

Thank you, Mr. Hunt, and a heartfelt thank you to the other members of the Profile in Courage Award Committee and to the Kennedy family. This award was so unexpected, and it is an honor I will cherish forever. My pleasure in receiving this award is magnified by the fact that so many of my family and friends have traveled to Boston to share this beautiful moment with me. Your presence here means so much to me. I want to thank you for the unwavering love and support you extended to me from the day we issued our decision in Varnum, through the dark days of the vindictive campaign against us, and in the seventeen months since the voters of Iowa removed us from the Iowa Supreme Court for our decision in that case. Your love and friendship remind me every day that the most important things in life are not position or power; they are the people in one's life. Because of you, my life is filled with happiness.

I mentioned that this honor was unexpected. It was unexpected because when we cast our votes in Varnum, we weren't thinking about being courageous. We knew that our decision would be unpopular with many people, and we even knew in the back of our minds that we could lose our jobs because of our votes in that case. But we took an oath of office in which we promised to uphold the Iowa Constitution without fear, favor or hope of reward, and that is what we did. The seven of us on the court had decided many years earlier that we would be a court with integrity, that we would decide cases fairly and impartially, and that our only allegiance was a commitment to the rule of law. Those principles made our decision in Varnum clear.

Our founding fathers wisely created a government based on the rule of law, but the rule of law cannot exist without judicial independence. When I speak of "judicial independence" in this context, I am referring to a judiciary that makes decisions based on the fair and uniform application of the law, independent of — free of — outside influence. As I recently heard Justice Anthony Kennedy explain, judicial independence does not give judges the freedom to rule as they wish; it gives them the freedom to rule as they must.

Judicial independence is certainly tested when a judge knows his or her decision is contrary to popular opinion and perhaps will lead to the voters holding the judge accountable in the next election for ignoring the voters' views. Nonetheless, judges cannot base their decisions on public opinion polls, on the wishes of past or potential campaign contributors, or on the judge's personal beliefs, because when judges begin to do that, we cease to be a government based on law.

But the preservation of our system of fair and impartial justice is not solely the responsibility of judges. It is the responsibility of all citizens. There are forces in this country that seek to politicize the judiciary so judges will be selected, not on the basis of their neutrality and good character, but on the basis of their commitment to a particular ideology or to a certain view on specific issues. We must individually and collectively resist those efforts whether they take the form of corporate campaign contributions or threats by groups with political or social agendas. Citizens must demand that judges be chosen and retained for their professional competency, for their ability to be fair and impartial, and for their commitment to look at the facts and issues of each case and only then make up their mind on the outcome.

An even more disturbing trend is the demonizing of judges and the increasing intimidation of the judiciary, both of which we experienced in Iowa. Public officials and other leaders resort to name-calling and denigration rather than engaging in a civil discussion of the issues or constructive solutions. Calling judges activists or elitists adds nothing substantive to the public debate about the important concerns of our time. Instead, that type of bullying behavior weakens the ability of the courts to uphold the rule of law: to protect the social, political, economic and civil rights of all citizens, not just those of the most vociferous, the most popular, the most organized, or the most powerful.

At the end of the day, the debate about controversial court decisions and the judges who make them boils down to a simple question: What kind of court system do Americans want? A court system that issues rulings based upon public opinion polls, campaign contributions and political intimidation, or a court system that issues impartial rulings based upon the rule of law?

If we as Americans value the rule of law, we must act as if we do. Efforts to intimidate the judiciary and to turn judges into politicians or theologians in robes undermine fair and impartial justice and will, over time, destroy the ability and willingness of judges "to do their duty as faithful guardians of the Constitution."

Only through an unwavering commitment to an independent judiciary can we assure future generations that they too will enjoy a society safeguarded by courts that uphold everyone's rights, liberties and freedoms, a society governed by the rule of law.

Thank you again for this wonderful award.

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