



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

April 19, 2021

The Honorable Kyrsten Sinema  
United States Senate  
317 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Mark Kelly  
United States Senate  
Dirksen Senate Office Building, Suite B40B  
Washington, D.C. 20510

Dear Senators Sinema and Kelly:

I was very disturbed to learn that the Congress may soon be entertaining legislation to dramatically redesign the Supreme Court of the United States. Similarly, President Biden recently created the Presidential Commission on the Supreme Court of the United States, which among other things will examine the membership and size of the Court.

Expanding the size of the Supreme Court would be nothing less than a direct assault on judicial independence. The cornerstone of our Constitution rests on the notion that power is divided between separate branches of government. This unique system creates checks and balances—an essential defense against any form of tyranny.

History has demonstrated that when elected officials propose legislation to alter the composition of the Supreme Court, their real motives are less than noble. In fact, these misguided actions have almost always attempted to bypass the principles of the Constitution in a quest for more power.

Recently in 2019, when asked about expanding the Supreme Court, the late Justice Ruth Bader Ginsburg stated, “I think that was a bad idea when President Franklin Delano Roosevelt tried to pack the court.” And just this month, Justice Stephen Breyer opposed “court-packing,” saying, “[s]tructural alteration motivated by the perception of political influence can only feed that latter perception, further eroding that trust.”

The institution of the Supreme Court is not, and must never be, accountable to other branches of government, but only to the Constitution of the United States. Term limits for the Justices do not exist so they can remain focused on the law and not be concerned with ever-changing political trends and special interests. The Supreme Court must be safeguarded from the tyranny of the majority to preserve the rights of the minority.

I urge you to vocally and adamantly oppose any attempts to blatantly undermine our Constitution and the independence of our judiciary.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mark Brnovich", with a long, sweeping horizontal line extending to the right.

Mark Brnovich  
Arizona Attorney General