

Biden orders study on ‘size’ of Supreme Court, other possible changes amid liberal court-packing push

Liberals want the court to expand beyond 9 justices.

President Biden will issue an executive order Friday to form a commission to study reforms to the United States Supreme Court.

Biden, under pressure from liberals to expand the size of the high court, promised to create the commission during a “60 Minutes” interview back in October in the wake of Justice Ruth Bader Ginsburg’s death.

The 36-member commission will be bipartisan and will hold public meetings to evaluate court reforms. The new panel will have 180 days from the first meeting to complete its report on the pros and cons of court reforms.

MSNBC HOST CALLS ON LIBERAL SUPREME COURT JUSTICE BREYER TO RETIRE AFTER HIS WARNING AGAINST ‘COURT-PACKING’

While court-packing — or expanding the number of justices beyond nine — has been the most high-profile court reform debated, Biden’s executive order seeks to look at other judicial changes, including the lifetime appointment of justices.

According to the White House, the commission will look into “the length of service and turnover of justices on the Court; the membership and size of the Court; and the Court’s case selection, rules, and practices.”

LIBERAL JUSTICE STEPHEN BREYER FORCEFULLY OPPOSES COURT PACKING

Biden picked two chairs to lead the commission: New York University School of Law professor Bob Bauer, the former White House Counsel under former President Barack Obama, and Yale Law School Professor Cristina Rodriguez, a former Justice Department official and clerk to former Justice Sandra Day

O'Connor.

The other members are scholars, lawyers, retired members of the judiciary, and advocates, including Caroline Fredrickson, the past president of the American Constitution Society, a progressive legal organization; Sherrilyn Ifill, president of the NAACP Legal Defense & Educational Fund; and Adam White, a resident scholar at the American Enterprise Institute and member of the conservative Federalist Society.



President Donald Trump and Amy Coney Barrett stand on the Blue Room Balcony after Supreme Court Justice Clarence Thomas administered the Constitutional Oath to her on the South Lawn of the White House in Washington, Monday, Oct. 26, 2020. (AP Photo/Patrick Semansky)

Biden has been cool to the idea of court-packing in the past, calling it a “bonehead idea” back in 1983 and said during the presidential campaign that he’s “not a fan of court-packing.”

BIDEN IS SILENT NOW ON COURT-PACKING STANCE, BUT IN 1983 HE CALLED IT A ‘BONEHEAD’ IDEA

But Biden pledged to form the commission during the campaign as liberals were outraged that former President Trump got to appoint a third Supreme Court justice — Amy Coney Barrett — and Senate Republicans fast-tracked her

confirmation in October despite the 2020 election just days away.

Progressives, including prominent lawmakers like Sen. Ed Markey, D-Mass., vowed to abolish the filibuster and expand the Supreme Court should they retake power.

In the “60 Minutes” interview before he was elected, Biden said the court system was “getting out of whack” and said he supports forming a commission to look at “alternatives” to court-packing.

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“It’s not about court-packing,” Biden said in the October 2020 interview. “There’s a number of other things that our constitutional scholars have debated, and I’ve looked to see what recommendations that commission might make. ... There’s a number of alternatives that go well beyond packing.”

Fox News’ Kellianne Jones contributed to this report.

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