different circumstances. ... Now the Senate should do its job by holding confirmation hearings and taking a vote."

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

"Let's remind the Senate that there's another principle here — the principle of doing the job you were elected

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

Editorial: High court nominee deserves a hearing; Senate Republicans should put politics aside (*Sarasota Herald-Tribune [FL]*, 03/16/16)

"With his choice of a moderate nominee to the Supreme Court on Wednesday, President Obama gave Republican senators a golden opportunity to act in solidarity with the American people — a majority of whom want Washington to get over itself and move forward with filling the vacancy on the bench. Obama nominated Merrick B. Garland, chief judge of the U.S. Court of Appeals for the District of Columbia Circuit.... He is so well qualified that no less an authority than GOP Sen. Orrin Hatch commended him."

EDITORIAL: Senators, do your job, act on Judge Merrick Garland (*Miami Herald*, 03/16/16)

"President Obama effectively took the issue of qualifications off the table when he picked Judge Merrick Garland to fill the vacancy on the Supreme Court created by the death of Justice Antonin Scalia. In any other year, Judge Garland's nomination would be a sure-fire bet to win quick Senate approval. Judge Garland is a sitting appeals court judge with a much admired record and a history of bipartisan support who has managed to win Senate approval for the bench while drawing virtually no criticism. Over the years, Republicans have praised his record and suitability for the bench.... refusing to even hear from the nominee represents an act of contempt that should be beneath the dignity of the Senate.... It's time for members of the Senate to do their job."

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."

GEORGIA

EDITORIAL: High court can't do its job when the Senate punts on court nominees (*Savannah Morning News [GA]*, 06/28/16)

"Last week's 4-4 tie on the U.S. Supreme Court over President Obama's immigration policy underscores at least three things. It shows again that the U.S. Senate is hamstringing the high court by refusing to consider Obama's nominee to the vacancy there. And it illustrates the importance of carefully picking the next president, who will pick the next justice and quite possibly more. The balance of the court is at stake.... The reach of executive power is exactly the sort of constitutional issue that should be decided by the Supreme Court, not by one of 12 regional appeals courts. But without a 9th justice to break a tie, it gets punted.... Obama nominated Merrick Garland, the chief judge of the U.S. Court of Appeals for the District of Columbia, in March to fill the vacancy created when Justice Antonin Scalia died. Senate Republicans have blocked even a hearing on Garland, saying it should be the next president's job, not this one's, to fill the seat. It is yet another way for Republicans to register their contempt for the Democratic president. Who knows when a new justice could even get seated, or how many 4-4 ties will result before that happens. We do know that the Senate has delayed that day and shrugged its responsibility by refusing to consider a highly qualified nominee named by the sitting president of the United States."

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

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

EDITORIAL: Voters could decide next U.S. Supreme Court justice; GOP senators may see President Obama's nominee as lesser evil if Hillary Clinton wins in November (*Albany Herald [GA]*, 03/18/16)

"Georgia's senators, along with other Republican senators, have come under criticism for their steadfastness in opposing the Senate taking up any nomination submitted by President Barack Obama to fill the U.S. Supreme Court seat that became vacant with the unexpected death of Justice Antonin Scalia. But like everything else in politics, a rock solid position often is neither. There's a very real possibility that Chief Judge Merrick Garland, currently serving on the District of Columbia Circuit Court of Appeals, will be confirmed Were it a Republican president leaving office in January rather than a Democrat, GOP senators would be pushing for consideration ... To his credit, President Obama made a good nomination Garland is seen as a moderate, one who, in a less hostile political climate and earlier in Obama's term, would be acceptable to many and probably most Republican senators. GOP senators are giving themselves wiggle room in that they are not specifically knocking Garland. Perdue, for instance, made it clear Thursday that he was taking aim at the process, not at Garland"

HAWAII

EDITORIAL: Give Garland a hearing (*Mani News [HI]*, 03/22/16)

"Republican senators are making a mistake by not scheduling hearings on President Barack Obama's nominee

for the Supreme Court, Merrick Garland. Garland is currently the chief judge on the U. S. Court of Appeals for the District of Columbia Circuit. From everything we have read, Garland is a true moderate.... Our point is that the court could use more moderates.... The Republicans may live to regret it if they don't give a moderate like Garland a fair hearing."

IDAHO

House editorial: An example of class and bi-partisanship (*Post Register [ID]*, 04/09/16)

"Idaho Republican Sens. Mike Crapo and Jim Risch last week enjoyed what Crapo called in a news release, a "productive consultation process between the Idaho Senate delegation, the President and his team" on the nomination of David C. Nye of Pocatello to serve in the U.S. federal court for the District of Idaho.... Nye appears to be an excellent candidate ... Still, it's difficult to overlook the charade of Risch and Crapo working merrily alongside President Barack Obama when both have made statements claiming they won't support a hearing, meet with or consider a lame-duck action for Obama's nominee to the Supreme Court, Merrick Garland.... If the president and his team were tit-for-tat politicians, Idaho could have remained in what federal courts had deemed "a judicial emergency" through 2016.... Reading the Idaho senators' gleeful statements about their success and cooperation with the president is like watching a toddler stop a tantrum just long enough to calmly accept some candy. The question is, are they willing to soften their opposition to an equally qualified candidate now that they have what they want?"

EDITORIAL: The move to paralyze the president (*Idaho Mountain Express*, 03/23/16)

"Senate Majority Leader Mitch McConnell says he's concerned about the American people. McConnell is engaged in more than political theater—rather, in the unconstitutional and reprehensible nullification of a sitting president, making him powerless.... McConnell reaffirmed his commitment to preventing the current president from naming any justice.... First, the people already expressed their voice in choosing a president empowered to fill a Supreme Court vacancy. ... The second principle McConnell is ignoring is that the United States is a representative democracy.... McConnell's move violates America's democratic principles. He should let the Senate proceed."

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: The harm of short-handed Supreme Court (*Chicago Sun Times*, 10/06/16)

"Don't believe anybody who says the refusal of Senate Republicans to consider President Barack Obama's nomination to the Supreme Court has done no harm. Harm is being done every day to millions of undocumented immigrants who live in continued fear of immediate deportation because the short-handed court has been unable to deliver a definitive ruling on a key Obama executive order.... Harm also may be done, ironically, to the agenda of the Republican Party, which should have jumped at a good deal when they could. Short-sighted Senate Republicans have refused for seven months to consider the credentials of Judge Merrick Garland, Obama's safely moderate nominee"

Editorial: 'New page' as do-nothing as old page in Congress (*Journal Star [Peoria, IL]*, 09/28/16)

"Not only can't the Senate deal with the president's nominee to fill one of the longest vacancies on the U.S. Supreme Court in the modern era, it's confirming other federal judges at the slowest pace since Joe McCarthy was drinking excessively and seeing communists around every corner."

Editorial: Garland GOP's best bet? (*Journal Star [Peoria, IL]*, 06/28/16)

"The U.S. Supreme Court has reaffirmed two controversial rights, confirming its leftward shift, Merrick Garland or no Merrick Garland.... The moderate Garland may be Republicans' best bet."

Editorial: Separation of powers prevails (*Journal Star [Peoria, IL]*, 06/23/16)

"Unsurprisingly, the U.S. Supreme Court has deadlocked on permitting the president to grant amnesty to more than 4 million illegal immigrant this deadlock again highlights the ramifications of not filling the Scalia vacancy and living with an evenly divided eight-member high court An unelected Supreme Court has had a lot of clout — some would argue too much — but we'd still prefer one that can provide the nation a direction, even if we don't always agree with it."

Editorial: Supreme Court now our junior branch of government (*Chicago Sun Times*, 06/23/16)

"If Congress won't do its job, the Supreme Court can't do its job. That's been the warning since the Republican-controlled Senate made it clear in March it won't even consider filling a vacancy on the Court while Barack Obama is president — and that damage has come in no time at all. On Thursday, the short-handed Court, stuck in a 4-4 tie, was unable to deliver a definitive ruling in one of the most pressing issues facing our nation, whether to grant temporary protections against deportation to more than 4 million undocumented immigrants so that they can live stable and productive lives.... Our Constitution provides for three branches of government — the executive, the legislative and the judicial. But what we've got in practice, so long as an evenly divided high court is unable to rule on key constitutional issues, is about 2 1/2 branches of government.... The minute Senate Republicans announced they would not even consider the credentials of Obama's nominee to the Court, Judge Merrick Garland, they guaranteed that filling this vacancy — and every future vacancy — would be politicized to the extreme."

EDITORIAL: OUR VIEW: Political courage shouldn't be situational (*Times [Ottawa, IL]*, 04/27/16)

"Well, congressman, the hurry is that the Supreme Court is supposed to have nine members. Antonin Scalia died in February, and whomever is elected president won't take the oath of office until Friday, Jan. 20. No one can say with a straight face the American public is better served missing 11 percent of the most important court in the land for a year or more.... Garland deserves a hearing and a Senate vote. The timing of the election is irrelevant. Kinzinger and his sort know this, they just won't admit it to their constituents. That's neither grown up nor courageous. It's just plain sad."

EDITORIAL: Raw Republican politics threaten legitimacy of Supreme Court (*Chicago Sun Times*, 04/07/16)

"Sadly, Senate Republicans seem to be perfectly willing to let the erosion go on. Most of them again this week — Sen. Mark Kirk of Illinois being one of the rare exceptions — have refused to even chat up the nominee in their Capitol Hill offices. They are worried more about not offending their most rigid right-wing supporters than about doing their constitutional duty. With every new day this goes on, the Orwellian double-talk and intellectual dishonesty grow more offensive. In times past, as Obama said, presidents nominated candidates to the Supreme Court and Congress considered those nominees in short order, usually wrapping up the process in about three months.... But the confirmation process has become more politicized at every level of the federal judiciary. ... And now a candidate as over-qualified as Garland can't even get a hearing.... Do your job, senators, so that the Supreme Court can do its job."

EDITORIAL: OUR VIEW: 1 politician shows some good sense (*Journal Gazette/Times-Courier [IL]*, 04/09/16)

"[I]t is refreshing to see Republican U.S. Sen. Mark Kirk of Illinois buck his party's leadership over delaying hearings on President Barack Obama's nomination for the U.S. Supreme Court.... Predictably, Senate Majority Leader Mitch McConnell of Kentucky has said there will be no hearings on Obama's nomination anytime this year.... We believe the people expect elected officials to perform their duties in Washington and in Springfield. As Kirk has said: 'I'm showing what a rational, responsible guy would do that really wants the constitutional process to go forward.' Exactly. It shouldn't be asking too much to expect office holders to be rational and responsible."

Editorial: Cheers (*Pantagraph [Bloomington, IL]*, 04/01/16)

"Cheers .. to U.S. Sen. Mark Kirk for agreeing to meet with Supreme Court nominee Merrick Garland. Most Republicans won't meet with, or discuss, Garland's recent nomination by President Obama. Some think Kirk's move was designed as an election-year push against his fall opponent, Democrat Tammy Duckworth. Regardless of his reason, Kirk did the right thing in acknowledging Garland's nomination to the nation's highest court."

EDITORIAL: OUR VIEW: Regardless of reason, a bold step forward (*Times [Ottawa, IL]*, 03/31/16)

"Sen. Mark Kirk .. is the first — and so far only — Republican to meet with Garland since President Obama nominated him to his credit, he's speaking out about Garland. Sen. Susan Collins, R-Maine, is the only other Republican Senator to say the full chamber should get to vote on Garland.... Yet it's clear McConnell and his cohorts think they're playing a winning hand. It's also clear they favor partisan politics over actually doing the job they were elected to do.... no matter the reason, [Kirk]stepped boldly forward and Illinoisans should be proud of his effort. Let's hope he's not alone."

EDITORIAL: Kirk takes admirable stance, even if it costs him Senate seat (*Daily Journal [IL]*, 03/23/16)

"Senate Majority Leader Mitch McConnell, R-Ky., said he will block any vote on an Obama nominee and has held firm since Garland was nominated. The majority of Republicans in the Senate have sided with McConnell, and Kirk clearly has stuck his neck out by going against the grain. Nevertheless, there is reason to admire Kirk for his stance. ... the process should take place. As Kirk says, "It's just man up and cast a vote.""

EDITORIAL: Justice John Roberts' wise words on Supreme Court and politics (*Chicago Sun Times*, 03/21/16)

"If Chief Justice John Roberts had his way, the Republican-controlled Senate would quit playing politics and hold hearings on President Obama's nominee to fill a vacancy on the Supreme Court. That is an entirely safe assumption based on remarks Justice Roberts made in a speech last month in which he lamented how politicized the nomination confirmation process has become....It would be entirely appropriate for Roberts, as chief judge, to explain to the nation how the Court is being hobbled by the decision of the Senate's Republican leaders to leave Scalia's seat unfilled for the better part of a year or longer. ... Roberts probably never saw it coming, but who did? The notion that the Senate would flat-out refuse to consider the credentials of any Supreme Court nominee — let alone one as qualified as Judge Merrick Garland — put up by a duly-elected president would have seemed absurd."

Editorial: Vote him up or down, but vote: Merrick Garland, on the merits (*Chicago Tribune*, 03/16/16)

"Over nearly two decades of service on a federal court of appeals, Garland has won nearly universal admiration.... Republicans don't question Garland's fitness for the job, but rather Obama's insistence on making any nomination.... But it's pretty hard for them to say that they have fulfilled their obligation to provide "advice and consent" on judicial appointments if they decline to assess Garland on his merits."

Editorial: Will GOP prove that judicial confirmation process is 'beyond repair'? (*Journal Star [Peoria, IL]*, 03/16/16)

"By virtually all accounts, President Obama's nominee to fill the Scalia vacancy on the U.S. Supreme Court, Merrick Garland, is eminently qualified. A majority of Senate Republicans said so themselves in 1997 when he was confirmed Garland is about as good and palatable a selection as Republicans could have hoped for from a Democratic president.... Republicans have indicated they won't argue qualifications because with Garland, they know they can't."

EDITORIAL: America can't wait a year for a full-strength Supreme Court (*Chicago Sun Times*, 03/16/16)

"The irony is that the system is working, if Republicans in the Senate would only show a little more respect for the American Constitution. President Barack Obama on Wednesday nominated an ideologically centrist jurist with impeccable credentials to fill a vacancy on the Supreme Court But, instead, Republican Senate leaders again on Wednesday said they will not hold confirmation hearings — to hell with the letter and spirit of the Constitution ... Do your job, senators. The president put forth a nominee, as required by the

Constitution he took an oath to uphold. Hold hearings to consider Garland's suitability and vote to confirm or reject. You took an oath, too. The Constitution makes no exceptions for election years."

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: OUR VIEW: Highest court at least works (*Pharos-Tribune [IN]*, 04/11/16)

"President Obama did his constitutional duty and nominated Scalia's replacement, Merrick Garland, chief judge of the United States Court of Appeals for the District of Columbia Circuit. In response, the Republican-controlled Senate made good on its promise not to consider any of Obama's choices to fill the vacancy, no matter whom they might be. This calcified stance ensured Obama's final year in office would remain fractious right to the end, leaving the possibility of a broken judicial branch until at least next January when the next president is sworn in. With all this gridlock and obstructionism, we can at least take solace in the Supreme Court's 8-0 decision Monday in the case of *Evenwel v. Abbott*.... at least one branch of government can actually do something, much to the consternation of the do-nothing politicians on Capitol Hill."

Editorial: Highest court at least works (*Kokomo Tribune [IN]*, 04/10/16)

"President Obama did his constitutional duty and nominated Scalia's replacement, Merrick Garland, chief judge of the United States Court of Appeals for the District of Columbia Circuit. In response, the Republican-controlled Senate made good on its promise not to consider any of Obama's choices to fill the vacancy, no matter whom they might be. This calcified stance ensured Obama's final year in office would remain fractious right to the end, leaving the possibility of a broken judicial branch until at least next January when the next president is sworn in. With all this gridlock and obstructionism, we can at least take solace in the Supreme Court's 8-to-0 decision Monday in the case of *Evenwel v. Abbott*."

EDITORIAL: Law professors press support for hearings (*Fort Wayne Journal Gazette [IN]*, 04/02/16)

"Fifty-eight Indiana law professors have signed a letter urging U.S. Sen. Dan Coats, R-Indiana, to give Merrick Garland a hearing. As President Barack Obama's nominee for a seat on the U.S. Supreme Court, Garland has become the judicial equivalent of the Maytag repairman, with few Republicans willing even to meet with him. Sen. Joe Donnelly has urged his colleagues to do their jobs, evaluating Garland and voting to confirm or reject him to replace the late Justice Antonin Scalia."

JG EDITORIAL: Supreme irony; Vacancies highlight ideological inconsistency (*Fort Wayne Journal Gazette [IN]*, 03/23/16)

"Indiana Supreme Court Justice Brent Dickson will step down April 29 Hoosiers being the generally sensible people that they are, no one is suggesting that Gov. Mike Pence decline to nominate a successor for Justice Dickson in order to let the people make the decision in this fall's governor's election. It would, of course, be absurd to make that argument Of course, one could make exactly the same argument about a vacancy on the U.S. Supreme Court. President Barack Obama was (re)elected in 2012, and it is his duty, like Pence's, to see that nominees are submitted to fill court vacancies.... Well, that's Washington politics vs. Hoosier common sense for you. Indiana Democratic Sen. Joe Donnelly, for instance, has from the start insisted that he and his fellow senators would not be doing their jobs if they refused to hold confirmation hearings and vote on a Supreme Court nominee. But wait! Indiana's other senator, Dan Coats, who was one of the majority of Senate Republicans who voted to confirm Garland for the U.S. Court of Appeals Washington D.C. Circuit in 1997, now argues that this Coats-certified judge shouldn't even have a chance to be considered by the Senate."

Editorial: Senators, do your job (*Kokomo Tribune [IN]*, 03/22/16)

"Obama has nearly a year left in his term. Senators also seem to disregard the fact the American people, by millions of votes, made their choice for Obama as president in both 2008 and 2012.) What the GOP Senate majority seems to be banking on is a Republican presidential victory, which would then allow it to steal this obligation from Obama and stack the court in a more conservative direction.... Obama could have picked someone who leans much more to the left than he. The fact the Senate is refusing to even give the man an up or down vote is a shocking dereliction of duty."

EDITORIAL: Our Opinion: Court nominee deserves full hearing, vote (*Herald Times [IN]*, 03/17/16)

"With all due respect to Indiana's two U.S. Senators, Joe Donnelly is right and Dan Coats is wrong on filling the vacancy on the U.S. Supreme Court. President Obama on Wednesday announced his nomination of

Federal appeals court judge Merrick Brian Garland to fill the court's vacancy caused by the death of Supreme Court Justice Antonin Scalia."

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

Supreme Court in political limbo [Editorial] (*Hawke Eye, [Burlington, IA]*, 10/5/16; full text accessible in *The Ottawa Herald [KS]*, 10/5/16) "The court has been shorthanded since Justice Antonin Scalia died in February. Unfortunately and most unnecessarily, with four liberal justices and four conservatives, the court is seen by some observers as being 'crippled' by the lack of a majority view. ... sulking Senate Republicans refuse to fill the vacancy. There is a suitable candidate for the vacancy. Federal Judge Merrick Garland is President Obama's commendable choice."

Grassley tries to defend his obstruction [Editorial] (*Hawk Eye [Burlington. IA]*, 09/13/16)

"Again, Sen. Charles Grassley made the bogus claim he's been making since Justice Antonin Scalia died last February — the American people should get to pick Scalia's replacement.... The president picks justices to the court. And the president did, when he nominated Merrick Garland.... Grassley, with a straight face, has said repeatedly he wouldn't play politics on this while at the same time he's playing politics with this by declaring he won't hold a hearing on Garland's fitness for the job. He's doing the bidding for his boss, Senate Majority Leader Mitch McConnell, who will do whatever it takes to block any initiative of President Barack Obama.... We've reported on Grassley's meetings — including the one with his hand-picked constituents at Great River Medial Center — and his declaration of overwhelming support for his obstruction on this important matter didn't surface at that meeting.... It matters not how he tries to spin it, Grassley has failed in his responsibility as chairman of the judiciary committee to hold a hearing on Garland's nomination. The court has suffered because of that. The nation deserves a nine-member court."

[EDITORIAL] Our View: Grassley gives Garland glimmer of hope; Our Position: Senator's political remarks indicate nominee has shot at hearing he deserves (*Daily Nonpareil [Council Bluffs, IA]*, 09/02/16)

"Our Position: Senator's political remarks indicate nominee has shot at hearing he deserves.... We're encouraged to hear there's a chance Garland could the hearing to which he's entitled by Obama's nomination. But the grounds — Hillary Clinton would nominate a more liberal justice, so the GOP-controlled Congress could fast-track his approval — on which Grassley made those comments make us shake our heads. In essence, the highest court in the land is being used as a pawn in a deplorable, high-stakes game of partisan chess.... Unfortunately, Garland has yet to be afforded a hearing — despite the sudden glimmer of hope that he may get one. While we'd like to see that happen, even if in the lame-duck session, it shows that partisan-induced gridlock knows no bounds."

