Op-ed: The president’s judicial ignorance and obstruction is dangerous

By Robert W. Adler

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President Donald Trump’s infamous tweet referring to a respected federal judge (the Honorable James L. Robart) as a “so-called judge” has circled the globe. The president launched this attack because he disagreed with Robart’s temporary restraining order halting operation of Trump’s executive order on immigration until the case could be heard fully.

Later, Trump practically demanded that the three-judge panel of the U.S. Court of Appeals for the 9th Circuit rule in his favor as the only way to maintain respect for our federal court system: “If these judges wanted to — in my opinion — help the court in terms of respect for the court, they’d do what they should be doing. I mean, it’s so sad.”

In the same remarks, the president accused federal judges of being “so political.” He also appeared to question the objectivity of the 9th Circuit judges simply because they asked the federal attorney tough questions, as they did of Washington state’s solicitor general as well.

When the 9th Circuit panel ruled to keep the stay in place, the president taunted by tweet “see you in court,” told reporters the ruling was “a political decision,” and later tweeted that it was “a disgraceful decision.”

In The Federalist No. 78, one of the essays published in 1788 to convince the citizens of New York to ratify the proposed Constitution, Alexander Hamilton famously explained and defended the critical role of an independent judicial branch as a safeguard of our liberty. First, because the judicial branch “may truly be said to have neither force nor will; but merely judgment,” public respect for the judicial branch is essential to its role in safeguarding our rights.
Second, Hamilton argued that liberty is ensured only "so long as the judiciary remains truly distinct from both the legislature and the executive." That, he argued, justified constitutional provisions ensuring that no one person or branch of government is responsible for selecting or appointing our federal judges, and that they should serve for life subject only to the requirement of "good behavior."

It also suggests that the president — and all of us — need to maintain our collective respect for the role of entirely independent federal judges.

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