

Ron Johnson SCOTUS Talking Points Come Straight From Right-Wing Groups

Written by People for the American Way
Tuesday, 29 March 2016 15:09 -



MADISON - Sen. Ron Johnson of Wisconsin is one of the Republican senators who is under considerable pressure in his home state to break from his party leadership and consider the nomination of Judge **Merrick Garland** to the Supreme Court.

So far, Johnson has toed the party line and says that he supports blocking any nominee to the Supreme Court for the remainder of Obama's presidency. In defending this position, he has turned to a number of stock talking points cooked up by right-wing groups seeking to keep an Obama nominee off the Supreme Court.

As soon as President Obama announced his nomination of Garland, Johnson turned to the talking point [that the conservative Judicial Crisis Network has been promoting](#) since soon after Justice Antonin Scalia's death left a vacant seat on the Supreme Court.



Johnson's appeal to let the American people "decide" and give them a "voice" by discounting President Obama's entire last year in office, comes [straight out of the messaging](#) that JCN started hammering in early ads urging obstruction. In JCN's first ad, a narrator says:

It's 'We the People.' Sometimes the politicians forget that. The Supreme Court has a vacancy and your vote in November is your only voice. Sen. Chuck Grassley agrees: the American people should decide. This isn't about Republicans or Democrats. **It's about your voice.** You choose the next president, the next president chooses the next justice. Call Sen. Chuck Grassley.

Thank him for letting the people decide.

Of course, the people already did have a voice in choosing who would pick the next Supreme Court justice when they reelected President Obama for a second four-year term in 2012.

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The New York Times [reported](#) yesterday on an event in Wisconsin at which Johnson attempted to justify the Senate GOP's obstructionism by implying that the Constitution's requirement of "advice and consent" can mean the Senate advising the president not to make any judicial nomination at all:

"Yeah, I am hearing the drumbeat, 'Do your job! Do your job!' " Mr. Johnson said, invoking the Democrats' battle cry in their quest to get Judge Garland a hearing. "We're doing our job," Mr. Johnson declared, to shouts of "yes."

"Our job as a coequal branch in the nomination process is advise and consent," he said. "Well, [President Obama](#) — surprise — didn't heed our advice. So now we are doing the second part of that advice and consent: We're withholding our consent. Completely appropriate."

This is a talking point that Jay Sekulow of the American Center for Law and Justice, a longtime right-wing player in judicial fights, [pioneered](#) very soon after the death of Justice Scalia, when he told televangelist Pat Robertson, "The Senate has a role in this, the Constitution says 'advice and consent.' The advice here is, 'Don't put up a nominee when you're only going to be the president, you're a lame duck and you're only going to be the president for 11 months.'"

We don't think that refusing to even consider a Supreme Court nominee is what the founders had in mind when they gave the Senate the power of "advice and consent," which is why the GOP leadership's decision to have the Senate do absolutely nothing in response to a Supreme Court nomination is unprecedented.

According to the Times article, Johnson has [also taken to saying](#) that Garland is "hostile" to the Second Amendment:

"Judge Merrick is hostile to your Second Amendment right to keep and bear arms," Mr. Johnson said in Pewaukee, using the judge's first name. "So I am doing my job to protect the Second Amendment rights of Wisconsinites."

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Johnson's use of the word "hostile" is no accident. The phrase "hostile to the Second Amendment" is what right-wing groups have settled on to describe Garland's [utterly benign record on gun rights](#)

. That's the

[exact phrase](#)

that the National Rifle Association has been using in its effort to stir up opposition to Garland's nomination. The "hostile" term seems to have come from an

[opposition research package](#)

put together by the Judicial Crisis Network, which in turn seems to have

[borrowed the phrase](#)

from a 2007 article in the NRA's magazine.

We [outlined last week](#) why the Second Amendment "hostility" argument is bunk.

Senate Republicans seem to have ceded not only their governing, but the very words that come out of their mouths, to [right-wing obstructionist groups](#) .