

Pennsylvania
Holding Power Accountable
COMMON CAUSE PENNSYLVANIA TESTIMONY

House Judiciary Committee
January 13, 2020

Thank you for the opportunity to submit testimony today.

Common Cause Pennsylvania continues to oppose this Judicial Districts Amendment – current bill number House Bill 38 (HB38), which would establish judicial districts here in the Commonwealth. The role of the judiciary is to decide cases based on the law and the facts in front of them, not to provide political representation for Pennsylvanians in a specific region. Partisan elections by judicial districts subverts the role of the judiciary and encroaches on the roles of the other two branches of government.

Common Cause Pennsylvania is a nonpartisan good government organization dedicated to holding power accountable to the people. On behalf of our 46,000 members across all 67 Pennsylvania counties, we urge our elected officials to strongly oppose this bill.

The idea of fair and impartial courts is one of the foundational principles of our democracy. Unlike representation in the legislature, where local needs are a critical part of effectively representing people in a district, there is no regional way to interpret our Constitution. We know that many types of diversity are paramount on Pennsylvania’s courts; this amendment is not the method of achieving it. It is a solution in search of a problem.

Common Cause Pennsylvania advocates for transparency and fairness when it comes to choosing judges and shaping our courts. Ensuring that judges are beholden only to the law and keeping courtrooms fair are keys to building a strong 21st century democracy. We have long supported a merit selection system that would minimize partisan politics, promote racial, ethnic, gender, geographic and other diversity, and substantially eliminate the insidious role of money in judicial politics.

We continue to be concerned that this bill allows the General Assembly to draw judicial districts via future legislation. It is imperative that lawmakers do not have the sole power to draw district lines of any kind, including the judicial districts outlined in this constitutional amendment. Common Cause has been on the forefront of the fight for years, advocating that the power must be given to the people because the legislature has proven itself incapable of drawing districts that prioritize the needs of communities for representation.

Our court system and the impartiality of the third co-equal branch of government exist to uphold limitations on the other two branches, and to ensure a system of checks and balances. Courts are the first line of defense against abuses by each branch of government and exist to protect the rights of we the people. In order for our court system to effectively protect our rights, they must exist as an equal and completely separate branch of government. Legislation like this would inherently diminish the court system’s standing, in that it is the responsibility of our courts, to administer justice without fear or favor.

For these reasons, we continue to oppose this legislation, HB38, and urge all members of the House Judiciary Committee to vote no.