



Written by [William F. Jasper](#) on February 8, 2017

Supreme Hypocrisy: Schumer's Newly Discovered Reverence for the Constitution

In a February 7 op-ed for Politico, Senate Minority Leader Chuck Schumer (shown) implies that he will obstruct confirmation of President Trump's Supreme Court nominee Neil Gorsuch because, he says, it's his duty to do so. Why? Because he must uphold the Constitution and defend the separation of powers against President Trump's "alarming and far-reaching executive orders" — despite the fact that the veteran lawmaker didn't even raise an eyebrow, let alone his voice, against [President Obama's boastful use of executive orders to circumvent Congress and the Constitution](#). In fact, as we recently [noted](#), Schumer ardently defended President Obama's flagrant abuse of executive decrees, declaring: "The president has no choice but to take executive action where he can, wherever it's legally allowed, to help reform the immigration system. We cannot put up with this constant obstruction. We need to fix our broken immigration system."



Moreover, as we show below from this magazine's Freedom Index, Senator Schumer's abysmally low [cumulative voting score of 13 percent](#) over the past 18 years indicates the New York Democrat's declared reverence for the Constitution is virtually nil. If it exists at all, it is so newly minted as to be virginal. According to Schumer, he (and fellow Senate Democrats) will not be "obstructionist," they will simply be subjecting Judge Gorsuch's nomination to a "higher level of scrutiny," because "this is the Senate doing its job by critically evaluating a nominee who will have immense impact on the lives of Americans."

In the subtitle to his [Politico commentary](#), Senator Schumer, one of the most "progressive" members of the Senate, insists that "The next Supreme Court justice must be a check on an out-of-control president." "In a little more than two weeks, President Donald Trump has put an unprecedented strain on the Constitution," Schumer declares, in the opening sentence of his diatribe. "He's unleashed a flurry of legally dubious executive orders, including his travel ban designed to keep people from seven majority-Muslim countries from entering our country," he continues. "This violation of America's laws — and values — has already been stayed by several courts. In response, President Trump has engaged in attacks on the independence of our nation's judiciary. Just this weekend, he impugned the 'so-called judge' who struck down the president's travel ban."

Referring to Gorsuch, Schumer writes that President Trump "took a Supreme Court nominee part and



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parcel from a right-wing outside group.” And, says the solemn solon, “Nominees to our nation’s highest court must demonstrate that they are mainstream and independent enough to earn the support of at least 60 senators from both parties.” Mainstream and independent such as, for instance, radical, left-wing, activist Justices [Ruth Bader Ginsburg](#), [Elena Kagan](#), Stephen Breyer, and [Sonia Sotomayor](#), who have no compunctions about legislating from the bench and re-engineering society to fit their “sociological jurisprudence”? Far from criticizing their ultra-radical ties, support, and opinions, and their support for an ever-expanding and constantly-usurping federal government, Senator Schumer is one of their biggest fans and allies. On the other hand, as *The New American* recently [noted](#), Judge Neil Gorsuch is an “originalist,” meaning one who believes that a judge should interpret and apply the Constitution and the law as intended by the lawgivers. That’s the type of “mainstream and independent” most Americans probably have in mind when using those words.

However, when President Trump issues executive orders to undo the executive orders of Obama, Solon Schumer shamelessly declares: “These actions show a lack of respect for the separation of powers — and that’s why Senate Democrats will do everything we can to make sure that the next Supreme Court justice will be an independent check on an out-of-control executive.”

“The most important factor in assessing a Supreme Court nominee in the time of the Trump administration,” avers Schumer, “is whether or not the potential justice will be an independent check on an executive who may act outside our nation’s laws and the Constitution. It remains to be seen if Judge Gorsuch is able to fulfill that important constitutional role.” Few constitutionalists would quarrel with the senator on that statement, except that it is not only the most important factor “in the time of the Trump administration,” but in every administration, including the Obama administration, from the agony of which we have just been delivered. However, we’ve already seen where the new Senate minority leader stands on these all-important matters, and his voting record of championing partisan politics and government expansion abundantly belies his newfound veneration for our founding document.

As mentioned above, Senator Schumer, who now finds it convenient to cite the Constitution as a justification for his current role as obstructionist-in-chief, has a pathetic record on the Freedom Index published by *The New American*. The Index is a congressional scorecard based on the U.S. Constitution that rates congressmen “based on their adherence to constitutional principles of limited government, fiscal responsibility, national sovereignty, and a traditional foreign policy of avoiding foreign entanglements.”

[Senator Schumer’s Freedom Index ratings](#) over the last 18 years are as follows:

- 17 percent (114th Congress: 2015-2016);
- Two percent (113th Congress: 2013-2014);
- 13 percent (112th Congress: 2011-2012);
- Two percent (111th Congress: 2009-2010);
- 10 percent (110th Congress: 2007-2008);
- 22 percent (109th Congress: 2005-2006);
- 23 percent (108th Congress: 2003-2004);
- 16 percent (107th Congress: 2001-2002);
- 13 percent (106th Congress: 1999-2000)

The Freedom Index provides details and descriptions on hundreds of specific key votes. Whether the matter in question is executive orders, immigration, abortion, gun control, hate crimes, racial quotas, federal spending, global warming, education, national defense, United Nations, auditing the Federal



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Reserve, judicial and cabinet nominees, or any of the dozens of other critical issues Congress regularly addresses, Senator Schumer's record shows that he can be reliably depended on to cast a vote for ever bigger, ever more costly, and ever more onerous, intrusive, and abusive Big Government. His claim that "Senate Democrats will do everything we can to make sure that the next Supreme Court justice will be an independent check on an out-of-control executive" might have a smidgen of credibility if he and his fellow Senate Democrats had demonstrated any effort at all in the past few years to be "an independent check on an out-of-control executive" themselves.

Photo: AP Images

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