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Sen. Chuck Grassley, R-Iowa, left, speaks with Sen. Dick Durbin, D-Ill., before a U.S. Senate Judiciary Committee business meeting to vote on U.S. Supreme Court nominee Judge Ketanji Brown Jackson on Capitol Hill in Washington April 4, 2022. (CNS/Reuters/Michael A McCoy)



by Jim McDermott

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In the aftermath of the 2024 election, there are many questions and concerns about the future of our government. Donald Trump [has promised](#) to seek revenge against his opponents. The animosity between the parties has perhaps never been deeper in modern history.

And yet, during a recent trip to Washington, D.C., I was surprised to discover a spirit of collegiality at work among a group of some of the Senate's most diametrically opposed politicians. While the reality of the next Congress is yet to be determined, I think the work of the Senate Judiciary Committee over the last four years suggests how much can still be achieved in a time of polarization.

I had been hired by the Senate Judiciary Committee to do a short history of the committee, and I'd come to attend hearings to suss out how things work. Currently led by Illinois Democratic Sen. Dick Durbin, the committee includes some of the most outspoken conservative senators of the Republican party, including Sens. Ted Cruz (Texas), Josh Hawley (Missouri), John Kennedy (Louisiana) and ranking member Lindsey Graham (South Carolina), as well as some of the Democratic party's most liberal-voting members, like Cory Booker (New Jersey), Alex Padilla (California) and Peter Welch (Vermont). At the time of my visit, the Senate as a whole was almost evenly split between the two parties.

The first hearing I attended, a full committee hearing on the rise of hate crimes in the United States, was an often-volatile affair. Some Republicans used the hearing to insinuate that the Democrats don't care about antisemitism and accused expert witness Maya Berry, executive director of the Arab American Institute, of supporting terrorism. "You should hide your head in a bag," Kennedy said to her, to gasps from the audience.

But the other session that day was a subcommittee hearing on artificial intelligence, featuring a group of former tech employees with concerns about the lack of self-regulation in their companies. It included many of the same senators, and yet the tone was completely different. The members treated their guests and each other with respect, and spoke frequently of the bills they were working on together.

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At one point subcommittee chair Richard Blumenthal (D-Connecticut) stepped away to vote on the Senate floor, and gave the gavel to ranking member Hawley. Staffers told me later, this is not something that usually happens. Members of one party do not cede the gavel to members from the other. And yet here it seemed entirely normal.

When Durbin took over as Judiciary Committee chair four years ago, he spoke internally of wanting to restore a sense of comity and collegiality to the committee. A soft-spoken lawyer from Illinois who first joined the Senate and the Judiciary Committee in 1997, Durbin has made a career of being a no-drama guy who builds relationships and gets things done.

After years spent working with then-committee chair Chuck Grassley (R-Iowa) on a bill to reform prison sentencing laws — a measure that would normally be a nonstarter for Republicans, and one that Grassley initially opposed — Grassley eventually became a lead sponsor of the bill, which was then passed into law.

As chair of the Senate Judiciary Committee, Durbin created an expectation that any bill brought before the committee needed to have sponsors from both parties, forcing members to seek common ground. The results have been significant.

Under Durbin's leadership the committee has had 30 bills pass through the Senate, no small feat given the ever-present threat of the filibuster. And it has united around concerns about tech, privacy and child safety. In February, the committee forced the heads of Meta, X and others to come and answer questions about the exploitation of children on their platforms. Last year Durbin and Hawley cosponsored a bill to fight the proliferation of child sex abuse material online.





Meta's CEO Mark Zuckerberg stands and faces the audience holding up photos of their children as he testifies during the Senate Judiciary Committee hearing on online child sexual exploitation at the U.S. Capitol in Washington Jan. 31, 2024. (OSV News/Reuters/Evelyn Hockstein)

The Senate Judiciary Committee is often called "the workhorse of the Senate." The range of issues that fall under its jurisdiction — tech, immigration, criminal justice, civil rights and the Constitution among them — is enormous, leading to almost double the hearings and executive sessions of any other committee, and not all of them so amicable.

It's also responsible for vetting federal judges, which during this administration has been a massive undertaking. In one term, President Joe Biden has appointed 25% of the total judges on the federal bench. In the process, he has appointed more Black women to federal courts than all previous administrations combined. Biden's appointments include Supreme Court Justice Ketanji Brown Jackson, as well as dozens and dozens of "firsts" — in some districts, the first Hispanic judge ever to serve on the federal bench; in others, the first person of color, the first openly gay

judge, the first Muslim woman, the first Asian American, the first Native Hawaiian woman. Biden's appointees include public defenders, civil rights lawyers, former schoolteachers who went into law, a former scientist who made a breakthrough in insulin studies, and a past head of the Innocence Project, whose work had freed more than 30 wrongly convicted people.

As one might imagine in these divided times, many of these candidates have faced opposition from Republicans on the committee. But strikingly, the votes have rarely run strictly along party lines. In an email to me, Welch attributes that bipartisanship directly to "Senator Durbin's ability to work across the aisle."

Though he was raised Catholic, Durbin is not someone who wears his faith on his sleeve. But when you look at Durbin's track record, there does seem to be a Francis-like insistence on reaching beyond what divides us, as well as a lifting up of those who are voiceless or ignored. In 2011, he held the Senate's first hearing on the DREAM Act. It was the first time an undocumented immigrant had ever been invited to speak to senators.

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Under Durbin's chairmanship, Padilla has become the first Latino senator ever to chair the Judiciary's subcommittee on immigration. Booker is the first Black senator to chair the criminal justice subcommittee.

"My faith has taught me many things over the years," Durbin wrote to me in an email. "The dignity of work; a calling to help those in need; remembering that those who differ from us are still our brothers, sisters, neighbors."

"I believe it is still possible for lawmakers from opposite ends of the political spectrum to work together in Congress today."

The election results will see Republicans take over leadership of the Senate and its committees. It's unclear what that will mean for each committee or the Senate as a whole. Certainly, many are concerned about how Trump's belligerence and

xenophobia could trickle down. But the Senate Judiciary Committee over the last four years has shown that among great division, much good is still possible.

At the end of the hate crimes hearing, Durbin shared his own recent experiences talking to Jewish friends who are in pain right now, as well as the horror experienced by a Palestinian American mother in Chicago whose 6-year-old son was killed by their landlord after the Oct. 7, 2023, attacks in Israel.

"We can't say these things in the same sentence without some people saying, 'Oh, you've just chosen sides,' " he told his colleagues and all those gathered. "I'm not choosing sides here, except for the side, I hope, of common decency and democracy."

May the same be said for Congress as a whole in the term to come.