



Written by [Bob Adelman](#) on August 4, 2020

Senate Dems Threaten Retaliation if Republicans Try to Fill SCOTUS Vacancy Before Election

If a vacancy at the Supreme Court occurs before the election and Senate Republicans try to fill it with another “originalist” nominee, [there will be consequences](#), according to Hillary Clinton’s former running mate, Senator Tim Kaine (D-Va.):

If they show that they’re unwilling to respect precedent, rules and history, then they can’t feign surprise when others talk about using a statutory option that we have that’s fully constitutional in our availability.

I don’t want to do that. But if they act in such a way, they may push it to an inevitability. So they need to be careful about that.



This is a veiled threat by Senator Kaine that if there is a vacancy and the Republican majority moves to fill it before the election, the next time Democrats control the Senate they will move to pack the court by expanding its numbers from nine to perhaps 11 or 13 seats, fill them with ideologically liberal judges, set term limits, impose a code of ethics, and require all future nominees to adhere to certain promises as to how they will rule on controversial issues in the future.

All these come from the playbook designed by Demand Justice, the far-left, George Soros-funded advocacy group that supports liberal judges while opposing conservatives. It’s funded by George Soros’ Open Society Policy Center, which helped organize opposition to the Senate’s confirmation of judge Brett Kavanaugh to the Supreme Court.

The threat was compounded by Senator Mazie Hirono (D-Hawaii), who added, “Regardless of whether they try to do it or not, there have already been discussions about what we [Democrats] can do with our courts to make them much more balanced in many ways ... because the majority of the [present] judges are white, male, young [and] with a particular orientation ... an ideological orientation.”

Senator Hirono’s own “orientation,” for the record, is far-left ideologically, sporting a score on *The New American’s* Freedom Index, which ranks members of Congress on their fidelity to the Constitution, of just [15 out of 100](#).

The Democrat Party is about to endorse a plank in its platform which, according to NBC News, denounces Republicans as having “packed our federal courts with unqualified, partisan judges who consistently rule for corporations, the wealthy, and Republican interests” and for “blocking a Democratic president from appointing a justice [Merrick Garland] to the Supreme Court.”

At least one Republican Senator, Chuck Grassley of Iowa, has said he would oppose any attempt by Republicans to fill the seat if the opportunity arose before November. On the other hand, Senator Lindsey Graham of South Carolina has said that since the Democrat’s disgraceful treatment of Judge Kavanaugh during his confirmation hearings in 2018, “the rules have changed” and he would move



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ahead with confirming Trump's nominee if the opportunity arises.

After reviewing that travesty in their book *Justice on Trial, The Kavanaugh Confirmation and the Future of the Supreme Court*, authors Mollie Hemingway and Carrie Severino prepared their readers with what's likely to happen: "If Justice Ginsburg were to retire while Trump was in the White House ... the Kavanaugh confirmation might look like the good old days of civility."

Time is likely on the side of the Democrats. As *The New American* pointed out, Ginsburg's longevity, despite her long history of health problems, more than likely will make all of the discussion about her replacement before the November elections moot.

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