



Written by [Bob Adelman](#) on December 24, 2018

## Ginsburg's Lung Cancer Surgery: Who Will Trump Nominate to Replace Her?

The press release from the Supreme Court on Friday [was terse](#): "Justice Ruth Bader Ginsburg underwent a pulmonary lobectomy today.... Two nodules in the lower lobe of her left lung were discovered incidentally during tests ... to treat the fractures [she] sustained in a fall on November 7.... Currently, no further treatment is planned."

Former TV host and conservative journalist Bill O'Reilly's comment following that announcement was equally terse: "Justice Ginsburg is very ill. Another Justice appointment inevitable and soon. Bad news for the left."



This is Ginsburg's third bout with cancer. In 1999 she was treated for colon cancer, and 10 years later for pancreatic cancer. In addition to breaking three ribs in a fall at her office in November, she broke two ribs following a fall in 2012. In 2014 she had a stent implanted to open a partially blocked coronary artery. In March 2019 she will turn 86.

She insists she is good to go for another five years. Last July she told CNN that "my senior colleague, Justice John Paul Stevens ... stepped down when he was 90, so I think I have at least about five more years."

A Yiddish expression with which Ginsburg no doubt is familiar goes like this: "If you want God to laugh, tell Him your plans." If God's plans for Ginsburg happen to override Ginsburg's during Trump's presidency, who would the president be likely to pick to replace her?

That question has largely been answered as Trump has already had the opportunity to nominate two justices to the Supreme Court in just the first two years of his presidency: Neil Gorsuch and Brett Kavanaugh.

Kavanaugh and Raymond Kethledge were on Trump's short list of three candidates. The third was Amy Coney Barrett.

Sources suggested that Trump wanted Barrett to have a little more experience in her present position as judge for the Seventh Circuit and so made his final choice between Kethledge and Kavanaugh. She took office in November last year after having been nominated for that position by President Trump. She faced a trial by fire during Senate confirmation hearings as California Democrat Senator Dianne Feinstein strongly implied that her Catholic faith — and its insistence that life begins at conception — would inform her decisions if a case threatening *Roe v. Wade* might be heard by the high court. In a phrase etched into memory, Feinstein told Barrett that "the dogma lives loudly within you."

Feinstein was unimpressed with Barrett's claim that she wouldn't allow that to happen — that she would stick with the law and the Constitution — and Barrett squeaked by the Senate Judiciary



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Committee, 11-9, before being confirmed by the Senate, 55-43 in October.

Barrett has impressive credentials. She graduated summa cum laude from the Catholic University of Notre Dame in 1997, earning her Juris Doctor (JD) degree while serving as executive editor of the Notre Dame Law Review. Following graduation, she clerked for a judge on the D.C. Circuit Court of Appeals before spending a year as a law clerk for Associate Supreme Court Justice Antonin Scalia.

What upset secularists such as Feinstein, aside from her Catholic faith, is Barrett's strong support of two pro-life groups: the Faculty for Life on the Notre Dame campus and the People of Praise. So much attention was focused on the unknown People of Praise that it responded last July with its unshakeable position on the sanctity of life: "We subscribe to the position of the Roman Catholic Church and many Protestant churches, namely, we respect the sanctity of human life from conception to natural death."

If God allows Trump the opportunity to replace Ginsburg with Barrett, the change would likely be swift and sure. Ginsburg has long been a champion of so-called women's rights — gender equality and abortion. She served as a volunteer lawyer for the American Civil Liberties Union (ACLU) before being named its general counsel in the 1970s. President Jimmy Carter appointed her to the D.C. Court of Appeals in 1980, where she served until President Bill Clinton appointed her to the Supreme Court in 1993.

On the abortion issue, Ginsburg neatly avoids Jefferson's Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." Not only does she avoid this clear statement of faith signed by 56 of the Republic's founding fathers, she has publicly criticized the Constitution itself for being irrelevant for this time and hour. In an interview that aired on Al-Hayat TV while she was on a visit to Cairo in 2012, Ginsburg advised the Egyptian people to ignore the U.S. Constitution when designing its own. She said she "would not look to the U.S. Constitution if I were drafting a new constitution." It is just too "old," she said.

On the issue of abortion, she considers that an unborn child is simply tissue, not qualifying for those precious rights granted by its Creator. With that out of the way, then the rest is easy: the 14th Amendment's Due Process Clause extends to the right of a woman to abort her unborn child without sanction for murder.

Here is the relevant language from that 1973 decision that Ginsburg supports: "The right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and [its] restrictions upon state action, as we feel it is, or, as the [lower] district court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

Since that time, more than 61 million fetuses have been killed in the womb. But according to Ginsburg, this is acceptable because those fetuses never had the right to live as claimed by Jefferson. After all, a fetus is not a person within the meaning of the 14th Amendment.

That travesty is about to be reversed if Justice Tom Parker of Alabama's Supreme Court has his way. In his October ruling that a fetus is in fact a person after all, he pointed this barb directly at the Supreme Court:

I write specially to expound upon the principles presented in the main opinion and to note the continued legal anomaly and logical fallacy that is Roe v. Wade. I urge the United States Supreme Court to overrule this increasingly isolated exception to the rights of unborn children....



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[Roe v. Wade] without historical or constitutional support, carved out an exception to the rights of unborn children and prohibited states from recognizing an unborn child's inalienable right to life when that right conflicts with a woman's "right" to abortion.

This judicially created exception of Roe is an aberration to the natural law ... and common law of the states....

It is my hope and prayer that the United States Supreme Court will take note of the crescendoing chorus of the laws of the states in which unborn children are given full legal protection and allow the states to recognize and defend the inalienable right to life possessed by every unborn child, even when that right must trump the "right" of a woman to obtain an abortion.

The case for Barrett to replace Ginsburg when the time comes is persuasive. Trump nominated her for her present position on the Seventh Circuit, which she has held since November 2017. She has already been through the trial by fire as noted above, and it's not likely that Feinstein would raise the issue of her "dogma" a second time. Barrett is a woman who takes a telling point away from Democrats who might claim that Trump wants to send just white males to the Supreme Court. She is brilliant. She is pro-life.

And best of all, she has publicly stated that, contrary to Justice Kavanaugh, justices aren't bound by precedent when a decision conflicts with the Constitution.

Many pieces and parts of this puzzle must come together in order for any of this to occur. But the pieces and parts are present, just waiting for God's timing.

Image: [flickr](#)

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