
HOUSE CONCURRENT RESOLUTION

URGING A CONSTITUTIONAL AMENDMENT TO ESTABLISH FIXED TERMS FOR
JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.

1 WHEREAS, Article II of the United States Constitution
2 provides that the United States President shall appoint Justices
3 to the Supreme Court "by and with the advice and consent of the
4 Senate"; and

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6 WHEREAS, Article III of the Constitution provides that
7 Supreme Court Justices "shall hold their offices during good
8 behavior," which has been interpreted to mean that Supreme Court
9 Justices may serve for the remainder of their lives unless they
10 resign, retire voluntarily, or are removed by impeachment; and

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12 WHEREAS, lifetime judicial tenure provides Supreme Court
13 Justices with tremendous power and influence; and

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15 WHEREAS, advances in science, medicine, and technology have
16 made it possible for Justices to serve much longer than in the
17 era of the Framers; and

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19 WHEREAS, between 1789 and 1970, Justices served a
20 cumulative average of 14.9 years on the Supreme Court before
21 retiring; and

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23 WHEREAS, Justices retiring between 1970 and 2005 served an
24 average of 26.1 years on the Court; and

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26 WHEREAS, the last four Justices to leave the Court served
27 there for an average of twenty-eight years; and

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29 WHEREAS, lifetime judicial tenure makes the timing of
30 appointments to the Court completely arbitrary; and



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2 WHEREAS, throughout American history, some Presidents have
3 had the opportunity to appoint several Justices while others
4 have appointed none; and
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6 WHEREAS, judges do not enjoy lifetime tenure on
7 constitutional courts of any other major democratic nation; and
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9 WHEREAS, creating a prospective system of fixed,
10 nonrenewable, staggered, eighteen-year terms for Supreme Court
11 Justices would create regular vacancies and allow each President
12 to influence the composition of the Court; and
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14 WHEREAS, under the proposed system of fixed terms, a
15 vacancy would occur on the Court every two years, allowing every
16 one-term President to appoint two Justices and every two-term
17 President to appoint four; and
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19 WHEREAS, many legal scholars agree that establishing a
20 system of fixed terms for Supreme Court Justices would require
21 an amendment to the United States Constitution; now, therefore,
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23 BE IT RESOLVED by the House of Representatives of the
24 Twenty-eighth Legislature of the State of Hawaii, Regular
25 Session of 2016, the Senate concurring, that the members of
26 Hawaii's congressional delegation are urged to introduce
27 legislation proposing an amendment to the Constitution of the
28 United States to establish a prospective system of fixed,
29 nonrenewable, staggered, eighteen-year terms for Justices of the
30 Supreme Court of the United States; and
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32 BE IT FURTHER RESOLVED that a certified copy of this
33 Concurrent Resolution be transmitted to each member of Hawaii's
34 congressional delegation.
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OFFERED BY: 

