

Balance of Power on Supreme Court in Jeopardy as Nomination Battle Continues

A telling moment occurred on the national stage back in March, exposing how the issue of abortion is inescapably linked to the U.S. Supreme Court.

On March 16, President Barack Obama nominated Judge Merrick Garland to be vetted by the U.S. Senate for consideration as a Supreme Court Justice. That same hour, Cecile Richards—president of Planned Parenthood, the nation's dominant abortion provider—was seen at the White House heading into a private meeting with President Obama and Judge Garland.

One chance photo exposed Judge Garland's bias against life and indicated how he would rule if confirmed.

In nearly six months since then, the Supreme Court has become a presidential campaign issue hotly discussed as never before—because the legacy of Justice Antonin Scalia will loom large over whoever fills the empty seat. The balance of power on the bench is in peril.

I will never forget the moment on February 13 when I saw the news alert of his passing: *"Just in—Associate Justice Antonin Scalia Dead at Age 80."* To many Americans, he was just another judge. Yet looking closer at his opinions, we see our nation lost one of its great champions for life and the Constitution.

By insisting court decisions are grounded in the Constitution, Justice Scalia changed the Supreme Court and the study of constitutional law itself. "A champion of the original text of the United States Constitution, Justice Scalia believed in the balance of powers—the court being able to check the power of a president outside proper bounds," says Allan Parker, president

of The Justice Foundation who has been engaged in pro-life legal advocacy for over 20 years.

Parker puts the current fight over the Supreme Court in stark terms: "An originalist view of the Constitution holds that it means today what it was written to say. However, a 'living Constitution' means whatever a person wants it to mean today. Gradually ignoring foundational principles undermines the rule of law; liberty itself will be the victim."

The unexpected death of Justice Scalia set off a flurry of special interest lobbying. Liberal forces are determined to have another Supreme Court Justice uphold radical views on abortion, as well as a slate of progressive issues, while pro-life groups have urged the U.S. Senate to reserve its advise and consent role for after the election—in hopes of a nominee who will adhere to the Constitution.

Republican opposition to the Supreme Court nominee has remained consistent since March, as Senate leaders have pledged to keep the seat open for the next president to fill in 2017. Republican nominee Donald Trump is the first candidate ever to release a list of potential Supreme Court nominees, all of whom have proven track records upholding the value of lives in the womb, traditional marriage, as well as other conservative values.

While Senate leadership insists that the next president will nominate the ninth justice to the Supreme Court, a small number of Republican senators are pushing to confirm Merrick Garland if their party fails to take the White House this November.

Supporters of the plan argue the best contingency, in case Republicans lose in November, is to confirm Garland during the lame-duck session in December—before Secretary Clinton would take office in January. They consider it damage control. "Confirmation of Garland in December, they argue, is better

than grappling with an unknown and potentially more liberal Clinton nominee in 2017,” according to one news report.

Meanwhile, Senate Democrats have expressed interest in forcing a Senate vote on Garland. Senate Minority Leader Harry Reid recently said, “We have a couple of options and we are deciding when to do that. And if we should do that. When and if.”

He also speculated that, were she elected, Secretary Clinton would retain Garland as her first judicial nominee. Reid and others claim that the Senate’s reservations about Garland have become a major campaign issue, while voter focus groups have shown otherwise.

Given the political climate and posturing this election year, it is certain that when Justice Scalia’s successor—whether Merrick Garland or another presidential nominee—is confirmed by the Senate, he or she is bound to shift the outlook of the Supreme Court. Will the nation’s highest court become more balanced in its ideology, or move farther to the left?

The identity of the next Supreme Court justice will affect every American’s way of life. Many provocative issues and critical constitutional questions will continue to come before the court; one justice can decide a case that affects generations. A look at history tells us so: removing public prayer from public schools (1962), legalizing abortion on demand (1973) and fashioning a new definition of marriage (2015), to name a few.

The politics of any Supreme Court confirmation battle are important, but the substantive constitutional stakes even more so. In July of 1789, the people of the United States ratified the Constitution and instituted it as the supreme law of the land.

Today, the United States Constitution is the oldest written constitution that has continuously remained in effect in the

world. It established the first federal form of government, as well as the first system of checks and balances to prevent any one branch of government from acquiring too much power. The U.S. Supreme Court's role is to govern within the context of this framework. It is no wonder the Constitution begins, "We the People..."

Matt Lockett and his team at Bound4LIFE International will soon mark 12 years praying outside the U.S. Supreme Court, always wearing red Life Tape in silent solidarity with the voices silenced in the womb.

"God cares about government and about innocent babies," says Lockett. "Our firm belief is that a pro-life champion can emerge for the Supreme Court—a man or woman as grounded and just as Antonin Scalia was. Today and even after this upcoming election, every Christian should carry an urgency to pray for the next Supreme Court Justice."

James Madison, known as the Father of the Constitution, once said: "The future and success of America is not in this Constitution, but in the laws of God upon which this Constitution is founded."

In the midst of a contentious election year, many citizens are looking beyond the Supreme Court—higher than any platform or political figure—to reimagine what one nation under God could be. {eo}

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