

Principles of Independent Judicial Administration

THE ARTICLE THREE COALITION OF MORE THAN 50 RETIRED UNITED STATES DISTRICT (trial) AND UNITED STATES CIRCUIT (appellate) JUDGES APPOINTED BY PRESIDENTS OF BOTH POLITICAL PARTIES DECLARES THE FOLLOWING CONDITIONS AS NECESSARY FOR FEDERAL COURTS TO PERFORM THEIR CONSTITUTIONAL RESPONSIBILITIES, BASED ON OUR COMBINED PROFESSIONAL EXPERIENCE IN JUDGING OF OVER 1000 YEARS:

First, in our Constitutional structure of three separate but co-equal Governmental branches, each branch is dependent on the others in diverse ways. For example, Congress must provide authority, protection, and resources sufficient to enable judges to decide cases safely, expeditiously, impartially and justly, according to law.

Second, Congress must provide an Executive agency for serving, executing and enforcing orders issued by courts, and for the protection of judges, their families, their staff and courthouses. That agency continues to be the U.S. Marshals Service, which has long performed such duties admirably.

Third, Congress must assure that such functions performed on behalf of the Judiciary are carried out by an Executive agency responsive to the courts and that has sufficient resources to fulfill its mission.

Fourth, in suits by or against the Government, its attorneys must carry out their dual duties as counsel for the sovereign and officers of the court candidly and cooperatively, according to established judicial interpretations of the Constitution and statutes of the United States, and governing ethical canons, regardless of the views of Executive officials, Members of Congress or others.

Fifth, in the conduct of such suits, no counsel, private or governmental, shall be permitted to deliberately delay the proceedings, fail to comply with court orders for documents and witnesses, or engage in any other tactic designed to hinder, obstruct or defeat the judicial process or thwart the timely administration of justice.

Sixth, Congressional and Executive officials must refrain from threatening impeachment or otherwise intimidating, endangering or coercing judges because of their rulings; instead, the proper recourse, as the Chief Justice stated in March 2025, is to appeal to a higher court; of course, like other Government officials, judges are subject to possible impeachment where there is substantial evidence of, in the words of the Constitution, "Treason, Bribery, or other high Crimes and Misdemeanors."

Seventh, no person, including officials of the Executive and/or Congress, should be protected, directly or indirectly, from the proper reach of the contempt of court powers of the Judiciary, nor should Congress otherwise protect officials when they threaten or attempt to intimidate or coerce judges, including with personal attacks in public.

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Eighth, the Judiciary will continue to adhere to the principle that judges must rule only on the basis of the facts of record in each case, not on public opinion or non-record information, and must always do so impartially, fairly, ethically, without bias and expeditiously.