



Written by [R. Cort Kirkwood](#) on November 8, 2024

## Fearing Trump SCOTUS Appointments, Pro-aborts Push Obama's Sotomayor to Quit

"Elections have consequences," former President Barack Hussein Obama [once said](#).

And Democrats who remember the consequences of the 2016 election — three U.S. Supreme Court associate justices, appointed by President Donald Trump, [helped overturn 1973's \*Roe v. Wade\* decision](#) that struck down abortion laws nationwide — now worry about the consequences of Tuesday's election.

They fear that Trump will appoint more conservatives to the federal courts, including at least one more to SCOTUS.

Pro-abortion activists recall that Justice Ruth Bader Ginsburg refused to retire during Obama's second term, a decision that they say led to the appointment of Justice Amy Coney Barrett, who helped overturn *Roe* with *Dobbs v. Jackson*.

Thus are they telling Obama-appointee Justice Sonia Sotomayor it's time to go. They fear Sotomayor might get sick or die during Trump's term, which would end in a 7-2 conservative majority on SCOTUS.

<https://twitter.com/Newsweek/status/1854662554473136615>

### Ginsburg History

Ginsburg was suffering her fourth bout with cancer when Trump was elected in 2016, and having refused to retire, "fired back" against the know-it-alls, as [CNBC put it](#), who said she should have retired during Obama's term so he could appoint her replacement.

"When that suggestion is made, I ask the question," she told National Public Radio's far-left pro-abortion Nina Totenburg:

Who do you think the president could nominate that could get through the Republican Senate? Who [would you] prefer on the court than me?

Recall, after all, that [GOP senators blocked](#) the elevation of then-federal judge Merrick Garland to the high court.

Still, pro-abort big-shot women were angry when the SCOTUS overturned *Roe* 6-3. Indeed, an entire "constellation of emotions" beset the weeping sisterhood, [Politico reported](#):

"It's certainly hard for me, now, to think of her work and of her — and not to, these days, work up a degree of regret and anger," says Dorothy Samuels, who authored *The New York*



AP Images  
Sonia Sotomayor



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*Times'* legal editorials during her 30 years on the paper's editorial board. "This is so multilayered because she cared so passionately about advancing equality for everybody. She figured out a way to get women to be part of the constitution. And yet, what she has helped to give us is a court that for a long, long time is going to be undoing the equality rulings that she was part of."

Samuels heard the same thing from former clerks and other inner-circle members while researching a book in the years before Ginsburg's death. "It was an extraordinarily self-centered thing to do."

"She gambled," says Michele Dauber, the outspoken Stanford law professor, speaking of Ginsburg's apparent calculation that Hillary Clinton would be in the White House to appoint her successor. "But she didn't just gamble with herself. She gambled with the rights of my daughter and my granddaughter. And unfortunately, that's her legacy. I think it's tragic."

### **Sotomayor Must Go**

Thus do we now hear that Sotomayor, a 70-year-old diabetic [who travels](#) with a medic, must step down, a [demand heard](#) in 2023. Another conservative justice, along with who knows how many appointees to lower courts, would alter the complexion of the federal court system for decades.

Pro-abortion Democrats are panicking.

"For Democrats, this is a hair-on-fire moment," [Politico reported](#) after Trump's second victory.

Democratic senators have discussed the subject "repeatedly this week." The palaver ends "with a recognition of two realities," the website reported:

(1) It'd be a risky play with the party already trying to figure out how to handle a crowded lame-duck session, and (2) no senator seems to be offering to be the person to put his or her neck on [the] line publicly (or even privately) by pushing for Sotomayor to step aside.

So, instead, they'll discuss it secretly and let the far-left media press Sotomayor to quit with anonymously sourced stories.

Senators are mulling possible replacements, the [website reported](#), but even if Sotomayor quits, she can't do so on the condition that Biden permits her to name a replacement:

If Sotomayor were to resign, "she can sort of resign conditionally on someone being appointed to replace her," [one] Democratic senator told *Playbook*. "But she can't resign conditioned on a specific person. What happens if she resigns and the nominee to replace her isn't confirmed and the next president fills the vacancy?"

Then there's the abbreviated timeline. Democrats would have to convince her to retire immediately, Biden would have to nominate a successor, they would have to figure out how to bring enough senators on board, dodge whatever obstructions Republicans throw in their way and get a whole floor vote before the new Congress is sworn in. There would be no room for error or delay.



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## Should Alito and Thomas Retire?

The pro-aborts' pushing Sotomayor to hang up her robe raises the observation that the conservative majority has a few oldsters, too.

"Trump's victory has inevitably sharpened speculation about what the Supreme Court senior justices will do in the months ahead and how the parties might handle any high court vacancies," the [National Criminal Justice Association \(NCJA\)](#) reported.

Two justices are older than Sotomayor: Clarence Thomas is 76 and Samuel Alito is 74.

Continued NCJA:

Two members of the conservative legal movement, speaking on the condition of anonymity to discuss a sensitive issue, told *The Washington Post* last month that it's unlikely either justice would step down during a Trump presidency.

But Mike Davis, a top legal advisor to Trump, predicted that Alito would retire, NCJA observed.

"Prediction: Justice Sam Alito is gleefully packing up his chambers," Davis wrote on X. (Davis was in the news yesterday because [he warned](#) Special Counsel Jack Smith, the Justice Department prosecutor who is waging lawfare against Trump but will soon quit or be fired, to "lawyer up.")

<https://twitter.com/mrddmia/status/1854213822837670371>

[Continued NCJA:](#)

Any new vacancies would give Trump — who also appointed Justices Neil M. Gorsuch and Brett M. Kavanaugh during his first term — an extraordinary imprint on the court. If at least two justices stepped down during his second term, he would be able to boast of nominating the majority of justices currently serving and of having the most appointments by any president since Franklin D. Roosevelt.

Conversely, perhaps Davis was telling Alito to retire. Either way, no one would be surprised if the justice retired, given the treatment he's received of late.

In May, the hate-Trump [media pushed](#) the line that Alito is an unethical, corrupt justice who cannot rule fairly because conservative donors paid for some vacations. But even worse, his wife is a patriot. During a dispute with a neighbor, [she flew](#) an upside-down American flag at his home after the rigged election of 2020. And a Revolutionary War "Appeal to Heaven" [flag flew](#) at his beach house. Ominously, the *The New York Times* noted, the flags were carried at the mostly peaceful protest at the U.S. Capitol on January 6, 2021.

Alito might just think the job isn't worth the trouble and, with Trump in office, that the time is right to retire.

## Would It Have Mattered?

Those possibilities aside, the pro-aborts who denounced Ginsburg for not retiring during Obama's terms forget one thing. Even if she had retired, GOP senators might have blocked her replacement just as they blocked Garland's elevation to the court. As well, *Roe* and other far-left laws, court decisions, and public policies would have been doomed if she had been replaced. Trump appointed two crucial justices — [Neil Gorsuch](#) and [Brett Kavanaugh](#) — long before the court decided *Dobbs* in 2022.



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So, even with a Ginsburg replacement, the ruling would have been 5-4 instead of 6-3.



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