

## **Installation of Chief Justice Ronald D. Castille January 14, 2008**

The Judicial Branch is the third branch of our tri-partite form of government, designed by our constitution as an important check on the power of the other two branches: the Executive and the Legislative. As has been said, the Judiciary is the weakest branch -- We do not wield the power of the purse, the power to tax, or the power to legislate. We control no army nor any police force nor the governing power like the Executive Branch. We only dispense justice, and any power that we have derives from that single beneficence as directed by the Constitution and the laws of the Commonwealth. While we are dependent upon the other branches of government, we are not subservient to those branches. As an equal branch, our true power derives from the moral authority arising out of our jurisprudential decisions. We command only by the force of this moral authority, and that force is clearly derived from the citizens' support for the law and from those elected and appointed leaders who believe in the rule of law.

The Supreme Court is neither a "Democrat Court" nor a "Republican Court." Of course, Supreme Court Justices are elected. But we are not elected to serve the parties whose banner we ran under; we are not elected to serve any particular constituency or any particular geographic region of Pennsylvania -- we are simply elected to serve a higher calling: Justice. This Court is here to serve all the citizens of this Commonwealth -- to dispense fair and impartial justice to all -- justice for the most favored in our society, and even justice for the most hated and despised in our society.

On these august occasions, I always like to take a brief moment to remember the service to our Nation of the men and women who have worn the uniform of our nation's military services and who go into harm's way in order to preserve the liberties that we sometimes take for granted. Even as we sit in this historic courtroom, American men and women are serving in far-flung, and often hostile, dysfunctional and failed states, much as I served in 1967 in the U.S. Marine Corps in Vietnam. While some may disagree with our involvement in some or all of these hostilities, we must still honor those Americans who serve in the Army, Navy, Marines, Air Force and Coast Guard - for they are the very forces who protect our liberties and ensure our Nation's security, even to the point of sacrifice of life and limb. We owe them all a debt of gratitude.

I remember my Father, Hank Castille, now deceased, who captained a B-17 bomber in raids over Germany in WWII, and C-119 troop carriers in the Korean Conflict and then served 30 years in the U.S. Air Force.

I remember my Platoon Sgt. Angel Mendez, a Marine who was raised in an orphanage in Staten Island and who called the Marine Corps his family. It was Sgt. Mendez who braved heavy enemy machine gun fire to pull me to safety as I lay wounded in that rice paddy in Vietnam at Duc Pho while leading my own Marines in an effort to bring in other wounded and fallen Marines to safety in Operation DeSoto. Angel saved my life that day, but he was mortally wounded and was posthumously awarded the Navy Cross, the second highest medal awarded by the Marine Corps for personal bravery. NY Senator

Charles Schumer is now leading an effort to upgrade Angel's Navy Cross to the Medal of Honor.

And I remember my fellow 2<sup>nd</sup> Lts. from Marine Basic School whose names are now etched on the Vietnam Memorial in Washington, D.C. To some extent, I live my life for them, and my accomplishments are their accomplishments.

The Courts of our nation and, indeed, the Courts of Pennsylvania have been, and are still now, under withering attack by misguided individuals who wish to undermine, or, in some instances, eliminate the independence of the Judicial Branch. In the last election cycle in Pennsylvania, we saw organized efforts to vote out from the judiciary 67 judges standing for retention. These judges had amassed over 700 years of combined judicial experience. Had this effort succeeded, the effect on the judicial system of Pennsylvania would have been disastrous. Moreover, these judges had done nothing to merit a "no" vote -- this misguided effort was designed simply to punish these 67 hard-working judges for what these groups perceived as misfeasance by the legislative branch of government.

Thankfully, the men and women of the organized bar of Pennsylvania were quick to perceive this threat to judicial independence, as were many other concerned leaders and citizens of Pennsylvania. Because of intensive efforts undertaken to counter this attack, the voters of Pennsylvania were educated about the meaning and importance of the constitutionally mandated retention election process for the judiciary. The result was that no judge, was defeated in retention as a direct result of the attacks by these misguided citizens. The organized bar is to be commended for its role in countering this unprecedented attack upon the judiciary and defeating it. (Especially Andy Susko, Ken Horoho, Jane Dalton, and Ken Gormley).

When I was sworn-in in this very courtroom fourteen years ago, it was a time of turmoil for the Supreme Court with the impending impeachment of one Justice and reckless public attacks leveled by that Justice against two other members of this Court, attacks later determined to be unfounded. I voiced a thought at that time that I would not want to serve a second term on the Supreme Court if the same situation prevailed ten years later. Fortunately, that did not come to be. In those ten years, and continuing even to this day, this Court, under the leadership of the four Chief Justices I have served with, has become, and continues to be, one of the most respected Supreme Courts in our Nation. Since that time this Court has undertaken innovative efforts to computerize the entire judicial system, linking all related justice agencies in a common electronic communication system. We have implemented: rule reforms to speed the efficiency of the courts' day-to-day operations; programs to deal more effectively with juveniles, with adoptions and with placements; jury reform; interbranch governmental cooperation; efforts to eliminate prejudice of all types from the judicial system; bar admission reforms; funding for indigent legal services; specialized treatment courts. There are many other progressive reforms and innovative programs too numerous to mention implemented under the leadership of the Chief Justices I served with, all of which combined have made the Unified Judicial System of Pennsylvania more efficient and

more effective in delivering justice to all the citizens of Pennsylvania. C. J. Nix is remembered for his dignity and his leadership at the national level. C. J. Flaherty is known for his judicial education programs; C. J. Zappala is credited with judicial computerization; C. J. Cappy will be noted for his many creative programs addressing process within the Unified Court System. All of this was in addition to the nuts and bolts business of deciding cases in a timely, reasoned fashion, and at the same time supervising the Unified Judicial System.

