



Written by [Steve Byas](#) on October 12, 2020

## Democrat Durbin Twists the Meaning of “Court-packing”

In an appearance on NBC’s *Meet the Press* program on Sunday, Senator Dick Durbin, Illinois Democrat, accused the Republicans of “packing” the courts for the past three and a half years. It is an effort to deflect voter attention away from the Democrat threat to add more seats to the Supreme Court and fill them with justices who would vote the way the Democrats want them to vote — if Joe Biden and Kamala Harris were to win the election next month, and bring in a Democrat House and Senate with them.



Photo of Dick Durbin: Screenshot of senate.gov

*Meet the Press* host Chuck Todd asked Durbin about what is quickly becoming a major — perhaps even the major — issue of the campaign, which is what is the likelihood that Democrats would simply add enough members to the Supreme Court to obtain the ideological balance they wish for. Biden and his running-mate have steadfastly refused to answer the question, even after being given multiple opportunities to do so. Biden even responded to a query from a TV reporter in Las Vegas last week, who asked him, “Don’t the voters deserve to know?” with a rather blunt, “No they don’t.”

As it is probable that a bold declaration by Biden that he would, in fact, sign legislation expanding the number of seats on the nation’s highest court so as to get a court majority more compliant with Democratic policies would be a negative toward his chances of winning, it is understandable that Biden does not want to tell the voters that he would indeed sign such legislation. Biden has actually said, “You will know my opinion of court-packing when the election is over.”

Durbin told Todd, “I can tell you that we’re getting this question. It’s a common question being asked because the American people have watched the Republicans packing the court on bias the past three-and-a-half years and brag about it. They’ve taken every vacancy and filled it.”

Of course, what Durbin calls “packing” is not what many leading Democrats have threatened to do, should they have the opportunity to do so next year. What Durbin is calling Republican “packing” is the president and the Senate fulfilling its constitutional duty, which is, when a vacancy occurs in the federal judiciary, the president makes a nomination, and the Senate votes to confirm, or reject that nomination. Considering that the composition of the federal courts is a large reason that Trump won in 2016 and the Republicans kept control of the Senate in the 2018 mid-terms, one would think filling vacancies on the federal bench is exactly what they should do.



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But what the Republicans and Trump did *not* do in 2017, when they had a majority of both houses of Congress, as well as the White house, is they did not add more judicial positions to district, circuit, and supreme courts, and fill them with ideological soul-mates, as Democrats now propose to do.

Durbin added, “They sent us, and we approved, only with their votes I might add, 10 people who have been judged unanimously unqualified by the American Bar Association. Do you know how many judicial nominees came from Obama, who was [*sic*] judged unanimously unqualified? None.”

Of course, it is well established that the American Bar Association has become a strongly liberal organization, and routinely grades constitutionalist-leaning judges as “unqualified,” simply because they do not like their judicial philosophy of adhering to the original intent of the Constitution’s framers. On the other hand, nominees of a liberal president such as Barack Obama get “highly qualified” ratings as a matter of course.

“So we are dealing with people on the court packed into the court with little or no qualifications who are going to be there for a long time,” Durbin continued. “So it’s understandable. The Republicans raise the issue of court-packing.”

That the Democrats feel the need to resort to such weak arguments to cloud the issue is a strong indication that they realize that if the American people fully understood what was at stake in the election, it would contribute to the reelection of President Trump.

And, what is at stake? The Constitution’s framers set up a system of three branches of government, so as to separate power and provide “checks and balances” — a legislative branch to make the law, an executive branch to make sure those laws are carried out, and a judicial branch to hear actual cases that come up under the Constitution and the law. Judges are not there to make law — that is the function of Congress. But it is the Supreme Court that has given the Left some of its greatest victories with results-oriented decisions.

Democrats want the Supreme Court to continue handing them such victories, and that is why they want to “pack” the Supreme Court should they win the election. Hopefully, the American people will see through their scheme and the deceitful efforts such as those of Senator Durbin to distract from that dangerous scheme.

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