

December 6, 2024

Dear [Member of Congress, Senator]

In recent years, the legitimacy of the Supreme Court as an impartial institution and non-political branch under our Constitution—exercising “neither force nor will but merely judgment”—has come under attack. From leaking draft opinions to threatening Justices and their families outside their homes, perhaps no attempt to influence judicial opinions would damage the Court’s integrity so much as the threat of court-packing.

With the recent election representing a resounding rejection of such proposals, it is time for Congress and the States to preserve the integrity and independence of the Supreme Court through a constitutional amendment limiting the number of Justices on the Court to nine.

Attempts to increase the number of Justices on the Court to achieve political ends used to be widely recognized as destructive of the institution. President Roosevelt’s court-packing plan was viewed by congressional Republicans and Democrats alike as destructive of the independence of the Court. Henry F. Ashurst—a Democratic Senator from Arizona and Chair of the Senate Judiciary Committee at the time—is often credited with delaying the so-called judicial reform bill and ensuring the plan died in the Senate. 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 stated 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 broken down. Now is the time to lower the temperature. Proponents of such proposals claim it will restore the Court’s integrity, but nothing could be further from the truth.

For a modern example of how court-packing can destroy judicial independence and transform the judiciary into a political pawn, one need look no further than Venezuela. Hugo Chávez’s court-packing scheme transformed that nation’s highest court into a political arm that today supports the dictatorial excesses of Nicolás Maduro.

An amendment limiting the number of justices to nine would preserve the court’s integrity and ensure that it will not be used as a political tool growing with every change in political power. We ask you to cosponsor [S.J.Res.21 / H.J.Res.8], the Keep Nine Amendment, and begin the constitutional amendment process to ensure the independence of the Court and the liberties of the people it was created to protect.

Thank you,

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