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Daily Mail editorial: Senate should begin hearings on Supreme Court nominee

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President Barack Obama has nominated Merrick Garland, chief judge of the United States Court of Appeals for the D.C. Circuit, to fill the vacant seat on the U.S. Supreme Court following the death of conservative justice Antonin Scalia.

Article 2, Section 2 of the U.S. Constitution says the president of the United States shall have the power — “by and with the advice and consent of the Senate” — to appoint judges of the Supreme Court.

The wording of the nation’s structural document is very clear, and there is no precedent for a president in his final year to defer a nomination until the next president takes office.

Conservatives have been rightly concerned about President Barack Obama’s seeming disregard for the U.S. Constitution, so they have no reason to complain now that the chief executive is following the law.

As for Obama’s selection: “Garland is the consummate moderate, and he’s likely the best that libertarians and conservatives could have reasonably hoped for from this president,” wrote Trevor Burrus in *Time* magazine, reprinted on the [Cato Institute website](#).

Added Burrus: “With the looming prospect of either a President Donald Trump, whose philosophy on judicial nominations is as unknown and variable as the rest of his positions, or a President Hillary Clinton, who would certainly nominate much more ideologically extreme justices, Senate Republicans should give Garland the hearing he deserves. Whether Republicans should vote to confirm him, however, is a little more complicated. One thing is clear, however: ‘Letting the people decide’ could get us something much worse.”

Senators should begin the process of considering Judge Garland, but they should take their time in doing so.

It’s likely that Senate Majority Leader Mitch McConnell’s threat to not even consider an Obama nominee steered the president toward a more moderate, yet still liberal pick.

But Garland's selection is certainly not the conservative the nation needs to keep its most important court more conservative than liberal and keep the government, and especially the Obama administration's tentacles, from adding more costly burdens on citizens and businesses.

The Wall Street Journal's opinion page has the best advice for the U.S. Senate: wait and see what happens in the November election. If Hillary Clinton is elected, quickly approve Judge Garland. If a reasonable Republican is elected, reject the nomination and let the new president appoint a new justice.