

Term Limits or Death?”

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“The only responsible choice for Justice Breyer is to immediately announce his retirement,” contends Brian Fallon, executive director of Demand Justice, “so President Biden can quickly nominate the first-ever Black woman Supreme Court justice.”

Not merely pushing identity politics, Fallon is warning of the risk of “Democrats losing control of the Senate before a Biden nominee can be confirmed.”

No retirement announcement yet from 82-year-old Stephen Breyer, who recently advised Democrats against court-packing. Having served on the High Court for the last 27 years, he is the oldest justice and second-longest serving.*

And why allow personal circumstances or the vagaries of death to decide such potentially critical matters in our republic?

“Democrats’ fears about Breyer come after [Justice Ruth Bader] Ginsburg refused to heed calls from liberals and former President Barack Obama to step down,” notes Forbes, “which ultimately resulted in Trump appointing conservative-leaning Justice Amy Coney Barrett to succeed her when Ginsburg died in September.”



It is painfully obvious: life terms at the highest court have produced gamesmanship — not on the Court, mind you, but *in Congress*, that cesspool of even longer tenure where our supposed representatives do anything but.

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To prevent politicians from politicizing the Supreme Court of the United States, put the number of justices (9) into the Constitution and term-limit those justices to a single 18-year term. No renomination. With nine justices, cycle one out and a new one in every two years.

There are other matters to consider and settle. Do so in constitutional form, so the whole country is engaged and the Court is hereafter more secure and independent of that branch most in need of term limits.

This is Common Sense. I’m Paul Jacob.

* On the all-time Supreme Court longevity list, Breyer thus lags ten places behind Justice Clarence Thomas, who has served 10,767 days on the court and currently ranks 16th.