

THE INDEPENDENCE OF FEDERAL COURT JUDGES

We The People... 

What began as an idea...
became a nation's greatest promise.



1. Judicial Independence Presented Through Three Key Provisions

Life Tenure – Article III, Section 1 (Good Behavior)

Judges "Shall hold their offices during good behaviour, " implies that federal judges can only be removed from office if they are impeached by the House of Representatives and the Senate convicts them of "Treason, Bribery, or other high crimes and misdemeanors."

Income Protection – Article III, Section 1 (Compensation Clause)

Compensation for judicial duties "Shall not be diminished" during a judge's tenure. This clause protects judicial independence by removing Congress's power to cut a judge's pay for an unpopular ruling, allowing judges to rule strictly on the law, not out of fear of political reprisal.

Appointment – Article II, Section 2 (The Appointment Clause)

Writes that Judges are selected by the President and confirmed by the Senate. This establishes a balanced system of power.

Fun Fact:

Fifteen judges have been impeached, with only eight fully removed.

2. Independent From Who/What?

Life Tenure



Separates judges from congress, the president, and the public's opinion.

Income Protection



Judges are independent from congressional paycheck cuts.

Appointment



Judges are isolated from political parties, allowing for rulings to be based on only the federal law and constitution.

3. Why does it do so?

This allows constitutional rulings to remain consistent and unaffected by political changes.
(Federalist No. 78).

Banning salary cuts ensures fair justice, which eliminates the burden of financial pressure on judges.
(Federalist No. 79).

An independent judiciary enforces a separation of powers, preventing any one branch from taking absolute control.
(Federalist No. 81).

4. Canon 5 of the Code of Conduct

Ensures judges refrain from political activity that could diminish the public's view of the judiciary.

The purpose is to preserve judicial independence and the integrity of the U.S. Court system.

Restrictions

1. No endorsing candidates
2. No leadership in Political Organizations
3. No soliciting Funds

5. Courthouse Ethics and Transparency Act (Federal Law Signed on May 13th of 2022)

Mandates that judges disclose stock trades over \$1,000 within a 45-day time period, to be published in a public database. This enhances transparency and strengthens public confidence in the U.S. Court System