

SENATE JOINT RESOLUTION 49

By Bell

A RESOLUTION to support a constitutional amendment to set the number of United States Supreme Court Justices at nine.

WHEREAS, an independent United States Supreme Court is an essential element of the structure of the United States government, including the system of checks and balances and federalism that protects our constitutional rights; and

WHEREAS, the United States Supreme Court has been composed of nine Justices for more than one hundred fifty years; and

WHEREAS, both Democrats and Republicans recognized that an effort by President Franklin D. Roosevelt to increase the number of Justices, in order to achieve judicial approval of his legislation, was a dangerous precedent and therefore rejected it; and

WHEREAS, the President and the United States Congress should be prohibited from undermining the independence of the Supreme Court and the entire federal judiciary by changing the number of Justices on the Court; and

WHEREAS, the Supreme Court sets judicial precedents that will be treated as binding upon lower courts; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the General Assembly hereby urges Congress to propose to the states for ratification the "Keep Nine Amendment" to the United States Constitution, which amendment states: "The Supreme Court of the United States shall be composed of nine Justices."

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Speaker and Minority Leader of the United States House of Representatives; the Majority and

Minority Leaders of the United States Senate; Tennessee's Senators and Representatives; and each of the Speakers and Senate Presidents of the state legislative chambers in the fifty states.