



Durbin says he won't 'join that chorus' of Dems calling for Breyer to step down: 'I admire him greatly'

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Senate Judiciary Committee Chairman Dick Durbin said on Wednesday that Supreme Court Justice Stephen Breyer doesn't need members of Congress to "push or shove" him into retirement, distancing himself from calls by some Democrats for the justice to leave the bench as soon as possible.

"I'm not gonna join that chorus. He is a respected jurist and I admire him greatly," Durbin, D-Ill., said when asked about Breyer. "This is his personal decision. He doesn't need any push or shove from any member of Congress."

Durbin, the second-most powerful Democrat in the Senate, made the comments as the Supreme Court and its composition continue to be a hot topic both in and out of Congress.

The court wrapped up its term earlier this month with the 6-3 GOP appointed majority flexed its muscles on an election case and a union case; President Biden's Supreme Court commission held its third public meeting Tuesday with impassioned calls both for and against packing the court from various experts; and many Democrats are warning that Breyer's refusal to relinquish his seat so Biden can replace him will eventually play into Republicans' hands if they win back the Senate in 2022.

"Supreme Court Justice Stephen Breyer should immediately announce his intent to retire from the bench," a slate of progressive organizations, led by the group Demand Justice, said in a June statement. "With future control of the closely divided Senate uncertain, President Biden must

have the opportunity to nominate a successor without delay and fulfill his pledge to put the first Black woman on the Supreme Court."

But the end of the Supreme Court term came and went without Breyer stepping down. Experts say that indicates he is likely to stay on for at least one more year.

"[B]arring a midterm health concern or other unexpected development, justices, like professional athletes, have always tended to retire during the 'offseason,'" Ilya Shapiro, director of the Cato Institute's Robert A. Levy Center for Constitutional Studies, told Fox News shortly before the court issued its final opinions of the term. He said that he expected Breyer to announce his retirement no later than July 3 if he was indeed going to leave the bench.

Democrats in the Senate have been careful about pressuring the justice to step down, and Durbin perhaps more than anyone has reason to do so as the leader of the critical Judiciary Committee. But some have said they hope he retires.

Sen. Richard Blumenthal, D-Conn., said Wednesday that Breyer "recognizes the political dangers of waiting to retire – I hope he will."

"It's his decision to make but I'm very concerned about the potential for the court becoming even more radically conservative than it is now," Blumenthal added. "I think Justice Breyer – at least I hope – will recognize the political reality which seems more and more in the direction of giving us in the Senate now and giving President Biden now the option to appoint someone."

And Sen. Sheldon Whitehouse, D-R.I., did tell [MSNBC](#) that "now would be the right time" for Breyer to make his exit.

Other Senate Democrats, meanwhile, have completely avoided the topic, including Sen. Elizabeth Warren, D-Mass., according to [The Hill](#), and Sen. Bernie Sanders, I-Vt., according to [Business Insider](#).

Democrats in the House, meanwhile, have been less timid in joining calls by progressive activists for Breyer to leave.

"When I became the first person in Congress to call for Justice Breyer to retire now, while President Biden can still appoint a successor, some people asked whether it was necessary. Yes. Yes, it is," Rep. Mondaire Jones, D-N.Y., tweeted recently. He was sharing a story about Senate Minority Leader Mitch McConnell, R-Ky., saying he would block a Biden Supreme Court pick nominated in 2024 if Republicans control the Senate then.

A handful of House Democrats have also indicated they think Breyer should step down, including Reps. Alexandria Ocasio-Cortez, D-N.Y., and Ted Lieu, D-Calif.