



## Democrat: Republicans Want to Replace Ginsburg So They Can Kill Obamacare

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Rep. Hakeem Jeffries (D-NY) claimed Tuesday that Republicans want to replace the late Justice Ruth Bader Ginsburg because they want to strike down Obamacare, which is currently facing a challenge that is before the Supreme Court.

Jeffries was speaking during a House Judiciary Committee hearing on “court capture,” referring to the accusation that conservative legal associations like the Federalist Society have been exercising unjust influence on judicial appointments.

He questioned constitutional scholar (and Federalist Society member) Ilya Shapiro of the Cato Institute, author of a new book on Supreme Court confirmations, *Supreme Disorder: Judicial Nominations and the Politics of America’s Highest Court*.

Though Shapiro said he had not yet formed an opinion about the prospect of nominating a replacement for Ginsburg, Jeffries accused him of reversing his opinion from 2016, when he wrote in defense of Republicans’ decision to deny Judge Merrick Garland a hearing.

(Shapiro argued that given the partisan split between the White House and the Senate, and the fact that the justice who replaced the late Antonin Scalia could tilt the partisan balance of the court, the voters should decide first.)

Jeffries then asked, rhetorically: “Why does the Scalia standard not apply to Ruth Bader Ginsburg? Is it because the conservatives are bent on destroying the health care of the American people, and having the ACA declared unconstitutional, and you are desperately trying to secure a Supreme Court majority to accomplish that end?”

Shapiro replied: “Congressman, I see your time has expired, but I’m not going to answer when I stopped beating my wife, either.”

Jeffries was also one of the House impeachment managers during the trial of President Donald Trump.

The Supreme Court will hear the challenge to Obamacare on November 10. It is not clear whether a new justice would be seated by then. If not, there will be eight justices. A 4-4 split would uphold the lower court’s ruling to strike down the law as unconstitutional, though it is not yet clear whether that would invalidate the entire law, or whether the unconstitutional part — the

individual mandate to buy health insurance — could be “severed” from the rest of the text of the legislation.