

# State of Vermont

## House of Representatives



Montpelier, Vermont

### Joint House Resolution

J.R.H. 11

Joint resolution urging Congress and the states to adopt a U.S. constitutional amendment establishing nine as the number of U.S. Supreme Court justices

Offered by: Representative Lefebvre of Orange

Whereas, Art. III, § 1 of the United States Constitution established that “the judicial power of the United States shall be vested in one Supreme Court,” but the number of U.S. Supreme Court justices was not specified, and

Whereas, in the Judiciary Act of 1789, the U.S. Congress first set the number of U.S. Supreme Court justices, and since 1869, the number of justices has been nine, and

Whereas, in 1937, President Franklin Roosevelt proposed that Congress provide for the appointment of a maximum of six additional U.S. Supreme Court justices, one for each current justice who was at least 70 years and six months old and had served for a minimum of 10 years, and

Whereas, this legislation, which some persons viewed as President Roosevelt attempting to pack the U.S. Supreme Court with justices who would make favorable rulings, failed to garner broad public support or even receive a congressional vote, and

Whereas, on April 9, 2021, President Biden issued Executive Order 14023, establishing the Presidential Commission on the Supreme Court of the United States, and one of the Commission’s charges was to examine the size of the Court’s membership, and

Whereas, in its draft report, this ideologically diverse Commission acknowledged Congress’s “broad power” to change the size of the Court, but commented that expanding the Court would be likely to threaten the Supreme Court’s legitimacy, and further opined “there are significant reasons to be skeptical that expansion would serve democratic values,” and

Whereas, in furtherance of retaining the current size of the U.S. Supreme Court, a bipartisan coalition of over 1,000 elected officials nationwide has urged the adoption of a U.S. constitutional amendment establishing the number of U.S. Supreme Court justices at nine, and

Whereas, members of Congress in both chambers have introduced resolutions to initiate this constitutional amendment process, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress and the states to adopt a U.S. constitutional amendment establishing nine as the number of U.S. Supreme Court justices, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Keep Nine organization and the Vermont Congressional Delegation.