



Dear Member of Congress:

On behalf of the undersigned organizations, we strongly urge House leadership to prioritize H. J. Res. 1, The Keep 9 resolution. For over 150 years, the Supreme Court has consisted of one chief justice and eight associate justices. Although a nine-justice Court is not constitutionally required, adding justices now would serve no purpose but to politicize, and thus undermine the legitimacy of, the Court and its rulings. Court packing from either party would be devastating for the rule of law in our Nation. Only amending the Constitution to enshrine the nine-justice Court would secure its independence against the threat of court-packing once and for all.

‘Packing the court’ would only politicize it and thus undermine its core function as an independent body, as members of both political parties recognized decades ago. When President Franklin Delano Roosevelt proposed a plan to add as many as six justices to the Court, Republicans and Democrats alike were appalled by the proposal. A Democrat-controlled Senate Judiciary Committee killed the bill, writing, “It is a measure which should be so emphatically rejected that its parallel will *never again be presented to the free representatives of the free people of America.*”

In the latter half of the 20th century, then-Senator and Chair of the Senate Judiciary Committee Joe Biden described court-packing as a “bone-head idea” and warned that it would call into question the independence of the Supreme Court “for an entire decade.”

Only in the last few years has the bipartisan consensus against the threat of court-packing weakened. Two proposals have called for the number of justices to be changed to thirteen, ostensibly to restore the integrity of the Court. Nothing could be further from the truth.

The first round of court packing would immediately undermine the Court’s independence and would only lead to retaliatory court packing when the congressional majority changed. The Supreme Court would become an arm of the party in power, rather than a meaningful check on government power. Venezuela is a cautionary tale. Hugo Chavez packed the country’s Supreme Tribunal of Justice with political allies, leaving the nation without a meaningful check on the excesses of the Chavez and Maduro regimes.

Liberty depends on judicial independence. Without a judicial check on the powers of the political branches, as Alexander Hamilton explained in Federalist No. 78, the Constitution’s limitations of government power “would amount to nothing.” The House must pass H. J. Res. 1 and advance the amendment process to secure the Court’s essential function in our Republic for decades to come.

Thank you,

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