



Battle over potential Scalia replacement heating up

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The political fight over the replacement for late Supreme Court Justice Antonin Scalia continues to grow.

Hillary Clinton unleashed a barrage of tweets late Monday night, slamming Republicans for obstructionism.

She voiced support for President Obama, writing, "I have news for Republicans who would put politics over the Constitution: Refusing to do your duty isn't righteous, it's disgraceful."

CBS News correspondent Jan Crawford notes there are many considerations for a nominee: their resumes, have they been confirmed by the Senate in the past -- but also, will the person Mr. Obama picks be able to stay in relative limbo until at least November, and what will that do for the election.

Republican presidential hopeful Ted Cruz warned, "One more left wing justice of the U.S. Supreme Court will strike down every restriction on abortion across this country."

On both sides, the confirmation fight is already a rallying cry for their base.

Clinton said, "The only reason to block this is pure partisanship."

As the White House narrows its short list, one thing is certain: For the president's nominees, there is a pattern.

At the Supreme Court, Justices Sonia Sotomayor and Elena Kagan. At the Justice Department, former Attorney General Eric Holder and current Attorney General Loretta Lynch.

Each Obama nominee brought diversity, a sterling resume -- and was solidly liberal.

"We are in uncharted waters, especially given the modern, current polarization of the country and of Congress vs. the White House," said Ilya Shapiro, a legal scholar at the Cato Institute.

The president might choose a conventional pick like Federal Appeals Court Judge Sri Srinivasan, who was unanimously confirmed by the Senate just under 3 years ago.

But guess who else was a consensus pick, by voice vote, to the federal appeals court?

Clarence Thomas -- and look how contentious his confirmation was.

The point? A nomination to the Supreme Court is a whole different ballgame.

"We try to draw analogies, we try to draw parallels, but ultimately it comes down to a political argument," Shapiro said.

With Republicans vowing to block any nominee, Mr. Obama could make a more unconventional pick like Lynch.

But she is tied to controversy, as the Justice Department looks at Clinton's use of a private email server.

One thing's for sure: The president is likely to move fast.

"He wants to throw the ball back to the Republicans' court, to put the pressure on the senators to really see if they are going to put their money or their mouth is," Shapiro said