

**Remarks of ABA President Hilarie Bass  
Assembly of Polish Judges  
May 29, 2018**

**Good afternoon, and thank you for inviting me to join you. It is an honor for me to speak with you today, as fellow leaders of the legal profession.**

**I am privileged to serve as the President of the American Bar Association. The ABA is an independent, non-governmental organization, representing approximately 400,000 members of the legal profession worldwide. The ABA is committed to protecting and promoting human rights and a just rule of law, of which an independent judiciary is an indispensable guardian.**

**Indeed, safeguarding judicial independence itself requires constant vigilance. A great American, Alexander Hamilton (who has enjoyed a popular revival in the United States lately), wrote in the Federalist Papers that “the complete independence of the courts of justice is peculiarly essential in a limited Constitution.” As Hamilton stressed, judicial**

**independence is deeply interwoven with the ideals of democracy. At the same time, it can be undermined—swiftly and unexpectedly. Two centuries later, former US Supreme Court Justice Sandra Day O’Connor wrote, in 2008, “judicial independence does not just happen all by itself. It is tremendously hard to create, and easier than most people imagine to destroy.”**

**Throughout its history, the ABA has worked to promote an independent judiciary through engaging in a merit-based review of judges, advocating for proper funding of the courts, and providing civic education on the importance of judicial independence to securing political freedom. As far back as 1937, when President Franklin D. Roosevelt tried to “pack” the Supreme Court by adding six additional seats because he disliked a series of recent Court decisions, the ABA fought the move. Outside the United States, the ABA has successfully petitioned international bodies to investigate violence against judges. We have also monitored proceedings to select high court judges in Honduras and Guatemala in response to concerns about the politicization of the selection process. In Bulgaria, we observed disciplinary proceedings against a judge who faced retaliation for defending the independence of**

**the judiciary and was subsequently reinstated to the bench. As these and countless other cases make clear, threatening judges for doing their jobs has a long and enduring history.**

**Based on our experience working to preserve judicial independence in different countries, we are concerned that the culmination of these so-called reforms in Poland sends a clear message to judges that their perceived political loyalty will be a greater indicator of their success or failure than their commitment to the rule of law. It is a great testament to the judges of Poland that they have resisted efforts to be pressured, and we applaud your commitment to the integrity of the profession. We cannot, however, trust the well-being of our most cherished institutions to courage of individual judges. We must build a broader constituency in support of the rule of law to defend our system of checks and balances ensure a functioning democracy.**

**The American Bar Association, has publicly committed to standing with our Polish colleagues for the duration of this process. Through the ABA Center for Human Rights, we are already sending monitors to disciplinary cases against judges**

and will draw attention to any violations of international standards. We are also planning on monitoring the process by which politically sensitive cases are assigned to judges and the impact that decisions have on their career trajectory. During my time here in Poland, I look forward to learning more from you about what more we can do to support your vigilant efforts.