



A project of  **FIX THE COURT**

Background on Supreme Court Term Limits for Interested Parties

To reaffirm the Supreme Court's proper role within our constitutional structure, safeguard its independence and incentivize both comity and humility, Fix the Court, along with [wide majorities](#) of both Democratic and Republican voters, believes that Supreme Court justices should serve for a more reasonable tenure instead of 30 or 35 years, as is now the norm.

Legislation mandating an 18-year term limit for future justices – with a new justice added, and another rotating off, every two years – has emerged as the reform most likely to solve the partisanship and acrimony plaguing the Supreme Court.

Here is how it would work without amending the Constitution (further justification in these [recent op-eds](#) by FTC staff):

1. The president would nominate a new justice to the Supreme Court in his or her first and third years in office. If re-elected, the president would nominate a new justice in the first and third years of his or her second term.
2. Each Supreme Court justice appointed after the law passed would retain life tenure as a federal judge as guaranteed in the Constitution. But only 18 years of that service may be on the Supreme Court, unless there's a vacancy.
3. If there's a vacancy on the Court due to death, resignation or impeachment/removal, the most recently retired justice would be pulled back into service until a new justice is confirmed.
4. The nine justices sitting on the Supreme Court at the time this law passes would retain their right to life tenure on the Supreme Court. This means after term limits go into effect, there may be 10-12 members on the Court for a time.

*This plan has support from both [conservative and liberal legal scholars](#) because it is **fair** and **nonpartisan** and **does not require amending the Constitution**. It would strengthen SCOTUS and restore the public's trust in it.*

Recent term limits news:

- ⇒ **Former Majority Leader Harry Reid endorses term limits for Supreme Court justices in an [interview](#) with Daily Beast:** “When the Constitution was written, no one ever expected judge to live to be 80 years old. Now they’re going into their nineties in some places around the federal court system. So I think that we have to jiggle that around a little bit. I think that’s something [Supreme Court term limits] we need.”
- ⇒ **Former Sen. Ted Kaufman joined 60 plus legal scholars in demanding term limits last month. He explained why in an [interview](#) with Delaware Public Radio:** “If you talk to voters, 75 percent of voters support term limits for Supreme Court nominations,” he said. “And that’s bipartisan and includes independents.”
- ⇒ **SCOTUS reform made the [news in Iowa](#),** prominently featuring Fix the Court’s Gabe Roth: “There are reasons to not want the same individuals serving on the Supreme Court, whether you’re left, right, center, for 30 or 40 years,’ Roth said. ‘Power in the hands of unaccountable individuals for that long is not the hallmark of a democracy, it’s the hallmark of an oligarchy.’”
- ⇒ USA Today’s Richard Wolf is out with an [overview of advocacy efforts to change tenure rules at the Court](#), highlighting public concern over proposals that can’t achieve bipartisan support: “Roth’s group would set the term at 18 years, so that a new justice would be named every two years. [...] Either it would require a constitutional amendment or Congress would pass legislation requiring that justices retire, take ‘senior’ status with lesser duties, or move to an appeals court.”
- ⇒ In an [April 2019 interview](#), Justice Stephen Breyer said he supported term limits for Supreme Court justices.