Can Senate reject Obama's Supreme Court nominee?

Can and should the Senate reject Supreme Court Nominee Merrick Garland?

In the words and overtone of Vice-President Joe Biden, the Senate can and should refuse this nominee. In a speech on the Senate floor in June 1992, Mr. Biden, then chairman of the Judiciary Committee, said there can and should be a different standard for a Supreme Court vacancy "that would occur in the full throes of an election year." He demanded President George H.W. Bush should follow the example of "a majority of his predecessors" and delay naming a potential conservative replacement.

Mr. Biden also remarked.

"It would be our pragmatic conclusion that once the political season is underway, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over…That is what is fair to the nominee and essential to the process. Otherwise, it seems to me," he added, "We will be in deep trouble as an institution."

Finally Biden concludes that if the president refuses his advice he would "oppose his future nominees, as is [his] right."

James Madison covered this subject in The Federalist No. 51 affirming, "The structure of the government must furnish the proper checks and balances between the different departments."

Article 2, Section 2, of the Constitution allows the President to appoint Supreme Court justices but they may not hold office without the approval of the Senate. It appears the former Senator Biden was determined to use this constitutional check

on the executive branch, one that has been used in the past by different political affiliations and parties.

Now that we know Senate can refuse this nominee, should Judge Merrick Garland be refused?

As the D.C. Circuit Court of Appeals Chief Judge, Garland is required to apply the Constitution to all cases that come before him.

Has he done this?

In his tenure Garland voted to rehear (and overturn) the D.C. Circuit's pro-gun Heller decision. The result, had he won, would have been a Second Amendment which didn't convey any individual rights to Americans – merely the right of states to form a militia.

Another troubling revelation for anti-crime Americans is when a panel of the D.C. Circuit issued an anti-gun decision in Seegars v. Gonzales, Garland, in 2005, voted against rehearing en banc., a jurisprudence where the government has no gun grabbing boundaries, and the citizenry has no rights to defend themselves with firearms.

A basic analysis of Garland's judicial record shows that he does not respect our right to keep and bear arms.

William Blackstone, an English jurist whom our founders frequently referenced while framing our Constitution, knew the need for individual citizens to enjoy the right to self-defense. In his Commentaries on the Laws of England, he asserted that the right of self-defense "may be considered as the true palladium of liberty…"

If your concern is the preservation of liberty, I believe the decision of Garland's refusal is clear.

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