In defense of inaction [EDITORIAL] (*Hawk Eye [Burlington. IA]*, 08/14/16)

"Republican Senator Chuck Grassley used his radio address Saturday to try to convince Iowans he's getting the job done for us. ...Missing from his address was any reference to that nagging issue of his obstruction to hold a hearing on President Barack Obama's nominee to the United States Supreme Court, the eminently qualified Merrick Garland.... Despite the fact that it's the president's job to nominate replacements to the court — his term doesn't end until next January — Grassley declared days after Antonin Scalia's death in February that on this, the president's term in office already had ended. ...A lot of Iowans take issue with his obstruction and want him to do his job. And he said the Republican-led senate "hasn't wasted time or resources" on partisan fights. But, common sense Iowans are smarter than that. Of course they've wasted our resources on partisan fights, especially when it comes to the vacancy on the court. ... he does get a thorn for his dereliction of duty on the Garland matter. Filling a vacancy on the court should be the committee chairman's highest priority. It should take precedence over sentencing reform. But, despite his claims to the contrary, he is playing partisan politics so, no, he's not getting the job done for Iowans, or the nation on the matter that should be the top of his agenda. It's not action, it's inaction. A 9-member court is essential for the nation. That's just common sense."

EDITORIAL: Grassley right to push for reform; Our Position: GOP senator continues championing needed legislation for criminal justice reform (*Daily Nonpareil [Council Bluffs, IA]*, 07/21/16)

"Sen. Chuck Grassley has always been one to stand his ground. Sometimes, that persistence can be maddening, such as his refusal to hold confirmation hearings for a new Supreme Court justice. In other instances, however, his tenacity is downright admirable."

EDITORIAL: No final answer (*Storm Lake Times [IA]*, 07/06/16)

"There's no question that immigrants feel deflated after the US Supreme Court last week effectively ended the Obama Administration's attempt to shield several million undocumented people from deportation. ... The Supreme Court was deadlocked on whether the appeal should be heard. That's because Senate Judiciary Chairman Chuck Grassley, R-Iowa, will not allow a hearing for Obama Supreme Court nominee Merrick Garland.... Congress is not doing its job. It is not reviewing Supreme Court nominees. Grassley prefers to play games."

EDITORIAL: System wasn't designed for tie votes (*Hawk Eye [Burlington. [LA], 06/27/16*)

"Thanks to Grassley, the court has been without a ninth member since the death of Justice Antonin Scalia in February. Grassley, chairman of the Senate Judiciary Committee, vowed, since Scalia was buried, he wouldn't permit anyone nominated by the president to receive a hearing before the committee. ... It's a powerful position, and Grassley is using it to promote his anti-Obama agenda, under the powerful gaze of Senate Majority Leader Mitch McConnell, who pulls the strings of his Republican underlings in the senate. Trust us, if McConnell gave his blessing to having hearings on the president's qualified nominee, judge Merrick Garland, then Grassley would have conducted the hearings. The senate's role in judicial appointments is advise and consent, not to obstruct for political purposes. Grassley said the next president should get to pick Scalia's replacement. It's nonsense. It's not what the authors of the Constitution had in mind.... And the system works, when those elected to oversee it let the system work. Grassley isn't doing that. And he's been pretty smug to those who would criticize his indifference to the beauty of the judicial-confirmation process envisioned more than two centuries ago. An eight-member court is a disservice to the American people. And that's laying at the feet of the senator."

Editor's Notebook: Grassley must agree: The Supreme Court says we can ban assault rifles (*Storm Lake Times [LA], 06/22/16*)

Art Cullen: "The US Supreme Court declined on Monday to hear an appeal of state laws banning military-style assault rifles. That means that bans in New York and Connecticut may stand, because the Supreme Court can't decide much of anything these days. It is deadlocked between four liberal justices and four judicial activists posing as conservatives. Grassley refuses to give a hearing to President Obama's nominee, whose judicial record looks more like John Roberts' than Thurgood Marshall's. So the reason that the assault weapons bans will stand is because of Chuck Grassley and no one else. Garland could have voted his way."

Editorial: Welcome back, Sen. Grassley (*Quad City Times [LA], 06/02/16*)

"The Senate Judiciary Committee chairman has, for months, been under constant election-year fire for blocking President Barack Obama's Supreme Court nominee, Merrick Garland. We've pulled no punches when criticizing Grassley's willingness to join the absurd Republican campaign to delegitimize Barack Obama's presidency."

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

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

assertion that while we can't rely on the last two presidential elections to determine the will of the people, we will be able to rely on the next one."

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

"Yes, there's a risk to holding a seat on the U.S. Supreme Court for GOP front-runner Donald Trump, Grassley admitted this week. ... And yes, Grassley's refusal to hold hearings for Obama nominee Merrick Garland could blow up in the GOP's collective faces, if Democrat Hillary Clinton takes the White House and brings a Democratic Senate majority with her. It's a "gamble" Grassley said he's willing to take. But Grassley [is] playing with house money and each and every one of us might pick up the tab."

EDITORIAL: Iowa Dems pull a Grassley on Hawk-I nominee (*Hawk Eye [Burlington. IA]*, 04/17/16)

"This space has been used to be brutally critical of Sen. Chuck Grassley's obstructionist position on the consideration of President Barack Obama's nominee, Merrick Garland, to replace Antonin Scalia on the U.S. Supreme Court. We've noted while Grassley likes to throw daggers at anyone who doesn't share his unjustified position as chairman of the Senate Judiciary Committee that government should wait until after the November election to fill Scalia's vacancy, it's actually Grassley who is playing partisan politics. Why? Because he's a Republican and the president isn't. It's that simple. We've noted it's not the type of behavior we expect from those we send to public office to work on our behalf."

EDITORIAL: The non-partisan thing to do is have the hearing (*Hawk Eye [Burlington. IA]*, 04/14/16)

"So, beyond the phantom declaration of a "Biden Rule" — it's nonsense because there's no such thing — Iowa Sen. Chuck Grassley ... told Garland the Senate won't be moving forward with his nomination during this "hyper-partisan election year." It's hyperbole Grassley is trying to mask as good governance.... To suggest this election is offering more vitriol than others, and therefore that's justification for Grassley to not fulfill his constitutional obligation to hold a hearing on President Barack Obama's nominee, is a disservice to the people who voted for him, the people who have cases before the Supreme Court, and the founding fathers who designed a system specifically to eliminate partisanship on this matter. ... And even some of his key supporters tell him he's wrong about this. Keith Uhl, Des Moines lawyer who helped manage Chuck Grassley's first U.S. Senate campaign and is considered a friend, said it's time for Grassley and Republican Senate leaders to "man up and vote" on Garland."

EDITORIAL: Grassley doing what he decried (*Waterloo Cedar Falls Courier [LA]*, 04/13/16)

"A decade ago, Sen. Charles Grassley, R-Iowa, put the qualifications of a U.S. Supreme Court nominee above politics — a position then Sen. Barack Obama, D-Ill., opposed.... After Bush nominated Samuel Alito in January 2006, Grassley reiterated, "The Supreme Court does not have seats reserved for one philosophy or another. That kind of reasoning is completely antithetical to the proper role of the judiciary in our system of government."... Roberts echoed Grassley's earlier sentiments in a Boston speech Feb. 3 ... Somehow those became fighting words for Grassley, chairman of the Senate Judiciary Committee, who is concerned Roberts may boost Obama nominee Merrick Garland Grassley then lamented the court wasn't political enough. ... Grassley then lamented the court wasn't political enough."

EDITORIAL: Sen. Grassley needs a mirror (*Hawk Eye [Burlington. IA]*, 04/07/16)

"Now it's United States Supreme Court Chief Justice who has gone political as it relates to Republican obstruction on filling the vacancy on the court created by the death in February of Antonin Scalia, according to Sen. Chuck Grassley.... You've got to hand Grassley his due for his chutzpah. He's the man doing the most to turn the Supreme Court vacancy into a political circus, but has the nerve to heap criticism on the judge — more than two months after Roberts spoke What Grassley is really saying is it's a Democrat president's nominee.... Grassley, in claiming he isn't politicizing the vacancy when he is doing exactly that, said we should wait until after the election.... Grassley can't point to a single poll supporting the position he was apparently told to take by the majority leader, Sen. Mitch McConnell. Americans, by large majority, want there to be hearings. The American people have spoken, Mr. Grassley. It's you not listening. It's you politicizing while, at the same time, you have the temerity to claim it's everyone else. Look in the mirror, senator."

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

"Americans might need to get used to deadlocks, thanks to Sen. Chuck Grassley. ... The U.S. Supreme Court

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

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

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

EDITORIAL: Our View: Listen to the people; Our Position: Grassley still wrong on confirmation hearing (*Daily Nonpareil [Council Bluffs, IA]*, 04/01/16)

"Republican Sen. Chuck Grassley should hold a confirmation hearing on U.S. Supreme Court nominee Merrick Garland. Yes, this is another Grassley editorial. But this is important and something that should be mentioned whenever possible: Sen. Grassley's refusal to hold a confirmation is in direct conflict with the will of the people of Iowa and of the people of the United States....The people are speaking now and the people spoke in the 2012 election: the Supreme Court has a vacancy, and a potential replacement has been named. Let's give him a fair hearing."

EDITORIAL: Trump is the 'Establishment' (*Storm Lake Times [IA]*, 03/30/16)

"Senate Republican Leader Mitch McConnell vowed from the day President Obama took office that his caucus' main goal was to bring Obama down. Today, Sen. Chuck Grassley stands firm with McConnell in denying hearings to Supreme Court nominee Merrick Garland just because Obama nominated him."

EDITORIAL: Grassley takes righteous heat over judicial bias (*Hawk Eye [Burlington, IA]*, 03/30/16)

"Grassley and Senate Majority leader Mitch McConnell's conspiratorial refusal even to consider Federal Appeals Court Chief Judge Merrick Garland for the post has sparked, justified, national outrage. Even among some Republicans.... the Senate has a majority of senators just like Grassley. Their refusal to compromise is precisely why the country has so many unresolved problems.... his embattled GOP colleague, Sen. Mark Kirk, has called for Grassley to have his committee hold hearings on Garland and demanded the GOP-run Senate "man up and cast a vote."

Editorial: Try the truth for once (*N'West Iowa REVIEW*, 03/26/16)

"There is nothing in the U.S. Constitution that says the Senate should delay filling the seat. All the Constitution commands is for the Senate to "advise and consent" on the president's choice. Ignoring McConnell's vow not to confirm a new justice, President Barack Obama went ahead and nominated one anyway — Merrick Garland, currently the chief judge of the U.S. Court of Appeals.... But at some point, one would hope, the partisanship will need to be tamped down. Unless Americans are prepared to see even more empty chairs in the nation's highest court."

COURIER EDITORIAL: GOP may rue Garland snub (*Waterloo Cedar Falls Courier [IA]*, 03/24/16)

"Garland is considered the most conservative pick by a Democratic president in decades... In 1995, Grassley helped block President Bill Clinton's nomination of Garland to the D.C. appellate court without a vote. He called Garland "well-qualified," but said the court's workload didn't require a full complement of judges. That perspective, we suspect, would have been different if a Republican president had made the nomination, a

possibility with an election a year away.... Republicans may well delay any action on Garland's nomination as a matter of politics, but the most pragmatic course of action would be to not dismiss him entirely."

EDITORIAL: Grassley should listen (*Storm Lake Times [LA]*, 03/23/16)

"Senate Judiciary Committee Chairman Chuck Grassley, R-Iowa, is fond of quoting historical precedent for denying President Obama's nominee to the Supreme Court hearings or a confirmation vote. ... The argument is specious. Grassley and his boss, Senate Majority Leader Mitch McConnell, acknowledge that this is a political action. Grassley said Obama does not deserve to send up a nominee because he has not been deferential enough towards the Republican leadership. That's political. And it's at odds with the American people, two-thirds of whom believe the Senate should act on the President's nominee.... US Supreme Court Justice John Roberts fretted 10 days before Justice Antonin Scalia's death that the judicial nomination process was becoming too politicized.... Even the Chief Justice of the United States Supreme Court fundamentally and rightly disagrees with their desperate power play. Iowans will notice."

EDITORIAL: OUR OPINION: Supreme Court vacancy creates still another political spectacle (*Sioux City Journal [LA]*, 03/23/16)

"To this point, no Republican, including Iowa Senators Charles Grassley (who chairs the Judiciary Committee) and Joni Ernst, is willing to take the high road, in spite of past political battles, and advocate for putting politics aside and doing what's right. As we have said before, we believe the Senate should take up Obama's nomination. In our view, the Senate should perform its "advice and consent" responsibility by giving Garland a full, fair vetting. ... the process set forth in the Constitution deserves respect and Garland deserves a hearing. In other words, senators should do their jobs."

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

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

EDITORIAL: Our View: Grassley must allow Supreme Court nominee hearing; Our Position: Failure of GOP leaders to fulfill constitutional duty an insult to all Americans (*Daily Nonpareil [Council Bluffs, LA]*, 03/17/16)

"Unfortunately, Iowa's own Sen. Chuck Grassley has once again put his foot down, declaring the Senate Republicans won't hold a hearing, much less a vote. His willful insistence on leaving a vacancy on the Supreme Court will, in essence, neuter the court for a year.... Unfortunately, Iowa's own Sen. Chuck Grassley has once again put his foot down, declaring the Senate Republicans won't hold a hearing, much less a vote. His willful insistence on leaving a vacancy on the Supreme Court will, in essence, neuter the court for a year."

EDITORIAL: Our opinion: Ad attacking Iowa judge a shameful tactic (*Dubuque Telegraph Herald [LA]*, 03/16/16)

"[T]his one sinks deep in the muck, even by Washington standards. Dragged through the mud in this case is Judge Jane Kelly, who sits on the U.S. Court of Appeals for the 8th Circuit, based in Cedar Rapids, Iowa.... Reportedly, Kelly is among those the president is considering for the High Court seat. She is a sound and logical choice for Obama.... -- the U.S. Senate confirmed her on a 96-0 vote. ... whether it is Kelly or another nominee, it would be nice if Grassley and fellow Republicans let the process proceed, as the Constitution spells out. It's a good indication that Kelly is a solid choice when the strongest case Obama's detractors can muster is that, as a public defender, she defended suspects."

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 [LA]*, 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: GOP strategy could cost the party come November (*Hawke Eye [Burlington, LA]*, 03/08/16)

"Let's shelve the obvious obstructionist positions Senate Judiciary Committee chairman, Sen. Charles Grassley of Iowa, and his apparent boss, Senate Majority Leader Mitch McConnell ..., have entrenched themselves about filling the vacancy on the United States Supreme Court. They're acting like selfish children who don't want to share with others on the playground at recess, Americans are becoming agitated. They're not going to fulfill their Constitutional oath to the people who put them in office and allow a nominee from President Barack Obama to even be considered for confirmation. ... when a Washington Post reporter asked Grassley about editorials critical of his obstructionism and public desire for the Senate to consider a nominee, he was dismissive to the press and the public, a position the press is used to but one that won't endear him to the public.... It's obvious Americans want fair consideration of a qualified candidate. Shelving partisanship and embracing statesmanship could pay off for the GOP in November. The current strategy hasn't won them fans."

EDITORIAL: Our opinion: Some things just don't make sense (*Dubuque Telegraph Herald [LA]*, 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, LA]*, 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, LA]*, 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 [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 [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: Top picks clear in most races (*Salina Journal [KS]*, 07/22/16)

"We were disappointed in [Sen. Jerry] Moran, however, when he bowed to pressure from the right and

decided not to support holding hearings for President Barack Obama's Supreme Court nominee, Merrick Garland, after initially saying he would support hearings."

EDITORIAL: Sen. Hatch... meet Judge Garland (*Manhattan Mercury [KS]*, 05/27/16)

"It was just a little accident of timing, but it revealed how little progress Democrats have made in advancing the nomination of Judge Merrick Garland to the U.S. Supreme Court. The mistake also reveals the sham that is the Republican show of courtesy to Judge Garland. The mistake? An op-ed column by Sen. Orrin Hatch, a Utah Republican and former chairman of the Judiciary Committee, that was published in Salt Lake City's Deseret News."

The Star's Editorial: GOP senators should stop dithering on hearing for Merrick Garland as Supreme Court justice (*Kansas City Star*, 05/19/16)

"Senate Republicans should be kicking themselves for taking such a hard line on filling the U.S. Supreme Court vacancy left by the death of conservative Justice Antonin Scalia. Immediately after Scalia's death in February, Republicans proclaimed they would not give any nominee of President Barack Obama the dignity of a hearing, let alone a vote. Their stark message: To hell with the Constitution, separation of powers and any semblance of cooperation. Properly undeterred, Obama nominated Merrick Garland, a highly qualified, moderate judge on the U.S. Court of Appeals for the District of Columbia and former prosecutor.... The hissy fits continued anyway. Republican senators, including Pat Roberts and Jerry Moran of Kansas and Roy Blunt of Missouri, still refuse to act. But that position is a lot less attractive now ... In opposing Garland, Republicans initially focused on the specious argument that the "people" who elect the next president should be rewarded with the choice, not those who elected the current president. Public opinion is shifting in favor of a Senate hearing. Twitter is full of #doyourjob jabs at GOP senators. And a majority of Americans now favors holding a hearing on Garland, according to recent polls. But Republican leaders continue to thumb their noses at Obama, Garland, the public and the Constitution. Roberts, Moran and Blunt should step up, be leaders of their frazzled party and call for a vote."

Editorial: Moran's reversal a disappointment; Senator had opportunity to uphold state's long history of bipartisan statesmanship (*Topeka Capital-Journal [KS]* , 04/11/16)

"This editorial advisory board on March 17 encouraged both of our U.S. senators to hold hearings for President Barack Obama's U.S. Supreme Court nominee. In the days that followed, Sen. Jerry Moran told a town hall in Cimarron that he was open to hearings for nominee Merrick Garland: "I have my job to do," he said. Two weeks later, Moran decided that doing his job wasn't so important after all.... Moran's principled opposition to the GOP establishment quickly faded, and his political "criteria" superseded his responsibilities as a senator."

EDITORIAL: For a moment, Moran acted like the statesman he once was (*Hutchinson News [KS]*, 04/08/16)

"Sen. Jerry Moran recently sounded like the pragmatic, independent Kansan who won years of support and admiration from voters and fellow lawmakers in Washington, D.C., when he said that the Senate should hold a hearing on Supreme Court nominee Judge Merrick Garland.... Then, with just a little pressure applied from the most conservative factions of the Republican party, Moran changed course and sounded more like the man we've come to know in recent years – a politician who has abandoned sense, statesmanship and dignity and replaced it with pandering, fear and political hyperbole.... The Jerry Moran who said it was more important for him to do his job by holding hearings for a Supreme Court nominee than to shirk his duty is the Jerry Moran this state had come to respect and trust during his years in public service."

EDITORIAL: Critics of Moran are off-base, foolish (*Hutchinson News [KS]*, 03/29/16)

"Republican Party criticism of U.S. Sen. Jerry Moran of Kansas for saying that senators need to fulfill a job requirement and have a hearing on a Supreme Court nominee is terribly off-base and myopic.... Moran recognizes that the U.S. Constitution requires the Senate to execute the confirmation process for nominees to the federal judiciary. No one should fear, however, that Moran will vote to confirm Garland. Last week, Moran issued a statement that indicated he already had prejudged the nominee Maybe Moran is just politically astute enough to realize that the Senate refusing even to have a hearing on the nomination is a

suicide strategy Garland had plenty of Republican support when he was confirmed for his current position as chief judge of the U.S. Court of Appeals for the District of Columbia.... Moran hasn't gone rogue on his party by any stretch. He's far more politically savvy than the peanut gallery in Kansas. And he just might actually remember that he did take an oath of office to a constitutional duty as a U.S. senator, an oath that isn't wise to discard haphazardly."

EDITORIAL: Doing his job (*Hays Daily News [KS]*, 03/28/16)

"When Sen. Jerry Moran, R-Kan., said last week: "I would rather have (constituents) complaining to me that I voted wrong on nominating somebody than saying I'm not doing my job," we stood ready to applaud him. After all, there simply aren't many Republican senators showing interest in providing advice and consent on President Barack Obama's nominee for the U.S. Supreme Court, Merrick Garland. ... ultraconservative groups unabashedly prefer gridlock over governance — and apparently have little respect for the Constitution they say they cherish. Moran, on the other hand, earned his law degree at the University of Kansas. He also learned common sense growing up in Plainville and residing in Hays for years. And, as he told the Rotary Club in Cimarron, he wants to do his job.... Before the furor even subsided, however, Moran's office issued another press release. This one was unequivocal. "I am opposed to President Obama's Supreme Court nominee and this administration's attempt to put another liberal judge on the Supreme Court," the statement reads. So much for wanting to do his job. Having a hearing is worthless if one's mind already is made up.... The retraction does, however, close the door on a majority of constituents who simply would like Moran and his colleagues to get on with their constitutional duty to give the president's nominee a hearing. We were hoping the senator saw us as the ones he worked for"

EDITORIAL: Moran's take: Tea-party faithful overreact to Kansas senator's thoughts (*Garden City Telegram [KS]*, 03/28/16)

"“I would rather have you (constituents) complaining to me that I voted wrong on nominating somebody than saying I'm not doing my job,” Moran told listeners. “I can’t imagine the president has or will nominate somebody that meets my criteria, but I have my job to do. I think the process ought to go forward.”...overreaction to Moran suggesting that he and fellow senators should do their job was ridiculous, especially as Moran never said he would embrace Obama's nominee. That said, our senator hardly deserves applause for wanting to do his job....Garland is far from liberal (some Democrats decried Obama's choice). Garland also was confirmed for his current federal bench post with high praise from conservative Republicans. Republicans' mistake was in declaring its opposition before a nominee even was named.... U.S. senators should, as Moran said, just do their job."

