

Obama Clashes With Right Over New Judge

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Justice Antonin Scalia's death immediately triggered a monumental election-year battle in Washington over whether President Barack Obama should choose a successor who could tilt the Supreme Court toward liberals.

With a half-dozen or more major cases before the court, Obama said he planned "to fulfill my constitutional responsibility to nominate a successor in due time". He said that if Obama sends a nominee who's out of what Bush considers "the mainstream", Senate leaders should block or reject the nomination.

To his critics, Justice Scalia, who died at 79 on Saturday, was a malevolent figure whose belief in the original-meaning theory of interpreting the U.S. Constitution was judicial quackery and whose thinking often fell hardest on people on the margins.

Reports say Scalia died of natural causes at a hunting ranch in west Texas.

Lujan says if an autopsy is ordered by Scalia's family or a justice of the peace, then it likely will be performed at the funeral home by an El Paso County medical examiner. The President must nominate a replacement for Justice Scalia, and the Senate must confirm the permanent replacement. The lower court (in this case a district court which went directly to the Supreme Court for technical reasons) tossed the plan out; conservatives had been hoping the justices would restore it.

Until a new justice is appointed - and U.S. Senate Majority leader Mitch McConnell has promised a delay for anyone President Barack Obama nominates - there could be a succession of four-to-four vote standoffs among the remaining justices.

"Justice Scalia's death has two effects: one that Supreme Court decisions that were going to come down five to four are now all of a sudden four to four, which means there's no decision".

Senator Sanders, before we get back to the political questions, I want to ask you about the president's replacement for Antonin Scalia. He added, "Failing to fill this vacancy would be a shameful abdication of one of the Senate's most essential Constitutional responsibilities".

Ilya Shapiro, the editor-in-chief of the Cato Institute's "Cato Supreme Court Review", told CBS News that Garland would be "the most moderate Democratic" possibility - and therefore the

"least controversial" appointment the president could make. Nine of the 13 U.S. Courts of Appeals have a majority of Democratic appointees.

It would be a sheer dereliction of duty for the senate not to have a hearing, not to have a vote.

Candidates in both parties have moved quickly to reframe the election as a referendum on the high court's future. He wanted to overturn the Roe v. Wade decision on women's rights to privacy, he dissented on the decision that said anti-sodomy laws were unconstitutional, and he dissented on decisions that it was unconstitutional to execute mentally disabled or teenage prisoners.