

July 10, 2020

Honorable Members of the Senate of Pennsylvania –

The Pennsylvania Association for Justice (PAJ) cautions you against attempts by one party in one branch of government to limit another branch of government’s constitutional duty – to interpret the laws – and punitively punish it, merely because it doesn’t agree with rendered interpretations.

After the Pa. Supreme Court ruling on July 1<sup>st</sup> that nullified House Resolution 836 to end the Governor’s emergency declaration, a statement issued by the Senate Republican leaders said, “With this ruling the Court has elected not to uphold the foundation of our democracy. ...the Court has returned an unchecked monarchy to Pennsylvania. ... the Court’s decision makes it all the more significant that the Legislature has already started the process to amend the Constitution in order to provide some balance to this unchecked power.” Then on July 6<sup>th</sup> a press release from a member of the Senate Republican leadership team was issued announcing the introduction of a constitutional amendment to create regional appellate judicial districts, or “judicial gerrymandering” as we aptly call it. Furthermore, on July 7<sup>th</sup> session was announced abruptly for July 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> – unusual for the summer recess – and brought rumors that your esteemed body will consider said amendments then.

Ironically, the Republican argument to the Court in this case was based on the separation of powers, emphasizing three equal branches of government. But because a political party doesn’t like the ruling, it appears that the legislative response is to gerrymander an allegedly co-equal branch out of existence, nullifying the will of the people who elected those judges and justices.

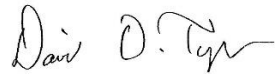
PAJ opposes such a partisan and reactionary attack on the judiciary. We stand by the Constitution and the process of electing appellate court judges statewide to interpret laws that affect all Pennsylvanians equally rather than elect them in districts drawn by the Legislature to intentionally reflect regional biases.

This amendment to the Pa. Constitution is incredibly dangerous, forcing judges to favor local politics over the rule of law. There are several pieces of legislation that the General Assembly has passed in the last decade solely because many elected officials lacked the ability to vote against a particular bill due to local political pressures. Many senators and representatives have been able to rationalize those votes knowing that the Supreme Court could “fix” it later. Yet this amendment would put judges and justices in the same position you often find yourself in – the position of voting a particular way because of local politics. Judges and justices with statewide jurisdiction should continue to be elected statewide. A conversation that often occurs with reasonable elected officials is just how unreasonable Harrisburg has

become because of the domination of fringe politics. Passing this amendment gives in to those partisan extremes, and we urge you to be above that.

The Pa. Constitution affects all Pennsylvanians equally; therefore, geography should never be a factor in the interpretation and application of it. Please oppose HB 196.

Thank you,

A handwritten signature in black ink that reads "David D. Tyler". The signature is written in a cursive, flowing style.

David D. Tyler  
Executive Director & Chief Lobbyist