



Ducey criticism of judge inappropriate, dangerous

The following column is the opinion and analysis of the writer.

By Frances Lynch

SPECIAL TO THE ARIZONA DAILY STAR

Arizona Gov. Doug Ducey made the wrong move recently in verbally attacking a United States District Judge appointed by former President George W. Bush. Ducey called publicly for United States District Court Federal Judge Neil Wake to step down.

According to the Capital Times, Ducey stated 'Judge Wake puts on a robe in the morning and thinks he's God, but he's not.' Ducey's comments were prompted by a court decision in which Wake wrote that the governor and state acted illegally in taking money from an education trust account without getting required congressional approval. 'It's time for Judge Wake to retire. He's an embarrassment to the legal community.'

Judge Wake is 71, younger than our country's current president. But even so, what's the problem with our governor criticizing the judge? After all, this is the United States of America and everyone has a First Amendment right to criticism of any branch of the government. But irresponsible criticism by someone in a position of actual authority can undermine our system of law.

Ducey's criticism of a particular judge could potentially cause the removal of judges from office or could influence court decisions. This is incompatible with judicial independence and the rule of law.

Legislators or governors such as Ducey may base their decisions on focus groups or opinion polls, but judges may not. Judges are expected to enforce the law, even if that application is distasteful to some. Judges are charged with a duty to protect our rights as citizens, regardless of the popularity, or lack thereof, of such rulings. Ducey also stated, 'There are third-year law students at ASU that can write a more coherent opinion than the one that he(Wake) put forward.' While that is more of a style criticism, which may have little basis because Ducey is not a lawyer, Wake holds a law degree from Harvard Law School.

Nor is Judge Wake a stranger to criticism. In 2008, Wake found himself embroiled in controversy when he ordered Maricopa County Sheriff Joe Arpaio to fix unconstitutional conditions in the county jail system.

Wake ordered that inmates in initial processing should get adequate food, rather than the moldy, rotten food that inmates had previously received.