

Senate Judiciary Chair: This Is What Is at Stake in 2016

Monday, Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) took to the Senate floor to lay out the stakes voters face in the 2016 elections and the battle over the replacement of Supreme Court Associate Justice Antonin Scalia.

At the onset, he repeated his pledge that there would be no hearings or votes on any Supreme Court nominee from President Obama. And, despite “another tantrum” from Senate Minority Leader Harry Reid (D-Nev.), Grassley said it should be the American people who decide the future of the high court.

“We aren’t going to let the far left get away with denying the American people the opportunity to be heard,” he said. “Letting the American people decide this question is the *reasonable* approach. It’s the *fair* approach. It’s the *historical* approach. It’s the approach the other side advocated when the shoe was on the other foot. And it’s what the American people *deserve*.”

Grassley said, as the American people continue to vote during the presidential nominating process, and in November’s general election, they face a choice between “yet another justice who will look to her ‘heart’ and apply her own ethics and perspectives,” or one who, like Scalia, “adheres to the Constitution and the rule of law.” He said he could not “overstate how critical it is” for Americans to understand what’s at stake.

“Many leading Court observers believe that adding yet another liberal Justice to the Court, whose decisions are unmoored from the constitutional text, would lead to major changes in the Court’s jurisprudence,” he said. “It will impact all of us.”

Abortion would become entrenched as a right.

Gun ownership would become less so.

The First Amendment would have greater restrictions.

The judicial debate over ObamaCare would come to an end.

Those points probably sound quite familiar, since they have been a longstanding part of another Judiciary Committee member's presidential stump speech. U.S. Sen. Ted Cruz (R-Texas), who has been pushing to make the 2016 election a referendum on the Supreme Court, has echoed all of them.

"The American people need to consider whether they want their next justice to decide cases based on the text of the Constitution as it was understood at the time it was adopted, or whether justices are free to update that document according to their own moral and political philosophies," Grassley said Monday. "Should justices apply accepted legal principles through sound reasoning to new facts? Or, should they do legal backflips to reach their desired public policy goals? This second approach, of course, is not law. Instead, it's what Justice Scalia memorably called 'legalistic argle-bargle' and 'jiggery-pokery.'"

He said Scalia knew that "rule of law" actually meant "law of rules," not "a law of whatever is in the justice's heart." He added that a judicial philosophy that allows a justice to apply "life experiences" and "empathy" whenever the Constitution is unclear breeds an incentive to think that the Constitution is unclear on more issues.

"Our Constitution sets up a republic, not government by judiciary," he added. "Unless the Constitution specifically prohibits the democratic process from reflecting the will of the people, the decisions are made by elected individuals who are accountable to the voters."

Grassley said the more the high court “reaches out and grabs power it isn’t entitled to hold,” the more it is robbing decisions meant to be made by the people. And, as a direct result, liberty is incrementally lost. Quoting John Adams, he added that “Liberty, once lost, is lost forever.”

“Since the days of the Warren Court, this is what liberal justices have done,” he said. “Under the guise of constitutional interpretation, they have imposed liberalism on the people. They’ve done it on issues, and in ways, that they couldn’t achieve through the ballot box.

“This is the decision facing the American people during this presidential election. If the American people elect a liberal as their next president, and he or she nominates a like-minded judge to replace Justice Scalia, liberalism will be imposed on the American people to a degree this country has never before witnessed.

“Anyone who cares about these important issues should take note.”