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12-4-2019

December 4, 2019: A Good Day for the Rule of Law

Bruce Ledewitz

Duquesne University, ledewitz@duq.edu

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Repository Citation

Ledewitz, B. (2019). December 4, 2019: A Good Day for the Rule of Law. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/1276>

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Title: A Good Day for the Rule of Law

Date: 2019-12-04T07:35:00.001-05:00

12/4/2019--They say that you can only celebrate a judicial decision as a vindication of the rule of law if you really dislike the outcome. Based on that standard, I can honestly celebrate Nov. 21, when the California Supreme Court decided a case known as *Patterson v Padilla* as a good day for the rule of law. *Patterson* was the case in which the California court unanimously struck down the state statute that would have required President Donald Trump to release five years of his tax returns before he could qualify for the California primary ballot. The court held that the law violated California's state Constitution, which guarantees recognized national candidates for president open access to the State primary. The outcome is not what I would have liked. Like most Democrats — and like most Americans — I believe that Trump should release his tax returns and I am mystified that he has gotten away with not doing so. The California statute had been passed on a party-line vote and was a very popular partisan challenge to Trump. The impact of the decision was also not its most important aspect. Trump said he would pass up the California primary rather than comply with it and the law had already been enjoined by a federal court. What was great about the decision was that, despite our highly partisan environment, it was rendered by a court on which a majority of the justices had been appointed by Democratic governors. This Democratic dominated court still rendered a unanimous decision against the law. Here we have an example of judges vindicating the requirements of the law despite what must have been their personal preferences. The real winner in the case was the rule of law itself.

***** The above is the opening of my column celebrating *Patterson v. Padilla*. Read the rest here.