

The Executive Branch Must Respect the Judicial Branch as an Independent and Co-Equal Branch of Government

February 15, 2017 - San Francisco -- The Bar Association of San Francisco (BASF) joins other organizations and individuals around the country in voicing concern about recent statements, both by President Trump and his advisors, which undermine the authority of the judicial branch in reviewing acts undertaken by the executive branch. These statements attack the independence of the judiciary and threaten the important system of checks and balances established by the U.S. Constitution.

Although the President may express disagreement with judicial decisions, our constitutional system depends upon the coordinate branches respecting officials engaged in performing their respective functions. Last week, the Ninth Circuit upheld a temporary stay issued by a district court of the President's executive order banning entry to the United States based upon country of origin. President Trump referred to the duly appointed and confirmed federal district court judge who issued the stay as a "so-called judge." He later described the Ninth Circuit's duly noticed and conducted appellate review of that order as "a disgrace." Both statements go beyond criticism of a court decision, and instead call into question the legitimacy of constitutionally appointed judges and their lawfully conducted proceedings. Moreover, the President and members of his administration described the Ninth Circuit's decision as being "political" rather than being based in law. Statements by members of the Executive Branch that seek to demean judicial officers and question the legitimacy of their proceedings, threaten to undermine public confidence in the integrity of the courts, and -- by extension -- a fair and just society. BASF calls upon the Administration to cease further attacks upon individual judges, and to accord the judiciary the respect owed to a co-equal branch of the government.

BASF urges all lawyers to continue to speak up in defense of the judiciary and resist efforts to diminish its role or function.

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