

# U.S. Rep. Gallagher: Introduces constitutional amendment to prevent court packing

Posted on Tuesday, Jul 11, 2023

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**WASHINGTON, D.C.** — Rep. Mike Gallagher (R-WI) [re-introduced a constitutional amendment](#) that would prevent court packing by capping the size of the Supreme Court at nine justices. The amendment was initially introduced in 2019 and reintroduced in 2021 after President Biden announced he would create a commission that would explore court packing and other reforms to the Supreme Court.

The amendment was re-introduced after House and Senate Democrats recently pushed legislation that would add four members to the Supreme Court, a move that would radically depart from this precedent of a nine-justice court and create distrust in the judicial system.

***“Radical progressives want to delegitimize the Supreme Court by packing it with liberal justices. This is a recipe for chaos, an idea so crazy that President Biden’s own Supreme Court commission dismissed it. The Court has had no more than nine justices for over 150 years, and it’s time we pass a constitutional amendment to make this precedent permanent before it’s too late. We can’t undermine the public’s confidence in the Court because ‘the squad’ didn’t get its way,”*** said Rep. Gallagher.

The Supreme Court has been composed of no more than nine justices since 1869. The concept of expanding the court beyond nine justices has been opposed not only by conservatives, but also by Justice [Stephen Breyer](#), former Justice [Ruth Bader Ginsburg](#), former Senate Majority Leader [Harry Reid](#) (D-NV), and President Joe Biden when he was Senator.

- In a [2021 address to Harvard Law](#), **Justice Stephen Breyer said:** *“What I’m trying to do is to make those whose instincts may favor important structural change or other similar institutional changes such as forms of court-packing to think long and hard before they embody those changes in law.”*
- In a [2019 interview with NPR](#), **Former Justice Ruth Bader Ginsburg said:** *“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’ll have more people who will vote the way we want them to. So I am not at all in favor of that solution to what I see as a temporary situation.”*
- In [response to President Biden’s announcement of a commission to explore court packing](#), **Former Senate Majority Leader Harry Reid said:** *“I have no problem with the commission, but I think that the commission is going to come back and disappoint a lot of people. I think they’re going to come back and say, we should just kind of leave it alone. I think we’d better be very, very careful in saying that we need to expand the Supreme Court.”*

**In a [1983 speech as Chairman of the Senate Judiciary Committee](#), President Biden said:** *“President Roosevelt clearly had the right to send to the United States Senate and the United States Congress a proposal to pack the Court. It totally was within his rights to do that. He violated no law. He was legalistically, absolutely correct, but it was a bone-head idea. It was a terrible, terrible mistake to make it and to put it into question for an entire decade the independence of the most significant body, including the congress, in my view, the most significant body in this country, the Supreme Court of the United States of America.”*

The amendment was also co-sponsored by Rep. Daniel Webster (R-FL).  
Click [HERE](#) for text of the amendment.