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Welcome to the Federal Judges Association Website

January 10, 2011 -- The Federal Judges Association and its over 925 members are saddened by the senseless shootings this past Saturday in Tucson, AZ that resulted in the deaths of six innocent victims and life threatening injuries to others including a member of the United States Congress. We hope and pray for a full recovery for those who are fighting for their lives. In particular, we mourn the loss of our dear colleague and fellow FJA member, John M. Roll, who perished in Saturday's tragedy. Chief Judge Roll was appointed to the federal bench by President George H.W. Bush in 1991 and served with honor and distinction as a United States District Judge. From 2006 until the time of his death, Judge Roll was Chief Judge for the United States District Court for the District of Arizona. The FJA extends its deepest sympathies to Chief Judge Roll's family, many friends and colleagues.

Wiley Y. Daniel
President, Federal Judges Association



The Federal Judges Association (FJA) is a voluntary association of Article III judges devoted to protecting the independence of the judicial branch, a fundamental principle embodied in the Constitution of the United States. Article III judges' independence is assured under the Constitution by their appointment for life without diminution in pay. Article III judges, nominated by the President of the United States and confirmed by the Senate, are thus protected from intimidation, undue influence, coercion, or domination so that they may judge fairly and independently in every case, as the law and facts require.

Inevitably from time to time the protection of individual rights requires unpopular decisions that invoke adverse reaction from the public, its legislative representatives, or the executive branch. The FJA, standing independent of all others, with one goal in mind-the independence of the judiciary that protects the freedom of us all-can speak in one voice to protect that independence, to explain its importance to a free society, and to explain the necessity of such decisions.

To further independence, the Association promotes adequate salaries and support for the performance of judicial functions, thereby attracting qualified men and women to the bench. It expresses the collective view of Article III judges to the public and the other branches of government whenever defense of judicial independence is threatened or separation of powers is compromised.

[View the growing collection of studies, editorials, resolutions, statements and other materials in support of judicial salary restoration.](#)

[Quick facts supporting judicial salary restoration.](#)

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Young Scholars



WELCOME to the FJA's web page for young scholars. This page features articles of interest to young men and women who are interested in the functioning of the Federal Judiciary. Because, as our opening page makes clear, the FJA is devoted to "judicial independence," this first article will explore just that, the concept of judicial independence -- what Chief Justice William Rehnquist calls "one of the crown jewels of our system of government today."

What do we mean by judicial independence? We mean, in simple terms, an environment in which "Article III Judges" (that is, federal judges appointed pursuant to Article III of the Federal Constitution) are able to render principled and unbiased court decisions based solely on the "rule of law," that is, what the law says. The Federal Constitution is structured so as to foster this independence in two ways: first, by making the Judiciary separate from the other two branches of government; and, second, by guaranteeing to Article III Judges the right to life tenure "during good behavior" and by prohibiting the diminution of their compensation.

The independence of the federal court system arose out of the American colonists' dissatisfaction with a court system that was heavily influenced by the English King. In the American colonies, judges were appointed by the King and served at the whim of the King. In contrast, the authors of the Constitution divided power among three branches of government, the Congress, the Executive, and the Judiciary, with the result that the Judiciary was made separate and independent of the other two branches. Thus, it is Article III judges, not the President and not members of Congress, who make the decisions in individual cases. This does not mean, however, that the Judiciary is not subject to the system of "checks and balances" that the authors of the Constitution wisely designed and placed on all three branches of government to lessen the possibility of tyrannical rule. For example, the President appoints Article III Judges subject to the advice and consent of the Senate, and, of course, Congress passes the laws the courts must follow in making their decisions. Thus, judicial independence does not mean total independence from the other branches of government; it does mean, however, that judges alone should be the sole decision-makers within the court system.



The authors of the Constitution did not think, however, that giving to judges alone the authority to make decisions in individual cases was adequate to help assure that those decisions would be principled and unbiased. The integrity of the judicial decision-making process was also enhanced by the two unique advantages given to Article III Judges. As stated, Article III of the Federal Constitution provides that federal judges are appointed for life "during good behaviour" and earn "a compensation, which shall not be diminished during their continuance in office."

Why does the Constitution give such advantages to Article III Judges? To be sure, not all judges at the federal level are Article III Judges and enjoy such privileges. For example, Federal Magistrate Judges, whose responsibilities include trying misdemeanor offenses, are appointed by Article III Judges, have terms that last only eight years, and are not protected against salary reductions. Bankruptcy Judges are also appointed by Article III Judges, serve 14-year terms, and their salaries may also be reduced.



Article III Judges benefit from greater protections than other federal judges because one of the most important responsibilities of Article III Judges is to pass on the constitutionality of laws enacted by Congress and on the general legality of some of the actions of the members of the Executive Branch. The provision of life-time positions with salaries that cannot be decreased helps assure that the

legislative and executive branches are unable to punish judges for unpopular judicial decisions. Article III Judges can therefore make their decisions without fear of being fired or losing a portion of their salaries.

The guarantees provision of life-time positions and undiminishable salaries also means that Article III Judges have the ability to make decisions based solely on the "rule of law" (that is, what the Constitution and other laws say) and not based on majority or popular opinions. This does not mean that individuals and groups cannot strongly disagree with and openly criticize the decisions of judges; indeed, one of the reasons Article III Judges enjoy such benefits is so that they can vindicate, without fear of retaliation to themselves, the right of individual citizens to criticize government officials (including judges) without concern for fear of governmental retribution. It means, therefore, that, as long as a litigant has the rule of law on his or her side, that litigant has an unbiased forum before an Article III Judge in which to vindicate his or her claim, no matter how unpopular the litigant or how unpopular the claim.