



JULY 29, 2024

# FACT SHEET: President Biden Announces Bold Plan to Reform the Supreme Court and Ensure No President Is Above the Law

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From his first day in office—and every day since then—President Biden has taken action to strengthen American democracy and protect the rule of law.

In recent years, the Supreme Court has overturned long-established legal precedents protecting fundamental rights. This Court has gutted civil rights protections, taken away a woman’s right to choose, and now granted Presidents broad immunity from prosecution for crimes they commit in office.

At the same time, recent ethics scandals involving some Justices have caused the public to question the fairness and independence that are essential for the Court to faithfully carry out its mission to deliver justice for all Americans.

President Biden believes that no one—neither the President nor the Supreme Court—is above the law.

In the face of this crisis of confidence in America’s democratic institutions, President Biden is calling for three bold reforms to restore trust and accountability:

- 1. No Immunity for Crimes a Former President Committed in Office:** President Biden shares the Founders’ belief that the President’s power is limited—not absolute—and must ultimately reside with the people. He is calling for a constitutional amendment that makes clear no President is above the law or immune from prosecution for crimes committed while in office. This **No One Is Above the Law Amendment** will state that the Constitution does not confer any immunity from federal criminal indictment, trial, conviction, or sentencing by virtue of previously serving as President.
- 2. Term Limits for Supreme Court Justices:** Congress approved term limits for the Presidency over 75 years ago, and President Biden believes they should do the same for the Supreme Court. The United States is the only major constitutional democracy that gives lifetime seats to its high court Justices. Term limits would help ensure that the Court’s membership changes with some regularity; make timing for Court nominations more predictable and less arbitrary; and reduce the chance that any single Presidency imposes undue influence for generations to come. President Biden supports a system in which the President would appoint a Justice every two years to spend eighteen years in active service on the Supreme Court.
- 3. Binding Code of Conduct for the Supreme Court:** President Biden believes that Congress should pass binding, enforceable conduct and ethics rules that require Justices to disclose gifts, refrain from public political activity, and recuse themselves from cases in which they or their spouses have financial or other conflicts of interest. Supreme Court Justices should not be exempt from the enforceable code of conduct that applies to every other federal judge.

President Biden and Vice President Harris look forward to working with Congress and empowering the American people to prevent the abuse of Presidential power, restore faith in the Supreme Court, and strengthen the guardrails of democracy. President Biden thanks the Presidential Commission on the Supreme Court of the United States for its insightful analysis of Supreme Court reform proposals. The Administration will continue its work to ensure that no one is above the law – and in America, the people rule.

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