

# A RESOLUTION

To urge the protection of the integrity and independence of the United States Supreme Court, and to declare that "Nine is Fine."

*Be it resolved by the House of Representatives of the State of Ohio:*

WHEREAS, On April 9, 2021, President Joseph R. Biden, Jr. issued Executive Order 14023 establishing the Presidential Commission on the Supreme Court of the United States; and

WHEREAS, The Chairman of the House Judiciary Committee, Congressman Jerrold Nadler of New York, and members of the House Judiciary Committee, Congressmen Mondaire Jones of New York and Hank Johnson of Georgia, and Senator Edward J. Markey of Massachusetts, have introduced the House Judiciary Act of 2021, for the purpose of increasing the number of Justices on the United States Supreme Court to the unprecedented number of thirteen; and

WHEREAS, The United States Supreme Court has never had less than five nor more than ten Justices; and

WHEREAS, For one hundred fifty-two years the Supreme Court of the United States has consisted of nine members; and

WHEREAS, President Franklin D. Roosevelt's efforts to "pack" the United States Supreme Court in the 1930s were, and are widely recognized as, an aggressive, chilling, and partially successful attempt to intimidate, and threaten the independence of, the United States Supreme Court, causing the court to look upon the President's programs more favorably than before, a change known commonly as the "change in time that saved nine"; and

WHEREAS, The late Supreme Court Justice Ruth Bader Ginsburg once stated, in an interview on National Public Radio on July 24, 2019, "Nine seems to be a good number. It's been that way for a long time," and "I think it was a bad idea when President Franklin Roosevelt tried to pack the court," and "If anything would make the court appear partisan, it would be that — one side saying, 'When we're in power, we're going to enlarge the number of judges, so we would have more people who would vote the way we want them to'"; and

WHEREAS, Supreme Court Justice Stephen Breyer, in a speech to Harvard Law School on April 6, 2021, regarding the possibility of "packing" the United States Supreme Court, said "It is wrong to think of the Court as another political institution," and "Structural alteration motivated by the perception of political influence can only feed that perception, further eroding that trust"; and

WHEREAS, Ohio Attorney General David Yost stated, "The court's orders are followed because the court is seen as legitimate — even when we don't like a particular decision. Tampering with the court to drive political outcomes will dismantle that legitimacy"; and

WHEREAS, Any attempts to alter the structure of the Supreme Court are inevitably partisan; and

WHEREAS, Ohio Senator Rob Portman is an original cosponsor of Senate Joint Resolution 9, calling for the "Keep Nine" amendment to the United States Constitution, which reads "The Supreme Court of the United States shall be composed of nine justices."; now therefore be it

RESOLVED, That the Ohio House of Representatives calls for an immediate cessation of all

partisan attempts to threaten the independence of the United States Supreme Court; and be it further

RESOLVED, That the Ohio House of Representatives endorses the Keep Nine amendment; and be it further

RESOLVED, That the Ohio House of Representatives urges Congress to reject the House Judiciary Act of 2021; and be it further

RESOLVED, That the Ohio House of Representatives respectfully requests President Joseph R. Biden, Jr. to immediately dissolve the Presidential Commission on the Supreme Court and cease all attempts to intimidate the United States Supreme Court and threaten the Court's mandate to fairly, faithfully, and impartially uphold the law; and be it further

RESOLVED, that this resolution shall be entitled the "Nine is Fine" resolution; and be it further

RESOLVED, That the Clerk of the House of Representatives shall send an enrolled copy of this resolution to each member of the Ohio Congressional delegation, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the President of the United States, and the news media of Ohio.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

Adopted \_\_\_\_\_, 20\_\_