The Phyllis Schlafly Report

New Court, New Senate

By John and Andy Schlafly

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The new U.S. Supreme Court, with Biden's Senate-confirmed appointee Ketanji Brown Jackson, began its Term with oral arguments on Monday. Control of the U.S. Senate is to be decided in just five weeks, and our federal judiciary teeters on the edge.

Some might wonder why it is so important for Republicans to win the Senate, while Democrats continue to control the White House. Two words sum up why: federal judges.

Biden has already stuffed the federal judiciary with 84 new Leftist judges, more than any recent president at this stage, and another 57 Biden nominees are pending before the equally divided Senate. Only a GOP-controlled U.S. Senate can stop Biden's mad dash to change our laws through activist judges, as the GOP did in 2016 when Obama tried to replace Justice Scalia with Merrick Garland on the Supreme Court.

Roe v. Wade could even be reinstated if Biden and Democrats get their way in this election, and Facebook's Sheryl Sandberg just gave the ACLU $3 million toward that goal. Democrats have an immense fundraising advantage in the four states on which the next Senate depends: Pennsylvania, Arizona, Nevada, and Georgia.

As polls show a dead heat in the Georgia U.S. Senate race, the pro-abortion side just ambushed NFL great Herschel Walker with a scurrilous accusation from more than a decade ago. This is on top of the attempts by Georgia's Fulton County prosecutor to bring specious charges against top Republicans, including Trump, for daring to question the election results reported there last time.

Democrats are masters of the "October surprise," as they attempted to smear Trump in October 2016. That liberal tactic did not work against Trump in 2016, and it should not work against Walker this year either.

Herschel Walker's opponent Sen. Raphael Warnock (D-GA) supports abortion-on-demand, and wants to force taxpayers to pay for it, too. Warnock repeatedly votes to confirm Biden-nominated federal judges who want to reinstate *Roe v. Wade*.

Walker, who frequently cites the Bible, opposes *Roe* and could be the deciding vote against confirming federal judges who want to reinstate that mistake. Preferring Walker over Warnock is an easy choice for anyone who believes the issue of abortion should be "returned to the people and their elected representatives," as the Supreme Court properly held in the *Dobbs* case.

Prior to early voting, ambush by the liberal media of Republican candidates occurred the week before Election Day. George W. Bush was hit by the liberal media with something from his distant past, a DWI conviction, the Thursday before Election Day in 2000.

Polling suggested that this tactic cost him a few percentage points, erasing his several-point lead. For the next six weeks our nation was convulsed in political chaos until December 12, when the Supreme Court stepped in to stop the one-sided Florida recount.

Similar Supreme Court intervention should be forthcoming to shut down ongoing attempts by politicized prosecutors to file charges against Trump and top Republicans. On its first day of its new term, the High Court ducked an issue central to the Mar-a-Lago raid concerning whether federal prosecutors can get away with using "filter teams" to rifle through private documents seized from someone's residence.

With its 6-3 Republican-appointed majority, this Supreme Court should not be dodging these issues. This Court may be at its zenith in conservative strength, but that will not mean much unless it welcomes Trump's appeals, including Trump's emergency request Tuesday afternoon for the High Court to intervene concerning the Mar-a-Lago raid.

Trump campaigns tirelessly for Republican candidates in the swing states, and if the GOP retakes control of the Senate it will be thanks to Trump. This Sunday Trump returns to Arizona for a massive rally to boost Republicans there.

Private property depends on this election, too. On its first day of oral argument, the Supreme Court heard why the Environmental Protection Agency (EPA) should stop controlling water located on private property.

Many farmers and homeowners are unable to determine if a lake on their private property is subject to federal regulation and control merely because of its potential

connection to a separate navigable waterway. This federal interference blocks improved management of surface water during droughts.

Private property owners face criminal prosecution if they improve their own wetlands that the feds later claim are regulated by the EPA. Enormous fines can be imposed against private property owners who merely build around their own surface water, and litigation drags on for more than a decade as this pending case has.

At oral argument, Biden's Justice Jackson sought continuation of EPA authority over private surface water. Under her Leftist view, it should not even matter whether a bit more than a puddle is actually connected to a navigable waterway, such that the federal government would control many private lakes and marshes.

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