

Supreme Court Territory of Guam

Remarks by
The Honorable Peter C. Siguenza
Chief Justice
Territory of Guam

Formal Opening of Appellate Courtroom
3rd Floor Judicial Center
Agaña, Guam
Tuesday, February 11, 1997

Thank you Governor Gutierrez and Speaker Unpingco for those perceptive remarks.

Fellow citizens -- as Chief Justice, I too, would like to share some thoughts with our distinguished guests from all three branches of the government.

However, I will proceed from the perspective of being "behind the bench."

As we all know, the Supreme Court has been in existence for not yet one year, and we are at a crossroads in the early stages of our development. As Senator Angel Santos eloquently stated on the floor, the Supreme Court is in its infancy and must be nurtured in order that it may thrive and grow.

In the process of starting up these past months, one lesson that has been apparent is that partisan politics, that is -- brokerage-house politics -- permeates the decision-making process over the judicial branch.

That practice must stop, and I trust all of you here will support the notion.

Let us pause for a moment and reflect that the judiciary is, as stated earlier, at a crossroads. Let us remember that the United States less than 200 years ago faced a similar crossroads in forming the Constitution. On the Judiciary, Alexander Hamilton had this to say in the *Federalist Papers*. He said:

"The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment..."

"...This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power*; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks..."

I believe those words ring true even today.

When a judge dons the robe, there is a symbolism that takes place. Whatever his or her personal beliefs, party affiliation, income, social status, race, color, or creed, those are left out of the courtroom. Whether justices are wearing the finest silk suit, or a t-shirt and jeans, the robe renders them equal.

Even our statutes compel the conclusion that judges are to be removed as far as possible from partisan politics.

Justices, by law, serve a ten year term of office. And if the justice wants a second term, he or she then goes before the voters for a retention election. But note that there is no opposition candidate for the justices' seat. In reality, justices may serve for life.

We can say that the legislature represents the heart and emotions of the people. And the executive branch represents strength and muscle of the people, and I would suggest that the judiciary represents the rational mind of the people.

While it certainly has come to pass and is now expected that the senators and governor will do all things necessary to please citizens and garner the majority of votes by way of advertising, media exposure, and sincere personal appearances at every social function ever devised by man, it is clear that the judiciary is expected to deliberate and render judgments fairly, objectively, logically and without regard to partisan politics. Indeed, our law states that a judge or justice shall not directly or indirectly make any contribution to a political party or organization, or take part in any political campaign.

So, I leave it to you, fellow citizens, to examine the different roles and responsibilities of the three independent branches of government, and let us work towards removing partisan politics from the judiciary.