EDITORIAL: Well done, Sen. Moran; Kansas breaks from Republican lockstep (*Manhattan Mercury [KS]*, 03/26/16)

"We offer a handful of thoughts about Jerry Moran's decision, announced last week at a town hall meeting in Cimarron, that the Senate should hold hearings on President Barack Obama's Supreme Court nominee, Merrick Garland."

EDITORIAL: NO MORE GAMES Moran takes principled stand against hypocrisy (*Ottawa Herald [KS]*, 03/26/16)

TOMMY FELTS Herald Editor and Publisher: "Jerry Moran has a job to do. Speaking Monday during a small town hall meeting in Cimarron, U.S. Sen. Moran, R-Kansas, broke from the lockstep orders of the GOP, quietly announcing he would be willing to consider the U.S. Supreme Court justice nominee recently offered by President Obama.... If that sounds like a reasonable position for a responsible lawmaker, you're paying attention. Moran didn't say he'd vote to confirm the nominee — simply that he'd play his elected role in the process.... A real example of political convenience: self-righteously seeking to curtail the constitutional nomination process just because the opposing party temporarily controls the White House."

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

"It's sad to see Merrick Garland, a respected judge and highly qualified nominee for the U.S. Supreme Court, caught in the political morass that is paralyzing Washington, D.C.... Many senators, including Kansas Sens.

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

EDITORIAL: President fulfilled his duty; senators need to do theirs (*Hutchinson News [KS]*, 03/18/16)

"No one should expect that the president of the United States would not immediately appoint a replacement upon the death of a Supreme Court justice. And neither should the U.S. Senate delay in fulfilling its duty to put the nominee through the usual confirmation process. And yet that is what most senate Republicans expect and are doing. Take our own Sen. Pat Roberts of Kansas, for example.... If only all our Supreme Court justices were nominated in a lame-duck session when different parties control the presidency and the Senate, we'd possibly have a wholly centrist, apolitical high court."

EDITORIAL: Don't wait a year to fill Supreme Court opening (*Wichita Eagle [KS]*, 03/17/16)

"Kansas Sens. Pat Roberts and Jerry Moran didn't wait for Wednesday's announcement to fall in line with their leadership's decision to refuse to consider any nomination by Obama.... Roberts, one of seven current senators who voted on and confirmed Garland's nomination to the D.C. Circuit Court in 1997, released a statement But the president's term and constitutional obligations won't end for another 10 months. And when a president's Supreme Court nominees have the education and experience to make them highly qualified – as Garland does – they deserve Senate confirmation. That view has led The Eagle editorial board to support the nominations of every current justice, including President Bush's choices of Chief Justice John Roberts and Samuel Alito. And the editorial board would have held the same opinion if a Supreme Court opening had occurred during the final year of Bush's presidency."

Editorial: Roberts, Moran have a duty to consider the president's Supreme Court nominee (*Topeka Capital-Journal [KS]*, 03/17/16)

"Article II, Section 2 of the U.S. Constitution. Since it was ratified 226 years ago, it has clearly outlined how U.S. Supreme Court justices are nominated by the president and voted on by the Senate. But on Wednesday, both U.S. senators from Kansas announced they were no longer interested in abiding by those words. Instead, Pat Roberts and Jerry Moran have decided they have no interest in advising or consenting to President Barack Obama's nominee to the court.... The people of Kansas elected Roberts in 2014 and Moran in 2010 to do the duties of senators. As the Constitution clearly states, considering Supreme Court nominees is a duty of the senators. Obama has done his duty. Now it's time for Roberts and Moran to do theirs.... The Senate should now hold hearings, as it has always done, and vote on whether Merrick Garland is worthy of the seat for which he was nominated."

EDITORIAL: Supreme nominee (*Hays Daily News [KS]*, 03/17/16)

"Now it is time to get down to business as required by the U.S. Constitution. The Constitution, which sets a president's term at four years, states the president "shall" nominate judges of the Supreme Court, "by and with the advice and consent of the Senate." There is no "may" or "might" in the language. There is no "unless the president has fewer than 12 months remaining in office." There is no ambiguity about either branch's role in the process. In short, the Senate's role is a duty not a right. Refusing to uphold the Constitution is more than a dangerous precedent, it appears a flagrant violation. Garland appears to be extremely qualified"

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: The voice of reason (*Mount Desert Islander [ME]*, 04/15/16)

"Sen. Susan Collins deserves a full measure of credit and respect for her willingness, once again, to break ranks with most of her Republican Senate colleagues and take the high road, rather than the partisan road.... Collins stands nearly alone among Republicans in her assertion that the Senate should "follow the regular order" and move forward with the process established by the U.S. Constitution to "advise and consent" on the president's Supreme Court nominations.... the presidential nomination campaign process should not – and under the Constitution, does not – foreclose the president's right – indeed, his duty – to nominate a new Supreme Court justice Collins observes that Garland, who has a strong record after 19 years on the Appeals Court and is widely regarded as something of a centrist, could be a far more appealing nominee to Republicans than anyone who might be chosen by the next president. ... Collins is again the rare voice of reason in an arena where partisanship rules. Republican Senate leaders would be wise to heed her advice, move forward with the normal Supreme Court nomination process and let the Senate consent or withhold its consent based on the nominee's fitness for service on the nation's highest court."

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

The empty seat [Editorial] (*Baltimore Sun*, 09/01/16)

"Wednesday marked the 200th day since the death of Supreme Court Justice Antonin Scalia, and right on cue, the nation's top jurists handed down a decision to reflect the absurdity of holding up his replacement. ... To make a more definitive ruling, the U.S. Senate would need to confirm a ninth member of the Supreme Court, and that's where Merrick Garland comes in. ... The freeze-out of Judge Garland has been nothing short of disgraceful, not to mention extremely short-sighted given his reputation for moderation and non-partisanship."

EDITORIAL: Supreme Court's immigration failure (*Baltimore Sun*, 06/26/16)

"Now, it's up to lower courts to decide the issue as a matter of law since a deadlocked Supreme Court failed to set precedent — which, incidentally, is a vivid reminder of how the choice of GOP Senate leadership not to even hold hearings on Merrick Garland, Mr. Obama's nominee to fill Justice Antonin Scalia's seat, leaves a vacancy that will hamstring the nation's highest court for a year or more."

EDITORIAL: Szeliga's tepid statement on SCOTUS nominee (*Frederick News-Post [MD]*, 05/18/16)

"[T]his isn't "partisan politics." It's party — singular — politics. ... it's the Republicans in Congress

manufacturing this controversy, so terrified they are of a “liberal” majority in the Supreme Court. It wasn’t Obama who “politicized a Supreme Court appointment.” He acted quickly after the death of Justice Antonin Scalia to fill the vacancy. By refusing to meet with his nominee or hold confirmation hearings, it is GOP senators quaffing the political Kool-Aid here. ... Obama has every right to nominate any candidate he sees fit for the open SCOTUS seat, ...his nomination is in keeping with the Constitution, and ... [the Senate should] hold an up-or-down vote on Garland — a chief judge of the U.S. Court of Appeals with an impeccable record, stellar reputation and moderate credentials. In other words, a candidate who’d be quickly appointed had he been nominated by any president other than Obama."

EDITORIAL: Grassley v. Roberts (*Baltimore Sun*, 04/10/16)

"The reason justices are given a lifetime appointment to the bench is not to follow the guidance of a Charles Grassley but to make choices unfettered by politics. Shame on Senator Grassley for suggesting that Justice Roberts has somehow betrayed the institution when it is the judiciary chairman who seems to be bent on rewriting the Constitution — not only to limit President Barack Obama's authority to fill a court vacancy but now to imply that the chief justice has somehow sabotaged the court."

EDITORIAL: The 4-4 court (*Baltimore Sun*, 03/30/16)

"There's no longer a conservative majority on the U.S. Supreme Court, and Republican senators need to recognize that fact. Doing nothing about the vacancy for an entire year is not helping their cause. The president's nominee, Judge Merrick Garland of the U.S. Circuit Court of Appeals for the District of Columbia, may be the most conservative option that's ever going to be available to them to fill that vacancy Senator McConnell's stonewalling isn't playing so well with the general public. ... Many GOP senators want to block Mr. Obama without having to acknowledge that his nominee is actually quite reasonable because, ultimately, they'd rather not vote against Judge Garland."

EDITORIAL: The man in the middle (*Baltimore Sun*, 03/16/16)

"The public rightfully expects President Obama to do his job. In nominating Merrick Garland he has not only chosen a supremely qualified jurist for the nation's highest court but he has demonstrated a willingness to temper his own politics by selecting a 63-year-old moderate who oversaw the successful investigation into the Oklahoma City bombing attack. Now the public expects the same performance from the Senate. That Republicans might not allow such a respected individual the courtesy of a hearing, let alone a vote, speaks volumes. It will remind voters that the GOP is not just the "Party of No," it is the party of "Nobody Works.""

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

A hobbled Supreme Court gets sort of back to work (Editorial) (*Republican [Springfield, MA]*, 10/03/16)

"And though not anyone in official Washington has even implied that Garland is anything less than an exemplary jurist, the Republican-controlled Senate has refused to schedule hearings on his nomination. Why? Because Senate Majority Leader Mitch McConnell dug in his heels from the first, arguing that Scalia's seat should be filled by the next president. This he maintained even though Scalia died fully 11 months before the next president would be sworn into office. Where is it written that the highest court should operate — or not operate — one member short if one of the justices dies during a president's final year in office? Nowhere, of course.... Those who'd argue that Kentuckian McConnell and his Senate compatriots are doing the right thing don't have a constitutional leg to stand on."

Senate plays waiting game with high court nominee Merrick Garland (Editorial) (*Republican [Springfield, MA]*, 08/08/16)

"It's now been nearly five months since President Barack Obama nominated Merrick Garland to fill the Supreme Court seat left vacant by the death of longtime Justice Antonin Scalia. ... And, given what Senate Republicans have said, there's no reason to believe that they'll act on Garland's nomination once Congress is back in session after Labor Day. The reason? That's not an easy question to answer, at least not rationally.... Garland, while doubtless more liberal than they'd like, is a highly respected judge on the U.S. Court of Appeals for the D.C. Circuit. He's widely seen as a mostly moderate consensus builder. ... Pushing Garland through after the election would be better than nothing, but the whole thing stinks. And sets a truly lousy precedent."

Senators have duty to act on Obama's pick for court: Editorial (*Republican [Springfield, MA]*, 05/12/16)

"Recalcitrant Republicans have absolutely no legitimate reason to keep Garland on the shelf. The president did his job. Now it's up to them to do theirs. ... Republicans love to cite the Constitution – when it's convenient. McConnell and his allies would do well to take another look at the document, specifically at Article II, Section 2. Then they should schedule confirmation hearings."

EDITORIAL: Eight is enough, says Grassley (*Berkshire Eagle [MA]*, 04/11/16)

"The latest Republican rationalization for refusing to consider President Obama's Supreme Court nominee is that the Court doesn't need nine justices. And maybe baseball doesn't need nine players in the field. Responding to a Des Moines Register editorial describing the GOP's refusal to hold hearings for Judge Merrick Garland as "un-American," Iowa Senator Charles Grassley, the chairman of the Judiciary Committee, noted in an oped piece in the paper that the US Supreme Court has had fewer than nine justices in the past.... Congress ended the nonsense in 1869 vacancies have been routinely filled since then."

Our View: Let's hear from Justice Roberts on Merrick Garland confirmation (*Taunton Daily Gazette [MA]*, 04/03/16)

"The excuses Senate Majority Leader Mitch McConnell and other Republicans are making for their refusal to let the Senate perform its constitutional responsibility range from tenuous to absurd. ... Bork was given a hearing and a vote in the Senate (he was rejected by a bipartisan, 58-42 vote), a courtesy McConnell refuses to grant President Obama's nominee.... Chief Justice Roberts surely understands the flaws in McConnell's argument, and seems to be acutely aware of the damage partisan politics can do to the public standing of the Supreme Court.... He should say it again in Washington, and demand the confirmation of Merrick Garland, Obama's nominee, proceed in the dignified manner precedent and the Constitution prescribe."

Editorial: Tie vote shows Senate's folly (*Milford Daily News [MA]*, 04/02/16)

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

EDITORIAL: Our Opinion: Tie goes to unions in critical Supreme Court decision (*Berkshire Eagle [MA]*, 03/30/16)

"There is a reason why the US Supreme Court is supposed to have an odd number of justices, nine specifically, and the absence of one gave a major victory to unions Tuesday.... Senate Republicans' petulant refusal to do their job and give a hearing to President Obama's Supreme Court nominee assures other tie votes, for good or ill."

Editorial: Let's hear from Justice Roberts (*Milford Daily News [MA]*, 03/26/16)

"The excuses Senate Majority Leader Mitch McConnell and other Republicans are making for their refusal to let the Senate perform its constitutional responsibility range from tenuous to absurd. "The people" should determine the next justice in the November election, say these self-described strict constructionists, ignoring the logic of the Constitution. If the Founders had wanted the people to choose federal judges, they wouldn't have given them lifetime appointments.... Bork was given a hearing and a vote in the Senate (he was rejected by a bipartisan, 58-42 vote), a courtesy McConnell refuses to grant President Obama's nominee.... Chief Justice Roberts surely understands the flaws in McConnell's argument,... He should say it again in Washington, and demand the confirmation of Merrick Garland, Obama's nominee, proceed in the dignified manner precedent and the Constitution prescribe."

What do Republicans gain by blocking Supreme nominee Merrick Garland? Editorial (*Republican [Springfield, MA]*, 03/22/16)

"McConnell, of Kentucky, has refused even to meet with Garland. Does the majority leader believe that his obstinacy will somehow benefit Republican colleagues facing difficult re-election campaigns in states that aren't always great territory for conservatives? It's hard to see how that would work.... Which leaves one to

wonder what he's up to with his increasingly defiant stand against allowing Obama to fulfill his constitutional duty. His move is purely political, of that there can be no doubt."

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

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

EDITORIAL: Our Opinion: Do-nothing Republicans take pay under false pretenses (*Berkshire Eagle [MA]*, 03/19/16)

"Washington's do-nothing party has actually managed to exceed its own low standards in recent weeks. The most high-profile abomination, of course, is the unprecedented refusal of Senate Republicans to even consider filling a Supreme Court vacancy for no reason beyond spiting the Democratic president. This could leave the court short a justice for a year or more. In attempting to defend the indefensible following President Obama's nomination of Merrick Garland, the kind of safe, moderate choice Republicans would normally support, some congressional Republicans have claimed that Democrats would do the same if the situation was reversed. They don't know this to be true, of course, but if majority Senate Democrats did refuse to hold hearings for a Republican president's Court nominee they would be absolutely wrong in doing so. A speculated wrong doesn't make right the Republicans' grievous, unconstitutional wrong."

Editorial: Civil war in the GOP? (*MetroWest Daily News [MA]*, 03/19/16)

"As we've seen with the nomination of Merrick Garland to the Supreme Court, Republicans remain united in anti-Obama obstructionism.... For all their hand-wringing, Republicans, be they establishment or grassroots, appear to have learned nothing in the last eight years."

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

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

EDITORIAL: Our View: Court vacancy could work against GOP (*South Coast Today [MA]*, 03/18/16)

"Besides the election, the vacancy's impacts on the law may also serve as a motive for the Senate to act on the nomination of Judge Garland.... Our position is that the Senate should follow the process. If the body can't confirm Judge Garland, it is still an example of the checks and balances working. This disruptive campaign season has roiled the entire campaign process and it's a shame that the court has been drawn in. From the perspective of the American people, the sooner the seat is filled, the better."

Editorial: Pick spotlights irresponsible obstructionism (*Milford Daily News [MA]*, 03/17/16)

"In fact, it is Republicans who are putting politics above their essential responsibilities. Garland should get confirmation hearings, and after those a straight up-or-down vote."

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

"President Obama's Supreme Court pick shows both a level of seriousness about the work of the court and the confirmation process — and his unerring political instinct in finding a nominee Republicans should be ashamed to deny a fair hearing.... With this nomination the president has called the bluff at least of thinking Republicans, who should be making some serious re-calculations long about now.... do the more sober

among them really want to leave a seat on the U.S. Supreme Court hanging in the balance when a legitimate consensus nominee has been put before them?"

Obama's choice for court, Merrick Garland, deserves hearing in Senate: Editorial (*Republican [Springfield, MA]*, 03/17/16)

"Garland, 63, is eminently qualified and highly respected. And he's a moderate.... Unbending Republicans need to understand that they could have done a whole lot worse. The Senate should schedule hearings on Garland's nomination."

EDITORIAL: Our Opinion: Obama Supreme Court nominee puts heat on Republicans (*Berkshire Eagle [MA]*, 03/16/16)

"President Obama has done his job in nominating a respected, experienced centrist judge as the nation's 113th Supreme Court justice. Now it is up to Senate Republicans to do their job and give him a hearing."

EDITORIAL: Merrick Garland deserves hearings and a vote (*Boston Globe*, 03/16/16)

"The fact that Merrick Garland clearly meets the criteria for the Supreme Court ought to be enough to ensure he gets hearings and a vote, despite Republican promises to bottle up President Obama's nominee until he leaves office. The fact that Garland is closer to the center – and older – than anyone a President Hillary Clinton is likely to nominate ought to be enough to give Mitch McConnell second thoughts about his unprecedented, outrageous obstruction strategy. Garland, an appellate judge, is eminently qualified."

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: Obama's duties include court nominees (*Recorder [Greenfield, MA]*, 03/01/16)

"Let the record show that past presidents in their final year of office have faced similar vacancies on the nation's highest court and have put forward nominees that the Senate not only considered but proceeded with a vote — up or down.... The president should bring forth a nominee in the 300-plus days left in his term and the Senate should hold in a confirmation hearing on a nominee and then a vote. That's what the Constitution and nation calls for. Anything else is dereliction of duty to one's elected office — one that Obama won twice."

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: Our View: Of course, Obama should nominate a justice (*South Coast Today [MA]*, 02/17/16)

"The Constitution directs the president to make a nomination and the Senate to consider the nomination with advice and consent. The childish argument was made by Sen. McConnell that President Obama should forgo

a nomination because voters should choose the president who will make the nomination.... Sen. McConnell. Your assertions about sticking to the Constitution and about the end of dysfunction in Congress are empty."

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: Grab chance to confirm Garland (*Detroit News [MI]*, 08/10/16)

"[T]he GOP-controlled Senate should move on the nomination of Judge Merrick Garland now the country will not tolerate a strategy of blocking every nominee a Democratic president offers. They should take Garland and consider themselves lucky. ... Garland is a well-respected federal appeals court judge with undeniable legal credentials and a reputation as a moderate. He is a former prosecutor known for his meticulous legal reasoning. Described as being most similar in his approach to the law to Chief Justice John Roberts, his votes on the court could be independent-minded and critically important — for both sides.... Republican Senate leaders have blocked Garland's nomination from even receiving a hearing They shouldn't compound their mistake by turning down a Supreme Court appointee who is as close to moderate as they're likely to see for a long, long time."

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

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

EDITORIAL: Congressional paralysis endangers immigrant families (*Detroit Free Press [MI]*, 04/19/16)

"Tragically, the same Congressional dereliction that created this crisis may also serve to delay its resolution. The Republican-led Senate's refusal to take up the nomination of Merrick Garland, Obama's choice to succeed the late Justice Antonin Scalia, greatly increases the likelihood that the eight incumbent justices will deadlock on the constitutionality of DAPA. That would temporarily kill the program while all but assuring that the legal controversy will be replayed, in a year or two, before a fully staffed Supreme Court. So long as Congress dithers, millions of American children -- most citizens, others legally entitled to be here -- will continue to live in perpetual terror of abrupt separation from their parents, What a cruel legacy for a Republican congressional majority that purports to value the rule of law and the sanctity of family bonds."

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

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

EDITORIAL: 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: U.S. Senate's judicial stalling harms federal courts; Eighth Circuit nominee is among those in a troubling holding pattern. (*Minneapolis Star Tribune [MN]*, 03/28/16)

"The Senate's failure to even consider confirming President Obama's Supreme Court nominee is by itself a lapse in constitutional duty and an extreme exercise in partisanship. But Judge Merrick Garland isn't the only Obama nominee to the courts who's getting a cold shoulder. A near-complete shutdown of judicial confirmations seems to be in effect In addition to Garland, 41 nominations sent to the Republican-controlled Senate by the Democratic president are in a holding pattern. As of March 25, the judgeships they were nominated to fill had been vacant for an average of 564 days. Eleven of the 41 have been vetted by the Senate Judiciary Committee and sent to the Senate floor In all of 2015, the Senate acted on just 11 judicial nominees. One of the nominees waiting for committee action is Jennifer Klemetsrud Puhl, a 14-year federal prosecutor from Fargo, N.D. She was tapped by the president in January to fill a seat on the Eighth U.S. Circuit Court of Appeals the busy Eighth Circuit's need for her service is great. What's more, she represents the chance to bring needed diversity to a court that saw the appointment of only its second woman in history in 2013. ... Making an appellate-court nominee of Puhl's caliber wait for confirmation until after this fall's election — or longer — serves no good purpose and risks a number of bad results."

