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# Democrats Promise to Wreck the Supreme Court

Thirteen Justices. No control over the docket. They're serious about it.

By The Editorial Board [Follow](#)

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Rep. Jamie Raskin TOM BRENNER/REUTERS

Democrats are likely to retake the House and maybe the Senate in November, which is reason to ask: What would they do with that power? One emerging answer is that they seem determined to blow up the Supreme Court.

Listen to Rep. Hakeem Jeffries, the betting favorite to be the next Speaker of the House. “The Supreme Court is a disgrace,” he said in April. “In the new Congress, we’re going to have to do something about this Supreme Court,

and let me be very clear: Everything is on the table—everything to deal with this corrupt MAGA majority.”

He’s serious, and his agent for this task is Maryland Rep. Jamie Raskin, who is already making an argument to pack the Court with four new Justices. Why four? Mr. Raskin has a gussied-up explanation that might sound plausible if all you watch is MS NOW.

“There are 13 federal circuits in America, and traditionally, the Supreme Court has been made up of the number of Justices equal to the number of circuits,” Mr. Raskin said recently. “We’ve got 13 circuits, but we only have nine Justices. So that means that under the best of circumstances, four entire federal regions, four federal circuits will be left out completely.”

The real reason Democrats want 13 Justices is that it’s the number required to tilt the Court left under a new 7-6 majority. Yet it’s worth examining Mr. Raskin’s sales pitch to see its obvious insincerity. It’s true the Justices once spent part of each year traveling a judicial circuit to hear cases, but this practice of “riding circuit” effectively ended in 1891.

The Supreme Court’s size has been set at nine since 1869. Congress created the Tenth Circuit in 1929, and it added the ancestor of the D.C. Circuit in 1893. There’s no reason for the number of Justices to equal the number of appellate circuits.

One of today’s 13 appeals courts, set up in 1982, is the Federal Circuit, which has national jurisdiction over certain cases, such as patent disputes. That doesn’t fit Mr. Raskin’s representation thesis. There’s also a decent nonpartisan argument that the Ninth Circuit, which covers nine states and about 20% of Americans, is unwieldy and should be split into two. Under Mr. Raskin’s logic, the High Court then would need 14 Justices, which would produce 7-7 ties.

Mr. Raskin also has other ideas to bring the High Court low. He recently introduced a bill that would deny the Justices the power to choose which cases they hear. Under the SCCOTUS Act, petitions would be reviewed by a

rotating committee of 13 random appellate judges. This is such a radical change that it's hard to imagine all the implications.

One likelihood is less stability in the law. The Justices often prefer incremental rulings that move legal doctrines a little at a time. This works because the Court knows that today's small step can be followed by accepting relevant cases when they next believe they're warranted. If the Justices lose control of their docket, they'll have more incentive to take big legal swings whenever a controversial topic comes up, because who knows when—or if—it will arise again?

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The point to understand is that Democrats have become more radical toward the Court since 2024. Joe Biden stopped short of calling for Court packing. Kamala Harris floated the idea only weeks ago. Senate candidates James Talarico in Texas and Graham Platner in Maine want term limits for Justices, but don't think they won't go further when Democrats control the entire government again.

Never mind that the current Court often rules against President Trump. Was Mr. Jeffries not paying attention in February when the Justices ruled 6-3 to strike down Mr. Trump's "emergency" tariffs? During Mr. Trump's 2020 election fugue, the judiciary was the one branch of government that didn't flinch in the face of Mr. Trump's power play.

Soon the Court might rule against Mr. Trump's order revising birthright citizenship and his attempt to fire Federal Reserve Governor Lisa Cook. American courts are still independent, and the Justices are following the law and the Constitution as they see it.

Democrats are free to dislike the Court's decisions, yet they aren't helpless. If Democrats abhor gerrymandering, they can argue for a bill to limit how, or how often, states draw House maps. But what really angers Democrats is that the Supreme Court is no longer a second progressive legislature that can impose policies they can't get through Congress.

Democrats are telling the public they are plotting one of American history's most destabilizing power grabs, by degrading the third branch of government. Why aren't Republicans calling this out and defending the Court?

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