



Written by [Steve Byas](#) on October 7, 2020

Harris' Evasion Makes Clear: They Will Pack the Supreme Court Should They Win

Among all the give-and-take of the debate Wednesday night at the University of Utah between the vice-presidential candidates — Republican Vice President Mike Pence and his Democratic challenger, Senator Kamala Harris — one thing should now be very clear to the American people.

If Biden and Harris were to win the election, and were able to bring in a Democratic Senate and House with them, they have every intention to pack the Supreme Court. When Pence directly asked Harris if they intended to do so, adding that so far, she and Biden have refused to answer, Harris started talking about what President Abraham Lincoln did in 1864 about his opportunity to nominate someone to the Supreme Court.



AP Images

Pence persisted, and asked Harris a second time, “Are you going to pack the Supreme Court?” and Harris again would not answer, just like Biden refused to answer last week in his debate with President Donald Trump. Whereupon Pence told the TV audience that it was now clear, that the Biden and Harris have every intention to pack the Supreme Court and that this election is now about maintaining the separation of powers enshrined in our U.S. Constitution.

The debate began with a discussion on the coronavirus, which Harris called, “The greatest failure of any presidential administration in our nation’s history.” She charged that Trump and Pence knew about the virus on January 28, and “covered it up,” adding, “They still don’t have a plan.”

Pence countered, “From the very first day, President Trump put the health of Americans first,” because at a time when there were only five cases, Trump placed a ban on travel from China. Pence noted that Biden criticized Trump’s swift action, adding that Doctor Anthony Fauci has said that had Trump not acted as he did, two million Americans could have died. Pence quoted Fauci as saying that the government could do everything right, and we could still lose over 200,000 Americans.

When Harris said that if Trump urges Americans to take the vaccine which has been developed, “I’m not taking it,” Pence shot back that Harris should quit undermining “public confidence in a vaccine,” and to “stop playing politics with people’s lives.”

Harris promised that Biden will repeal the Trump tax cuts on “day one,” and instead “invest” in clean water and air, and in education, providing “free” college for millions of Americans. Pence countered that Harris was promising that on “day one” Biden is going to “raise your taxes.” Pence then launched into an attack that Biden and Harris have on their website that they favor the “Green New Deal,” which he said would cost \$2 trillion, and ban fracking and fossil fuels, which will cost hundreds of thousands



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of jobs. Harris denied that Biden will end “fracking,” adding that Trump’s economic success was on the “coat tails” of Biden’s successes while vice-president.

In response to a question about the validity of “climate change,” with the moderator citing hurricanes and wild fires, Pence said that America under Trump has reduced CO2 emissions more than those countries that are still in the Paris Climate Accord. He added that there are no more hurricanes than there were 100 years ago, and blamed the wild fires in the West on poor forest management.

Harris’ response was to say, “Joe believes in science,” while “this administration does not believe in science.” When Harris was asked if she and Biden supported the Green New Deal, she did not answer.

Harris charged that the Trump administration had “lost” the trade war with China, to which Pence retorted, “Joe Biden has been a cheerleader for Communist China.” Pence placed the blame for the coronavirus on China and the UN’s World Health Organization, which did not let our people into China. Biden opposed the travel ban on China, instead calling it “hysterical,” and “xenophobic.”

Harris condemned Trump’s foreign policies, saying that “Trump has betrayed our friends,” and that getting rid of the Iran Nuclear Deal had made us “less safe.” Pence responded that the Obama-Biden Administration had transferred \$1.8 billion to Iran, the leading state supporter of terrorism in the world.

Harris cited the unsubstantiated reports that Trump called American soldiers buried in Europe as “suckers,” but Pence said, “I can assure all of you” that the president “reveres” all those serving in our armed services. Pence added that Biden opposed the raid which killed Osama bin Laden.

The two differed sharply on the nomination of Amy Coney Barrett to the Supreme court, with Pence saying that he and President Trump “could not be more enthusiastic” about her. He condemned the attacks upon her Christian faith when she was up for confirmation to her present position as an appellate court judge. Harris retorted that Biden has been “clear” that he favors letting “the American people fill that seat in the White House,” and then letting the winner of the presidential election fill that seat on the Supreme Court. Harris added that she opposed any change to *Roe v. Wade*, because she believed whether to have an abortion is a decision for each woman to make as to what to do with “her own body.”

Pence, on the other hand, said he believed in the “sanctity of life,” adding that Biden and Harris favored “taxpayer-funder abortion up to the moment of birth.”

When Harris claimed that Trump has refused to condemn White supremacists, Pence said that Trump has actually done so repeatedly. Pence then condemned Harris record as a prosecutor in California, in which she did “nothing” for criminal justice reform. In contrast, Pence argued that he and Trump had fought for criminal justice reform.

Pence was asked about whether Trump would accept the results of the election, were he to lose, and directed his answer to Harris. “Your Party has spent the past three and one-half years trying to overturn the results of the last election,” adding that Obama and Biden had actually spied on the Trump-Pence campaign in 2016. He also noted that the 2016 nominee, Hillary Clinton, had urged Biden to not concede the present election “under no circumstances.”

While the two candidates did not interrupt each other in the frequent fashion as seen in the Trump-Biden debate last week, the moderator — Susan Page of *USA Today* — frequently had to try to get the two candidates to stay within their allotted time.



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In the aftermath of the debate, it should now be clear to the American people that the Democrats have every intention of adding enough new members to the Supreme Court to destroy any check on their power, should they win the election next month. When President Franklin Roosevelt tried to pack the Supreme Court in the 1930s, Democrats — who had an overwhelming advantage in both houses of Congress — refused to trample on the separation of powers.

When Democratic members of Congress left the White House in 1937 after Roosevelt told them his desire to pack the Supreme Court, one member told the others that this was too much, and that he could not give the president what he wanted. In the end, a heavily Democrat-controlled Senate defeated Roosevelt's court-packing scheme by a vote of 70-20.

Voters cannot expect today's Democrats to demonstrate such respect for separation of powers, and that was the major thing to take away from this debate. Neither Biden nor his running mate are willing to tell the American people that they have every intention to pack the Supreme Court.



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