



Written by [Bob Adelman](#) on September 20, 2020

Trump to Name Woman to Replace Justice Ginsburg; Expect Contentious Confirmation Hearing

At a rally in North Carolina on Friday night President Trump [promised](#) that he would nominate a woman to fill the vacancy left on the Supreme Court with the death of Justice Ruth Bader Ginsburg: “I will put forward a nominee next week. It will be a woman ... a very talented, a very brilliant woman. Who I haven’t chosen yet, but we have numerous women on the list.”



Trump recently expanded that list, but two women vying for his nomination clearly appear to be Amy Coney Barrett, who presently serves as a judge on the Seventh Circuit Court of Appeals; and Barbara Lagoa, a judge on the Eleventh Circuit Court of Appeals. A staffer listening in on the president’s call to Senate Majority Leader Mitch McConnell on the matter said they were the top contenders. Trump is expected to make his choice public early in the week.

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It doesn’t matter whom the president selects. The far Left has already announced that it will fight the nomination vigorously and viciously, making the confirmation battle over Justice Brett Kavanaugh appear mild in comparison.

The battle lines have already been drawn. At issue will be *Roe v. Wade*, ObamaCare (the Affordable Care Act), and religious freedom. Prior to the passing of Gnsburg, the court was divided 4-4 with Chief Justice John Roberts deliberately waffling between both camps to protect his legacy while frequently ignoring the Constitution to do so. A new “originalist” will tip the balance of the court in favor of the original intent of the founders, neutralizing Roberts’ influence, and finally giving “textualists” a majority.

The Left will use anything to keep the Senate from confirming whomever Trump nominates. If it cannot find dirt, it will make it up. Barrett was subjected to such abuse in her confirmation hearings for the Seventh Circuit by California Senator Dianne Feinstein who attacked her over her fervent religious faith as a Roman Catholic:

Why is it that so many of us on this side have this very uncomfortable feeling that — you know, dogma and law are two different things. And I think whatever a religion is, it has its own dogma. The law is totally different. And I think in your case, professor, when you read your speeches, the conclusion one draws is that the dogma lives loudly within you, and that’s of concern when you come to big issues that large numbers of people have fought for years in this country.



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That phrase — “the dogma lives loudly within you” — remains etched in public memory even though the Constitution forbids any sort of religious test. Article VI, Section 3 of the U.S. Constitution reads: “No religious test shall ever be required as a qualification to any office or public trust under the United States.”

But the Constitution, decorum, rules of law, and historic precedent during previous confirmations have been discarded by the Left in its determination to protect its legacy. After exposing the depths to which the Left sank in its attempt to derail Brett Kavanaugh’s confirmation as Supreme Court justice, authors Mollie Hemingway and Carrie Severino, in their book *Justice on Trial: The Kavanaugh Confirmation and the Future of the Supreme Court*, wrote:

Make no mistake, the smear campaign against judicial nominees are themselves an attack on the Court’s legitimacy. Even if they don’t prevent a justice’s appointments, they are a tool to delegitimize him after he is on the court....

It’s hard to imagine how a confirmation battle could compete with Kavanaugh’s for ugliness. But if the next appointment portends a major ideological shift [as the present one certainly does], it could be worse.

When President Reagan had a chance to replace Louis Powell, a swing vote [on the court], with [Robert] Bork, Democrats went to the mat to oppose him.

When Thurgood Marshall, one of the Court’s most liberal members, stood to be replaced by Clarence Thomas, the battle got even uglier.

And trading the swing vote Sandra Day O’Connor for [Samuel] Alito triggered an attempted filibuster.

And then, with remarkable prescience the authors added:

If Justice Ginsburg were to retire while Trump is in the White House, the resulting appointment would probably be like the Thomas-for-Marshall trade. Compared with what might follow, the Kavanaugh confirmation might look like the good old days of civility.

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