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Apr. 09, 2010

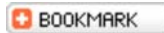
**Driving the Conversation:**

**Arena Ref:** [Fred Barbash](#)

### **A Supreme Court vacancy**

### **Plus, Stupak to retire.**

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## Roger Pilon

Vice President for Legal Affairs, Cato Institute :

The retirement of Justice John Paul Stevens at the end of the Supreme Court's current term, and the coming nomination and confirmation process, will doubtless further complicate and delay the Obama administration's already complicated agenda during this mid-term election year. And the timing cannot be good news for Democrats running for reelection, because the process will serve to highlight their understanding of the Constitution as a document authorizing all but unlimited government in a year in which, thanks to the Tea Party movement, the Constitution is likely to have a prominent place in reelection debates.

Regarding a replacement for Justice Stevens, the nominee will almost certainly come from the Democratic Party's liberal ranks. As a result, the ideological complexion of the court is not likely to change, since Justice Stevens, especially in recent years, has been the most reliable liberal vote on the court, whether on abortion, campaign finance, gun rights, affirmative action, or several other hot-button issues. As the press reviews those decisions over the coming weeks and months, therefore, controversy over the court will be in the air, adding to what already promises to be a very political year.

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