



The Call for Restructuring

In the wake of several hotly debated Supreme Court decisions, a number of commentators have stepped up calls to “restructure” the Court in the hope of obtaining more favorable outcomes in the future. *Talk about sore losers!*

What's at Stake

Judicial Independence

- Effectively telling the justices, “rule as we say or we will appoint justices who will” undermines judicial independence.

The Separation of Powers

- The judiciary is supposed to hold Congress and the president accountable.
- Adding seats to the Court so that the party in power can fill them with judges who will rubber-stamp a particular policy agenda would undermine our system of checks and balances.

The Role of the Court

- Expanding the Court will reduce collegiality and turn the institution into a sort of “super legislature” where justices view their role as building coalitions and cutting deals, rather than applying the law.

American Democracy

- Adding more justices to the Court so that it will rule in a particular way on the most important social, economic, and political questions of our day undermines democracy by taking power away from the people's representatives.

Democratic Opposition to Court-Packing

- In 1983, Senator Joe Biden called Court-packing a “bonehead idea.”
- The late Justice Ruth Bader Ginsburg said it “would make the court look partisan.”
- Retired Justice Stephen Breyer has also stated his opposition to packing the Supreme Court.

Addressing Misperceptions

MISPERCEPTIONS	FACTS
We need to restructure the Supreme Court to depoliticize it.	<p>As Justice Ruth Bader Ginsburg noted, “If anything would make the court look partisan, . . . it would be . . . 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.’”</p>
We should restructure the Court to prevent rulings we don’t like.	<p>We can’t restructure the Court every time we don’t like one of its rulings. Adding justices will set off a judicial arms race where each party adds new members whenever it is in power. Ultimately, this will result in a Court with dozens of justices that behave more like legislators than impartial arbiters.</p>
Restructuring the Court is a legitimate use of political power.	<p>When President Franklin Roosevelt attempted to add additional justices to the Court in 1937, the Democratic controlled Senate Judiciary Committee rejected his scheme, referring to it as an “abandonment of constitutional principle” and an “invasion of judicial power.”</p> <p>Today, court-packing is a tool of authoritarian dictators. In 2004, Venezuelan president Hugo Chavez added justices to his country’s Supreme Court to consolidate power and implement socialism.</p>