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Should U.S. Supreme Court justices have a job for life, now that people live for such a long time?

Updated Nov 05, 2019; Posted Nov 04, 2019



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A judicial appointment to the U.S. Supreme Court may now last for 30 years or longer after the appointing president has left office. This means a president's partisan preferences continue to rule us from the grave. Above, the justices: Seated from left: Associate Justice Stephen Breyer, Associate Justice Clarence Thomas, Chief Justice of the United States John G. Roberts, Associate Justice Ruth Bader Ginsburg and Associate Justice Samuel Alito Jr. Standing behind from left: Associate Justice Neil Gorsuch, Associate Justice Sonia Sotomayor, Associate Justice Elena Kagan and Associate Justice Brett M. Kavanaugh.

By Frank Askin

The Supreme Court of the United States, is back in the news these days - mostly the result of proposals by a number of the Democratic presidential candidates proposing increasing its size in hopes that the party will be able to win the Senate and White House in 2020 and add justices to create a liberal majority.

I am a left-wing Democrat and would like nothing more than to see a shift to the left by the Court. But I think the Democrats' proposals are ill-considered.

It is true that the size of the Court has been transformed on several occasions over the country's history, generally for reasons of partisan manipulation, having started at six and once going as high as 10.

But the last change was in 1869, and membership has been left at nine since then. And now I think it's time to leave well-enough alone. I assume that is why in the 1930s the Democrats refused to carry out FDR's court-packing plan.

The problem is that if the Democrats carry out such a threat, retribution will not be far behind. The next time Republicans take control of the government, they will surely reciprocate, setting off an unending arms race.

The impetus for the current movement is clearly reproductive freedom. Democrats and their allies are fearful that the Court's conservative majority will overrule *Roe v. Wade* and allow the red states to further restrict abortion rights. Although I strongly doubt that Chief Justice John Roberts will allow that to happen - for two reasons - one commendable and one more partisan.

The commendable reason is that the conservative Roberts is a staunch defender of the Court's legitimacy and legacy. He does not like to see the Court portrayed as a partisan body, and he does not want to go down in history as the Chief who took away women's rights. The visuals of such an event would be especially striking, since three of the four dissenters would surely be the Court's female justices.

On a partisan level, Roberts fears a feminist backlash if *Roe* is overruled, resulting in a significant fundraising bonanza for the Democratic Party, and fueling the turnout of women in the 2020 elections.

On the other hand there are lots of reasons for a campaign to amend Article 3 of the Constitution, which, provides lifetime tenure for all federal judges including Supreme Court Justices.

For one thing, when the Constitution was adopted, life expectancy was far shorter than it is today. A judicial appointment may now last for 30 years or longer after the appointing president has left office. This means a president's partisan preferences continue to rule us from the grave.

A constitutional amendment could limit judicial terms, to say 18 years, and allow for reappointment by a new president. Although it probably could not require replacement of currently sitting justices, which should satisfy Republicans fearing loss of their current majority.

Obviously, amending the Constitution is an arduous task. But it has been done 17 times, not counting the first 10, which comprised the Bill of Rights.

And it seems to me to be such a fair and nonpartisan proposal that it might receive widespread support.

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