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**Testimony: HCR5013**  
**House Federal & State Affairs Committee**

**KEEP NINE AMENDMENT**

- Enactment of the "Keep Nine" Amendment is critical for the long term preservation of an independent U.S. Supreme Court.

**BACKGROUND**

- If one party successfully expanded or shrunk the Court for political advantage, another might well do so in retaliation, undermining the independence of the Court and the rule of law.
- Prior to 1869, Congress expanded or shrunk the size of the Court for political advantage. After 1869 a tradition grew up that the Court should remain free of such political interference. When FDR tried to expand the number of Justices in 1937, strong bipartisan opposition defeated his plan.
- Some leaders have begun to speak favorably about packing the Court. During the campaign, Vice President Kamala Harris said she was "absolutely open to it". The Party Platform approved by President Biden urges "Court restructuring."
- To prevent a future Congress and President from manipulating the size of the Court for political advantage, a Constitutional Amendment is required.
- Enacting Constitutional Amendments is difficult but not impossible when there is overwhelming public support. The success of Amendments for a women's right to vote, to repeal and enact prohibition to impose presidential term limits and to give 18 year olds the right to vote are examples of how pressure from states and voters can persuade Congress to propose an Amendment.
- There is now a proposed "Keep Nine" Amendment to the U.S. Constitution which simply says:

**"The Supreme Court of the United States shall be composed of nine Justices."**

- The "Keep Nine" amendment is backed by a bipartisan coalition of former State Attorneys General and Members of Congress. It is the only anti-Court packing Amendment with bipartisan support.

- Polls show voters would support it by a more than 3-1 margin of 62%-18%.
- Resolutions are being introduced or about to be introduced in state legislative chambers around the nation urging Congress to propose the Amendment, including chambers in Maine, New Hampshire, Pennsylvania, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, Michigan, Indiana, North Dakota, South Dakota, Iowa, Montana, Idaho, and Arizona.
- Unlike other proposed anti-Court packing measures which only would prohibit Congress from expanding the size of the Court, the "Keep Nine" Amendment would prohibit Congress from either increasing or decreasing the size of the Court.
- State legislatures can serve to increase visibility by helping more people understand the importance of the "Keep Nine" Amendment nationally.
- For more information about the Keep Nine Amendment visit [www.KeepNine.org](http://www.KeepNine.org)