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Sponsor Testimony
House Resolution 57
Before the House Committee on Civil Justice

May 18, 2021

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and Members of the House Civil Justice Committee:

Thank you for the opportunity to provide testimony in support of H.R. 57, which urges the protection of the integrity and independence of the U.S. Supreme Court from the recent Executive Order to study the expansion of the number of justices.

There are many examples of left-leaning decisions throughout the history of the U.S. Supreme Court. I would like to review just a few of them. These are cases where the U.S. Supreme Court ruled against the view of conservatives:

Dred Scott v. Sandford (1857): In this case, the court ruled that Dred Scott, a former slave who was living in a free state, was not entitled to his freedom because African-Americans were not, and could never be, citizens of the United States. This decision outraged abolitionists and members of Congress from free states. It led to the election of Republican Abraham Lincoln in 1860, the Civil War, and the election of Republican Ulysses S. Grant in 1868. It did not lead to an effort by Republicans to "pack the Court."

Abington School District v. Schempp (1963): In this case, the court ruled that school-sponsored Bible reading was unconstitutional. The lone dissenter, Justice Potter Stewart, said, "A refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism." Those words can now be seen as accurate. How did Republicans respond? Barry Goldwater, Nelson Rockefeller, and William Scranton ran for the Republican nomination in 1964. Not one of them mentioned "packing the Court" during the campaign season.

Roe v. Wade (1973): In this case, "Jane Roe" filed suit against the local district attorney, Henry Wade, alleging that the Texas law forbidding abortion was unconstitutional. The U.S. Supreme Court ruled in her favor, citing the right to privacy – a right not explicitly found in the text of the U.S. Constitution. This display of judicial activism has outraged Americans no matter their race or gender, and according to National Right to Life, 62.5 million unborn babies have been lost to abortion since 1973. How did Republican presidents Richard Nixon and Gerald Ford react in the years immediately following this fateful decision? They did not threaten the court with adding additional members.

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National Federation of Independent Businesses v. Sebelius (2012): Ohio joined with 25 other states in asking the Supreme Court to overturn Obamacare, stating that "requiring citizen-to-citizen subsidy or redistribution is contrary to the foundational assumptions of the constitutional compact." The court ruled in favor of Obamacare. Republican presidential candidates in 2016 did not threaten the court's independence.

What leads to the current occupant of the White House making it known that he is considering expanding the Court to nominate additional candidates to become U.S. Supreme Court justices? Was there a recent landmark ruling that liberals disagree with? Is there a consistent pattern of decisions that liberals feel are unfair?

There is no reason for the current president to threaten the U.S. Supreme Court. And even if there were a perceived reason, the executive branch should leave the judicial branch alone. We have a separation of powers for a reason.

The court should not be threatened by attempting to add to its number in order to create a liberal majority.

The court should not be threatened by attempting to persuade them to lean liberal or else the number of justices will be added to.

I urge my colleagues to respond quickly to the threat posed by the President's Executive Order to establish a commission to study the expansion of the U.S. Supreme Court by passing H.R. 57 in a timely manner. My joint sponsor, Representative Gary Click, and I are thankful for the 53 co-sponsors that have signed onto this bill, and we stand ready to answer any questions that the committee has.