



Fact Check: Amy Klobuchar Recycles Debunked Abraham Lincoln Talking Point

Joel B. Pollak

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CLAIM: Abraham Lincoln made the “wise decision” to delay a Supreme Court appointment before an election.

VERDICT: MISLEADING. Lincoln had no choice: the Senate was out of session.

Sen. Amy Klobuchar (D-MN) said during the confirmation hearing for Judge Amy Coney Barrett at the Senate Judiciary Committee on Tuesday: “The last time we had a vacancy so close to an election was when Abraham Lincoln was president. And he made the wise decision to wait until after the election.”

Klobuchar’s argument reprises a claim that Sen. Kamala Harris (D-CA) made in the vice presidential debate last week. She even made up a quote, claiming that “Honest Abe” said it was not the “right thing to do” to appoint a justice before an election.

Breitbart News noted in a fact check on that occasion:

As Dan McLaughlin of National Review noted, President Abraham Lincoln never said anything like what Harris said he did. He delayed sending a nominee to the Senate because it was out of session. McLaughlin wrote:

Lincoln, of course, said no such thing. He sent no nominee to the Senate in October 1864 because the Senate was out of session until December. He sent a nominee the day after the session began, and Salmon P. Chase was confirmed the same day. And Lincoln wanted to dangle the nomination before Chase and several other potential candidates because he wanted them to campaign for him. Lincoln’s priority was winning the election, which was necessary to win the war — and he filled the vacancy at the first possible instant.

Kamala Harris is simply inventing history.

As the Cato Institute’s resident constitutional scholar, Ilya Shapiro, noted recently (original emphasis): “[V]acancies have arisen 29 times in presidential election years, during the administrations of 22 of the 44 presidents preceding the current one, and those presidents made nominations *all 29 times*.”

Unlike Harris, Klobuchar did not make up a fake Lincoln quote. But like Harris, she also misconstrued the history.