The Phyllis Schlafly Report

Unpacking the Court

By John and Andy Schlafly

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Even before the death of Ruth Bader Ginsburg created an opening for President Trump to place a third Justice on the nine-member Supreme Court, Democrats were planning to take control of the courts next year. Their dreams include "packing" the Supreme Court with a one-time infusion of six additional justices, as Franklin Roosevelt tried to do in 1937.

FDR's court-packing plan failed when the president was rebuked by his own Democrat-controlled Congress. He was never able to push things through Congress after that, and struggled even to obtain public support for World War II until Japan attacked Pearl Harbor.

Kamala Harris is still smarting that she was unable to stop Brett Kavanaugh from joining the Court last year. Along with fellow Democrats on the Senate Judiciary Committee, Harris tried to derail the nomination with an unproven, absurd accusation of misconduct from 35 years earlier when the future judge was still in high school.

All Democrat-appointed justices on the Supreme Court have voted in lockstep in recent years, always in favor of entrenched liberal interest groups. They always hear petitions from Planned Parenthood and its allies, while turning down 99% of the petitions for review by other parties.

With the media on their side, the four Democrat-appointed Justices were able to forge a majority on several key issues by peeling off a Republican justice to join them, be it John Roberts or Neil Gorsuch. But that game will be over with confirmation of another Trump nominee to the Court.

Justice Ruth Bader Ginsburg died one day after Constitution Day, the 233rd anniversary of the day when Washington, Madison, and Hamilton completed their long summer of hammering out the structure of our government. Today that same Constitution is an obstacle to Biden-Harris as they seek to turn our Nation into a one-party state like California, which elected Kamala Harris as its senator.

Even before Ginsburg passed away, Democrats were clamoring for unconstitutional goals such as statehood for Washington, D.C., abolishing the Electoral College, and adding the Equal Rights Amendment to the Constitution 40 years after the deadline for its ratification expired. The Harris Administration, as Kamala referred to it in light of Biden's declining mental capacity, needs a majority on the Supreme Court to achieve those goals.

D.C. Statehood, which Nancy Pelosi has already rammed through the House and could get through the Senate if Democrats win a majority there in November, violates at least two provisions in the Constitution. Rep. Tom Massie (R-KY) called this legislation "farcical" because it is so clearly unconstitutional, and this bad idea should be dead-on-arrival in the courts.

President Trump's third nomination to the Supreme Court, which no first-term president has achieved in a half-century, will protect our Constitution and break the liberal influence over it. This achieves a long overdue result of unpacking the Court and freeing it from those who want to rewrite our laws, rather than applying the Constitution as they should.

Now with only three justices voting together for liberal causes and without the sympathetic pull toward the late Justice Ginsburg, the dynamic suddenly changes to a Court that will interpret the law like an impartial umpire, as it should. It becomes a new ballgame of calling balls and strikes, as Phyllis Schlafly wrote in 2004 in her seminal book *The Supremacists*.

Democrats are openly frustrated that their political base is not as energized by the importance of the Supreme Court as the conservative base is. Dating back to the notorious rulings of the Warren Court in the 1950s and 1960s, grassroots conservatives have long been aware of how much damage an activist court does, and how important it is to elect a president who appoints good judges.

Trump has accomplished more in his first term than prior Republican presidents achieved in two terms on this all-important issue. As others dithered about whether to fill the sudden vacancy left by RGB passing away, Trump acted boldly and decisively in declaring that he would fill it immediately.

With that masterstroke, it feels like 2016 again, as Trump steps on the accelerator while the media tries to catch up with him. Trump wiped away the tiresome negative publicity about COVID-19, rioting, and California wildfires, and took charge in a breathtaking way.

The contrast between him and "Basement" Biden becomes clearer. Biden's prior statements in favor of filling a vacancy in a presidential year and his refusal to identify whom he would name to the Supreme Court exposes him as the inept, bumbling two-facer that he is.

Biden himself has criticized the suggestion of packing the court which his Leftist supporters rush to now. It is time to unpack the High Court and end the control that the Left has had over it, and President Trump is keeping America great by doing so.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.