



Written by [Bob Adelman](#) on April 12, 2021

Latest 5-4 Supreme Court Decision Reveals Danger of Court Packing

The Supreme Court got it right on Friday, April 9, [when it ruled](#) that California's COVID shutdown rules violated both the First and the 14th Amendments to the U.S. Constitution.

But it was by the narrowest of margins: 5-4, with Chief Justice John Roberts once again siding with the liberals on the court.

This is the fifth time the high court has been forced to overrule similar decisions from the Ninth Circuit on California's COVID-19 restrictions on religious exercise. Justices Samuel Alito, Clarence Thomas, Brett Kavanaugh, Neil Gorsuch, and Amy Coney Barrett made up the majority, while Justices Roberts, Breyer, Kagan, and Sotomayor supported California over the complaints brought by Santa Clara pastor Jeremy Wong and others.



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Liberal Justice Elena Kagan wrote the dissent, claiming that California was fully justified in impinging and infringing upon people's First- and 14th Amendment-guaranteed rights because the state was relying on "experts' scientific findings" to justify those infringements.

In his book *One Vote Away*, published last September, Senator Ted Cruz (R-Texas) made the point that Americans are just one vote away from not only losing precious rights guaranteed in the Bill of Rights but losing the Republic altogether. He used numerous close calls to illustrate and prove his point: just one vote on the Supreme Court preserves the right to speak freely, to keep and bear arms, and to exercise freedom of religion.

As we noted on Saturday, regarding Biden's executive order establishing the Presidential Commission on the Supreme Court will explore much more than just the need to expand (read: pack) the Supreme Court:

Besides court packing the commission will be studying the role of the Supreme Court and the entire Federal court system and whether it needs to be "reformed" ... in ways beyond court packing.

Surprisingly, one of the staunchest of the court's liberals, Justice Stephen Breyer, thinks the whole idea of packing and reforming the judicial system is fraught with danger:

The Court's power, like that of any tribunal, must depend upon the public's willingness to



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respect its decisions, even those with which they disagree, and even when they believe a decision [is] seriously mistaken....

If the public sees judges as “politicians in robes,” its confidence in the courts, and in the rule of law itself, can only diminish, diminishing the Court’s power, including its power to act as a “check” on the other branches.

On Saturday, former Democratic Majority Leader Harry Reid told CNN’s Jim Acosta:

We should be very, very careful in doing so. I have no problem with the commission but I think the commission is going to come back and say, we should just leave it alone.

Reid added,

I think it would be inappropriate at this time ... to have term limits for judges. I think that we better be very, very careful in saying that we need to expand the court. I think we better be very, very careful.

The agenda of the Left, with Biden as merely the often verbally challenged mouthpiece, includes not only packing the high court but adding two more states to the union and guaranteeing that no future elections can ever be won by constitutional conservatives.

As Cruz noted — and the Supreme Court’s ruling on Friday attests — America is just one vote away.

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