Delaware Attorney General Beau Biden

Remarks at the Dedication of the U. S. Embassy- Bucharest Romania, March 22, 2012

As prepared for delivery

Thank you for inviting me. I am honored to be here with you today to mark this important moment between our two nations. I am always glad to return to this region where I was fortunate to serve as an interim legal advisor for the U.S. Department of Justice working with the U.S. State Department in 2001. I worked at an embassy – technically a U.S. mission -- so I know the important work that will be done inside, and outside, these walls toward a better future for both nations. This building not only provides the venue in which our relationship is forged, challenged, and maintained. This building stands as the physical manifestation of our commitment to do so. I want to acknowledge the commitment of the foreign service personnel who work inside these walls every day. Not enough attention is paid to the staff of the foreign service who do their work with commitment and dedication.

This area of the world holds great meaning for me and the Vice President. The extraordinary opportunity to witness the changing form of this region is not an abstract, academic study; it is a window on how the intersection of our ideals and our realities affects the lives of individuals and of nations.

Like you, I believe the rule of law can effectively reconcile those ideals and realities. As you all know, the rule of law is a 'maxim of equality' – everyone subject to the same laws and the same consequences for breaking those laws. This maxim dictates that, without exception, no one is above the law and no one is below it. That doesn't just apply to people; it applies to businesses, institutions, elected officials, and the judiciary.

Our nation, like Romania, emerged from a revolution. We aspired to build a new government that protected the rights of the people, and we did it by placing our allegiance in our laws rather than our leaders.

John Adams, one of our founding leaders, and the second president of the United States, provided much of the philosophical bedrock on which our government is built. He believed that a balanced government in which each branch – executive, legislative, and judicial – operates independent of the others is the only way to preserve the rule of law.

No branch should perform the functions of another, and in this way, Adams wrote, "it may be a government of laws, not men." People, Adams knew, were corruptible, especially when given disproportionate authority.

"There is danger from all men," he wrote, "the only maxim of a free government ought to be to trust no man living with power to endanger the public liberty."

An independent judiciary is the guardian of this maxim. It is the only system through which the rule of law can function as it should: free from the influences that can corrupt that universal equality.

Creating and sustaining an independent judiciary, committed to enforcing the rule of law, is not a discrete event but rather a continuous process. Even when the foundation has been laid, the obligation to expose abuses and correct the conditions that allowed for them must be ongoing if a judiciary is to retain its independence, effectiveness, and credibility.

The independence of the U.S. judiciary is supported both by its position as a separate branch of government, subject to checks and balances from the other branches, but also by mechanisms within the judiciary designed to keep it transparent, fair, and credible.

The framework and structure of courts themselves can reflect a shared ethic and reinforce its even application.

I believe that Delaware's 115-year-old constitutional provision mandating a partisan balance on the bench of each of its courts, as well as our system of appointing judges rather than electing

them, has helped place Delaware's Supreme Court and its lower courts among the best in the nation.

It is part of the reason why my small state with about 900,000 citizens is home to over 900,000 corporations, including over 60 percent of Fortune 500 companies.

The bench's history of fairness, speed, and expertise is a significant factor in the decision of so many companies and investors to domicile and do business in Delaware.

It demonstrates that corporations can thrive when the maxim of equality is applied throughout the marketplace. A judicial system in which all businesses, investors and employees are treated fairly bolsters a dynamic and strong economy.

People want to do business on a level playing field – a marketplace defined by fair competition and transparency in which everyone follows the same rules, and faces the same consequences for not doing so. The free marketplace has enough unknown variables – the fairness and consistency with which business is conducted and disputes are adjudicated should not be one of them.

Rules matter and there must be real consequences for breaking them, despite how wealthy or powerful the party at fault may be. Under the eyes of the law, such influence is stripped of its force.

I believe that the judges who defend the rule of law and the prosecutors who remain vigilant in its enforcement that make up an independent judiciary are not only upholding the rules – they are helping to establish and perpetuate the maxim of equality and a culture that values protecting it. But they cannot do it alone. For a country to take its place as a partner among nations, its commitment to honest and open government must be as fundamental and universal as the rights its laws seek to protect.

Working together, I hope we will travel this road together. Thank you.