

defendant judge or other events mooted the Oregon court's decision, and the Supreme Court ultimately denied the writ. It is possible that Attorney General Hardy Myers, who took office while staff counsel were litigating the appeal, later wished that the Department instead had responded that it had no objection to the requested Supreme Court review, in the hope of clarifying the question of whether the Department's advice on questions of republican government would or would not be reviewable in the state's courts.⁵

Judicial independence was not at issue in that case, but because President Frohnmyer's keynote address to the 2003 Symposium relates the need for judicial independence from electoral politics to the states' duty to maintain republican governments, the editors think it appropriate to append here his and former Justice Linde's brief supporting the state courts' authority and obligation to maintain republican institutions, which would include the protection of courts from political demands as essential to the rule of law.

5. See Hardy Myers, *The Guarantee Clause and Direct Democracy*, 34 WILLAMETTE L. REV. 659 (1998).