



OCTOBER DEBATE OF THE MONTH

Resolved, that the appointment of a Supreme Court nominee in an election year is undemocratic.

Background: With the death of Ruth Bader Ginsburg just 46 days before the Presidential Election, a question of the ethics of confirming a Supreme Court nominee in an election year has been raised. In 2016, President Barack Obama nominated Merrick Garland to fill the spot formerly filled by Antonin Scalia. However, Republican senators allowed the nomination to expire, insisting that the next President should fill the vacancy. Now the roles have reversed. Republicans have been citing the constitutional right for a President to nominate a Supreme Court nominee, whereas Democrats have taken up the same argument used by Republicans in 2016. Congressional hearings are set to begin soon, and the confirmation of Amy Coney Barrett is possible by the end of the month. Should a Supreme Court nominee be confirmed this close to an election? Or should the winner of the Presidential election nominate the next Associate Justice of the Supreme Court?

PRO:

- The election is less than a month away, and the power to choose the next Justice should be given back to the people in the form of voting for the next President.
- In 2016, Merrick Garland was nominated in March, and it was claimed that this was too close to the election. Amy Coney Barrett was only nominated 38 days before the election.
- The confirmation of a Supreme Court Justice is incredibly important and deserves due process. Rushing confirmation hearings is bad for democracy, and the American people deserve to know who their next Justice will be.

CON:

- The Constitution gives the President the power to nominate a Supreme Court Justice whenever there's a vacancy. President Trump's term does not expire until January 20th, giving him every constitutional right to nominate RBG's successor.
- The Supreme Court is a critical part of American democracy, and leaving a spot open for too long would be destructive. With a current 4-4 split, many decisions will be ties. In the event of a tie, the previous decision is upheld.
- There have been more than two dozen Supreme Court vacancies during election years in US history, and the sitting President has made a nomination in every case. It is the duty of the Senate to thoughtfully and expeditiously evaluate and vote on all federal court nominations.

