



DocketED

October Edition: Lifetime Tenure and Judicial Independence

The judiciary is one of the most misunderstood branches—but also one of the most fascinating. With the right activities, students can see the courts not as distant institutions but as dynamic guardians of constitutional democracy.

This month, we focus on the often-debated topic of lifetime tenure in the Federal Judiciary.

Gavel Without a Deadline: Exploring Lifetime Appointments

Objective: Students will learn why federal judges serve for life, how it affects judicial independence, and how the system checks judicial power.

What Are Lifetime Appointments?

Under Article III of the U.S. Constitution, federal judges — including those serving on the Supreme Court of the United States, United States Courts of Appeals, and United States District Courts — hold their positions “during good behavior.”

In practice, this means judges serve for life unless they resign, retire, or are removed through impeachment.

One of the key architects of this idea, Alexander Hamilton, explained the reasoning in [*The Federalist No. 78*](#): lifetime tenure protects judges from political retaliation and helps them uphold the Constitution fairly.

Why Did the Founders Create Lifetime Appointments?

The framers of the Constitution wanted courts that were:

- Independent from politics
- Stable over time
- Able to protect minority rights

Lifetime appointments help ensure judges are not worried about elections or reappointment when making decisions.

However, the system also includes checks and balances:

- Judges are nominated by the President, but must be confirmed by the Senate.
- They may be removed through impeachment.

Examples of impeachment include the case of [Samuel Chase](#), an early Supreme Court justice impeached in 1804 (though later acquitted).

Introduction: Students examine excerpts from primary sources.

- Provide Students with excerpts from [Article III of the U.S. Constitution](#) and [The Federalist No. 78](#).
- Students will answer guiding questions:
What does “good behavior” mean?
Why did Hamilton support lifetime tenure?
What problems might arise from lifetime appointments?

Activity: Debate the Lifetime Appointment of Federal Judges

- Research: Students read background materials on lifetime appointments, including:
Excerpts from Article III of the U.S. Constitution
The Federalist No. 78 by Alexander Hamilton, which discusses the rationale for lifetime tenure.
Articles or case studies about past Supreme Court justices and their influence on key rulings.
Current discussions on judicial reform (e.g., term limits for judges, the role of politics in judicial appointments).
- Divide Students into Groups:
Group A: Support Lifetime Appointments
Students will argue for the continuation of lifetime appointments for federal judges.
Group B: Oppose Lifetime Appointments
Students will argue that lifetime appointments should be reformed or abolished.

Assessment:

- Essay Topic:
One of the recurring debates in the Constitutional Convention concerned the power to appoint federal judges to their lifetime positions. If you were asked to amend the Constitution, would you keep lifetime tenure for federal judges or replace it with a fixed term? Explain the constitutional purpose of lifetime tenure, discuss at least one argument supporting it and one argument against it, and use specific examples to support your position.

Discussion: How do lifetime appointments affect democracy? What are possible alternatives to lifetime tenure?

Additional Resources:

[Article III of the United States Constitution](#)

[The Federalist, No. 78](#)

[Experts Tout Proposals for Supreme Court Term](#) by Kalvis Golde

[Coming to Terms with Term Limits: Fixing the Downward Spiral of Supreme Court](#)

[Appointments](#) by Kermit Roosevelt III & Ruth-Helen Vassilas

[It's Time for Term Limits for Supreme Court Justices](#) by Lee Drutman

[An Argument Against Supreme Court Term Limits](#) by Jonathan H. Adler

Teaching Strategies for Engaging Your Students**Use Historical Context**

Connect lifetime appointments to debates during the Constitutional Convention and sources like The Federalist Papers.

AP Government Practice FRQ

PRESIDENTIAL APPOINTMENTS TO THE FEDERAL JUDICIARY BY SELECTED DEMOGRAPHIC CHARACTERISTICS, 2000-2011 (IN PERCENT)						
President	African American	Hispanic	Asian American	White	Women	Men
Barack Obama	22%	11%	8%	59%	46%	54%
George W. Bush	7%	9%	1%	82%	22%	78%

Presidents consider many factors when nominating candidates to federal courts, and getting their nominees confirmed is often difficult.

- (a) Using the chart above, describe ONE similarity between Presidential Barack Obama's judicial appointments and those made by President George W. Bush.
- (b) Using the chart above, describe TWO differences between President Barack Obama's judicial appointments and those made by President George W. Bush.
- (c) Explain why a president's party affiliation accounts for differences in presidential appointments to the judiciary.
- (d) Describe one way a president can increase the chances of having judicial nominations to the federal courts confirmed.

Quote of the Month:

"The great security for the independence of the judiciary is the tenure for life which the Constitution provides."

- *Justice John Marshall*

Fun Fact of the Month

U.S. District Court Judge Howard Sachs served the Western District of Missouri until his 100th birthday.

Looking Ahead

Next month we will compare federal and state jurisdiction. How does a case make its way to federal court?

Until next time, keep guiding your students through the intricate world of the federal judiciary!