



Written by [Steve Byas](#) on July 26, 2022

## Poll Claims Two-thirds Want Term Limits on SCOTUS Justices

Sixty-seven percent of Americans support term-limits for justices of the U.S. Supreme Court, according to a new poll published Monday by the Associated Press (AP), in conjunction with the NORC Center for Public Affairs Research. Apparently, now that the Supreme Court is making decisions more in line with the U.S. Constitution — thanks to the addition of three justices by former President Donald Trump to go with Clarence Thomas and Samuel Alito — those on the Left, including those who run the AP, are no longer happy with the Court.



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Now, when the Supreme Court was circumventing the will of the people in the states, as it did with *Roe v. Wade* in 1973, or with the 2015 *Obergefell v. Hodges* ruling that decreed same-sex marriage was legal in all 50 states, progressives loved lifetime appointments — when their radical agenda was stalled in Congress, they could just get it implemented by the Supreme Court.

The U.S. Constitution sets the terms for all members of the federal judiciary. Article III, Section 1, states, “The judges, both of supreme and inferior courts, shall hold their offices during good behavior.” In other words, unless they get impeached and removed, or they resign, federal judges hold a life-time appointment. The Constitution limits the impeachment power of Congress when it relates to the president to treason, bribery, or high crimes and misdemeanors (serious misbehavior), but is silent for what constitutes a sufficient reason to impeach and remove a federal judge.

Eighty-two percent of Democrats and 57 percent of Republicans favor term-limits for justices of the Supreme Court, according to the poll.

Other related questions in the poll were whether those polled had confidence in the Supreme Court, and not surprisingly, 43 percent said that they had “hardly any confidence” in the court. AP added that three months ago, 27 percent said that they had “hardly any confidence” in the court. Just in case readers of the AP story did not “get it,” the AP adds, “The poll was conducted just weeks after the high court issued high-profile rulings striking down constitutional protections for abortion and expanding gun rights.”

Of course, the Supreme Court justices did not “expand” gun rights, they simply applied the rights already guaranteed by the Second Amendment to a case before them.

Before the 2020 presidential election, after President Donald Trump made his third nomination to the



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Supreme Court — Amy Coney Barrett — progressives such as Senator Chuck Schumer began advocating adding more members to the Supreme Court. When Joe Biden was declared the winner of the presidential election, this desire increased, as one of their own would be picking those new judges.

Biden even created a commission to study potential changes to the Supreme Court. One of the ideas the commission discussed was placing term limits on justices.

Term limits — whether for members of Congress or for members of the federal judiciary — are always predictably popular. It should be noted, however, that the AP poll, like most polls, focuses on numbers for and against, and not on how important the person polled thinks term limits are. Secondly, those who support term limits assume that a term-limited person's replacement, whether a member of Congress or a judge, would be better than the person being replaced. Exactly why this would be so is not given much thought, of course. Logically, liberal members of Congress would be replaced by similarly liberal members and conservative members of Congress would hopefully be replaced by similarly conservative members.

Unfortunately, when a conservative member of Congress retires, they are rarely replaced by someone as respectful of the Constitution.

What is needed is a better-informed electorate, not term limits. Few have heard the arguments against term limits. This is one reason why governing by polls is not a good practice.

When it comes to the Supreme Court, whether the idea of term limits is a good or bad one — and I happen to think it is a bad one — such limits could not be put in place by an act of Congress. Since the Constitution sets the terms of federal judges as lifetime appointments, it would require an amendment to the Constitution to implement term limits.

The Framers of the Constitution specifically considered term limits for members of Congress, and rejected them. But they did provide a way to change the Constitution. It takes a two-thirds vote of each house of Congress to propose an amendment, followed by ratification from three-fourths of the states. That is unlikely to happen, but considering that Congress routinely ignores the Constitution, it would not be surprising if there were an effort to pass term limits on the Supreme Court anyway.



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