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Note from [ImpeachSCOTUS.org](https://www.impeachscotus.org): This article by Ellie Kaufman, linked below, parrots the ubiquitous claim that “justices receive lifetime appointments,” but of course the constitution says no such thing. It says only that their terms shall be “during good behavior.” However, it is correct that impeachment is necessary for removal.

Kaufman then states that, “The process is the same as impeaching the president of the United States.” While this is technically true, for presidents, whose terms are 4 years long, a people’s remedy for malfeasance is never longer than 4 years away. For them, the high bar of “bribery, treason, or other High Crimes and Misdemeanors,” necessary for their impeachment, is acceptable.

On the other hand, for federal judges, including most especially the “Justices” on the SCOTUS, the highest court in the nation, the trigger for impeachment should be much easier to reach because anytime they fall short of the “good behavior” standard, their terms should end. Nobody would seriously argue that all malfeasance, corruption, or criminal acts that don’t quite reach the level of depravity represented by “bribery, treason, or other high crimes and misdemeanors” could be accepted as “good behavior.”

Still, we are grateful to Ellie Kaufman, CNN, and Newsweek for the article, “How to impeach a Supreme Court justice,” linked below.

Article below originally posted at: <https://www.cnn.com/2019/09/16/politics/scotus-impeach>

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How to impeach a Supreme Court justice



By [Ellie Kaufman](#), CNN

2 min read

Published 6:52 PM EDT, Mon September 16, 2019



In this September 27, 2018, file photo, Protesters and supporters of Supreme Court Nominee Brett Kavanaugh watch Christine Blasey Ford's testimony from Sen. Chuck Grassley's office in Washington. Zach Gibson/Getty Images

WashingtonCNN —

Several Democratic presidential hopefuls are calling for the impeachment of Supreme Court Justice Brett Kavanaugh after a new book provided unreported details of an incident of alleged sexual misconduct while he was a student at Yale.

Because justices receive lifetime appointments, removing one is harder than just calling up someone and firing them. In order to remove one, you have to impeach them.

The process is the same as impeaching the president of the United States. The House of Representatives would vote on whether to impeach the justice in question. If the justice is impeached, there would be a Senate trial.

The House needs only a simple majority to impeach a Supreme Court justice or any federal judge. To convict and then remove the justice or judge, the Senate requires a two-thirds majority.

In an interview with WNYC radio, House Judiciary Chairman Jerry Nadler said he had questions for FBI Director Christopher Wray regarding the agency's investigation of the allegations against Kavanaugh. Nadler has previously asked the National Archives to produce documents related to Kavanaugh's time in the George W. Bush White House.

The part of the Constitution that establishes the judicial system, Article III, leaves broad room for interpretation about how judges should behave in their roles.

“The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior,” the document states. The Constitution provides no further guidance about how judges should behave in office.



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Impeachment and removal of federal judges is extremely rare. The House of Representatives has impeached only 15 federal judges since 1803, and eight of those impeachments were followed by convictions in the Senate, according to New York University's Brennan Center for Justice.

Samuel Chase is the only Supreme Court justice who was ever impeached, in 1804, and he was acquitted by the Senate in 1805, according to the Supreme Court of the United States and the Senate.

CNN's Jeremy Herb contributed to this report.

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