

As Reported by the House Civil Justice Committee

134th General Assembly

Regular Session

2021-2022

H. R. No. 57

Representatives Click, Bird

Cosponsors: Speaker Cupp, Representatives LaRe, Loychik, Merrin, Seitz, Swearingen, Lampton, Riedel, Young, T., Richardson, Ferguson, Creech, Stoltzfus, Wiggam, Patton, Lanese, Brinkman, Gross, Baldrige, Manning, Cutrona, Carfagna, Kick, Pavliga, Grendell, Powell, Stephens, Fraizer, John, Ray, Koehler, Johnson, Dean, Jones, Holmes, Ginter, Hall, Manchester, Stewart, Jordan, Cross, McClain, White, Plummer, Lipps, Abrams, Wilkin, Young, B., Hillyer, Callender, Roemer, Fowler Arthur, Schmidt

A R E S O L U T I O N

To urge the protection of the integrity and 1
independence of the United States Supreme Court, 2
and to declare that "Nine is Fine." 3

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO:

WHEREAS, On April 9, 2021, President Joseph R. Biden, Jr. 4
issued Executive Order 14023 establishing the Presidential 5
Commission on the Supreme Court of the United States; and 6

WHEREAS, The Chairman of the House Judiciary Committee, 7
Congressman Jerrold Nadler of New York, and members of the House 8
Judiciary Committee, Congressmen Mondaire Jones of New York and 9
Hank Johnson of Georgia, and Senator Edward J. Markey of 10
Massachusetts, have introduced the House Judiciary Act of 2021, 11
for the purpose of increasing the number of Justices on the 12
United States Supreme Court to the unprecedented number of 13

thirteen; and 14

WHEREAS, The United States Supreme Court has never had less 15
than five nor more than ten Justices; and 16

WHEREAS, For one hundred fifty-two years the Supreme Court 17
of the United States has consisted of nine members; and 18

WHEREAS, President Franklin D. Roosevelt's efforts to 19
"pack" the United States Supreme Court in the 1930s were, and 20
are widely recognized as, an aggressive, chilling, and partially 21
successful attempt to intimidate, and threaten the independence 22
of, the United States Supreme Court, causing the court to look 23
upon the President's programs more favorably than before, a 24
change known commonly as the "change in time that saved nine"; 25
and 26

WHEREAS, The late Supreme Court Justice Ruth Bader Ginsburg 27
once stated, in an interview on National Public Radio on July 28
24, 2019, "Nine seems to be a good number. It's been that way 29
for a long time," and "I think it was a bad idea when President 30
Franklin Roosevelt tried to pack the court," and "If anything 31
would make the court appear partisan, it would be that – one 32
side saying, 'When we're in power, we're going to enlarge the 33
number of judges, so we would have more people who would vote 34
the way we want them to'"; and 35

WHEREAS, Supreme Court Justice Stephen Breyer, in a speech 36
to Harvard Law School on April 6, 2021, regarding the 37
possibility of "packing" the United States Supreme Court, said 38
"It is wrong to think of the Court as another political 39
institution," and "Structural alteration motivated by the 40
perception of political influence can only feed that perception, 41
further eroding that trust"; and 42

WHEREAS, Ohio Attorney General David Yost stated, "The 43
court's orders are followed because the court is seen as 44

legitimate – even when we don't like a particular decision. 45
Tampering with the court to drive political outcomes will 46
dismantle that legitimacy"; and 47

WHEREAS, Any attempts to alter the structure of the Supreme 48
Court are inevitably partisan; and 49

WHEREAS, Ohio Senator Rob Portman is an original cosponsor 50
of Senate Joint Resolution 9, calling for the "Keep Nine" 51
amendment to the United States Constitution, which reads "The 52
Supreme Court of the United States shall be composed of nine 53
justices."; now therefore be it 54

RESOLVED, That the Ohio House of Representatives calls for 55
an immediate cessation of all partisan attempts to threaten the 56
independence of the United States Supreme Court; and be it 57
further 58

RESOLVED, That the Ohio House of Representatives endorses 59
the Keep Nine amendment; and be it further 60

RESOLVED, That the Ohio House of Representatives urges 61
Congress to reject the House Judiciary Act of 2021; and be it 62
further 63

RESOLVED, That the Ohio House of Representatives 64
respectfully requests President Joseph R. Biden, Jr. to 65
immediately dissolve the Presidential Commission on the Supreme 66
Court and cease all attempts to intimidate the United States 67
Supreme Court and threaten the Court's mandate to fairly, 68
faithfully, and impartially uphold the law; and be it further 69

RESOLVED, that this resolution shall be entitled the "Nine 70
is Fine" resolution; and be it further 71

RESOLVED, That the Clerk of the House of Representatives 72
shall send an enrolled copy of this resolution to each member of 73
the Ohio Congressional delegation, the Speaker of the United 74
States House of Representatives, the Majority Leader of the 75

United States Senate, the President of the United States, and
the news media of Ohio.

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