



## Can the GOP Stay United on Strategy to Fight Obama's Supreme Court Nominee?

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The fight over the makeup of the U.S. Supreme Court is spilling over into a second week, with most Senate Republicans uniting around the idea that the American people should be left to decide the future fate of the high court.

Using the hashtag #NoHearingsNoVotes, conservatives spent Friday building support around the idea that the Senate should not vote or hold a hearing on President Barack Obama's nominee, whoever that person might be.

Shortly after the death of Justice Antonin Scalia on Feb. 13, Senate Majority Leader Mitch McConnell ruled out consideration of an Obama nominee. Most Republican senators fell in line, but a handful made statements that left conservatives nervous.

Among those under close watch are Republican Sens. Susan Collins of Maine, Jeff Flake of Arizona, Mark Kirk of Illinois, Lisa Murkowski of Alaska, and Thom Tillis of North Carolina.

It would take 14 Republican votes if all 46 Democrat senators supported the confirmation of Obama's nominee. So far, all but 23 Republicans have ruled out voting to confirm an Obama nominee, according to The New York Times.

And then there's Iowa Sen. Chuck Grassley, chairman of the Judiciary Committee. He's facing pressure from Democrats, activists and even the media to schedule a hearing. After a [New York Times report](#) was published Friday, however, Grassley downplayed the news.

Grassley followed McConnell's lead on Feb. 23 and reiterated his position on Thursday [in a joint op-ed with the majority leader](#). They believe Democrats shouldn't "rob voters of a chance of replace Scalia."

In a show of support for Republicans holding their ground, the Judicial Crisis Network launched a seven-figure "[Let the People Decide](#)" radio and digital advertising campaign aimed at reinforcing the GOP's message last week.

"We're running it to support leadership and some of the senators in these battleground states to show them our support for their willingness to let the people decide this issue," Carrie Severino, chief counsel and policy director at the Judicial Crisis Network, told The Daily Signal. "It's a unique election where people on both sides are upset about how things are going in Washington

and to thank them for standing firm and make sure people realize that's a real gift they're giving to voters to be able to have a voice on this issue."

The combined efforts of Republican leadership and grassroots activists appear to be having some influence.

After Sen. Lisa Murkowski, R-Alaska, told the Alaska Dispatch News on Wednesday that "the nominee should get a hearing," she attempted to walk back her statement in a series of tweets.

A similar situation played out with Sen. Dean Heller, R-Nev., who said, "I encourage the president to use this opportunity to put the will of the people ahead of advancing a liberal agenda on the nation's highest court. But should he decide to nominate someone to the Supreme Court, who knows, maybe it'll be a Nevadan."

Heller later clarified his remarks through a spokesman:

Talk-radio host Hugh Hewitt, who initiated the hashtag #NoHearingsNoVotes as a way to hold GOP senators accountable, accused Murkowski of "waffling."

He also criticized Heller in a scathing open letter for refusing to draw a line in the sand.

"It is very easy to say, 'I agree with the majority leader and further I agree with [Sen.] Orrin Hatch, who supports #NoHearingsNoVotes,'" Hewitt explained to The Daily Signal on Friday. "Ambiguity is understood to be unacceptable posturing instead of principled defense of Constitution. I hope they and all GOP senators take and hold constitutional high ground."

Obama used the weekend to "dig into" a list of potential nominees, according to White House press secretary Josh Earnest.

With an announcement from Obama expected soon, the Cato Institute's Ilya Shapiro said the coming days and weeks would be the true test of whether Republicans can remain united and stand their ground against the president.

"The rubber will really hit the road once there's a nominee," Shapiro, a senior fellow in constitutional studies and editor of the Cato Supreme Court Review, told The Daily Signal. "On past history, there's little reason to be optimistic because Republicans have not been united on many things. ... But we'll see what happens. I am encouraged by the early statements by [Sens.] Kelly Ayotte or Ron Johnson in more vulnerable, purple if not blue state senators running for re-election."

Ayotte of New Hampshire and Johnson of Wisconsin are both facing re-election in November but have stood firm with McConnell.