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### May 15, 2019: What Impeachment and Court-packing Have in Common

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Title: What Impeachment and Court-packing Have in Common

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5/15/2019--I find myself in conflict, or at least tension, with the progressive wing of my Party. There, the support for both impeachment of President Trump and adding to the number of Justices on the Supreme Court is pretty strong. I oppose both, as do most members of the Party, for now anyway. For others in the Party, the lack of support for impeachment and Court-packing is probably pragmatic. The voters in general don't support either move and pursuing either allows the Republicans to frighten moderates with the prospect of radical policies if the Democrats win in 2020. Plus, the evidence of collusion was not there and the Court has not yet done anything dramatic--like overruling Roe. That is certainly subject to change. For me, opposing both is more a matter of principle. Impeachment essentially for what the voters already knew strikes me as anti-democratic--an attempt to undo the choice the voters made. (yes, I know Trump lost the popular vote, but he ran to win States, not the popular vote, because that is our system. It is not fair to charge him with losing a race that was not run.) Court-packing is an attack on the idea of a rule of law. If a particular Justice is doing something outrageous, the Justice can be impeached and removed. But adding numbers to change results treats the Supreme Court as just another political branch. (Yes, I am aware that that is how some Republicans are treating the Court--see Randy Barnett's tweet about Obama judges and Trump judges). But there is even a deeper reason I oppose both and it is the reason that the progressives support both at base. Impeachment and Court-packing enable Democrats to rule without having to convince the country that the policies Trump is pursuing are bad. Both are anti-democratic in the sense of democracy as a rational contest of ideas. People on the Left have become convinced that you can't change the minds of people. Lee McIntyre put his finger on the problem in his recent piece about the flat-earth position--pointing to headlines like, Why Facts Don't Change People's Minds. But McIntyre was promoting debate. He was suggesting a methodological turn in defending science. He was definitely not giving up on persuasion grounded in truth. McIntyre is arguing that claiming to have the truth in a skeptical age--about climate change or even the shape of the Earth--is subject to "arguments" about proof. Better to ask, honestly, what kind of evidence would persuade the person you are talking with--and talking with is a big part of this. What would convince you that vaccines don't cause autism? If the answer is that nothing would, then we can all see the absurdity of the position. Otherwise, maybe we, or some of us, can move to real exchange. McIntyre is pointing to the kind of hard work that impeachment and Court-packing seek to avoid. His is the model to follow. McIntyre was not writing only about science, but about political life.