EDITORIAL: Court nominee deserves a hearing (*Austin [MN] Daily Herald*, 03/22/16)

"The Senate Republicans should give Garland the hearing he deserves. Without a doubt, there is precedent for that step."

Editorial: Supreme Court nominee deserves a hearing (*Albert Lea Tribune [MN]*, 03/21/16)

"On the issue of President Barack Obama nominating a justice for the Supreme Court to replace conservative Antonin Scalia, we come down on the side of history. It's preposterous to claim there is not precedence for a president to nominate a Supreme Court justice in the final year of his second term.... Obama nominated Merrick Garland, the chief judge of the District of Columbia Court of Appeals who has drawn praise from both parties. He is a centrist.... Republicans in the Senate would be wise to approve Garland — after at least giving him the usual hearing."

EDITORIAL: Our View: Senate should do its job (*Mankato Free Press [MN]*, 03/19/16)

"Thumbs down to the continued stubbornness of Senate Majority Leader Mitch McConnell, who insists on ignoring the nomination of Merrick Garland to the Supreme Court seat vacated by the death of Antonin Scalia. It's difficult to see how this ends well for the Senate Republicans ... President Obama nominated a man who should be acceptable to the Senate Republicans. The nation will not be well served to leave the court short-handed for two terms. The Senate should do its job. Hold the hearings, cast the vote and move on."

EDITORIAL: Supreme Court nominee deserves a hearing (*Fergus Falls [MN] Daily Journal*, 03/18/16)

"The Daily Journal is neither Republican nor Democrat, but we — the present members of the Editorial Board — do stand on the liberal side on some issues and on the conservative side on other issues. On the issue of President Barack Obama nominating a justice for the Supreme Court to replace conservative Antonin Scalia, we come down on the side of history. It's preposterous to claim there is not precedence for a president to nominate a Supreme Court justice in the final year of his second term. "There comes a point in the last year of the president, especially in their second term, where you stop nominating," said Florida Sen. Marco Rubio. That's just flat-out not true. The following 14 justices have been confirmed in an election year.... Republicans in the Senate would be wise to approve Garland — after at least giving him the usual hearing."

EDITORIAL: Garland and the American people deserve a Senate hearing and vote; Republicans are playing politics, leaving a weakened U.S. Supreme Court. (*Minneapolis Star Tribune [MN]*, 03/16/16)

"By all accounts, Garland is a well-qualified jurist who, at the very least, should receive Senate Judiciary Committee consideration and a vote. A centrist appeals-court judge, Garland has won bipartisan support in

the past, along with praise from Supreme Court Chief Justice John Roberts. ... But McConnell and his cohorts seem intent on disregarding the Constitution Obama fulfilled his constitutional responsibility. We'll soon learn if Senate Republicans, as expected, will fail to live up to their own."

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."

MISSISSIPPI

Bad gamble on Supreme Court [Editorial] (*Greenwood Commonwealth [MS]*, 04/15/16)

"The Republican majority in the Senate has so far refused to give Garland's nomination a hearing until at least after the November election. ... The problem with that strategy — besides the failure to perform a constitutional responsibility and the unfairness of leaving Garland hanging in limbo — is that it could backfire and result in someone further to the left than Garland filling the vacancy. Philosophically, Republicans are not that opposed to Garland. When he was approved for a federal appeals court seat 20 years ago and even more recently, GOP senators have praised the former federal prosecutor. Their only real objection to Garland is that he was nominated by Obama. In a party that has become obsessed with opposing anything associated with the sitting Democratic president, even good ideas get shot down.... It is a bad gamble the Republicans are taking. They should reconsider."

Obama outfoxes GOP with nominee [Editorial] (*Greenwood Commonwealth [MS]*, 03/17/16)

"Even before Scalia was eulogized, Senate Republicans, who control the confirmation process, were saying stridently that it didn't matter whom the president put forth in his final year in office, they weren't going to give the nominee the courtesy of a confirmation hearing, much less approve him or her. It was a blatantly obstructionist position to take Such obstructionism on the high court vacancy looks even more ridiculous now that Obama has nominated Merrick Garland, who, if anything, gave liberals heartburn in the past when his name was floated as a possible Supreme Court justice. Although the GOP's mudslingers may pervert Garland's resumé and judicial record to make him look like a flaming left-winger, what's been reported about him so far reveals the type of credentials this nation should desire on the highest court in the land. ... And perhaps most difficult for the GOP to ignore, a judge who has been praised by members of that same party, including its most senior senator, Utah's Orrin Hatch. Just six years ago, the former chairman of the Senate Judiciary Committee said Garland could be confirmed to the highest court "virtually unanimously." The Republicans can try to stonewall this nomination, but if they do, they will just reinforce the Democrats' charge that the GOP is responsible for most of the dysfunction in Washington, that its politics are so poisonous that even a highly qualified, ideologically balanced nominee can't get a fair hearing."

MISSOURI

Editorial: Court punts on immigration, ensuring more deadlock to come (*St. Louis Post-Dispatch [MO]*, 06/23/16)

"If Texas and its allies truly want justice, they should now find a way to sue Congress. That's the body responsible for the impasse on immigration. (It's also responsible for the court deadlock, since the Senate refuses to consider Obama's Supreme Court nominee, Merrick Garland, for the vacant ninth seat created by Justice Antonin Scalia's death in February.)"

The Star's Editorial: GOP senators should stop dithering on hearing for Merrick Garland as Supreme Court justice (*Kansas City Star [MO]* 05/19/16)

"Senate Republicans should be kicking themselves for taking such a hard line on filling the U.S. Supreme Court vacancy left by the death of conservative Justice Antonin Scalia. Immediately after Scalia's death in February, Republicans proclaimed they would not give any nominee of President Barack Obama the dignity of a hearing, let alone a vote. Their stark message: To hell with the Constitution, separation of powers and any semblance of cooperation. Properly undeterred, Obama nominated Merrick Garland, a highly qualified, moderate judge on the U.S. Court of Appeals for the District of Columbia and former prosecutor.... The hissy fits continued anyway. Republican senators, including Pat Roberts and Jerry Moran of Kansas and Roy Blunt of Missouri, still refuse to act. But that position is a lot less attractive now ... In opposing Garland, Republicans initially focused on the specious argument that the "people" who elect the next president should be rewarded with the choice, not those who elected the current president. Public opinion is shifting in favor of a Senate hearing. Twitter is full of #doyourjob jabs at GOP senators. And a majority of Americans now favors holding a hearing on Garland, according to recent polls. But Republican leaders continue to thumb their noses at Obama, Garland, the public and the Constitution. Roberts, Moran and Blunt should step up, be leaders of their frazzled party and call for a vote."

Editorial Board Short Takes: Kirk boldly goes where no GOP senator has gone before (and where more should be willing to go) (*St. Louis Post-Dispatch [MO]*, 04/01/16)

"Mark Kirk of Illinois became the first Republican senator to meet with Judge Merrick Garland, President Barack Obama's nominee to replace the late Justice Antonin Scalia on the Supreme Court. Kirk called Garland "one of the most eminent jurists in the country." Sure, Kirk has a tough re-election fight on his hand in November in a heavily Democratic state, but we'll take civilized behavior wherever we find it. Which is not the case with Republican Sen. Roy Blunt of Missouri, who said this week he was "too busy" to meet with Garland. If you must play politics with the Supreme Court, senator, go ahead. But at least be upfront about it."

EDITORIAL: Let the Supreme Court work (*Springfield News-Leader [MO]*, 03/31/16)

"This editorial is the view of the News-Leader Editorial Board" : "the court shouldn't have to limp on for

another year without a tie-breaking justice so Senate Republicans can stick to their partisan pledge not to consider President Obama's nomination to succeed Scalia. ... Obama met the GOP at least halfway by nominating Merrick Garland, chief judge of the D.C. federal court of appeals. At 63, he wouldn't stay on the court as long as a justice in his 40s or 50s, and he is so well respected and so moderate that Sen. Orrin Hatch, R-Utah, all but called for his nomination before Obama picked him."

EDITORIAL: Obama's solid Supreme Court choice exposes GOP senators as obstructionist puppets (*Kansas City Star* [MO], 03/16/16)

"President Barack Obama has acted in the spirit of compromise with his choice of Merrick B. Garland for the U.S. Supreme Court. Senate Republicans will expose themselves as naked obstructionists if they refuse to follow suit and hold hearings. Garland is a universally respected centrist judge on the U.S. Court of Appeals for the District of Columbia Circuit.... A tie vote would mean a lower court's last ruling would stand and deny a chance for clarity. Only a Senate majority consumed with self-interest and disdain for the democratic process would prefer that limbo to timely hearings for a highly qualified nominee."

Editorial: Sen. Blunt should give Supreme Court nominee a fair hearing (*St. Louis Post-Dispatch* [MO], 03/16/16)

"By the GOP's own standards, Garland is eminently qualified and deserves a fair hearing. The call by Senate Majority Leader Mitch McConnell for his colleagues to blindly refuse a hearing until after the November presidential election is appallingly irresponsible. Garland, 63, chief judge of the U.S. Court of Appeals for the D.C. Circuit, is a centrist with bipartisan credentials who has been praised by Sen. Orrin Hatch, R-Utah."

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

Gazette opinion: What Congress leaves behind [Editorial] (*Billings Gazette [MT]*, 09/18/16)

"In a Senate floor speech last week Tester summarized the unproductive Congress and noted that the Senate has been in session in 2016 the fewest days in 60 years.... Regarding the U.S. Supreme Court vacancy, Tester chided the Republican leadership for refusing to even have a hearing on the nomination of Appeals Court Judge Merrick Garland. "Now the Supreme Court is as dysfunctional as Congress," Tester said. The court has been unable to resolve some cases without a tie-breaking ninth justice.... The obvious solution is to keep the House and Senate in session till they complete their work."

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

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

EDITORIAL: Daines, Senate should consider court nominee (*Bozeman Daily Chronicle [MT]*, 03/20/16)

"Now the president has nominated for Supreme Court justice a Washington, D.C., federal appeals court judge who was widely praised by Republicans when he was confirmed for that position during the Clinton administration. And yet the Republicans, who control the Senate, refuse to even conduct hearings on the nominee. This is nothing but an abdication of responsibility and another example of the kind of playground-level obstruction that has soured so many Americans on Congress Montana's Republican Sen. Steve Daines can — and most certainly should — break from that lockstep of obstructionism and urge his colleagues to at least give the nominee, Merrick Garland, a hearing and a floor vote."

Standard View EDITORIAL: Daines, Zinke pander to politics with statements on Supreme Court nominee (*Montana Standard*, 03/18/16)

"Sen. Steve Daines chose politics over doing his job when he marched in lockstep with Majority Leader Mitch McConnell and pompously announced that he would not even meet with Merrick Garland, a centrist and a formidable legal scholar who has been almost universally praised for his judgment, hard work, judicial temperament and even-handedness. And Rep. Ryan Zinke, not to be outdone, announced that President Obama's nomination of Garland was "clearly beyond his Constitutional authority." That's not only untrue, it's a ridiculous caricature of the truth. The President has not only the authority but an obligation to put forward a nominee when there is a Supreme Court vacancy. The Senate is obliged to confirm or reject."

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, 7/2: Immigration reform is up to Congress (*Lincoln Journal Star [NE]*, 07/02/16)

"The American system of government works when policy on controversial major issues is hammered out in Congress. These days major issues don't even reach the voting stage. The high court's 4-4 tie and the lack of any statement on the merits of the case spotlighted the refusal of Republican leaders in the Senate to even hold hearings on President Barack Obama's nominee. The U.S. Supreme Court could be forced to operate without its ninth justice for months or years."

EDITORIAL: U.S. Senate, do your job — confirm judges (*Independent [Grand Island, NE]*, 07/05/16)

"There are now more than 80 judicial vacancies in all, including the open seat on the U.S. Supreme Court We have seen as the Supreme Court has considered numerous cases this summer how critical the shortage caused by Antonin Scalia's death is in the court's efforts to make decisions. With the Senate set to go on a seven-week break on July 15, it is time for our country's senators to do one of the crucial tasks they were elected to do, vote on more of these judicial nominees."

Editorial: Congress, court need to move past gridlock (*Independent [Grand Island, NE]*, 06/29/16)

"The U.S. Supreme Court has now joined the U.S. Congress in gridlock. In a 4-4 split last week, the court was unable to decide whether President Barack Obama's immigration plan and actions were legal....Of course, the court is deadlocked because of the death of Justice Antonin Scalia in February. That left the court with only eight justices and with the possibility of tie votes. And when Republicans in Congress failed to even consider Obama's nomination of Merrick Garland to replace Scalia, the country was guaranteed that the court will be unable to decide some key issues. Garland would not have taken the Supreme Court seat in time to weigh in on the immigration case even if the Senate had confirmed his appointment. However, there's no telling how long it will take to fill the seat since Republican senators have insisted that it wait until after the November election. Cases heard in October, November, December, January, February and onward may even still be in jeopardy of tie votes. The real issue is the gridlock in Congress. Anger with Washington has spilled over to the polls this election year."

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

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

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

"In ways both big and small, the machinery of the federal government is slowly rusting shut. Take, for starters, the judicial system. The most glaring example is the refusal of the Republican majority in the Senate,

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

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

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

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

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

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

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

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

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

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

"Some "conservative" Americans who have spent years blasting the president for alleged violations of his constitutional authority now want him to ignore not only his constitutional right but his constitutional responsibility to appoint a replacement for U.S. Supreme Court Justice Antonin Scalia. They ought to be ashamed of themselves.... Conservative insistence that the U.S. Senate not even allow a vote on an Obama nominee is petty and juvenile. Tactics like this threaten to make the country ungovernable.... there is no established historical tradition for presidents to defer a U.S. Supreme Court nomination to his or her

successor. The U.S. Senate in 1988 voted to confirm Justice Anthony Kennedy in President Ronald Reagan's last year in office. ... Republican refusal to allow a Senate vote would also be bad politics."

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

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

NEVADA

EDITORIAL: Heller stalls (*Reno News & Review [NV]*, 04/07/16)

"His own party's leaders went on strike when it came to doing their duty in processing the new U.S. Supreme court nomination of Merrick Garland. This is the same Merrick Garland who was approved by most Senate Republicans to become a U.S. Court of Appeals judge in 1997. Heller claims he supports the process: "I've been clear that I believe the American people deserve the opportunity to have their voice heard in selecting the next Supreme Court justice. When the people make that choice, I'm ready to proceed." Well, the public chose the president twice, and he has now nominated a justice. When is Heller going to re-introduce his bill to include supreme court nominations among duties senators must perform to get paid? He says he believes the process should go forward, and he now has the chance to embarrass his own party's leaders into doing their jobs."

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

"Ayotte's "courtesy and respect" shtick rings more than a little hollow to our ears. Why bother with pleasantries if you have no intention of taking this nomination seriously?... What's also unclear is why Ayotte

and other senators in lockstep over blocking Garland's nomination can't simply let this man go through the process We agree it's time to give Garland a hearing."

Editorial: Obstruction of Justice (*Valley News [NH]*, 03/22/16)

"As time goes on, it gets harder and harder to understand why Sen. Kelly Ayotte of New Hampshire appears determined to march in lockstep with most of her Republican colleagues over the precipice created by their refusal to consider President Obama's Supreme Court nominee.... there is no discernible principle at stake here that absolves the Senate of fulfilling its constitutional obligations during an election year, and that refusing to do so will poison the well for the consideration of future nominees, perhaps inflicting incalculable harm on both the Senate and the Supreme Court.... Mark Kirk of Illinois, is not buying it. On Friday, he said that his fellow Republicans should "just man up and cast a vote." If Ayotte needs a Republican model closer to home in order to assert her independence from GOP group-think, she need look no further than to Sen. Susan Collins With the Senate now in recess, Ayotte's New Hampshire constituents have the opportunity to weigh in with her on Scalia's successor. We urge them to take it."

Sentinel Editorial: Senate Republicans, do your job (*Keene Sentinel [NH]*, 03/17/16)

"McConnell and his flock have vowed not to do their job.... Instead of doing their job, they argue Obama should shirk his constitutional duty to nominate a justice, leaving a seat on the court open until at least a year from now The U.S. Constitution calls for the president to nominate, when needed, any replacement to the court, and for the Senate to weigh in on those nominations. It includes no asterisk denoting a different process for election years.... Ayotte has on occasion broken ranks with her party's leadership.... This is an instance in which she needs to buck McConnell and call for action on the nomination of Garland."

Editorial: The game is clear, so let's not pretend (*Concord Monitor [NH]*, 03/17/16)

"What is the refusal of Republican senators to grant a hearing to Supreme Court nominee Merrick Garland if not contempt for voters?... Ayotte is no longer taking a stand for the American people, as she claims; she is blocking a hearing for a judge who is widely respected among Republicans and Democrats alike, and obstructing the proper function of the U.S. Supreme Court.... Again, do you think Ayotte would take that position if the president was a Republican?... And if Garland is deserving of a hearing on his own merits, which he is, that makes you, the voter, a pawn in a dirty Washington game that has absolutely nothing to do with fairness or principle."

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

Congress is a dysfunctional mess [Editorial] (*Burlington County Times [Willingboro, NJ]*, 10/05/16)

"Congress is a dysfunctional mess. ... As far as doing the people's business, well, a kind assessment is that Congress is a hit-and-miss outfit, with far more of the latter than the former.... Among the issues coming and/or returning in 2017: the budget, the debt ceiling, a failing health care system under the Affordable Care Act, the Supreme Court vacancy or vacancies, ... and on and on. At a time when the art of compromise is so desperately needed in the nation's capital, there's little reason to believe we'll be witness to anything other than greater partisanship and dissension. Congress gets another failing grade for 2016. It's another failure that hurts America."

The Record: Court punts [EDITORIAL] (*Record [NJ]*, 05/18/16)

"The court's 8-0 decision to send a contraception case linked to the Affordable Care Act back to the lower courts was yet more evidence that the court needs a full complement of nine justices; it has had only eight since the death in February of Justice Antonin Scalia.... the court cannot function properly with only eight justices. President Obama nominated Merrick Garland to the court shortly after Scalia's death, but the Republican-controlled Senate has refused to consider the nomination. The Senate's failure to do its job is hurting the nation's highest court. If senators don't like Garland, they can vote against him. But he deserves a hearing and a vote."

EDITORIAL: Garland's Credentials Bona Fide. We Reiterate: Grant a Hearing (*New Jersey Law Journal*, 04/12/16)

"Then-Judiciary Committee Chairman Hatch observed, of the 1997 Senate (76-23) confirmation of Garland's nomination to the U.S. Court of Appeals for the D.C. Circuit, that no one dared to come to the floor to speak against Garland.... the Senate leader's refusal to even consider the president's nominee is without precedent.... when judges are sCALIFeen as politicians in robes, confidence in the judiciary suffers. Thus the refusal to hold hearings until after the presidential election will do damage to the courts if it is sustained.... In our view, Barack Obama has proposed an ideal "consensus" candidate. One who has garnered bipartisan support in the past.... Merrick Garland is a judge whose record tells us that he models the kind of search for broad agreement that serves the courts and the country well. If the Senate continues to stonewall his nomination, it will embroil the Supreme Court in partisan combat that threatens confidence in the judiciary, as recent remarks by Chief Justice Roberts suggest. We join many others in urging the Senate to offer its advice and consent to the nomination of Judge Garland."

EDITORIAL: The Record: Politics and courts (*Record [NJ]*, 04/06/16)

"U.S. Senate Republicans are refusing to give the president's nominee to fill a U.S. Supreme Court vacancy, Merrick Garland — a moderate, well-respected jurist by any measure — a hearing. They say they want the

next president to fill that spot. ... There will always be a political aspect to the selection of the judiciary, but politics should not prevent qualified jurists from serving in our courts or influence their decisions once they are on the bench. That is true from the municipal level all the way to the U.S. Supreme Court."

EDITORIAL: The Record: Supreme Court tie votes can't continue (*Record [NJ]*, 03/31/16)

"Cases should be decided by a majority of justices, not by tie votes that merely uphold earlier decisions. President Obama fulfilled his constitutional duty to nominate a replacement for Scalia: Merrick Garland. But Republican Senate leaders are refusing to hold hearings on the nominee, let alone schedule a vote. Garland deserves a hearing and a vote.... public opinion — which favors hearings — may crumble the Republican stonewall. ... The Supreme Court should function with a full bench, nine justices. And as for the U.S. Senate — it should just function."

