

The Supreme Court 'Short List' Is Much Shorter Now

Last week, the presidential transition team began circulating a list of finalists to succeed the late Associate Justice Antonin Scalia on the U.S. Supreme Court.

The five jurists on the list were:

- Judge William Pryor of the 11th U.S. Circuit Court of Appeals,
- Judge Diane Sykes of the 7th U.S. Circuit Court of Appeals,
- Judge Thomas Hardiman of the 3rd U.S. Circuit Court of Appeals,
- Judge Steven Colloton of the 8th U.S. Circuit Court of Appeals, and
- Justice Joan Larsen of the Michigan Supreme Court.

Each of the five candidates comes with an impressive résumé, and has support from most conservatives. In fact, the list is already giving newly-selected Senate Minority Leader Chuck Schumer (D-N.Y.) fits.

"We are not going to settle on a Supreme Court nominee," he told MSNBC's Rachel Maddow on Tuesday. "If they don't nominate someone good, we'll oppose them tooth and nail. We are not going to make it easy for them to pick a Supreme Court justice."

Of course, there's very little Senate Democrats can do to stop Republicans from rubber-stamping whomever Trump nominates. Senate Majority Leader Mitch McConnell (R-Ky.) had a little fun with that fact on Wednesday in his weekly press briefing:

I noticed my counterpart, Senator Schumer, announced yesterday that their goal was to apparently never fill the

Supreme Court vacancy. That's kind of an expansion of the Biden rule. If you recall the Biden rule—in 1992—was the Senate would not confirm the Supreme Court nominee in the middle of an election year, which was my view last year.

Senator Biden said in the second Bush administration they would not confirm a Supreme Court nominee in the last 18 months of President Bush 43's tenure. Apparently there's yet a new standard now, which is not to confirm a Supreme Court nominee at all. I don't think the American people will tolerate it, and we look forward to receiving a Supreme Court nomination and moving forward on it.

But there is opposition to one of the members on the list that is coming from a group McConnell would be mindful to heed: conservative evangelical Christians. The pro-family group Public Advocate recently released a lengthy statement about Pryor, urging evangelicals to put pressure on President-elect Donald Trump and Senate Republicans.

The statement reads, in part:

Judge William Pryor is one of Trump's original possible nominees. Public Advocate opposes Pryor because as a judge, Pryor has a long track record of ruling against Christians and in support of the radical Left.

Judge Pryor led the persecution of Judge Roy Moore of Alabama in 2003. Moore lost his judgeship then over his refusal to have the Ten Commandments removed from the state Supreme Court. Pryor specifically attacked Judge Moore's continued belief in God and his incorporation of his Christian beliefs in his role as a judge.

A federal court had officially ordered Moore to cease acknowledging God in his role as judge. When Moore refused to comply, Pryor ordered Moore removed from his position on the Supreme Court of Alabama over this continued belief.

All of this happened despite the vocal support for Moore's stand Pryor had expressed in the years before being appointed to the 11th Circuit Court of Appeals. The *Washington Post* even reports that Pryor was the primary instigator of the prosecution of Judge Moore.

Just days ago, Pryor ruled that a Florida middle school has to accommodate a "gay advocacy club" despite the fact that the law in question was intended only for older high school students.

William Pryor will clearly serve as a strong ally of the homosexual lobby if he is appointed to the Supreme Court.

Pryor is not a man we can trust on the Supreme Court, and I ask that you sign our petition to signal opposition to Pryor.

Those sentiments are shared by American Family Radio's Bryan Fischer, who wrote on Tuesday that while Pryor would be "infinitely better" than any nominee offered by former Secretary of State Hillary Clinton, it is important for evangelicals to make their voices heard on the matter of the Supreme Court. Trump's nominee, he said, will be the most important moment of the incoming presidency.

Fischer wrote, in part:

Scalia, in one sense, is irreplaceable. He was a once-in-a-generation jurist of towering intellectual abilities. But it is certainly possible to replace him with a justice who has the same commitment Scalia had to applying the Constitution as written, the Constitution given to us by the Founders, rather than the one mangled out of recognition by decades of renegade judicial activism.

So we must first carefully scrutinize Trump's pick to replace Scalia. We simply cannot afford to put on the bench a man (generic use) who looks conservative and sounds

conservative and then folds like a cheap Bedouin tent in a stiff desert breeze as Justice Roberts did on ObamaCare. If Trump makes a bad pick, then we have to fight Trump. If he makes a good pick, then we have to fight everybody else.

Once we are satisfied with Trump's pick, we must bombard the members of the Senate Judiciary Committee with supportive phone calls. Their phone lines must melt from the heat we generate. We will be up against determined Democratic opposition, adversaries who will fight a good pick as if their survival depends on it, for indeed it might. We have to be more determined, more vocal and more persistent than they are. {eo}