



Written by [Charles Scaliger](#) on February 24, 2016

## McConnell: GOP Senators Will Refuse to Consider SCOTUS Nominations This Year

Senate Republicans are preparing to do something they have seldom done in recent years: stand up to the Democrats. And this time, they are not going to cave in to political pressure, once the Democrats unsheathe the long knives and, in concert with their allies in the Establishment media, attack the Republicans with all of their accustomed rhetorical savagery. That, at least, is what Senate Majority Leader Mitch McConnell (shown, R-Ky.) would have the GOP faithful believe.



On Tuesday, Senator McConnell, after conferring both with members of the Senate and the House, [issued an uncharacteristically strongly-worded statement](#) promising that the Senate would not approve any Supreme Court nominee to replace the late Justice Antonin Scalia. “Presidents have a right to nominate just as the Senate has its constitutional right to provide or withhold consent,” McConnell said. “In this case, the Senate will withhold it.”

The announcement elicited the usual howls of righteous indignation from Democrats, who have suddenly become paladins of constitutional government. Under the Constitution, the president is given the authority to nominate Supreme Court justices, and the Senate to give their advice and consent, prominent Democrats have been insisting since the news of the death of Justice Scalia broke. Democrats, of course, would like nothing more than to replace one of the two staunchest proponents of the Constitution and limited government (the other being Justice Clarence Thomas) with yet another liberal friend of Big Government, gun control, abortion-on-demand, same-sex marriage, and other cherished liberal conceits. It is largely via control of the Supreme Court that liberals have managed to enact and maintain their agenda. And, given their own sordid history of sabotaging Supreme Court nominees by Republican presidents, in the matter of the replacement of Antonin Scalia, the Democrats haven’t a moral leg to stand on.

The first line of defense set forth by Democrats was to point out that Justice Anthony Kennedy was nominated by Ronald Reagan — and confirmed by the Senate — during the last year of Reagan’s second term in office. This argument quickly fell apart when those with long memories pointed out that the Kennedy nomination was made so late only because Democrat ideologues in the Senate had sabotaged two successive Reagan nominations. The first of these, the notorious Robert Bork witch hunt, was the first instance of an otherwise superbly-qualified Supreme Court nominee to be publicly humiliated and deep-sixed on purely ideological grounds. Within an hour of his nomination, the contemptible Senator Ted Kennedy launched the first attack on Bork:

Robert Bork’s America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens’ doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists could be censored at



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the whim of the Government, and the doors of the Federal courts would be shut on the fingers of millions of citizens.

As Kennedy and his ruthless political allies understood well, Bork had a long and distinguished record as a genuine constitutionalist rather than a liberal progressive, and would probably have been a significant voice for original intent and limited government (much like Scalia) had he made it to the bench. But after a lengthy series of bitter hearings that saw repeated scurrilous attacks on Bork's character and motivations, the nomination failed in committee. Faced with certain defeat in a full Senate vote, the plucky Bork insisted on a vote nonetheless, saying:

There should be a full debate and a final Senate decision. In deciding on this course, I harbor no illusions. But a crucial principle is at stake. That principle is the way we select the men and women who guard the liberties of all the American people. That should not be done through public campaigns of distortion. If I withdraw now, that campaign would be seen as a success, and it would be mounted against future nominees. For the sake of the Federal judiciary and the American people, that must not happen. The deliberative process must be restored.

Left with no choice, the full Senate then voted, and Robert Bork was rejected by a vote of 42-58, with four craven Republicans joining a united 54-senator Democrat majority.

The rejection of the Bork nomination by Senate Democrats set a new benchmark for pure partisan vindictiveness, but it was a benchmark that would be short-lived. Following the Bork debacle, Reagan then nominated Douglas Ginsburg. However, NPR and other news outlets soon found out that Ginsburg had used marijuana as a young man, and the long knives were unsheathed anew. Ginsburg, having no desire to be "Borked," quickly withdrew from consideration — for peccadillos that both Democratic presidents elected since have freely admitted to.

Anthony Kennedy, Reagan's third nominee, turned out to be a reliably liberal voice on the court. Washington insiders obviously knew this ahead of time; he was confirmed by a 97-0 vote.

A few years later, in 1991, Democrats launched another character assassination campaign against another unabashed constitutionalist, Clarence Thomas, who was nominated for the Supreme Court by George H.W. Bush in 1991. Democrats found a single woman, Anita Hill, who claimed that Thomas had made tasteless sexual comments at her when they had been co-workers. Interestingly, the journalist responsible for airing Hill's claims was NPR reporter Nina Totenberg — the same person who had broken the Ginsburg marijuana story. Hill never claimed that Thomas did other than make a few tasteless comments (in contrast to the lurid allegations of sexual assault and indecent exposure made against Bill Clinton a few years later, which Democrats scoffed at until the Monica Lewinsky affair proved Clinton's lying).

Thomas vigorously denied every single allegation made by Hill, and boldly accused the Senate of carrying out a "hi-tech lynching" because he did not have the political leaning expected of a black American:

This is not an opportunity to talk about difficult matters privately or in a closed environment. This is a circus. It's a national disgrace. And from my standpoint, as a black American, it is a high-tech lynching for uppity blacks who in any way deign to think for themselves, to do for themselves, to have different ideas, and it is a message that unless you kowtow to an old order, this is what will happen to you. You will be lynched, destroyed, caricatured by a committee of the U.S. Senate rather than hung from a tree.



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In the end, Thomas was confirmed by a slim majority, with 11 Democrats supporting his nomination, and has since proven a staunch defender of the Constitution on the court.

It was the Democrats who initiated the modern custom of holding Supreme Court nominees to ideological “litmus tests” and of trying to ruin the careers of those who would oppose their radical political and social agenda. Moreover, a number of prominent Democrats have publicly threatened to derail Supreme Court nominations by Republican presidents in election years. Senator Joe Biden did so in a 1992 speech when George H.W. Bush was president. Senator Chuck Schumer indicated in 2007, toward the end of the George W. Bush administration, that the Senate “should not confirm a Supreme Court nominee except in extraordinary circumstances.” And none other than junior senator Barack Obama participated in the 2006 Senate filibuster of Supreme Court nominee Samuel Alito — who was eventually confirmed. These, of course, are the same voices now piously insisting on hearings and a Senate vote for whichever left-wing radical President Obama decides to nominate.

The establishment media will certainly try to keep the court nomination in the public eye, and exert pressure on Senate Republicans to confirm whoever it turns out to be. They are well aware that another Scalia or Thomas on the bench would be a serious setback for their ambitions, including a reinterpretation of the Second Amendment to favor gun confiscation and the protection of ObamaCare or any successor socialized-medicine scheme. Given Republicans’ track record for caving under pressure, whether the GOP will actually hold firm for the next 10 months remains to be seen.

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