

I would like to begin by extending my sincere thanks to Caroline Kennedy, the members of the Profile in Courage Award Committee, and the members of the John F. Kennedy Library Foundation. I also would like to thank my family and friends for traveling here to Boston to share this moment with me. Thank you.

I want to talk about Lady Justice. Portraying Justice as a female figure dates back to depictions of Themis and Justitia in ancient mythology. Themis, known for her clear-sightedness, was the Greek Goddess of Justice and Law. In Roman mythology, Justitia was one of the four Virtues along with Prudence, Fortitude and Temperance. Since the 15th century, Lady Justice has often been depicted wearing a blindfold. The blindfold represents objectivity- the scales impartiality.

We made three choices that are relevant here and I want to discuss how they relate to Lady Justice; first, our decisions to become a judge, second, our votes in the Varnum case and third, our decisions in the 2010 election.

Three of my proudest days were when I was sworn in as a judge as a trial court judge, the court of appeals and the Supreme Court. Like the symbols of Lady Justice, each of us took an oath wherein we swore that, without fear, favor, affection, or hope of reward, we would, to the best of our knowledge and ability, administer justice according to the law, equally to the rich and the poor. We also swore to uphold the constitution both of the United States and the State of Iowa. I tried to live up to that oath and do not regret my choice to become a judge and, I suspect, neither do my fellow judges up here with me.

Second, I want discuss our decision. You have heard a little about the Varnum case. I am not here to engage in a debate of the Varnum decision or its merits. I will candidly tell you going into the case, I had no preconceived notions as to the outcome. I had my blindfold on. Frankly, I thought the state could advance some rational basis for the law. It was clear, however, that they could not and my vote was clear. Political or social pressures did not affect my vote, nor do I believe the votes by any other member of the court were affected. There was no discussion along those lines, nor did it factor into the decision. The upcoming election was not a topic of conversation or a consideration, although it was probably in the back of everyone's minds. This is how our founding fathers envisioned the role of the courts.

The reaction to the Varnum decision came as no surprise and we recognized there would be opposition. And, of course, there was. We were called activist judges, elitists, out of touch with the people and a whole lot worse. It is a rare day when someone does not disagree with a court decision. Court decisions involving an interpretation of the constitution are no exception. Without the power of the courts to declare acts of the legislature contrary to the constitution, Alexander Hamilton suggested, the "rights and privileges [reserved to the people] would amount to nothing." Hamilton also recognized that an independent judiciary was necessary to guard the rights of individuals from the will of the majority.

I had a couple of judges in states that elect judges tell me privately that although they believed the case was correctly decided, they could never vote that way because of popular opinion in their states and their fear of being voted out of office. That does not comport with the oath I took. I am today comfortable with my vote on that case and even had I known what would unfold, I would not have changed it. We fulfilled our role as judges.

Finally we also had a choice to make when we were faced with opposition during the 2010 retention vote. We recognized that opposition would surface when the retention vote came up. We were not naive. This did not sneak up on us nor catch us by surprise. We were permitted under our rules to form campaign committees to fight such a campaign. The three of us up for retention made a deliberate decision not to form campaign committees.

Our founding fathers chose wisely to not have judges in a political position. Had we chosen to form campaigns, we would have tacitly admitted that we were what we claimed not to be - politicians. We felt we had to lead by example. We could have gone to attorneys or insurance companies or other businesses to raise money for a campaign, but we strongly believed that the people of Iowa did not want us to be in the position of raising money for a campaign.

We were not going to endorse such a system for Iowa. No one appearing before a judge wants to be in the position of having not contributed to a judge when they know that their opponent has contributed perhaps thousands. We fully understood that this course of action may not have been the smartest move politically, but it was one we all believed in and stuck with even though it may have cost us our jobs.

The founding fathers recognized the critical importance of an independent judiciary, but many do not want an independent court system. They want to take the blindfold off Lady Justice and tip the scales of justice. They seek to have courts bend to political pressures. Why else were there contributions of almost \$40 million in all 2009 and 2010 state judicial elections? Was this money spent to insure fair courts or was it spent to curry favor or intimidate judges?

Why would out of state organizations spend over \$1 million in Iowa over a judicial election? The campaign against us was not limited to removing us, but an attempt to intimidate judges, not only in Iowa, but nationally. That is why outside money was there. The outside groups were in Iowa to take the blindfold off and have every judge looking over their shoulder thinking that if you vote contrary to us we're coming after you.

The blindfold represents the notion that this fear should not exist. Lady Justice represents the ideal of a fair and impartial court- one that is blind to outside forces trying to influence or intimidate courts, one that balances the interests of all.

We cannot stand by and pretend this was a perfect storm or a local weather pattern that just hit Iowa. We must recognize that this is a climate change. It is a national issue. Remember Lady Justice and what she stands for. Thank you.

Remarks delivered by David Baker on accepting the 2012 John F. Kennedy Profile in Courage Award, May 7, 2012. (As Prepared for Delivery)