

I prophesy that we, the People, will never approve a change in the Constitution limiting or restricting the power and the duty of the Supreme Court of the United States.

But, we, who treasure the Liberty which our Constitution gives us, must be eternally alert; for we must bear in mind that any Congress, by simple statute, without our vote, has power to increase the number of Supreme Court Justices and thus to pack the Court.

The Constitution does not fix the number of Justices of the Supreme Court. It is the Congress which may fix the number by statute.

The Judiciary Act of 1789 provided for a Chief Justice and five associates, six in all.

In 1807, the Congress added another associate Justice, making seven in all.

Presidents Madison, Monroe, Adams and Jackson, during a period of twenty years, recommended a further increase; but the Congress, then jealous of Liberty and unwilling to allow a President to make appointments to new vacancies, refused to increase the Court until 1837, when it enacted a law for two more associate Justices, but did so on the last day of President Jackson's term.