

**New York County Lawyers Association Statement on
Recent Remarks by President Donald J. Trump about Federal Judiciary**

New York, New York (02/09/2017) — New York County Lawyers Association (NYCLA) President Carol A. Sigmond issued this statement today:

“On January 27, 2017, President Donald J. Trump issued an Executive Order, which among other things, bars individuals from seven named countries with significant Muslim populations from entering the United States. Over the past week, President Trump has made statements to the effect that the courts, in the exercise of their duties and obligations under Article III of the U.S. Constitution, are interfering with national security while a challenge to his Executive Order is *sub judice*. The President has further stated that judges hearing the challenges to his Executive Order are influenced by ‘politics’ or ‘political views’ and that recent proceedings on the issue before the U.S. Ninth Circuit Court of Appeals were ‘disgraceful.’ In addition, the President referred to one judge, the Honorable James Robart, a United States District Judge in the Western District of Washington, as a ‘so called’ judge. These statements are ill-considered, are without any evidentiary support, and are destructive of our society and system of law.

Due deference and respect should be accorded to the judiciary and individual judges in the performance of their duties. All federal judges take an oath of office to ‘administer justice without respect to person, and do equal right to the poor and to the rich’ and to ‘faithfully and impartially discharge’ all judicial duties. 28 U.S.C. § 453. Additionally, the Code of Conduct for United States Judges requires federal judges to ‘uphold the integrity and independence of the judiciary’ and to ‘avoid impropriety and the appearance of impropriety.’ As of this date, there has been no application by the Department of Justice seeking recusal of any of the judges hearing any of the cases arising out of the disputed Executive Order. No evidence has been provided to support the charges that judges are being influenced by ‘politics’ or ‘political views.’

Public faith and confidence in the integrity of our federal and state judges is critical to the effective functioning of our courts. There are mechanisms for addressing *bona fide* issues of judicial misconduct for those rare occasions when there is a genuine issue. But at this time, all the members of the judiciary dealing with the January 27, 2017, Executive Order are doing so appropriately and honorably as members of an independent, coequal branch of our government.

To be sure, as stated by U.S. Supreme Court nominee, the Honorable Neil Gorsuch, President Trump's comments are 'demoralizing' to the federal judiciary. However, such comments also threaten judicial independence and the separation of powers between the branches of our government, concepts at the foundation of our Republic."

About the New York County Lawyers Association

The New York County Lawyers Association was founded in 1908 by, among others, Benjamin Cardozo, Alton B. Parker, John Dillon, and Augustus N. Hand, all distinguished jurists, to ensure selection of judges based on merit, not politics, ethnicity, race, gender, religion, or national origin, and to ensure that, once selected, the judges were free from pernicious influences. Since its inception, NYCLA has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy. NYCLA stands for the rule of law, the impartial administration of justice, and the independence of the judiciary.

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