

RESOLUTION IN SUPPORT OF JUDICIAL INDEPENDENCE

WHEREAS, to secure liberty, our constitutional system of checks and balances divides governmental power among the legislative branch, the executive branch and the judiciary, by giving the legislative branch the power to make laws, imposing on the executive branch the power to enforce laws and assigning to the judiciary the power to interpret laws; and

WHEREAS, this is the doctrine of separation of powers; and

WHEREAS, as opposed to the political branches of government, the judiciary must be independent, meaning a judiciary which acts fairly and impartially, in consideration of what is just, not what is popular, and which makes decisions after careful legal scrutiny firmly grounded on the rule of law applied to the evidence presented in the particular case, but without concern for politics, the demands of special interest groups or even the popular opinions of the majority; and

WHEREAS, the judiciary, to fulfill its independent function as a coequal branch of government, must be free from encroachment from either the legislative or executive branches of government.

THEREFORE, BE IT RESOLVED, that the North Carolina Bar Association affirms the principle that an independent judiciary is a cornerstone of democracy and that the independence of the judiciary must be preserved; and

THEREFORE, BE IT FURTHER RESOLVED, that the North Carolina Bar Association rejects any contention that the judiciary should be dependent and subservient to either the other branches of government or popular opinions, for surely and inevitably, a dependent judiciary would be neither fair nor impartial and would constitute a dire threat to justice, our constitutional democracy and freedom itself.

Adopted this 22nd day of January, 2009
by the Board of Governors of the North Carolina Bar Association



Charles L. Becton
President, North Carolina Bar Association