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Jason Smith's Capitol Report - Friday, February 19, 2016

FEBRUARY 19TH 2016 BY DEE LOFLIN

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Congressman Jason Smith Capitol Report: A Supreme Vacancy Friday, February 19, 2016

Sadly, as you may have seen, Supreme Court Justice Antonin Scalia passed away last week at the age of 79.

As a law student, Justice Scalia helped shape how I analyze laws. Scalia represented the best qualities of a Supreme Court Justice—he was fiercely intelligent, a passionate defender of the Constitution, and a man of uncompromising principle. He interpreted the Constitution from the perspective of the Founding Father's intentions, and never reinterpreted the Constitution to serve political needs. He believed that the letter of the law matters.

In the case of *District of Columbia v. Heller* Justice Scalia wrote the majority opinion of the Court and confirmed our Second Amendment right to bear arms extends to people and not just the militia. In the case of *Planned Parenthood v. Casey*, Scalia reinforced his faith in a true democracy and belief that there is no constitutional right to an abortion.

The Supreme Court is an equal independent branch of our Federal government, a

check and balance on the Executive and Legislative branches. The makeup of the nine Justices on the Court prior to Justice Scalia's death was considered by many to be balanced because it represented both conservative and progressive political and legal perspectives.

This is why the president should nominate someone of the same line of thinking as Justice Scalia, because without his pure interpretation of the text of the law and the origin of the Constitution we may see a drastic change in the rulings of the court.

The most liberal president in our history should not use this as an opportunity to score political points by replacing a conservative Justice with a progressive liberal who believes the Constitution should be reexamined on a case-by-case interpretation. Unfortunately, president Obama has not hidden his intention to replace Scalia with a liberal justice who liberals in the future will be able to rely on for support of their government-centered, government solutions agenda.

Article Two of the United States Constitution is clear that the president, "shall nominate, and by and with the Advice and Consent of the Senate... Judges of the Supreme Court." Fundamentally, the president can nominate a new Supreme Court Justice, but the Senate also has the Constitutional right & responsibility to not confirm the President's nominee until an appropriate conservative mirroring Scalia is nominated. If the President nominates a liberal justice who will interpret the law in a vastly different way than Scalia has, the Senate should continue to vote them down.

If the president cares about maintaining the balance of the institution, the foundation of our federal government based on a separation of powers, then he will do the right thing and nominate a conservative Justice to follow in Scalia's footsteps. The Senate should reject any of Obama's liberal nominations to the Supreme Court and only confirm a conservative judge who will continue to read our Constitution as a non-living, non-evolving document, whose simplicity is exactly what our Founding Father's intended - a document which empowers the states and citizens of our great nation, not the government.

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