

IN DEFENSE OF AMERICA'S JUDGES SAMPLE OP-ED FOR BAR LEADERS

This campaign season has seen some of the sharpest political attacks against judges in recent memory. Our judiciary is too important to be tossed about in the political currents.

Throughout our history, America's courts and judges have played an indispensable role in protecting people's liberties, security and safety. By protecting society against those who would break our laws, providing a venue to decide peacefully business and other disputes, and defending basic rights and liberties against encroachment by government, the courts and judges who preside over them have served our country admirably. This is a proud history, and one of the principal reasons our system of government is an example much of the world seeks to emulate.

Still, individuals across the nation have regularly criticized the judiciary, finding fault with various decisions and court orders with which they disagree. That's perfectly fine—a sign of healthy public discourse, in fact. But in recent years that criticism has reached troubling levels. Judges responsible for considering difficult constitutional issues or simple tort cases have been subjected to public criticism from special interest groups who criticize the results of their decisions rather than their legal reasoning.

Disdain for judges has grown so rampant that they are increasingly held up as scapegoats or caught in the crosscurrents of debates over some of the hot-button social issues of our time—same-sex marriage, the Pledge of Allegiance, flag desecration and “tort reform,” to name just a few.

Those who attack the courts would have the public believe that judges proactively take on these issues as part of a campaign to reshape America to fit their individual, activist agendas. Rarely is the public told the truth: that our courts can only consider matters presented to them; that they decide these issues only after careful consideration of the legal principles involved; that, after careful deliberation, they present written, carefully reasoned rulings; and that there are appeals courts reviewing their decisions.

Despite these facts, the attacks upon our courts and judges continue. The cumulative, corrosive impact of this chorus of criticism is that more and more members of the public are becoming cynical about the fairness and equity of our nation's courts.

This cynicism is unfortunate. More unfortunate is the fact that some in public office try to exploit it to strip the courts of jurisdiction to even hear certain cases. All of this undermines public confidence in the justice system's traditionally recognized role as a neutral forum for resolving disputes. Worse still, it undermines the very system of “checks and balances” enshrined in our Constitution.

In *Federalist Paper No. 78*, Alexander Hamilton called our courts the “citadel of public justice and public security.” If we allow politics to interfere with the courts, we undercut 200 years of constitutional tradition.