



Written by [James Murphy](#) on April 18, 2021

New York Democrat Calls on Justice Stephen Breyer to Resign From Supreme Court

A freshman congressman is calling for 82-year-old Supreme Court Justice Stephen Breyer to resign. On Friday, 33-year-old Mondaire Jones (D-N.Y.), who entered Congress just four months ago, exclaimed that there is “no question” that Breyer ought to resign so that President Joe Biden can appoint a leftist successor to the high court.

While leftists have been criticizing Breyer since the liberal-leaning justice came out hard against court packing recently, Jones is the first member of Congress to publicly call for Breyer to resign.



AP Images

“There is no question that Justice Breyer, for whom I have great respect, should retire at the end of this term,” Jones told Cheddar News on Friday. Jones went on to reference the loss of 87-year-old liberal justice Ruth Bader Ginsburg in the final weeks of the Trump administration. “My goodness, haven’t we learned our lesson?”

Breyer, considered one of the Supreme Court’s staunchest liberals, recently drew the ire of the far left when he was suggested that packing the court was a bad idea.

“It is wrong to think of the Supreme Court as another political institution,” Breyer said in remarks to the Harvard Law School. “And it is doubly wrong to think of its members as junior league politicians.”

Representative Jones was also among the sponsors of new legislation aimed at expanding the Supreme Court during Joe Biden’s watch. The bill, which is as short as the amount of thought put behind it, is the [Judiciary Act of 2021](#). Other sponsors included Senator Ed Markey (D-Mass.), Representative Jerry Nadler (D-Illinois), and Representative Hank Johnson (D-Georgia).

The tiny bill sums itself up quite nicely in its second, and last, paragraph:

Section 1 of Title 28, United States Code, is amended by striking “a Chief Justice of the United States and any eight associate justices, any six of whom shall constitute a quorum,” and inserting “a Chief justice of the United States and any twelve associate justices, any eight of whom shall constitute a quorum.”

While Jones calls for Breyer to resign so that Biden can “restore order” to the current court, Jones and his cohorts’ long-term plan is to make the court bigger and more liberal.

“Court expansion is something that is deeply rooted in the American tradition. The size of the court has changed seven times in our nation’s history,” Jones said. “Now, in the year 2021, with our democracy hanging by a thread due to the far right 6-3 super-majority on the Supreme Court of the United States, we must expand the court in order to save our democracy.”



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Young Representative Jones’s statement is fraught with hyperbole, dishonesty, and outright misunderstanding. To begin with, the congressman doesn’t understand what type of government he’s currently serving in — a republic, not a democracy.

And to call the current court a “far-right super-majority” shows that the young man is clearly not paying attention to what’s happening on the court. To call Chief Justice John Roberts a conservative ignores Roberts’ re-writing of ObamaCare to make it more court palatable and his cowardly reticence to take on any of the Trump lawsuits surrounding the 2020 election.

If the court isn’t expanded — and even with Democrat majorities in the House and Senate, it’s going to be a hard sell — Jones hopes that just the threat of such an action will give justices pause as they make their decisions.

“FDR’s court expansion proposal resulted in a rogue Supreme Court that had been striking down New Deal legislation, changing its tune and immediately beginning to uphold that New Deal legislation, which today we take for granted,” Jones said.

So, even if Jones’s court-packing scheme falls short, the threat of it might just pressure the Supreme Court into making decisions more in line with what he and the rest of the far-left want.

But packing the court, in Jones’s eyes, is the far better solution: “I happen to believe that we will expand the court. It may not be today or tomorrow, but it will happen in time.”

And, at last, the threat to the court, which Jones had already implied: “And in the meantime, the Supreme Court should be paying notice to what Congress is doing to make sure that it’s acting in the best interests of the American people.”



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