EDITORIAL The Record: Obama's nominee (*Record [NJ]*, 03/17/16)

"In putting forth Garland, the president is upholding the laws upon which this nation stands and the responsibility of the executive branch in our three-branch system of government. Now it is up to the Senate to do the same, to take its responsibility seriously and give this nominee a fair hearing and an up-or-down vote for confirmation.... Obama has chosen a jurist who seems anything but an ideologue, a man whose only allegiance appears to be to the law.... If Republicans in the Senate hold true to their threat, they mock the Constitution and the separation of powers they purport to hold so dear."

Obama faces GOP hypocrisy over Supreme Court stonewall | Editorial (*Star-Ledger Newark [NJ]*, 03/17/16)

"The American people did have a say. They elected Obama twice, knowing he would have the power to make these nominations. Republicans are trying to clip a year off that mandate. It's a remarkable feat of hypocrisy from a party that presents itself as strict adherents to the Constitution. And it raises this question: If they are clipping a year off Obama's term, does the same rule apply to Congress? Obama on Wednesday chose Merrick Garland, a respected federal judge, who would easily win confirmation in a more sane political time."

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

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

EDITORIAL: Our view: Senate needs to do its job (*Santa Fe New Mexican*, 03/16/16)

"Much to the chagrin of his more liberal supporters, President Barack Obama once again has made a calm, measured decision on a nomination for a seat on the U.S. Supreme Court. ... Garland, without question, has outstanding legal credentials,... President Obama has done his duty under the Constitution. Now, the U.S. Senate must do its job, to "advise and consent" on the president's nomination.... With 10 months left to go in President Obama's final year in office, there is no reason GOP senators should not be forced to do their jobs. ... Over the course of our nation's history, scholars say, there have been 24 election-year nominees, with 21 of those confirmed. There is no precedent for refusing to consider a nomination outright. That is a fiction created by Republicans"

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: A Crippled Supreme Court's New Term (*New York Times*, 10/03/16)

"[T]he Supreme Court, which begins a new term on Monday, remains without a ninth justice nearly seven months after President Obama nominated Merrick Garland to fill the vacancy created by the death of Justice Antonin Scalia in February. That seat is likely to stay empty until well into 2017, and depending on which party wins the White House and controls the Senate, possibly long beyond that. This is entirely contrary to the workings of a constitutional government, and it is inflicting damage on the court and the country. But the Senate Republicans care nothing about that as they continue their unprecedented stonewalling of Judge Garland's nomination in the hopes of preserving the court's conservative majority. Meanwhile, the eight justices have split evenly in several major cases, which puts off any final judgment on lawsuits that affect millions of Americans."

Editorial: Congress on vacation: When Congress begins a seven-week recess this afternoon, it will be finishing its shortest cycle of deliberations in 60 years. (*El Diario [NY]*, 07/14/16)

"Hundreds of judicial candidates waited for the Senate to bother considering them. Senators haven't approved any candidates for ... appeals courts since January 2016. Court cases are piling up because there are no judges available to hear them. Senators refused to debate the appointment of Merrick Garland to the U.S. Supreme Court. As a result, the court only has eight justices and rulings are often tied, forcing the judicial branch to become as paralyzed as the legislature. And now, they're going on vacation."

OUR VIEW: Running in place [Editorial] (*Daily Mail [Catskill, NY]*, 06/25/16)

"It's time for Congress to confirm a new Supreme Court justice to replace Scalia, so these embarrassing 4-4 stalemates on important issues like immigration don't repeat themselves. Whether you subscribe to the president's plan or whether you believe he has overstepped his bounds, a five-vote Supreme Court decision one way or the other would have been preferable to more paralysis in Washington. We can no longer afford to run in place."

EDITORIAL: Impasse and Heartbreak on Immigration (*New York Times*, 06/23/16)

"With a maddening 4-to-4 nondecision announced Thursday, the Supreme Court failed to decide the fate of President Obama's 2014 executive actions on immigration. ... The Supreme Court took the case, and deadlocked because the Republican Senate has refused to allow Mr. Obama to fill the seat left open by Justice Antonin Scalia's death. The 4-to-4 vote sets no precedent"

EDITORIAL: The Senate's Confirmation Shutdown (*New York Times*, 06/09/16)

"Remember Merrick Garland, the [veteran federal judge](#) President Obama nominated in mid-March to fill the Supreme Court vacancy left by the death of Justice Antonin Scalia? That was 85 days ago, and Judge Garland still hasn't gotten a hearing, much less a confirmation vote, even though he is unquestionably qualified and widely respected by Republicans and Democrats alike. The Senate Republicans, led by Majority Leader Mitch McConnell, refuse to act because they want to deny Mr. Obama another seat on the court, regardless of the nominee's qualifications. Meanwhile, the Supreme Court sits hamstrung, [unable to deliver](#) conclusive rulings on some of the [most pressing legal issues](#) facing the country. The Republicans' blockade of Judge Garland is shameful, but it is only the most glaring example of what has been a historic slowdown in filling federal court vacancies across the country."

EDITORIAL: The Crippled Supreme Court (*New York Times*, 05/17/16)

"Every day that passes without a ninth justice undermines the Supreme Court's ability to function, and leaves millions of Americans waiting for justice or clarity as major legal questions are unresolved.... Despite what Senate Republicans may say about the lack of harm in the delay in filling the vacancy, the court cannot do its job without a full bench."

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

EDITORIAL: Obama's high court choice deserves hearing (*Poughkeepsie Journal [NY]*, 05/03/16)

"President Barack Obama has done his job by picking an imminently qualified judge to serve on the Supreme Court. Senate Republicans, who like to tout themselves as strict constructionists of the Constitution, should

stop their charade and set a confirmation hearing.... Now the U.S. Senate ought to fulfill its obligation by setting into motion the process to “advise and consent” on the president’s choice, as the Constitution requires. Nowhere in the Constitution does it say the Senate should “ignore a nomination until the president’s term expires.””

EDITORIAL: Rescue the Supreme Court From Limbo (*New York Times*, 05/01/16)

"Republicans haven't been satisfied simply to hobble the court's ability to function. In recent weeks, they have gone to remarkable lengths to impugn the integrity of the justices and thus the legitimacy of the court. Charles Grassley, chairman of the Senate Judiciary Committee, has attacked Chief Justice John Roberts Jr., who delighted conservatives at his own confirmation hearings by comparing judges to umpires calling balls and strikes. But last month, Mr. Grassley, who should be spending his time scheduling confirmation hearings, instead lashed out at the chief justice, claiming that “a number of his votes have reflected political considerations, not legal ones” None of this has anything to do with the qualifications of Mr. Obama's nominee, Merrick Garland, the chief judge of the United States Court of Appeals for the District of Columbia Circuit, whom conservatives have long praised as someone they would happily confirm. ... if the president and the Senate are of different parties, there is every reason to believe that the current blockade will continue indefinitely."

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

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

EDITORIAL: Deadlock on key case demonstrates why Supreme Court seat needs to be filled (*Buffalo News [NY]*, 04/05/16)

"The recent 4-4 deadlock on the Supreme Court, resulting in a temporary victory for organized labor, is an illustration of why it is in the interest of the nation to fill the vacancy on the court. The sooner the better.... The president has nominated Judge Merrick B. Garland to fill the vacancy. While he appears to have the credentials for the Supreme Court, it is up to the Senate to consider his fitness for the post by holding hearings and eventually a vote. However, Senate Republicans refuse to even take up the nomination. ... it's constitutionally flawed and will hamper the court's ability to carry out its job. ... subjecting the nation to the possibility of a year of 4-4 votes on key issues. Senate Republicans need to do their job and consider Garland's nomination."

TU Editorial Board: The Senate's dereliction (*Albany Times Union [NY]*, 04/04/16)

"Twice since the death of Justice Antonin Scalia, the U.S. Supreme Court has deadlocked on cases. Twice, then, America has witnessed the fallout from the U.S. Senate Republican majority's outrageous determination to put party above Constitution and country....Citizens will effectively be subject to unequal treatment under the law, depending on where they live. These offenses to the Constitution mount as Mr. McConnell refuses to let the Senate fulfill its role of advice and consent. Some Republicans say the Senate should consider Mr. Obama's nominee, Merrick Garland, the chief judge of the D.C. Circuit Court of Appeals, a moderate choice."

EDITORIAL: Unions Win, but the Court Is Still Hobbled (*New York Times*, 03/30/16)

"Mitch McConnell, the Senate majority leader, has said his party's attitude is “about a principle, not a person.” Yet at the same time he has rejected Mr. Obama's pick, Merrick Garland, chief judge of the federal appeals court for the District of Columbia Circuit, on the grounds that he is opposed by the National Rifle Association. The Washington Post reported on Monday that a longtime lawyer for the N.R.A., Charles Cooper, is a great admirer of Judge Garland, who he once said would be “among President Clinton's very best judicial appointments.” It's no surprise that other Republicans are also struggling to defend their do-nothing stance, and bungling their messages in the process. ...Every day that Senate Republicans refuse to

give Judge Garland the consideration he is due, they are embarrassing themselves and ignoring the voices of the people."

EDITORIAL: The Senate Defers to the N.R.A. (*New York Times*, 03/24/16)

"It turns out that the most important voice in the Supreme Court nomination battle is not the American people's, as Senate Republicans have insisted from the moment Justice Antonin Scalia died last month. It is not even that of the senators. It's the National Rifle Association's. That is what the majority leader, Mitch McConnell, said the other day when asked about the possibility of considering and confirming President Obama's nominee, Judge Merrick Garland, after the November elections.... In other words, forget the voters. Forget that Judge Garland has been supported and praised by top Republicans and Democrats for years. The N.R.A. doesn't like him — for no fact-based reason — and that's all that matters. It is hard to calculate the damage Republicans are doing to the nation and the court, even as poll after poll shows that a majority of Americans believe the Senate should hold hearings and an up-or-down vote.... This isn't governance; it is the unhinged tantrum of a party whose ideological rigidity has already paralyzed Congress, and now threatens the Supreme Court itself."

EDITORIAL: A Partisan Prescription for Paralysis (*New York Times*, 03/22/16)

"The refusal by Senate Republicans to consider the nomination of Judge Merrick Garland for the Supreme Court vacancy has rightly prompted indignation. But it is only the most glaring example of unreasonable intransigence by lawmakers who have turned the process of appointing senior federal officials into a political game. The nominations of many of the 143 people awaiting confirmation for nonjudicial federal jobs are stalled in the Senate as committee heads and the majority leader, Senator Mitch McConnell, dither and delay."

Editorial: Give the nominee a hearing and a vote (*Times Herald-Record [NY]*, 03/17/16)

"We do not, as the Republicans in the U.S. Senate are doing, shut the door and refuse to come out. We never have.... while Democrats opposed Bork, they did not refuse to consider his nomination.... After those hearings, the Senate Judiciary Committee voted against Bork 9 to 5 and sent his nomination to the full Senate with the recommendation that he be rejected. After more debate, the full Senate did reject his nomination 58 to 42, with six Republicans opposing him and two Democrats supporting him.... Fourteen presidents have nominated justices in presidential election years and six have filled vacancies after their successors were elected, none more memorably than John Adams."

EDITORIAL: Merrick Garland for the Supreme Court (*New York Times*, 03/16/16)

"If you tried to create the ideal moderate Supreme Court nominee in a laboratory, it would be hard to do better than Judge Merrick Garland. ... Under normal, even routinely partisan, circumstances, Judge Garland would sail through confirmation hearings and be confirmed by the Senate in a matter of months, if not weeks. That was obvious to Senator Orrin Hatch, the senior Republican from Utah who sits on the Judiciary Committee, who in 2010 called Mr. Garland a "consensus nominee" and said there would be "no question" that he would be confirmed to the Supreme Court with bipartisan support. Just last week, Mr. Hatch repeated his praise, saying that if Mr. Obama wanted a real moderate, he "could easily" name Mr. Garland,"

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

"McConnell, however, maintained that the decision should wait until the next president takes office to "give the people a voice in filling the vacancy." It's a ridiculous argument that is easily countered: The people already made their voice known in selecting the current president. Twice.... Obama made a tactical decision, and a political one, to nominate the chief of the federal appeals court in Washington, D.C., an excellent jurist who is as mainstream a candidate as can be found. Garland is an older white male, an establishment figure in the nation's capital, someone with a prosecutorial background who has rarely overturned a criminal conviction. He would be comfortable in the Supreme Court's center, not one who would clearly tip it to the left. Garland's judicial record shows that he moves the law in increments, deciding the facts of the case before him, not trying to bend them to fit a predetermined outcome. In that vein, he's a more conservative justice than the man he would replace. The Senate should hold confirmation hearings and vote on the nomination."

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

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

EDITORIAL: Senate has a clear obligation to consider Obama's nominee for Supreme Court (*Buffalo News [NY]*, 03/16/16)

"Senate Republicans would do well to reconsider before refusing to even consider the nomination of Merrick B. Garland to replace Antonin Scalia on the Supreme Court. Garland is considered a centrist who was confirmed to the U.S. Court of Appeals in a bipartisan vote. But no matter who the president chose to put forth, it is the duty and obligation of the Senate to consider the nominee, just as it was the duty and obligation of the president to put forth a name."

Editorial: The Senate must consider Garland's nomination (*El Diario [NY]*, 03/16/16)

"If the situation were different, the Republican-majority Senate, which in the past only had good things to say about Garland, would have confirmed him quickly. If the situation were different, Obama would have probably appointed a more liberal nominee. However, direct opposition in Congress and the state of affairs in Washington required someone who is acceptable to everyone. The president did his part. Now the Senate must stop searching for excuses not to fulfill its obligations, and consider Garland's nomination."

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 pre-emptively 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 one branch of this government?"

NORTH CAROLINA

Our Opinion: A do-later Congress (*Greensboro News & Record [NC]*, 10/03/16)

"There's still that Supreme Court vacancy. Republican senators are responsible for that. More than six months after President Barack Obama nominated Merrick Garland, the Senate has still refused to consider him. No one in modern history has waited longer for a hearing. Republicans decided to deny President Barack Obama the chance to fill the seat opened by the death in February of Justice Antonin Scalia. Also stalled was the nomination in April of former N.C. Supreme Court Justice Patricia Timmons-Goodson to serve on the federal district court for eastern North Carolina."

EDITORIAL: State Republicans cast lot with pride and prejudice (*Daily Reflector [Greenville, NC]*, 07/06/16)

"If Donald Trump does not win in November, Republicans might regret the decision of their leadership to withhold consideration of President Obama's temperately conservative Supreme Court nominee, Judge Merrick Garland, should this case travel that far.

EDITORIAL: Sen. Burr blocks federal judge nominee and slows justice in eastern NC (*News & Observer [NC]*, 05/02/16)

"Burr's opposition is unfair to Timmons-Goodson personally and unfair to the system running short of federal judges.... This obstruction is hardly a first ... he has joined in the GOP charade of denying a hearing for the president's nominee to the U.S. Supreme Court, Judge Merrick Garland. The Senate's job in reviewing the president's nominees is to advise and consent, not to pout and obstruct.... Burr fails to recognize that right and in so doing is impeding the administration of justice for the people of Eastern North Carolina."

EDITORIAL: Our Opinion: A Burr blockade (*Greensboro News & Record [NC]*, 05/03/16)

"Sen. Richard Burr's immediate response to the nomination did come as a shock.... he blocked the woman previously nominated for this long-empty position, Jennifer May-Parker, an assistant U.S. attorney. She was nominated in June 2013 but never given a hearing.... There is no excuse for denying Timmons-Goodson a hearing, even if Obama failed to call him about the nomination. That might be a breach of protocol, but Burr is equally responsible because of his unreasonable positions on the Lynch and Garland nominations.... as an experienced, fair-minded judge, Timmons-Goodson doesn't let political considerations dictate her conduct on the bench. That's what makes her a good choice for the federal court seat.... Burr should reconsider and support her confirmation"

EDITORIAL: Burr, Tillis snub nominee and law (*News & Observer [NC]*, 03/30/16)

"Now it is simply embarrassing. Are North Carolina's Sens. Richard Burr and Thom Tillis so fearful — and so rude — that they are afraid to be in the same room with Supreme Court nominee Judge Merrick Garland?"

No, they're just going along with the GOP leadership in saying they don't want Garland to have a hearing and a vote on his nomination. It's not unanimous among Republicans.... Garland is one of the most respected judges in the country, and as chief judge of the U.S. Court of Appeals for the District of Columbia already has passed muster with the Senate, with the support of Republicans.... Other senators should have risen in defense of the constitutional process and of the president's right to nominate someone and the Senate's duty to give the person a hearing. But no, Burr and Tillis are meekly going along with it."

EDITORIAL: Supreme Court stalemate needs to be broken (*Shelby Star [NC]*, 03/30/16)

"[F]urther stalemates are likely if Senate Republicans continue with their ridiculous refusal to hold hearings on President Obama's nomination of federal appeals court Judge Merrick Garland to fill the Scalia vacancy.... Based on his comments last month, it would seem that the chief justice agrees. He would be doing his court and the Constitution a favor by explicitly calling on the Senate to do its job and give Garland a fair hearing."

Editorial: Supreme Court stalemate needs to be broken (*Times-News [Burlington, NC]*, 03/27/16)

"Last month, in remarks delivered before Scalia's death, Chief Justice John G. Roberts Jr. lamented the politicization of the confirmation process....It's better for the Senate generally to focus on qualifications and accept that every president, by virtue of his election, has the right to try to shape the court. Presidents, meanwhile, should realize that if they put forward nominees who are too far outside the mainstream, the Senate will put up a fight. Based on his comments last month, it would seem that the chief justice agrees. He would be doing his court and the Constitution a favor by explicitly calling on the Senate to do its job and give Garland a fair hearing."

EDITORIAL: Our Opinion: No, no, no, maybe (*Greensboro News & Record [NC]*, 03/19/16)

"Senate Republicans can't even get their stories straight about blocking President Barack Obama's Supreme Court nominee. They say a lame-duck president shouldn't be allowed to fill a vacancy on the court during his final year in office. Then some of them hint they might hold their own lame-duck session to confirm Merrick Garland Garland, chief judge of the U.S. Court of Appeals in the District of Columbia, is as good a selection as Republicans could hope to get from any Democratic president.... Recent polls in North Carolina and other battleground states consistently show that most voters want the Senate to consider a Supreme Court nominee this year. Republicans like Tillis and Sen. Richard Burr of North Carolina are defying public opinion for the sake of partisan obstructionism. ... There is no precedent for the Republican position and no logic behind it."

EDITORIAL: High court pick deserves a fair hearing (*Charlotte Observer [NC]*, 03/16/16)

"In Merrick Garland, President Obama has nominated an eminently qualified jurist for the nation's highest court. As the well-respected chief judge of the U.S. Court of Appeals for the District of Columbia Circuit – commonly called the nation's second highest court – one could argue that Garland is the most qualified jurist Obama could have picked.... Sen. Orrin Hatch, R-Utah, practically dared Obama to nominate him last week, telling the conservative website Newsmax that the president “could easily name Merrick Garland, who is a fine man.”... by refusing to consider a nominee, the GOP is taking the politics of obstruction to a corrosive and constitutionally questionable new low."

EDITORIAL: Obama offers a worthy nominee, now Senate must do its job (*News & Observer [NC]*, 03/16/16)

"Judge Merrick Garland, a Chicago native, qualifies on all counts and deserves to be confirmed by the United States Senate to fill the seat left vacant by the death of Justice Antonin Scalia. That Garland might be denied not only a seat but even a hearing after his nomination by President Obama would be an outrage. It would be an affront not just to Obama, whom Republican leaders have vowed to stymie at every turn, but to the Constitution.... Under the direction of Senate Majority Leader Mitch McConnell, Republican senators, including North Carolina's Richard Burr and Thom Tillis, want to deny the president his duty for partisan reasons that put their party above their country."

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..

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: Gridlock at the Supreme Court (*Akron Beacon Journal [OH]*, 04/01/16)

"President Obama, in selecting Garland, who long has won praise from both sides of the aisle, has demonstrated respect for his own election in 2012 and the Republican victories two years ago through which the party captured the Senate majority. That is how the system is supposed to work. ... What Portman and his

colleagues propose is that the court go for more than a year with a vacancy.... The result is, the court dealing with its own version of gridlock for much of two terms.... Which highlights the additional disrespect the Republican majority is showing for the work of the court. ... there must be allegiance to something higher. The president has done his part. Now the Senate should do the same."

EDITORIAL: How we see it: US Senate race in Ohio will have sparks flying (*Vindicator [Youngstown, OH]*, 03/31/16)

"In selecting appeals court Judge Merrick Garland to replace the late Associate Justice Antonin Scalia, the president was sending a clear message to the GOP: I intend to fulfill my constitutional duties until the last day of my term in office. ... Garland won confirmation in 1997 to the United States Court of Appeals for the District of Columbia Circuit with backing from a majority of both parties, including seven current Republican senators. Garland, 63, the chief judge of the D.C. Circuit, is a respected moderate jurist and former prosecutor.... one fact is undeniable: Obama won election and re-election by impressive margins, thus being able to claim a mandate from the voters to do his job. ... In arguing that "the American people" this year must have a say, what are the Republicans in the Senate suggesting about the 65-plus million who voted for Obama in his bid for a second four-year term – a full term? ... meetings would be nothing more than political window dressing if the GOP majority continues to say "no.""