So this Court has progressed dramatically in the last fourteen years, thanks to all the hard work of our Chief Justices and the hard work of all the Justices that have served while I have been on the Supreme Court. The excellence of the Pennsylvania Supreme Court has been recognized at the national level just recently when C.J. Ralph Cappy was awarded the Carrico Award as the Nation's Outstanding Chief Justice from the National Conference of Chief Justices. In accepting this award, C.J. Cappy graciously acknowledged that the award reflected not just his leadership, but that the award was also a reflection of the behind-the-scenes efforts and dedication of all the Justices of the Court.

But, I must take a moment to salute Chief Justice Ralph Cappy for his long service to the judicial system of Pennsylvania -- over 30 years -- first as Public Defender and then as Common Pleas Court Judge in Allegheny County -- and 18 years on the highest court of the Commonwealth. His record is a record for which he should justifiably be proud. Ralph Cappy has been our Chief for the last five years, and I speak, not only for myself but also for all the Justices with whom you have served, it has been an honor to work with you as a colleague -- but it is a greater honor to have you as a friend. We wish you and your lovely wife Janet nothing but success in your future endeavors. We will somehow try to muddle through without you. Despite the recent negativity unleashed by our good friends in the Fourth Estate, your service to the Commonwealth and to the Judicial Branch will long be remembered for its excellence and duly appreciated by all three Branches of government and, indeed, by all the citizens of Pennsylvania.

I am sure there will be many challenges as yet unforeseen facing the judicial system of Pennsylvania. Under my watch as Chief Justice, and with the invaluable assistance of my learned fellow Justices Tom Saylor, Mike Eakin, and Max Baer, and with the help of our newest Justices Debra Todd and Seamus McCaffery, and those Justices who will join us in the future, I am certain that this Court can meet those challenges. Our Court will continue to press the reforms instituted in the recent years. We will build upon our collective experience of the past in order to forge a spirit of cooperation and collegiality with our two newest Justices and with future Justices. This Court will continue to fight vigorously for the independence of the Judicial Branch. We will pass upon disputes that come before us by faithfully applying the Constitution of this Commonwealth and the laws that govern our society. We will be known as a conservative court only where the law we are interpreting is conservative; we will be known as a liberal court only where the law we are interpreting is liberal; we will be known as an activist court only where justice cries out for intervention by this Court. But above all, I would like this Court to be

known as one that decides cases knowledgeably and one that decides matters that come within our purview fairly and impartially.

I recently reviewed my induction speech delivered fourteen years ago in this very courtroom. I said the following:

“I will also work just as hard to make this Court what it should be, an institution respected by attorneys and litigants who practice before it, a Court admired by legal scholars and by those concerned with the law both within and without the state of Pennsylvania, an institution that our citizens can have confidence in, that they will know that even though they may never come before this Court, that if they do or should ever have to, that Justice will be done to their cause.”

Today, I renew that vow.

As I prepare to take the helm of this Court by effect of the Constitutional mandate, I ask for the assistance of my fellow Justices. I ask for the assistance of all Pennsylvanians, and I especially ask for your prayers. When my turn comes to relinquish the office of Chief Justice to my successor, I can only fervently hope that it will be said that this Court continued to improve and advance the cause of justice for all citizens of the Commonwealth of Pennsylvania.

I thank my lovely wife Susan for her support over the many years that I have been involved in public professional life. I thank my staff for their hard work. I thank my family for their love and support as we lived the peripatetic life of a military family, transferring from base to base to base, especially my mother who was responsible alone for dragging her four children halfway around the world to Itazuke Air Base in Fukuoka, Japan and back. And I thank both our families as we embark upon this new journey. I thank all those who are here today, (those who could not be here, and those who are no longer here) for their support over the years of my professional life, the support that allows me today to assume the position of Chief Justice of Pennsylvania. I am truly honored by your friendship and your support.

I have spent most of my professional life in public service: I served my Nation in the U.S. Marine Corps; I served the citizens of Philadelphia for nearly 20 years in the District Attorney's Office; I have served the citizens of the Commonwealth for the past 14 years as a Justice on the Supreme Court of Pennsylvania. As I continue my public service in my new role as Chief Justice of Pennsylvania, I am extremely grateful for what has been bestowed upon me, and I am truly humbled by the magnitude of the task before me.

Thank you.