

Opening Statement - The Great Debate  
Robert E. Kleinpeter  
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Most everyone agrees there is no perfect system for selecting judges and certainly none completely free of politics. The best we can hope for is a system which tries to strike a balance between protecting judicial independence and promoting judicial accountability.

The essential elements of our justice system honor the separation of powers, allow for judicial independence, and provide for the rule of law. By these means our liberties outlined in The Declaration of Independence, the U. S. Constitution, the Bill of Rights, and our state constitutions are protected. As Alexander Hamilton explained in support of the Constitution at Federalist 78 when writing about the judicial branch, “the general liberty of the people can never be endangered from that quarter...” But Hamilton also wrote, “the judiciary is beyond comparison the weakest of the three departments of power ... all possible care is requisite to enable it to defend itself against [the other two branches] attacks.”

Public polls show most voters want judges to be above politics and that voters are concerned that forcing judges to run campaigns and ask for votes makes them just like politicians. But the same polls show that more than three-fourths of the voters want to have elected judges.

Democracy is the worst form of government except for all those others that have been tried, Winston Churchill famously spoke. If we have to choose between giving power to elite political appointees or trusting the democratic right of the people to choose judges who will make decisions that affect their lives, I choose the latter.

“Democracy is cumbersome, slow and inefficient, but in due time, the voice of the people will be heard and their latent wisdom will prevail,” said Thomas Jefferson.