FEATURED EDITORIAL: Judge the person (*Toledo Blade [OH]*, 03/30/16)

"Judge Merrick Garland, chief judge of the United States Court of Appeals for the District of Columbia, is a Supreme Court nominee almost too good to be true.... The President still has almost 9 months to serve and this nominee is the epitome of prudence, balance, and qualification. And that should be the point: the qualifications of the particular nominee.... Judge Garland is highly and uniquely qualified for the Supreme Court. Republican senators such as Rob Portman, who generally try to uphold comity, should do the self-evidently right thing and give him a hearing. This is America. Judge the person."

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

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

Editorial: Reject Supreme Court gridlock, senators (*Cincinnati Enquirer [OH]*, 03/20/16)

"The 11-month-plus vacancy that Senate Republicans are threatening would leave important business, criminal and other cases in a lengthy limbo. President Obama nominated a moderate replacement last week in Merrick Garland, the chief judge of the U.S. Court of Appeals for the D.C. Circuit. The Enquirer editorial board urges Portman, who's up for re-election, and McConnell to reconsider their opposition to hearings for this nominee who has previously received bipartisan support."

Sen. Rob Portman should go his own way on Merrick Garland Supreme Court nomination: editorial (*Cleveland Plain Dealer [OH]*, 03/19/16)

"Sen. Rob Portman has decided to decided to fall in line with Republican Party leaders in their sharply partisan and uncompromising stance on President Barack Obama's Supreme Court nomination. It's a mistake for Portman to do so.... He needs to show that same sense of principle and backbone with the Merrick Garland nomination -- even if it's purely as moral leadership in a party that seems determined to deny Garland even a confirmation hearing. He would join at least two other principled Senate Republicans who have said they'd be willing to vote on the Garland nomination"

FEATURED EDITORIAL: Give judge a hearing, vote (*Toledo Blade [OH]*, 03/18/16)

"President Obama wants to fill a vacancy on the Supreme Court with an exceptionally well qualified,

ideologically moderate, and apolitical nominee. The Republican-controlled Senate — including Ohio Sen. Rob Portman — has no justification for refusing to give the nomination of Judge Merrick Garland a fair hearing and a yes-or-no vote.... Justice Scalia's seat need not and should not remain vacant until after the election, if the Senate will put its constitutional duties before political games. Senators have an accomplished, distinguished, well-respected, mainstream candidate before them for a vital government post. Ignoring him would be an outrageous default of leadership."

EDITORIAL: Garland should get a hearing (*Star Beacon [OH]*, 03/17/16)

"There is absolutely no reason for the Senate not to have hearings on Merrick Garland, who President Obama nominated to the Supreme Court Wednesday. Sen. Orrin Hatch, R-Utah, just last week essentially dared Obama to nominate Garland, saying the president "could easily name Merrick Garland, who is a fine man," ... to not even have hearings to make that determination, to make the decision based solely on the fact that Obama has nine months left in office instead of 14 months is wrong.... Garland deserves to be considered on his own merits."

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

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

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

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

fair consideration, should give that nominee an up-or-down vote. The American people deserve for all three branches of their government to work."

OREGON

EDITORIAL: The Supreme Court and a petulant Senate (*World [Coos Bay, OR]*, 04/02/16)

"[I]t's not clear that the Senate will do its job and allow the judicial replacement process to proceed until after the November presidential election.... various GOP senators have expressed more open, conciliatory positions, be it out of sheer respect for the Constitutional process or because of threats back home from constituents. President Obama's nominee, Chief Judge of the U.S. Court of Appeals for the District of Columbia Merrick Garland, is a worthy candidate. He deserves a fair Senatorial vetting and the American people deserve their Constitution be respected."

Editorial: A year of deadlock looms for court (*Corvallis Gazette-Times [OR]*, 03/31/16)

"President Barack Obama has appointed a moderate, Merrick Garland, to replace Scalia. Republican leaders in the Senate say the appointment is dead in the water senators interested in avoiding a year (or more) of deadlock in the Supreme Court have an easy way to do that: Give Garland the confirmation hearing he deserves. And if Republicans lose this presidential election — and their bet on the future of the court — ...they may well lament this missed opportunity to place a more moderate justice on the high court."

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

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

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

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

EDITORIAL: Garland deserves a vote (*Register Guard [OR]*, 03/17/16)

"Republicans in the Senate are wrong, both as a matter of precedent and of politics, to refuse even to hold hearings on Garland's nomination.... the Senate has always been willing to consider election-year court appointments in the past, confirming 21 of 24 of them, most recently Justice Anthony Kennedy..... Obama has shown respect for the Republican majority by nominating a highly regarded judge the GOP has supported in the past. It's now the Senate's job to hold hearings on the nomination and schedule a timely vote."

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 (*Ashland 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

Even SCOTUS loathes tie [Editorial] (*Scranton Times-Tribune [PA]*, 10/06/16)

By the Editorial Board: "the justices have decided to avoid major, precedent-setting cases until they are at full strength. That, in turn, is a further condemnation of Senate Republicans, who set a new record every day for the amount of time that partisan political obstruction has interfered with the operation of the judicial branch and, specifically, the Supreme Court. ... The Senate previously had confirmed Judge Garland to the nation's second most powerful court, by a wide margin, and his service on that court makes him even more qualified and worthy of confirmation to the high court. In brazen defiance of their constitutional duty, Senate Republicans lined up behind Majority Leader Mitch McConnell, who said that they would refuse to conduct the confirmation process for any Obama nominee. Because of that shameful partisanship, the court has been without a full complement of justices for the longest period in its history.... McConnell also has said that he will not consider a nominee until after the next presidential inauguration, but he should change his mind and end the charade that his conduct is anything other than political obstructionism."

Refusal to consider Garland confirmation is political obstructionism [Editorial] (*Citizens Voice [Wilkes-Barre, PA]*, 10/06/16)

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Perfect storm on climate [Editorial] (*Pottsville Republican & Evening Herald [PA]*, 10/06/16)

"[S]ince Senate Republicans have refused to carry out their own constitutional duty by declining to conduct a confirmation hearing for Supreme Court nominee Judge Merrick Garland, the D.C. appellate decision could be definitive because the Supreme Court might deadlock, 4-4, on a further appeal."

The Congress: America's failure [Editorial] (*Intelligencer [Doylestown, PA]*, 10/03/16)

"Congress is a dysfunctional mess. ... As far as doing the people's business, well, a kind assessment is that Congress is a hit-and-miss outfit, with far more of the latter than the former.... Among the issues coming and/or returning in 2017: the budget, the debt ceiling, a failing health care system under the Affordable Care Act, the Supreme Court vacancy or vacancies, ... and on and on. At a time when the art of compromise is so desperately needed in the nation's capital, there's little reason to believe we'll be witness to anything other than greater partisanship and dissension. Congress gets another failing grade for 2016. It's another failure that hurts America."

Congress: America's failure [Editorial] (*Bucks County Courier Times [PA]*, 10/03/16)

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Senate leaves bench in need [Editorial] (*Scranton Times-Tribune [PA]*, 09/30/16)

THE EDITORIAL BOARD: "The focus of Senate Republicans' dereliction of constitutional duty has been on their refusal to engage in the confirmation process for highly qualified Supreme Court nominee Merrick Garland. But during this two-year congressional session, confirmations at all levels of the federal judiciary have slowed to a trickle, resulting in a growing number of judicial vacancies and an expanding backlog of cases that reduce access to the courts and justice.... Four nominees await confirmation to U.S. district courts in Pennsylvania. Judges Susan Baxter and Marilyn Horan have been nominated to the bench in the Western District of Pennsylvania and cleared by the Senate Judiciary Committee. Senate Majority Leader Mitch McConnell refuses to schedule a final vote. Judge John Young, nominated to a seat in the Eastern District, and Judge Robert Colville, nominated to the Western District, have not received hearings. The Judiciary Committee also has not scheduled a hearing for Rebecca Haywood, who was nominated in March to the 3rd Circuit Court of Appeals, where she would be the first black woman to serve if confirmed. Sen. Pat Toomey has not submitted a "blue slip" that is required to start that process."

McConnell should schedule confirmation votes for federal judges [Editorial] (*Citizens Voice [Wilkes-Barre, PA]*, 09/30/16)

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Bring on the Judges [Editorial] (*Jewish Exponent [PA]*, 09/14/16)

"The Republican-led Senate, which had been dragging its feet in considering Obama's federal court nominees, announced earlier this year that it will not act on any more appointments until the president's term ends in

January. That effectively put Judge Merrick Garland's nomination as Supreme Court justice in deep freeze and does the same for every other judicial nominee. It is the Senate's job to act on those nominations and not to use its constitutional role for political purposes. Each of the nominees deserves a hearing. The Senate should fulfill its mandate to advise and consent."

Legacy: blind obstruction [Editorial] (*Scranton Times-Tribune [PA]*, 09/09/16)

"The Senate Republican leadership's legacy, as the congressional session winds down, is already clear. It is one of blind obstruction rather than achievement, as emphasized Thursday by Supreme Court nominee Merrick B. Garland's visit to Capitol Hill. Garland is the chief judge of the United States Court of Appeals for the District of Columbia Circuit, widely regarded as the nation's second most important appellate court, behind only the Supreme Court itself. He ascended to that position after being confirmed in 1997. The 23 Republican senators who voted against him at that time did not question his qualifications; they did not want to fill the seat to reduce the size of the court. Though a centrist and highly qualified, Garland is the nominee to wait the longest for a confirmation hearing in U.S. history.... The ongoing stone-walling of the Garland nomination is an absurd dereliction of the duty to govern."

Editorial: Stone-walling of Garland nomination dereliction of duty (*Citizens Voice [Wilkes-Barre, PA]*, 09/09/16)

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EDITORIAL: Sad record (*Scranton Times-Tribune [PA]*, 07/24/16)

"Judge Merrick Garland became the Supreme Court nominee to wait the longest time without a Senate confirmation hearing.... A century ago, the reasons for the Brandeis delay were obvious. He was the first Jewish nominee for the Supreme Court and the country was infected with a virulent strain of anti-Semitism. ... Today's Republican obstructionists in the Senate are just as shameful The script they read from holds that there should be no hearing because Mr. Obama is in the last year of his last term and "voters should have a say." That is preposterous. Voters expressed their view in electing Mr. Obama twice.... The Senate Republican majority's refusal to engage in that process is a hypocritical and historic dereliction of constitutional duty of which they should be ashamed"

EDITORIAL: Objection!: Ginsburg should have kept her counsel on Trump (*Pittsburgh Post-Gazette [PA]*, 07/15/16)

"There are now eight rather than nine working justices since the death of Associate Justice Antonin Scalia in February. President Barack Obama, acting in his constitutional role, nominated Judge Merrick Garland in March to succeed Justice Scalia. The Republicans in the Senate, led by Majority Leader Mitch McConnell of Kentucky, have refused to consider Judge Garland's nomination until after the election, This partisan maneuver, with no constitutional justification, has left the Supreme Court short one justice and ideologically deadlocked on some issues."

EDITORIAL: End the Senate's useless judicial obstructionism (*Butler Eagle [PA]*, 06/30/16)

"[T]his U.S. Senate is allowing an entire corner of Pennsylvania to go without a sitting federal judge. According to a poll conducted in May by GBA Strategies, a progressive think tank, people aren't impressed. Even when it comes to a more political judicial appointment — namely a hearing on Obama's nominee for the U.S. Supreme Court, Merrick Garland — a wide majority of Pennsylvanians, 66 percent, want to see an up-or-down vote in the Senate, the poll found."

Toomey two-faced on federal judge vacancies | Editorial (*Express-Times [PA]*, 05/15/16)

"Pat Toomey can't have it both ways. This week Pennsylvania's junior senator made a request of Senate Majority Leader Mitch McConnell: Call a vote to allow the Senate to act on the appointments of two federal judge nominees in western Pennsylvania, for seats that been unfilled for years....The sand-in-the-gears approach to elevating federal judges isn't just a hindrance to justice, it's a disgrace.... there is no federal judge in the entire northwest corner of the state.... This a problem for the entire country, not just Pennsylvania. And it's beyond hypocritical of Toomey to expect that any judge deserves special treatment when he and most other GOP senators are blocking hearings — much less an up-or-down vote — on President Obama's choice of Judge Merrick Garland to replace the late Antonin Scalia on the U.S. Supreme Court.... McConnell made it clear to Toomey that Pennsylvania isn't going to cut in line. Nine other judges cleared by the Senate Judiciary Committee have been in the pipeline longer than the Pennsylvania nominees.... if Toomey wanted to make a sensible pitch for fair play he could have done what Sen. Bob Casey did — call upon McConnell to schedule votes for all the federal judge candidates who have committee approval.... the business of the courts — which, while it can't be totally depoliticized, would be improved greatly by respecting the Constitution and acting on federal judge nominees who are ready to go."

Editorial: Toomey and the politics of obstruction (*Pocono Record [PA]*, 05/17/16)

"Clearly, Pat Toomey is no student of logic. Otherwise, the Republican U.S. senator from Pennsylvania would not plead for approval of his nominees for federal court in Pennsylvania so soon after joining other GOP obstructionists in refusing so much as a hearing for President Barack Obama's Supreme Court nominee, Merrick Garland.... Courts need a compliment of judges to function properly. So Toomey is asking Senate Majority Leader Mitch McConnell for Senate action to confirm judicial nominees Marilyn J. Horan in Pittsburgh and Susan Paradise Baxter in Erie. But Republicans, including Toomey, wouldn't give the president the time of day after Supreme Court Justice Antonin Scalia died suddenly in February, and President Obama, following the U.S. Constitution, nominated Garland. Republicans would rather have the court lack a critical ninth member for a year than grant a Democratic president so much as a courtesy hearing.... Normally people don't care much about judicial nominees. But by their partisan obstinacy Republicans have pushed the issue into the spotlight. Pat Toomey is refusing to perform his constitutional duty to provide "Advice and Consent" of a Supreme Court nominee while at the same time demanding action on his own court nominees."

Editorial: Democracy was the big winner on Tuesday (*Delaware County Daily Times [PA]*, 04/27/16)

Sen. "Toomey will be dogged by several factors. First there is his alliance with Republican Senate leaders in denying a hearing for Judge Merrick Garland, President Obama's nominee for the Supreme Court. Polls have shown Pennsylvanians increasingly are tired of that kind of obstructionist governing."

EDITORIAL: Toomey needs to be accountable (*Pottsville Republican & Evening Herald [PA]*, 04/23/16)

"Sen. Pat Toomey doubled down on his obstruction last week after meeting with Judge Merrick Garland, President Obama's nominee to the Supreme Court. The Republican seeking his second term declared after the meeting that he continues to support his caucus's decision not to do its constitutional duty. He opposes conducting the confirmation process there is nothing in the Constitution that authorizes Toomey and his cohorts to invalidate the last year of a presidential term.... it is crucial that he endorse a fair confirmation process for Garland."

EDITORIAL: Toomey skirts accountability (*Scranton Times-Tribune [PA]*, 04/17/16)

"Sen. Pat Toomey doubled down on his obstruction last week after meeting with Judge Merrick Garland, President Obama's nominee to the Supreme Court.... He opposes conducting the confirmation process, thus ensuring that the Supreme Court vacancy created by the death of Justice Antonin Scalia will continue for more than 400 days. The average vacancy on the court lasts 67 days. Mr. Toomey declared after his meeting with Judge Garland, ... that he now opposes him on the merits.... voters already had a say in selecting President Obama, twice, and there is nothing in the Constitution that authorizes Mr. Toomey and his cohorts to invalidate the last year of a presidential term."

EDITORIAL: IN OUR OPINION: Thumbs up, thumbs down (*Pocono Record [PA]*, 04/15/16)

"THUMB DOWN to U.S. Sen. Pat Toomey, R-Pa., for his thin veil of accommodation in "meeting" with U.S. Supreme Court nominee Merrick Garland on Tuesday. Toomey won't stand up for the Constitution by acting, though, to fill the glaring vacancy left by the February death of Justice Antonin Scalia. He'd rather support the Republican line of obstruct and delay, leaving the American people without a full complement on this vital court for at least nine months — just because their politics won't let them entertain anyone, however qualified, who is nominated by President Barack Obama."

Free Pa's federal judicial nominees from Senate limbo: Editorial (*PennLive [PA]*, 04/15/16)

"The Senate's Republican majority has made an absolute fetish of blocking President Barack Obama's judicial appointments — an obstructionist posture that has burdened benches across the nation, particularly in Pennsylvania.... Even before they held the majority, Senate Republicans routinely blocked movement on the president's nominees, filibustering mercilessly and delaying, sometimes for more than a year, even those judges who were eventually approved all but unanimously. Laughably, when the president offered nominations to fill three vacancies on the D.C. Circuit Court of Appeals in June 2013, GOP leaders accused him of trying to "pack the court." ... some 50 judicial nominees are currently hanging fire the Senate has approved just 17 judicial nominations since Republicans took control in 2015. That's fewer than half the 40-plus circuit and district court nominees approved by the Democratic-controlled Senate during a similar period during George W. Bush's presidency.... 34 judicial districts face emergency shortages Also nominated by Obama ... Rebecca Ross Haywood for the U.S. Court of Appeals for the Third Circuit Toomey is urging fellow Republican Sen. Charles Grassley of Idaho, Judiciary Committee chairman, to advance Colville and Young out of committee and on to a floor vote. His advocacy is commendable, but that Toomey continues to simultaneously (and heartily) block the president's Supreme Court nominee is an irony that is hard to ignore."

EDITORIAL: McConnell shoots his credibility (*Pottsville Republican & Evening Herald [PA]*, 04/11/16)

"Senate Majority Leader Mitch McConnell has acted as little more than a partisan hack by refusing to allow a fair confirmation process for appellate Judge Merrick Garland,... McConnell has shot what remains of his credibility by asserting that he will not allow a confirmation process even after the presidential election in November unless a nominee is favored by two narrow interests — the National Rifle Association and the National Federation of Independent Businesses.... McConnell has solidified his record as an extreme obstructionist. Pennsylvania Sen. Pat Toomey and other members of his caucus should convince him to become responsible."

EDITORIAL: Shooting his credibility (*Scranton Times-Tribune [PA]*, 04/01/16)

"Senate Majority Leader Mitch McConnell has acted as little more than a partisan hack by refusing to allow a fair confirmation process for appellate Judge Merrick Garland, President Obama's nominee to replace the late Justice Antonin Scalia on the Supreme Court of the United States. Now, Mr. McConnell has shot what remains of his credibility by asserting that he will not allow a confirmation process even after the presidential election in November unless a nominee is favored by two narrow interests — the National Rifle Association and the National Federation of Independent Businesses.... neither should be endowed by Mr. McConnell with the power to pre-empt a nominee.... McConnell has solidified his record as an extreme obstructionist. Pennsylvania Sen. Pat Toomey and other members of his caucus should convince him to become responsible."

EDITORIAL: Our View: Senate must consider Supreme Court nominee (*Erie Times-News [PA]*, 04/01/16)

"The fractured legal landscape taking shape following Scalia's death is destined to continue as long as Senate Republicans, including Pennsylvania's own Sen. Pat Toomey, refuse to do their constitutional duty and consider President Barack Obama's nomination of moderate D.C. Circuit Court Judge Merrick Garland.... Republicans insist voters must have a say on the nomination. They shall if Senate Republicans fulfill their constitutional obligations. Grill Garland in a hearing, vote him up or down, then face the political consequences. That is how this works. This is no time to trample the underpinnings of a nation, especially

one bruised by eight years of partisan stalemate and now by unseemly primary antics. Stand down on Garland and stand up for what is right."

EDITORIAL: McConnell goes to the extreme (*Citizens Voice [Wilkes-Barre, PA]*, 04/01/16)

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EDITORIAL: Test for Toomey: Do your job ... (*Pittsburgh Post-Gazette [PA]*, 03/30/16)

"Despite the fact that Judge Garland is a former prosecutor who has been tough on criminal justice and earned the past praise of Republicans, Mr. Toomey and his GOP colleagues are pursuing a brazenly political gambit. Instead of doing their duty by holding a hearing and voting Judge Garland up or down, they are blocking his appointment Mr. Toomey, your meet-and-greet with Judge Garland isn't enough. Pennsylvanians want you to consider him on the merits, then vote. In other words, do your job"

Today's Editorial: Meet nominee and cast vote (*Daily Item [PA]*, 03/28/16)

"Shame on Sen. Toomey. The American people have twice entrusted Barack Obama to make this decision. ... At the very least the Senate should bring Garland before the entire body. If the GOP-controlled Senate wants to reject Garland – a tough sell considering he was called a “consensus nominee” by Orrin Hatch (R-Utah) after he was overwhelmingly confirmed to the U.S. Court of Appeals nearly two decades ago – then it can proceed. Toomey’s belief that waiting for a new president “is the best approach” to overcome what could be a potential shift in the “balance” of the court” isn’t what’s best for the people of America, and his constituents in Pennsylvania.... We hope the meeting leads the senator to a change of heart and a shift toward doing the job Pennsylvania voters sent him to Washington to do."

Editorial: Senate muffling the voices of nearly 66 million voters (*Reading Eagle [PA]*, 03/26/16)

"We said it a month ago, and we'll repeat it with redoubled force now that we have the nominee's name: The Senate should hold hearings on President Barack Obama's Supreme Court selection."

