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Written by **Bob Adelmann** on May 29, 2020

Senator Graham: Now Is a Good Time for Older Judges to Retire to Make Room for New Trump Nominees

South Carolina Republican Senator Lindsey Graham told Hugh Hewitt on his radio show early Thursday morning that now would be a good time for judges approaching retirement, or thinking about retiring, to do so:

> This is an historic opportunity. We've just put over 200 federal judges on the bench. I think one in five federal judges are Trump appointees. If [we] can get four more years, I mean, it would change the judiciary for several generations.

> So, if you're a circuit judge in your mid-60s, late 60s, you can take senior status [part-time work which creates a vacancy], now would be a good time to do that if you want to make sure the judiciary is right of center. This is a good time to do it.

Since Trump's inauguration the Senate has confirmed 196 federal judges including 51 on the appellate level and two Supreme Court justices. This, according to the Article III project — a judicial organization that assists in confirming Trump's appointees — is the second-fastest rate of all U.S. presidents.

And this recommendation from Graham supports Senator Majority Leader Mitch McConnell's motto "to leave no vacancy behind."

It's also frightening Democrats, who have a much different vision for the future. The *Washington Post* posits that there will be a "frenzy" of confirmations just in case Trump isn't reelected. That if time is running out, there will be "all manner of last-minute horrors" taking place in the Senate:

> If President Trump loses the election, the two and a half months before Joe Biden is inaugurated will see all manner of last-minute horrors … the appointment and confirmation of as many judges as possible – one of the few things the next president can't undo – will be near the top of the list.…

> It will be a frenzy.

At the moment there are 89 judicial vacancies on the federal courts, and there are 48 nominees awaiting confirmation. If some older judges take Graham's advice and elect senior status, that number could swell significantly.

Democrat panicking over the prospect showed up on Wednesday with the releasing of a broadside by Democrat senators, called "Captured Courts." The 54-page diatribe accuses the Senate of "packing" the courts with right-wing extremists beholden only to special interests, with "dark money" moving behind the scenes to accomplish their nefarious purpose.

Selected quotes from that report reveal a complete lack of understanding of Trump's, and the Senate's, intentions: to bring back the federal judiciary to its originalist roots. Trump's nominees are vetted with

the help of the Federalist Society to make sure that the Founders' intents are paramount in deciding relevant constitutional issues.

But the Democrat's report, instead, rails against those nominations, calling them "politicians in robes" who are intent on "betraying the vision of our founders." The report accuses Republican senators of having "spent the last four years engaged in a scorched-earth judicial power grab."

How far the report is from reality is found in the opening paragraph of the release: The report "exposes how Republicans and their special interest backers are packing the federal judiciary with extremist partisan judges to deliver reliably for Republican donor interests." This writer cannot find a single whit of truth in this remarkable statement. It's as if the Democrats are aliens from another planet who have just arrived on planet Earth with no understanding of what the present administration is trying to do.

The report accuses the present administration of doing nothing but confirming judges:

> The Trump Administration and Mitch McConnell's Senate Republicans have few significant legislative accomplishments. Instead, they are packing the judiciary with far-right extremist judges.

> The Senate has confirmed 200 new life-tenured federal judges, most of whom were chosen not for their qualifications or experience — that are often lacking — but for their allegiance to Republican political goals…. They are picked because Republican donors expect Trump judges will rule in their favor.

The report intends to "look behind the curtain of the GOP's long campaign of judicial capture, into the fundamental threat it poses to the rule of law and American democracy." This is called transference, or projection of what one party is guilty of doing onto the other party. Democrats have nearly always picked judges based on the judges' willingness to legislate from the bench. Whether it sells remains to be seen. What one may be assured of is that phrases such as "court packing" and "subverting the rule of law" are sure to pop up as the mainstream media takes on the threat of Trump remaking the federal judiciary to conform with the intentions of the founders.

Even if few active but older judges take Graham's advice and move to senior status, the Trump administration has already altered the constitutional and judicial landscape for generations to come.

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An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American, *primarily on economics and politics. He can be reached at badelmann@thenewamerican.com.*

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