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Democrats still won't let court packing go. It's a bad idea. | Opinion

However justified progressive frustration may be, court packing would not restore institutional credibility. It would destroy it.



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Key Points

The Supreme Court's *Louisiana v. Callais* decision has renewed calls from some on the political left to expand the court.

Proponents of "court packing" argue it is a response to Republican actions during the confirmation of Justice Amy Coney Barrett.

Critics warn that expanding the court for partisan gain would set a dangerous precedent and erode the judiciary's legitimacy.

The [Supreme Court's recent Louisiana v. Callais decision](#) has reignited one of the most dangerous recurring impulses on the political left: the push to expand the court whenever its rulings prove politically inconvenient.

Few threats to the judiciary are more damaging than efforts to alter its structure for partisan gain or pressure justices into political compliance. Yet despite the long-term institutional danger, progressive activists continue returning to court packing as a supposed solution to decisions they dislike.

Court packing remains as reckless as ever, and the left's inability to abandon it poses a serious threat to the legitimacy of the nation's highest court.



2020, when the GOP rushed Amy Coney Barrett's confirmation before the presidential election after previously [blocking Merrick Garland's nomination](#) under the rationale that voters should first have their say.

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That double standard understandably angered Democrats, but expanding the Supreme Court in retaliation would be a wildly disproportionate response. However justified progressive frustration may be, court packing would not restore institutional credibility. It would destroy it.

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Once one party expands the court for political advantage, the precedent is set. Future majorities would almost certainly respond in kind, turning the judiciary into little more than another partisan prize to be manipulated whenever power changes hands.

That cycle would erode the Supreme Court's legitimacy beyond repair. Judicial rulings would increasingly be viewed not as interpretations of law, but as temporary political outcomes determined by whichever party most recently controlled Washington. Over time, the court would risk devolving into an ever-expanding body of partisan appointees, undermining its role as an independent branch of government.

Court packing is having a resurgence

Expanding the court remains as bad an idea as ever, but that hasn't stopped certain Democrats from continuing to advocate for it.

"If we retake the Senate, get the majority, fingers crossed, we need to use every single lever of power that we have to deal with the Supreme Court," Graham Platner,



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Since 2020, court packing has remained in the background of discussion on the political left, with progressive politicians and activists [consistently beating that drum](#). Several Democrats even [introduced legislation](#) to expand the court as recently as 2023.

The Democrats' activist base has once again turned to court packing in response to the Supreme Court's recent decision in *Louisiana v. Callais*, which struck down racial gerrymandering.

"Expand the Court," progressive [Rep. Rashida Tlaib, D-Michigan](#), declared on social media, alongside a number of other extreme "reforms."

"If the Democrats don't make rebalancing and expanding the Supreme Court a top priority for whenever (if?) they next get into power, then I don't know what to say anymore," left-wing activist [Mehdi Hasan](#) said in response. "The GOP-packed court is the biggest block on progress in this country and has been for a while."

Court packing is resurging in response to Supreme Court decisions that remain well within the bounds of mainstream legal debate. This sort of extreme reaction might make sense if the court were issuing truly authoritarian rulings, not simply rejecting race-based districting.

The reality is that this debate is not really about legal principle, but about power. Those pushing court packing are frustrated that their preferred legal arguments are failing, and so they seek to accomplish politically what they cannot achieve judicially.

While progressives will likely continue clinging to this idea, establishment Democrats have thus far largely avoided embracing such recklessness. They would be wise to continue doing so, even if their activist base shows little sign of abandoning this destructive fantasy.