EDITORIAL: GOP should heed Roberts (*Pottsville Republican & Evening Herald [PA]*, 03/25/16)

"In a speech at the New England School of Law just 10 days before the sudden death of Justice Antonin Scalia, Roberts called on the Senate to consider nominees' qualifications and leave politics out of it.... President Obama's two appointees on the court, Justices Elena Kagan (63-37) and Sonya Sotomayor (68-31), were confirmed much more narrowly even though Roberts, in his recent speech, characterized both as eminently qualified. In his 2005 confirmation hearing, the chief justice was asked about some of his colleagues on the Court of Appeals for the District of Columbia Circuit. He characterized Judge Merrick Garland, now the chief judge of that court and Obama's current nominee to the Supreme Court, as being highly capable and accomplished. Senate Republicans should heed the chief justice and end their blind, politically motivated obstruction and conduct a fair confirmation process for Garland."

EDITORIAL: The system is broken (*Citizens Voice [Wilkes-Barre, PA]*, 03/24/16)

"Chief Justice of the United States John Roberts ... just 10 days before the sudden death of Justice Antonin Scalia, Roberts called on the Senate to consider nominees' qualifications and leave politics out of it.... In his 2005 confirmation hearing, ... [h]e characterized Judge Merrick Garland, now the chief judge of that court and Obama's current nominee to the Supreme Court, as being highly capable and accomplished. Senate Republicans should heed the chief justice and end their blind, politically motivated obstruction and conduct a fair confirmation process for Garland."

EDITORIAL: GOP should heed Roberts (*Scranton Times-Tribune [PA]*, 03/24/16)

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accomplished. Senate Republicans should heed the chief justice and end their blind, politically motivated obstruction and conduct a fair confirmation process for Judge Garland."

EDITORIAL: The Political Olive Branch (*Jewish Exponent [PA]*, 03/23/16)

"In nominating federal appeals court judge Merrick Garland to replace the late Justice Antonin Scalia on the Supreme Court, President Barack Obama has met Republican senators at least halfway. The 63-year-old nominee does not appear to present an ideological challenge to the Senate majority, so there appears to be little for them to fear. But even without that, the GOP leadership's denial of an up or down vote on the nomination — exactly the kind of advice and consent that the Constitution requires — abrogates the Senate's responsibility and will further diminish Congress' standing in the eyes of the American public."

EDITORIAL: Senator Toomey should do his job (*Philadelphia Tribune [PA]*, 03/22/16)

"The president was right not to bow to pressure by carrying out his constitutional duty to nominate a successor to fill the vacancy left by Scalia's death.... there appears to be no question that Garland is well qualified for the position.... Yet Sen. Pat Toomey of Pennsylvania and fellow Senate Republicans are still refusing to consider the president's nomination.... By refusing to hold hearings on the nominee, Toomey and others are setting a dangerous precedent. 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. It's time for Toomey and fellow senators to do their job."

Editorial: Obstructionism and the Supreme Court (*Pocono Record [PA]*, 03/21/16)

"By Republican fiat, U.S. presidential terms are now three years, not four. That, in essence, is what Republican senators are saying when they deny Supreme Court judicial nominee Merrick Garland a hearing and a vote By this reasoning, every senator now serves for five years, not six (despite what the U.S. Constitution says), and congressmen get just one year, not two. Like the president, they would have to sit out the last year of their term. That would include Republican Pennsylvania Sen. Pat Toomey, who's adhering to the party line by supporting the refusal to consider Garland.... Look at the about-face by Sen. Orrin Hatch, R-Utah, who effusively praised Garland, even suggested Obama nominate him — just days before Obama in fact nominated Garland. Now Hatch opposes any hearings."

EDITORIAL: Do your jobs (*York Dispatch [PA]*, 03/20/16)

"President Barack Obama has named his nominee to the Supreme Court, Judge Merrick Garland, chief judge of the U.S. Court of Appeals for the District of Columbia. The choice is one that should be a catalyst for consensus. Garland has long been equally praised by Republicans and Democrats.... Among those obstructing the process is Pennsylvania Republican Sen. Pat Toomey.... there has never been such an outright dereliction of duty.... If you believe, as we do, that it's time for Pat Toomey and others to stop playing political games with the highest court in the land, go online and tell them it's time to do their jobs."

Editorial: Suddenly, Pennsylvania just got a lot more important (*Delaware County Daily Times [PA]*, 03/20/16)

"President Obama nominated D.C. Court of Appeals Chief Judge Merrick Garland for the high court seat opening created by the death of vaunted conservative Justice Antonin Scalia. Garland, seen as a centrist, has been on the short list before. He has been lauded by members of both parties as eminently qualified. He blunts the argument made by many that Obama would use the opening to tilt the 4-4 deadlock on the court to the left. Not that any of that makes much difference. That's because Republican leaders in the Senate have vowed not only to deny him a vote, but even the formality of a hearing. Senate Majority Leader Mitch McConnell set the tone of obstructionism They apparently believe a president's duties — one of which includes nomination of Supreme Court justices — does not extend to the last year of his term. ... That puts Toomey in the spotlight. ... he is toeing the party line when it comes to the Supreme Court. Toomey ... may be shooting himself in the foot with this backward stance."

Today's Editorial: 'The course of human events' (*Daily Item [PA]*, 03/18/16)

"'When in the course of human events' a Supreme Court justice dies, the U.S. Constitution states that the president of the United States will nominate a replacement, subject to the 'advice and consent' of the Senate."

On Wednesday, President Barack Obama did just that, nominating appeals court judge Merrick Garland ... Senate Majority Leader Mitch McConnell, R-Ky., said ... the nomination should wait for the next president, who will be elected this fall. Pennsylvania Republican Sen. Pat Toomey agrees.... Many Republicans point to the importance of adhering to the Constitution.... We don't see any reference to waiting around for the next election. When in the course of human events the president has fulfilled his constitutional duty by nominating a judge to fill a vacancy on the Supreme Court, it also is the constitutional duty of the U.S. Senate to meet with the nominee, hold hearings, deliberate and vote for or against confirmation."

EDITORIAL: Do your duty: The Senate must set a hearing for Judge Garland (*Pittsburgh Post-Gazette* [PA], 03/17/16)

"President Barack Obama did his duty under the Constitution by submitting to the Senate his nominee — Merrick Garland, chief judge of the U.S. Court of Appeals for the District of Columbia Circuit — to fill a vacancy on the Supreme Court. The Senate, despite its Republican leaders' vow to do otherwise, must now perform its role and take up the appointment....Senate Republicans are putting bald politics above a constitutional duty What the Senate must do instead is hold the requisite committee hearing on Judge Garland and then take a floor vote"

EDITORIAL: Toomey must do his job (*Scranton Times-Tribune* [PA], 03/17/16)

"President Obama's nomination to the Supreme Court of eminently qualified federal appellate Judge Merrick Garland is sound for the sake of the court. But it also further illuminates the blind political obstruction of Senate Republicans who have vowed to ignore any nomination. They include Pennsylvania's Pat Toomey ... Among the obstructionists are seven Republican senators who voted in 1997 to confirm Judge Garland when he was nominated to the U.S. Court of Appeals for the District of Columbia Circuit, which widely is considered to be the nation's second-most-important appellate court.... Mr. Toomey should extract himself from this obstructionist strategy and exercise leadership in behalf of the country by advocating an open and honest confirmation process."

Inquirer Editorial: Politics wrong scale to weigh Obama, Christie nominees (*Philadelphia Inquirer* [PA], 03/17/16)

"The odds are against Garland's Senate confirmation, but not because he isn't qualified. In fact, less than a week before Obama's announcement Wednesday, Sen. Orrin Hatch of Utah, the longest-serving Republican on the Senate Judiciary Committee, called Garland "a fine man" for the court.... The stakes are too high to treat the appointment of a Supreme Court justice like a game of poker. Garland should be granted a fair hearing because that is the Senate's constitutional role in this process. Regardless of Obama's political motives, he has nominated someone who appears to be strongly suited for the position.... Sen. Pat Toomey (R., Pa.), using logic reminiscent of Dr. Seuss, tweeted that he would gladly consider Garland's nomination if a president after Obama makes it."

Editorial: Obama Supreme Court nominee puts pressure on Republicans (*Delaware County Daily Times* [PA], 03/17/16)

"President Obama has done his job in nominating a respected, experienced centrist judge as the nation's 113th Supreme Court justice. Now it is up to Senate Republicans to do their job and give him a hearing.... to be denied even a hearing smacks of the worst kind of obstructionism. Among those toeing this capricious line is Pennsylvania Republican Sen. Pat Toomey."

EDITORIAL: Worthy nominee deserves Senate consideration (*Citizens Voice* [Wilkes-Barre, PA], 03/17/16)

"President Barack Obama's nomination to the Supreme Court of eminently qualified federal appellate Judge Merrick Garland is sound for the sake of the court. But it also further illuminates the blind political obstruction of Senate Republicans who have vowed to ignore any nomination.... Toomey should extract himself from this obstructionist strategy and exercise leadership in behalf of the country by advocating an open and honest confirmation process."

EDITORIAL: And they say it isn't politics (*Scranton Times-Tribune* [PA], 03/15/16)

"The Republican Party announced Monday that it will further the disgraceful conduct of the Senate majority."

Majority Leader Mitch McConnell of Kentucky has said that he will not allow a vote on any Supreme Court nomination that President Obama makes. And Sen. Charles Grassley, the Republican Judiciary Committee chairman from Iowa, has said that he will not allow even hearings for an Obama nominee. If they persist, they will ensure the vacancy created by the death of Justice Antonin Scalia will be, by far, the longest in history.... the Republican National Committee has put together a task force to run negative ads, conduct anti-confirmation petition drives and otherwise work against a nominee — without even knowing who that person is."

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 (*PennLive [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: Blocking Garland (*Providence Journal [RI]*, 03/20/16)

"Of the many wise and foolish things said Wednesday after President Obama nominated Merrick Garland to the Supreme Court, the forehead-smacking goofiest may have been from Sen. Pat Toomey, R-Pa., who tweeted to his followers: Should Merrick Garland be nominated again by the next president, I would be happy to carefully consider his nomination... #SCOTUS Mr. Toomey couldn't have made it plainer. The determination by Senate Republicans to not even give a hearing to Mr. Garland is not about his merits. It's not about the constitutional procedure of a president nominating a candidate and the Senate weighing that candidate. Instead it's all about denying the current Democratic president a nomination.... In selecting Mr. Garland, the president commendably nominated a man regarded by people of both parties to be fair, diligent, hard-working, smart and with a spotless record.... Senate Republicans should set aside the politics and give Mr. Garland a hearing."

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

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

Editorial: Senate should vote on Merrick Garland nomination (*Greenville [SC] News*, 03/25/16)

"Elections have consequences.... The way Republicans are reacting to President Barack Obama's nomination of Merrick Garland to the Supreme Court demonstrates complete ignorance of this idea. ...It is a shameful refrain that has been picked up by a long list of Republican senators including South Carolina Sens. Lindsey Graham and Tim Scott.... Voters have had their say. Obama was fairly elected. Twice. The Constitution allows him at any time in his term to nominate a Supreme Court justice to fill a vacancy. The Senate has a constitutional obligation to offer advice and consent on that nomination. In that spirit, the Senate should hold hearings and an up-or-down vote on Garland's nomination."

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

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

Senate giving presidential judicial nominees fair consideration. Judge Garland deserves that much. So does the Constitution."

EDITORIAL: 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."

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

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

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

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

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

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

SOUTH DAKOTA

EDITORIAL: Our Voice: Thune, Rounds wrong on Obama SCOTUS nomination (*Aberdeen American News [SD]*, 03/20/16)

"South Dakota's two U.S. senators last week announced they were taking a break from their jobs. Sen. John Thune and Sen. Mike Rounds said they will be among Senate Republicans who will not give a hearing to President Barack Obama's pick for the U.S. Supreme Court, Judge Merrick Garland."

EDITORIAL: Scales of Justice often lean wrong way for Indians (*Rapid City Native Sun News* [SD], 03/09/16)

"With the death of Supreme Court Justice Antonin Scalia the Republican controlled House and Senate has decided to deny President Obama his Constitutional responsibility for appointing a replacement for the conservative judge. It is a shame that laws and justice are too often determined on a partisan political basis rather than the scales of impartial justice.... Indians have suffered more and lost more at the hands of the Supreme Court than any ethnic minority ever in the history of America. Since justice is never balanced but instead is based upon politics it is no wonder that Native Americans are pulling for President Obama to push the agenda for a Supreme Court nominee NOW! In the end a ruling that can take away the sovereignty of all Indian Nations is hanging by just one vote."

TENNESSEE

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

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

Chattanooga Times Editorial: Pam's Points: It's politics as usual in Senate (*Chattanooga Times* [TN], 03/17/16)

"But other than McConnell, there was a surprising thunder of silence from the normally clamorous GOP Wednesday after Garland's Rose Garden introduction. ... The crickets are somewhat understandable. After all, Sen. Orrin Hatch, R-Utah and the longest-serving Republican on the Senate Judiciary Committee, had just last week told conservative news site Newsmax "[Obama] could easily name Merrick Garland, who is a fine man,""

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 DAPA case unheard by unfilled Supreme Court (*Monitor [McAllen, TX]*, 10/04/16)

"Every political poll conducted, to date, has listed immigration as a leading priority among Americans. Yet a case that is key to one of our nation's most divisive issues is not being decided because of politics outside of the courts august chambers because just across the street, in the halls of Congress, Senate leaders have decided not to hold a vote to confirm President Obama's choice to succeed Scalia. We do not believe that is how our Constitution meant our country to be run. And certainly not for so long. Justice Scalia died nine months ago In delaying to hold confirmation hearings on President Obama's pick for nomination of Merrick Garland, Senate Republicans are in essence holding hostage one of our nation's top issues.... Nevertheless, Republicans have been holding hearings to fill the more than 20 vacancies in federal district courts. And just two weeks ago, the Judiciary Committee held a hearing on five Texas judges. Surely Americans will not forget how these Senate Republicans failed to perform their duties. Surely Americans will remember how long our nation's judicial system was forced to operate without a full court."

Editorial Board: Senate must act on court vacancy (*San Antonio Express-News [TX]*, 06/26/16)

"It has been more than three months since President Barack Obama nominated federal Judge Merrick

Garland for the Supreme Court following the death of Justice Antonin Scalia the month before. And the GOP-controlled Senate, playing pure politics, has refused to act on the nomination until after the November election. On Thursday, a 4-4 Supreme Court failed to reach an opinion on a case that tested the administration's authority to use the discretion it has always had to prioritize the deportation of those most in need of removal. ... The deadlock brings into stark relief the result when the Senate shirks its constitutional obligation to deny or confirm a nominee for the high court. It has refused to give Garland a hearing....there is also the injury caused simply because the Supreme Court cannot do its job without a tie-breaking vote. Laws and actions go uninterpreted, and this lack of clarity disrupts lives. The Senate must do its job. Give Garland a hearing."

EDITORIAL: Immigrants are left in the same shadowy limbo (*Corpus Christi Caller-Times* [TX], 06/25/16)

"About 5 million undocumented parents of legal residents suffered a blow last week from the Supreme Court's tie vote on President Obama's order deferring action against this nonthreatening group of immigrants.... The court's decision — or, actually, its failure to reach one — leaves the decision-making to individual lower courts until a full nine-member Supreme Court can break its tie. It does not mean there's a verdict on the constitutionality of Obama's action."

Editorial: Deadlock on immigration (*El Paso Times* [TX], 06/25/16)

"The Supreme Court handed down a widely anticipated split decision that effectively blocks President Obama's executive actions on immigration enforcement. The decision is perhaps the best illustration yet of the policy paralysis of our largely dysfunctional federal government.... a final determination will be left to a future Supreme Court. The Republican-controlled Senate has refused to even consider President Obama's nomination of Merrick Garland to replace Scalia. Garland likely couldn't have been confirmed in time to participate in this case, but Republican leaders see the 4-4 split as vindication of their obstinance. Political paralysis is now feeding on itself."

EDITORIAL: Republican Senate leadership must show backbone (*Waco Tribune-Herald* [TX], 06/08/16)

"They must hold hearings for President Obama's Supreme Court nominee, Merrick Garland, and hold an up-or-down vote on him — now. ... Obama has shrewdly given Republicans a way out with a judicial moderate of impeccable credentials, now left sitting on the political sidelines."

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

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

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

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

the court in time to help decide current cases, the deadlock demonstrates the peril of leaving the seat vacant. Senators, give Garland a vote."

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

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

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

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

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

"Of the defiant refusal to consider Obama's nominee to succeed conservative Supreme Court Justice Antonin Scalia, there is no doubt. Republicans who supposedly cherish the Constitution now prove how hollow such claims are by opting to neglect their duty to advise and consent on that nominee through hearings and an up-or-down vote. Their idea that "precedent" allows the Senate to defer such nominations in a president's final year is absolute hokum.... Shortly before Scalia's death, Roberts spoke strongly on the need to scrutinize high court nominees' qualifications but leave politics out of it — something we saw last week in Baylor University President and former federal jurist Ken Starr's own endorsement of Obama's pick, Merrick Garland. Roberts must now stand tall again and remind the Senate of its duties"

EDITORIAL: All at fault (*Brownsville Herald [TX]*, 03/20/16)

"Another seat in the U.S. Southern District, in Corpus Christi, has been vacant since 2011. Clearly, both parties are to blame for this gamesmanship in court appointments. And the losers are the American people, especially those for whom justice is delayed because there aren't enough judges to hear their cases sooner. President Obama still has his job, and with regard to addressing the glaring vacancy on our nation's highest court, he has done his job. Senators now need to do their job, and give the nomination the attention it deserves — and desperately needs. And both parties need to show more respect for the public's need for an efficient system of justice, and stop playing games with judicial appointments."

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

"Gov. Greg Abbott and Texas' two U.S. senators, John Cornyn and Ted Cruz, have impressive credentials as lawyers steeped in constitutional law. ... Yet, these three constitutional loyalists have volunteered their services to a conspiracy to stretch that revered document like a rubber band until it frays or snaps.... They agree that the Senate should shirk its duty to consider and approve whom Obama nominates unless the nominee is discovered to be incompetent — which nominee Merrick Garland is well known not to be. These three Texas

Republicans have chosen fealty to a specific desired political outcome over loyalty to the Constitution.... We're not good enough at math to count all the holes in the GOP argument. ... all three Texans issued statements against Obama doing what a president is supposed to do and in favor of the Senate not doing its job."

EDITORIAL: Senate can't shirk its duty on the Merrick Garland nomination (*Eagle [Bryan-College Station, TX]*, 03/20/16)

"It's no wonder senators won't consider the nomination of Merrick B. Garland to the Supreme Court. They must be exhausted from shirking their duties.... the Senate's deliberate inaction is disgraceful. Every presidential nominee to any position deserves at the least a hearing in a timely manner on his or her merits to hold that position. From all accounts, Judge Garland is well-qualified to serve on the nation's highest court. ...Now, we urge -- no, we insist -- that the Senate do its duty."

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

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

EDITORIAL: US Senate obligated to consider president's Supreme Court nominee (*Monitor [McAllen, TX]*, 03/17/16)

"Obama is fulfilling his constitutional duty with Garland's nomination and the Senate must fulfill its duty, as well. To refuse consideration of Garland is to abrogate a fundamental and constitutional Senate duty in favor of politics.... While we recognize that Cornyn, in his illustrious career, has served as a Texas attorney general and a justice on the Texas Supreme Court, we can say unequivocally in this legal argument that he is simply wrong. The president has a duty to nominate a justice to a vacancy on the high court — not the authority. It was a duty he fulfilled Wednesday. The Senate has a duty to provide consent, or not, of Obama's nomination — not the authority."

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

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

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

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

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

"President Barack Obama has done his duty and nominated a qualified federal judge to succeed the late

Antonin Scalia on the Supreme Court. Now it is time for the Senate to do the same. Judge Merrick Garland deserves, as any reasonable nominee deserves, a full hearing and a vote. For the Republicans who control the Senate to do less is to shame themselves and the institution they represent. It is to neglect their duty, insult their president, and weaken this democracy's faith in justice. It would ultimately weaken the very rule of law."

EDITORIAL: Bickering should stop; pass bipartisan sentencing reform bill now (*Austin American-Statesman [TX]*, 03/14/16)

"An even larger threat, as we've mentioned, are Senate Republicans determined to reject anyone President Barack Obama nominates to replace Justice Antonin Scalia on the Supreme Court. Earlier this month, chairman of the Senate Judiciary Committee, Chuck Grassley (R-IA) made clear that Judiciary Committee would not hold hearings — or votes for that matter — if Obama put forth a Supreme Court nominee. Unbelievable."

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 BOARD: Who deserves praise and criticism this week in northern Utah? (*Standard-Examiner [Ogden, UT]*, 05/30/16)

"THUMBS DOWN: To U.S. Sen. Orrin Hatch, who penned an op-ed about meeting Supreme Court nominee Merrick Garland but reaffirming his belief that the Senate needed to delay hearings on a new justice — before meeting with Garland.... Essentially, Hatch crafted a piece of fiction. His intransigence has become an embarrassment."

