

**A Resolution to Support a Constitutional Amendment  
to Set the Number of United States Supreme Court Justices at Nine**

Whereas, an independent United States Supreme Court and federal judiciary is an essential element of the structure of the United States government, including the system of checks and balances and federalism that protects our Constitutional rights;

Whereas, the United States Constitution does not specify the number of Supreme Court Justices;

Whereas, the Supreme Court has been composed of nine Justices for more than 150 years;

Whereas, both Democrats and Republicans recognized that an effort by President Franklin D. Roosevelt to increase the number of Justices, in order to achieve judicial approval of his legislation, was a dangerous precedent, which would have transformed the judiciary into a third political branch of government, and therefore rejected such effort;

Whereas, the President and the United States Congress should be prohibited from undermining the independence of the Supreme Court and the entire federal judiciary by changing the number of Justices on the Court to advance a particular political agenda;

Whereas, the Supreme Court sets judicial precedents that will be treated as binding upon federal District Courts and Courts of Appeals, as well as state courts, in interpreting and applying the Constitution and other federal law;

Whereas, during the 2020 campaigns for President and the United States Congress, Democrat candidates hedged, would not give frank answers, and concealed their true intentions, when asked whether they would act to increase the number of Supreme Court Justices, a tactic known as "court packing," in order to add liberal Justices, thereby ensuring that liberal and progressive legislation and executive actions would be upheld;

Whereas, in 2020, in the One Hundred Sixteenth Congress, Resolutions were introduced in the United States Senate and House of Representatives to propose to the States for ratification an Amendment to the United States Constitution, referred to as the "Keep Nine Amendment," to set the number of Justices at nine, in keeping with the intentions of the Founders to preserve the independence of the federal judiciary, so that the judiciary would not become a political branch of government;

Whereas, in 2021, in the One Hundred Seventeenth Congress, said Resolutions have again been introduced, as Senate Joint Resolution 9 and House Joint Resolution 11, whereby Congress would propose said Amendment to the States;

Whereas, Tennessee Senators Marsha Blackburn and Bill Hagerty are cosponsors of Senate Joint Resolution 9, and former Senator Lamar Alexander has endorsed the proposed Amendment;

Whereas, Tennessee Representatives Diana Harshberger (1<sup>st</sup> District), Tim Burchett (2<sup>nd</sup> District), Charles Fleischmann (3<sup>rd</sup> District), Scott Desjarlais (4<sup>th</sup> District), John Rose (6<sup>th</sup> District),

Mark Green (7<sup>th</sup> District), and David Kustoff (8<sup>th</sup> District) are cosponsors of House Joint Resolution 11;

Whereas, the Tennessee General Assembly, Governor Bill Lee, Secretary of State Tre Hargett, Attorney General Herbert Slatery and Chief Deputy Attorney General Jonathan Skmnetti have endorsed the proposed Amendment;

Whereas, since Congress convened in 2021, Democrat Representatives and Senators have introduced legislation to "pack the Court" by adding four Justices to the Supreme Court in an effort to validate and enshrine liberal and progressive legislation and executive actions through the judiciary, and to intimidate sitting Justices;

Whereas, the President has recently appointed a commission consisting largely of liberal and progressive individuals, to study "reforms" to the Supreme Court, including whether the Court should be enlarged;

Whereas, two liberal Supreme Court Justices, Stephen Breyer and the late Ruth Bader Ginsburg, have both spoken publicly against adding Justices to the Court;

Whereas, on April 6, 2021, delivering the Antonin Scalia lecture at Harvard Law School, Justice Breyer stated that the Court's "authority, like the rule of law, depends on trust, a trust that the court is guided by legal principle, not politics . . . Structural alteration motivated by the perception of political influence can only feed that perception, further eroding that trust";

Whereas, the Republican National Committee (RNC) adopted a Resolution at its Winter 2021 meeting, going on the record in support of the pending "Keep Nine Amendment" as proposed in the United States Senate and House of Representatives with wide Republican support;

Whereas, in January 2021, the National Federation of Republican Women (NFRW) directed each State Federation of Republican Women to seek sponsors, in their respective state legislatures, of Resolutions to support the Keep Nine Amendment; and accordingly, in February 2021, the Tennessee Federation of Republican Women issued a Keep Nine Call to Action urging its members to contact Tennessee's United States Senators and Representatives, state legislators and Governor Bill Lee to express support for the proposed Amendment; and

Whereas, on April 16, 2021, the President of the NFRW again issued a Call to Action in response to the pending federal court-packing bills;

Resolved, that the Tennessee Federation of Republican Women, at its Spring meeting on May 22, 2021 at Brentwood, Tennessee, hereby states that it deplors the efforts to increase the number of Supreme Court Justices, and joins with the National Federation of Republican Women, the Republican National Committee and other entities and officials in urging Congress to propose to the States for ratification the "Keep Nine Amendment" to the United States Constitution, which Amendment states:

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