



NOVEMBER DEBATE OF THE MONTH

Resolved, expand the number of justices on the Supreme Court.

With the confirmation of Amy Coney Barrett to the Supreme Court, there has been discussion about expanding the number of its justices. In 2016, Senate Republicans blocked confirmation hearings for Obama nominee Merick Garland, allowing his nomination to expire. They argued that because it was an election year (2016), the next President should fill the vacancy. However, Senate Republicans turned on this argument after the death of Ruth Bader Ginsburg and proceeded to confirm a justice to the court weeks before the Presidential Election. As a result, Democrats are disaffected, and many have suggested adding seats to the Supreme Court to restore balance and redress injustice. It is important to note that the Constitution does not specify a required number of justices; the Senate has full discretion to add and remove seats from the court. If the Democrats regain control of the Senate, should they expand the number of justices on the Supreme Court?

SAMPLE ARGUMENTS:

PRO:

- The last time that the number of justices on the Supreme Court was changed was 1869. They decided on nine justices because there were nine circuit courts, and each justice was responsible for a single Circuit Court. There are now 13 Circuit Courts, so the Supreme Court should be expanded to conform to precedence.
- Republicans did not allow President Obama to nominate a justice by using less than honorable means. It is a form of redress to add liberal justices to the Supreme Court.
- The current makeup of the Supreme Court is six conservative leaning justices and three liberal leaning justices. It is best for democracy when there is balance on the court.

CON:

- The Supreme Court is a non-partisan, independent body. It should not be subject to the political stagecraft of Presidents in Senators. If the Senate expands the Supreme Court, it could create a slippery slope that would allow the Court to be expanded at any time for political reasons.
- The Supreme Court has been set at nine justices for over 150 years. This makeup has worked, and any argument to expand it is inherently political.
- Over time, balance to the Supreme Court will return. Adding seats to the court is irrational and preemptive.