EDITORIAL: In our opinion: Divided 8-judge Supreme Court not in America's best interest (*Deseret News [UT]*, 05/21/16)

"[A] Supreme Court with only eight justices has the potential to create a great deal of problems going forward.... The result is a situation where such deadlocks are making the Supreme Court increasingly unable to adequately fulfill its constitutional responsibilities. This is no accident. Republicans in Congress have made

no secret of their desire to delay filling the court vacancy until a new president is elected. While the rationale for doing so is hotly debated, in practical terms, there's an awful lot of uncertainty inherent to that approach.... But there is a principle at stake here that transcends partisan politics. The legislative, executive, and judicial branches of the federal government were intended to provide a system of checks and balances, so it's more than a little unsettling to see one branch of government so contemptuous of another that they're willing to effectively sideline the judiciary for an entire year. Surely Congress has a responsibility to at least give the president's nominee a fair hearing. The Supreme Court may not always issue decisions with which Congress, republicans, or even this newspaper will agree, but the court's constitutional authority deserves more respect than it is currently being afforded."

STANDARD-EXAMINER EDITORIAL BOARD: THUMBS DOWN (*Standard-Examiner [Ogden, UT], 05/02/16*)

"THUMBS DOWN: To Utah Sens. Orrin Hatch and Mike Lee, who are demanding a quick approval process for Utahn Ronald G. Russell to the federal bench. What hypocrisy. Hatch and Lee are two of the main voices denying Judge Merrick Garland a hearing on his nomination to the U.S. Supreme Court to succeed the late Justice Antonin Scalia. We suspect that Russell is well qualified for the post. But Garland is eminently qualified for the Supreme Court, too. It's ridiculous for Utah's senators to use an argument for Russell that clearly also applies to Garland, whom they're blocking for political advantage. Coherence is in short supply in D.C. If Russell's nomination is held, Hatch and Lee have only themselves to blame."

Editorial: Hatch should reciprocate and consider Garland nomination for Supreme Court (*Salt Lake Tribune [UT], 04/25/16*)

"Now might be the time to ask Sens. Orrin Hatch and Mike Lee what they really think of the dysfunctional Congress that they helped create and continue to abet.... Last week, Utah's senators made the case for the confirmation of Ronald G. Russell to the U.S. District Court for Utah. President Barack Obama, after consulting with Hatch and Lee, nominated the former Centerville mayor in December. Now, Russell is stuck in a queue behind 20 other judicial nominees, not to mention Obama's choice to the U.S. Supreme Court, Chief Judge Merrick Garland. It could be called hypocritical arrogance ... for Hatch and Lee to refuse to consider the president's Supreme Court choice while pressing their own nominee to a federal judgeship. The double standard is particularly troubling in Hatch's case, as he has been an enthusiastic advocate for Garland Utah's elder statesman has two good reasons to break from the pack, stop the partisan melodrama and show leadership, to spend some of the political capital that he has accumulated over four decades. Merrick Garland and Ronald G. Russell are nominees he admires. Instead of contributing to poisonous politics, he could actually do something to fix it, something to loosen the appointment logjam and help courts function the way they are intended. After all, Sen. Hatch, you have a pair of dogs in this fight. Obama acted on your choice to fill a federal judgeship in Utah. You should reciprocate. It is what Utahns elected you to do."

Editorial: Obama not to blame for Supreme Court stalemate (*Salt Lake Tribune [UT], 03/18/16*)

"The argument that presidents don't nominate, and senators don't consider, Supreme Court nominees of lame-duck presidents, before, during or after an election, has been made up out of whole cloth as an excuse to dodge taking any real responsibility for the matter. Clearly it is Republicans who have made the nomination process into a toxic, partisan firestorm. Utah's other senator, Mike Lee, has been more on the leading edge of this passive aggressive tactic. Hatch, who is plenty old enough to know better, should be the one to take his more hotheaded colleagues aside and counsel them to show some statesmanship, wait to see who the president nominates, have a hearing and then, if they find the candidate unsuitable, vote accordingly."

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: Eight is enough says Grassley (*Brattleboro Reformer [VT]*, 04/11/16)

"The simple truth is that if either John McCain or Mitt Romney was president now rather than Barack Obama, Republicans would be eager to approve the nominee — perhaps Judge Garland — of either president, not coming up with flimsy, cynical arguments for eight Court justices. The rule of law is of great importance to conservatives — except when it bumps into partisan politics."

EDITORIAL: Our opinion: GOP should stop its awful obstruction (*Bennington Banner [VT]*, 04/01/16)

"The GOP's refusal to conduct a hearing on a sitting president's nomination is not only unprecedented, it also threatens the checks and balances that have precariously gotten this country where it is today.... Orrin Hatch and his gang of obstructionists don't let facts stand in their way of reaching a conclusion.... if Hatch and his fellow Republicans want to vote against Judge Garland, they have every right to do so. But they should stop being cowards."

Editorial: Clear Voice (*Caledonian-Record [VT]*, 03/20/16)

"President Barack Obama nominated Judge Merrick Garland to the Supreme Court.... Americans get a "voice" every election cycle and most recently used it to say they wanted Obama. Since there's a vacancy now, and he's our President, he should get to fill the seat. The Senate should hold hearings straightaway and confirm Judge Garland."

EDITORIAL: Our Opinion: Do-nothing Republicans take pay under false pretenses (*Bennington Banner [VT]*, 03/20/16)

"The most high-profile abomination, of course, is the unprecedented refusal of Senate Republicans to even consider filling a Supreme Court vacancy for no reason beyond spiting the Democratic president. This could leave the court short a justice for a year or more.... if majority Senate Democrats did refuse to hold hearings for a Republican president's Court nominee they would be absolutely wrong in doing so. A speculated wrong doesn't make right the Republicans' grievous, unconstitutional wrong."

EDITORIAL: Our Opinion: Obama Supreme Court nominee puts heat on Republicans (*Brattleboro Reformer [VT]*, 03/17/16)

"President Obama has done his job in nominating a respected, experienced centrist judge as the nation's 113th Supreme Court justice. Now it is up to Senate Republicans to do their job and give him a hearing."

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

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

Editorial: Merrick Garland deserves a fair hearing (*Virginian-Pilot*, 03/18/16)

"BY ALL ACCOUNTS, Merrick Garland is a talented, experienced, moderate jurist, someone who would be an excellent addition to the U.S. Supreme Court. So it is nothing short of an indictment of today's politics that he might not receive due consideration by the U.S. Senate.... The American people should have a chance to weigh in, McConnell and others claim. That's high-minded hogwash. The American people twice elected Obama knowing full well that he would make nominations to the Supreme Court Republicans standing in the way should reconsider their indefensible and unpopular position and allow this process to move forward."

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

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

EDITORIAL: 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

IN OUR VIEW; Editorial: Little time and a lot to get done for Congress (*Herald [WA]*, 09/06/16)

"Supreme Court: The refusal of Republicans to consider President Obama's nomination of Merrick Garland to the U.S. Supreme Court, following Justice Antonin Scalia's death in February, will again leave the court with a 4-4 ideological split as it begins hearing cases in October. Waiting to seat a justice in the hopes of avoiding a Democratic president's nominee ignores history and simple fairness. Six other justices have been confirmed in presidential election years, and every other nominee who wasn't withdrawn from consideration received a vote within 125 days of nomination; Garland has been waiting 174 days."

Editorial: Congress skips out on vital business (*Spokesman-Review [Spokane, WA]*, 07/20/16)

"The fact remains they left important business hanging as they headed for the airport. For instance, Idaho is awaiting confirmation of David Nye as federal judge. He was nominated to be the state's second federal district judge, replacing Judge Edward Lodge who took senior status last July. The state has been getting by with just one federal district judge for a year. Now it will wait another seven weeks, at best. The Senate Judiciary Committee finally voted to confirm Nye on Thursday, but he can't begin work until the full Senate takes a vote. Seventeen other judges have been waiting even longer to be confirmed. Judge Merrick Garland, who was nominated to the U.S. Supreme Court, can't even get a hearing. Spokesman-Review reporter Betsy Z. Russell, who covers Idaho politics, conducted research on "August" recesses and found this to be the longest one since they began, in 1971."

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

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

Forty-nine of Obama's nominees for federal judgeships were awaiting votes vacancies affect individuals and businesses with genuine concerns that need legal resolutions."

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

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

EDITORIAL: IN OUR VIEW / OBAMA'S COURT PICK: Senate Republicans hiding behind the 'Biden rule' (*Herald [WA]*, 03/17/16)

"Never mind that as judiciary chairman, Biden made certain that every actual Supreme Court nomination presented to him got a hearing, a committee vote and a floor vote. In rejecting consideration of the president's nomination of Merrick Garland, chief judge for the U.S. Court of Appeals for the District of Columbia Circuit to succeed the late Justice Antonin Scalia, McConnell elevated Biden's political bluster to the status of a procedural rule, one that holds that the nomination should wait."

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

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

EDITORIAL: Merrick Garland nomination: Obama's rightful pick, Senate's wrongful obstinance (*Seattle Times [WA]*, 03/16/16)

"Obama appears to have made a wise choice in nominating Merrick Garland, a respected judge and former prosecutor, to the U.S. Supreme Court. Showing far less wisdom are Republican Senate leaders refusing to consider his nomination. Led by Senate Majority Leader Mitch McConnell, R-Ky., their bullheaded, petty partisanship further undermines Americans' respect for Congress and faith in their political system. Garland is indisputably qualified with a record of judicial excellence.... The problem is, the Senate, by not moving forward, is denying people the choice they made in electing President Obama. Both Washingtons deserve better. Vote on Garland's confirmation by summer."

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

EDITORIAL: Lawmakers should follow Constitution and consider Supreme Court nominee (*Exponent Telegram [WV]*, 03/21/16)

"President Obama was elected to a second term in 2012. Voters entrusted in him the right to nominate a candidate for the Supreme Court. His constitutional duty did not end with the passing of Justice Scalia. Lawmakers should stand up and do what they were sent to Washington to do — defend and protect the Constitution. And the Constitution makes it very clear what should be done when there is a vacancy on the Supreme Court."

EDITORIAL: Do your job, Sen. Capito; The Senate needs to be led by our Constitution -- not by a pure political play -- and consider the president's nominee to the Supreme Court (*Register-Herald [WV]*, 03/20/16)

"President Obama did his constitutional duty this past week, nominating Merrick Garland, 63, a longtime federal appeals court judge, to fill the Supreme Court vacancy left by the death of Justice Antonin Scalia. We are calling on the U.S. Senate — along with our two senators, Joe Manchin and Shelley Moore Capito — to do its job, hold hearings and then cast an up or down vote on the president's nominee. Sen. Manchin is on

board.... McConnell, a belligerent obstructionist since the day President Obama took office back in 2008, believes the vacancy should be filled by the newly elected president next year so that the will of the people is counted. Capito, being a good McConnell soldier and less an independent thinker, has signed onto that pledge. In short, she is more beholding to McConnell's warped thinking than she is to us, the citizens of West Virginia.... That is so unfortunate and contrary to what we thought we were getting when we elected her to office in 2014. We remind Sen. Capito that when she took office, she took a pledge to uphold the Constitution of the United States, not promote political gamesmanship. Whether she knows it or not, marching to McConnell's drum beat makes her look like a mindless puppet ... Capito's reasoning — waiting for the people to weigh in — is naked, self-serving sophistry.... You are better than this, senator. And we expect more. Either that or we want your salary back."

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: 125 Day Delay on Supreme Court Nominee Prompts Citizens to Act (*Milwaukee Courier [WI]*, 07/23/16)

"Last week marked 125 days since President Obama nominated Chief Judge Merrick Garland to fill the vacancy on the Supreme Court. This is the longest-ever in the history of the United States Supreme Court that a nominee has had to wait for a fair hearing or a vote. Concerned citizens went to Sen. Ron Johnson's Milwaukee district office to present him with a leadership award for his unprecedented Senate obstructionism. The award is an act to get Sen. Johnson and other Senate Republicans to give a fair vote and a hearing to Judge Merrick Garland.... Chief Judge Merrick Garland has wide bipartisan support"

Journal Times editorial: Deadlock and gridlock, in Congress and the courts (*Journal Times [Racine, WI]*, 06/27/16)

"Deadlock and gridlock. That apparently is the continued path for the U.S. government on immigration

reform thanks to a 4-4 split on President Barack Obama's plan to shield five million immigrants from deportation and allow them to go to work. The high court's ruling was not unexpected. Thanks to GOP opposition to allowing a vote on the president's nomination of a ninth high court justice in hopes of getting a Republican president to make that pick, the Supreme Court will continue to deadlock on consequential decisions.... Deadlock and gridlock in Congress and in the court."

EDITORIAL: Enough Delays – Senator Johnson Do Your Job (*Milwaukee Courier [WI]*, 06/18/16)

"For many, it wasn't a surprise that days after Scalia's death, Senate Republican Leader Mitch McConnell said the next president, who won't be elected until November and sworn-in until January, should nominate a successor to fill the vacancy, not President Obama – even though it's his Constitutional duty to do so. Many African Americans see this current wave of opposition from Republicans as much deeper than political party lines. Looking at the blatant choices from Senate Republicans to block moving forward with the confirmation process of President Obama's Supreme Court nominee, Merrick Garland, it's easy to see that this latest attempt to strip President Obama of his power is not just politics as usual.... Senator Ron Johnson must do his job. He cannot be allowed to sit back and block the President's Supreme Court nominee. It's only right that President Obama be given the opportunity to fulfill his Constitutional duties without the Senate continuing to block everything he does, like they've done for the last 8 years."

Editorial: Ron Johnson should brush up on high court history (*Cap Times [WI]*, 06/08/16)

"One hundred years ago this month, in the midst of an intense presidential election that would yield one of the closest results in American history, the United States Senate held hearings, debated, and then confirmed a president's outspoken yet qualified nominee for the United States Supreme Court. They did it all in four months — on a timeline that, were it to be recreated in this election year, would see President Obama's nominee to fill the vacancy created by the death of Justice Antonin Scalia confirmed by mid-July. And it was not an isolated example. Democratic and Republican presidents have frequently made Supreme Court nominations in presidential election years, and senators have frequently upheld their constitutional duty to provide advice and consent in those election years. Precedent is on the side of action on Obama's nomination of Judge Merrick Garland, a longtime member of the D.C. Circuit of the U.S. Court of Appeals. When Republican senators such as Wisconsin's Ron Johnson argue otherwise — with their claim that it is somehow impossible or incorrect for the Senate to act on Supreme Court nominations in a presidential election year — they are spinning a partisan fantasy."

EDITORIAL | SCALIA'S REPLACEMENT: Shorthanded Supreme Court missing calls (*Milwaukee Journal Sentinel [WI]*, 04/19/16)

"The Senate should stop making political sport of the nation's highest court and move ahead with the process to replace Scalia. Instead, the court's eight justices face the prospect of 4-4 deadlocks on a variety of contentious cases, including several arising from Wisconsin.... understanding McConnell's political motivation doesn't make his decision to paralyze the court any less reprehensible.... There is a solution: Hold hearings and take a vote on Obama's nominee, Judge Merrick Garland ...a judicial moderate with a long and distinguished record. As McConnell well knows, hearings would expose this fact. The Senate approved Garland's elevation to the D.C. Circuit 76 to 23 in 1997. Sen. Mark Kirk, a Republican from Illinois, says senators should just "man up" and take a vote on Obama's nominee. We agree. Johnson should follow Kirk's lead. Let the umpires get back to the game at full strength."

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

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

EDITORIAL: Senate must do its job and give Merrick Garland a hearing (*Milwaukee Journal Sentinel [WI]*, 03/16/16)

"Now that President Barack Obama has done his job and nominated Merrick Garland for the Supreme

Court, Sen. Ron Johnson and his fellow Republicans in the Senate need to do theirs and give the nominee a hearing.... By all accounts, Garland appears to be a reasonable and thoughtful selection. Which makes him more than worthy of consideration by the Senate. Senators should do the president and Garland the courtesy of hearing him out."

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] Justice delayed: Our view; Gamesmanship on nominees extends well beyond the Supreme Court. (*USA Today*, 10/06/16)

"The Republican-led Senate sure knows how to make history, but not in a good way. By leaving town Sept. 28 without acting on the nomination of Merrick Garland to the Supreme Court, it has left a nominee hanging for an unprecedented six-and-a-half-months without so much as a hearing — and left the Supreme Court limping along one justice short and vulnerable to more tie votes. The foot-dragging extends well beyond the Supreme Court to the rest of the federal judiciary, where more than 50 other Obama nominees await hearings or confirmation votes.... Republicans have extended the typical battles over nominees to the Supreme Court and influential appeals courts down to the trial courts. While these lower courts get less attention than the Supreme Court, they are the places where most people come in contact with the federal court system. Trial courts hear thousands of cases involving ordinary Americans: Entrepreneurs in contract disputes. Consumers targeted for fraud. Individuals arguing they've faced discrimination in seeking housing or a job. Yet the Senate adjourned with more than 90 judgeships vacant — more than 10percent of the federal judiciary. That's the largest number since 1992 ... In the past two years, this Senate has confirmed just 22 of Obama's nominees. When many seats on the bench are empty and caseloads are heavy, justice is delayed. One seat on the North

Carolina trial court has been empty for 11 years. The problem is simple: Senate Republicans are shirking their constitutional responsibility to advise and consent on judicial nominations. Americans deserve enough federal judges to hear their disputes and a Supreme Court with a full complement of nine justices to rule on national issues."

EDITORIAL: Act now on Supreme Court vacancy: Our view (*USA Today*, 08/08/16)

"But flat-out ignoring a vacancy on the nation's highest court, which Senate Republicans have vowed to do while President Obama remains in office, is an abrogation of its constitutional duty. Until last month, Garland's wait was merely the longest in a century, since Louis Brandeis waited 125 days to be confirmed in 1916. Now it is unprecedented.... So what's the problem? Not Garland. He has been lauded by every group that has reviewed his qualifications. Even prominent Republicans, such as former Supreme Court justice Sandra Day O'Connor and former U.S. attorney general Alberto Gonzales, have said the time to act was yesterday. Yet from day one, Senate Majority Leader Mitch McConnell made clear that Republicans simply could not let Obama replace Scalia. ... The Senate should return in September, put politics aside and give Judge Garland a hearing and a vote. It's the best thing for the court, the country and the Constitution."

EDITORIAL: Judicial Roulette (*America*, 05/02/16)

"Senate Republicans' steadfast refusal to hold hearings ... has no constitutional merit—the president has a clear duty to nominate and the Senate to “advise and consent” or refuse a nominee President Obama has shown admirable restraint in his nomination. Though he leans left, Judge Garland is much closer to the center of the ideological spectrum than the man he would replace and, at 63, is 13 years older and closer to eventual retirement than Justice Scalia was at his nomination.... Responding to the fight over Robert Bork's nomination in 1987, the editors of *America* ... argue[d] that “it would be silly to maintain that politics or ideology should have nothing to do” with such a decision. ... That recognition should also move Senate Republicans to hold hearings on the nomination."

EDITORIAL: Let the Supreme Court do its job: Our view; Senate Republicans tying up rulings by stalling on 9th justice. (*USA Today*, 03/31/16)

"A shorthanded Supreme Court showed this week what life will be like for the next year or so if Senate Republicans stick to their vow to stall confirmation of a ninth justice until after the next president is sworn in. The court deadlocked 4-4 the court shouldn't have to limp on for another year without a tie-breaking justice so Senate Republicans can stick to their partisan pledge not to consider President Obama's nomination to succeed Scalia. Republicans claim this is high-minded principle — let the people speak when they elect a new president in November — but that's sanctimonious claptrap. This is just hardball politics.... Stalling Garland has costs the senators either don't realize or don't care about. They should give him hearings and a vote."

Editorial: Merrick Garland Deserves a Hearing (*Bloomberg News*, 03/16/16)

"There are at least two criteria on which to judge President Barack Obama's nomination of Merrick Garland to the U.S. Supreme Court. First are his qualifications. Second is the ideological space that he would occupy on a polarized court in a polarized political environment. Garland is a superb choice on both counts.... Senate Majority Leader Mitch McConnell reiterated that the Senate would simply treat the president's nomination as if it didn't exist. It was a hard argument to make even when it didn't actually exist -- and it's even more absurd now that there is a flesh-and-blood nominee to consider."

EDITORIAL: Give Judge Garland a hearing: Our view; Supreme Court nominee deserves better than a cold shoulder from the GOP Senate. So does the nation. (*USA Today*, 03/16/16)

"As chief judge of the powerful D.C. Circuit Court of Appeals, Garland is arguably the most influential jurist who isn't already on the Supreme Court. He has a reputation for even-handedness and consensus-building. Hearings would allow senators and the public to learn more about his judicial philosophy, his record and his temperament — and to decide whether he's the right pick At 63, Garland would not likely remain on the court for as long as a younger nominee, a tacit concession to Republicans Veteran Utah Republican Sen. Orrin Hatch, a former chairman of the Senate Judiciary Committee, openly advocated for Garland when

Obama was considering Supreme Court nominees in 2010, insisting the judge would be “a consensus nominee” who would get strong support from Republicans.”

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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