

The Supreme Court ..Five to Four vs Four to Four

by Harry Zirkelbach 03-05-2016

In a comfortable bed on a John Poindexter ranch in Texas near the Mexican border, 79 year old Supreme Court Associate Justice Antonin Scalia was found dead by his host the morning of February 13, 2016.

Immediately Conservatives through these United States were unanimous in defying the constitution; claiming that this President should not nominate a replacement. They would like a future Republican President to nominate a Scalia minded Lawyer to be nominated and approved by the Senate, as Part of the Constitutional right to Advise and Consent on appointments to the Federal Judiciary.

Others have hinted at the frailty of this position.

The Constitution requires the President to Present a Nominee, without restriction.

There may not be a Republican President.

Today's Eight Member Supreme Court is considered split between liberal and conservative. The cases to be heard in 2016 are more likely to bend Liberal without Scalia's vote and forceful leadership. It will not be lost on the sitting eight that the Ultra Conservative segment of society is demanding control of the Court, as they deliberate this summer on every Article before the Eight.

Approval of any Supreme Court Nominee now requires approval of 61 Senators. In the present Senate that majority is not likely to be mustered by either Party for any qualified, of ruffian, nominee. Conservatives should be mindful, the Congress of 2017 is unlikely to have a Republican 60 seat majority, allowing the Democratic minority the same muscle possessed by this Senate.

If carried to an extreme, no nominee would ever be approved, the Court, which Antonin Scalia loved and defended, effectively dissolved, with the death of the remaining Justices.

Wake up Democratic and Republican Senators,
you are members of minority parties, are not supposed to represent
Democrat or Republicans, but the nation.
Look beyond party labels.