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STATEMENT OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS ON EXECUTIVE BRANCH COMPLIANCE WITH COURT ORDERS

Throughout American history, with the rarest of exceptions, presidents have complied with court orders, even those with which they strongly disagree. Our Constitution demands it. As *Marbury v. Madison* held long ago, we are a nation of laws, not of people, and our Constitution makes it “emphatically the province and duty of the judicial department to say what the law is.” Every law student, in every one of our nation’s law schools, learns this lesson, as it sits at the foundation of the American vision of the rule of law and separation of powers. This lesson also sits at the foundation of fairness: if the people who elect our leaders must obey the law, then so must the leaders.

We are very concerned by recent statements by elected officials and administration representatives that put into question courts’ authority to review the legality of executive action.

Reasonable people can disagree over the merits of particular policies and judicial decisions. The executive branch has many avenues to challenge judicial decisions with which it disagrees through the courts. Presidents of both political parties have successfully done so. There can be no disagreement that in a nation under law, that all government officials, without exception, must comply with direct judicial orders. To do otherwise is to shatter our historic system of separation of powers and remove the checks and balances the framers so wisely wrote in our Constitution.

As Chief Justice John Roberts recently explained: “Our political system and economic strength depend on the rule of law. The rule of law depends, in turn, on Article III of the Constitution and judges and justices appointed and confirmed under it. . . . [V]iolence, intimidation, and defiance directed at judges because of their work undermine our Republic, and are wholly unacceptable.”

We are an association of law schools from all over the United States. Our members are from public and private schools, from schools in so-called red states and blue states, in the heart of major cities and in rural communities across the country, with different missions and different commitments, and with faculty,

students, staff, and alumni who have a wide range of views on the political issues of the day. We are marked as much by our differences as our commonalities. All of our law schools are committed to ensuring the continuity of the rule of law through the education of our nation's next generation of lawyers and judges. Our graduates, when sworn in to the bar, take an oath pledging to support the rule of law and the Constitution of the United States. These are not partisan commitments; they are foundational to our country and what it means to be a lawyer.

Defiance of court orders by our government is incompatible with our constitutional democracy. Congress and the courts must take all appropriate actions to uphold the rule of law and protect the authority of the judicial branch and the Constitution. The Association therefore joins the American Bar Association in its statement condemning "remarks questioning legitimacy of courts and judicial review" and in calling "for every lawyer and legal organization to speak with one voice and to condemn the efforts of any administration that suggests its actions are beyond the reach of judicial review."

Association of American Law Schools
Executive Committee