



Keep the Nine

February 21, 2023

Directive 3 -2023 – Keep the Nine

To: The United States Congress

We hereby direct that an Amendment to the U.S. Constitution be adopted stating the following:

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

Please go to <https://keepnine.org/sign-the-keep-nine-petition/> and sign the petition. You can also print, sign, and send this directive to your Congressman and Senators.

The Constitution provides for three co-equal branches of government. The Executive, Legislative, and Judicial. This amendment is to ensure those powers remain co-equal and denies the ability of those seeking to undermine our Constitution to pack the court in order to undermine and politicize its authority. Packing the Court would be a political assault on the Supreme Court and the separation of powers in our Constitution.

Context:

“The Supreme Court of the United States shall be composed of nine Justices” is the language of the proposed “Keep Nine” Amendment to the U.S. Constitution. It would permanently preserve the independence of the Supreme Court. We urge Members of Congress and candidates in both parties to endorse it.

The Constitution is silent on the size of the Supreme Court. Without an Amendment defining the number of Justices, a future Congress and President could change that number for political advantage. This strategy is known as “court packing.” The late Justice Ruth Bader Ginsburg, who opposed Court packing, had called nine “a good number.”

Polling shows that a majority of voters believe that packing the Court would weaken the checks and balances on the abuse of power by a future President or Congress. Political positions, the occupant of the White House, and majorities in Congress can change over time. To permanently preserve the independence of the Court from a future President and Congress that might wish to manipulate it, a Constitutional Amendment is required.

In the same way that the 22nd Amendment codified the longstanding two term limit for Presidents, a new 28th Amendment would permanently preserve the current number of nine Supreme Court Justices

Bipartisan Effort:

Last year a bipartisan, nonpartisan group of former State Attorneys General (AG) formed the Coalition to Preserve the Independence of the United States Supreme Court. Of the original 15 AGs, 8 were Democrats and 7 were Republican. The purpose: support the Keep Nine Amendment to have it proposed by 2/3 majority in the U. S. House and Senate and then ratified by 3/4 of the states. Resolutions have been introduced in both Houses of Congress that have earned the support of more than 200 Members of Congress and a total of more than 1000 elected officials nationwide.

We also urge all Americans to demand that their elected officials tell voters where they stand on the Keep Nine Amendment. Mere opposition to "Court Packing" without supporting an Amendment to make sure it never happens is not enough.

For more information on Keep the Nine – please go to <https://keepnine.org/sign-the-keep-nine-petition/>.

Signatories & Collaborative Endorsement of Keep the Nine Directive

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