

The Pennsylvania Constitution

Last week you heard about the US Constitution. This week we would like to tell you about the Pennsylvania Constitution.

Pennsylvania has had 5 different constitutions. The first was passed in September 1776 – almost a full 12 years before the U.S. Constitution was ratified and became the law of the land. Since that initial document, Pennsylvania has had 4 constitutions passed, in 1790, 1838, 1874, and most recently in 1968. It is the 1968 constitution that is in effect in Pennsylvania today.

One of the most striking differences from the U.S. Constitution is that the Pennsylvania Constitution starts with a Declaration of Rights as Article 1 of the document. Those rights were not added after as they were with the U.S. Constitution and its Bill of Rights. Also striking about the PA Constitution is that it sometimes provides more protections for citizens than the U.S. Constitution does. For example, in the PA Constitution Article I, Section 1 Inherent rights of mankind states that “All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” It was this “right to reputation” which the PA Supreme Court addressed when discussing what information could be released in a grand jury report where no criminal charges were recommended.¹

The Pennsylvania Constitution also provides for an Amendment process in Article XI. The process requires that both houses of the general assembly pass the proposed amendment. After which the Secretary of the Commonwealth is to publish the proposed amendment 3 months before the next general election in two newspapers in each county. Then the proposed amendment must pass both houses of the general assembly again. And the Secretary of the Commonwealth must publish the proposed amendment again. Then the proposed amendment is placed on the ballot to be voted on by the public. If it passes the amendment becomes part of the Constitution. If it does not pass, it can not be resubmitted for 5 years.

In addition, a proposed amendment may only address one single issue. This has been interpreted to mean that it can only amend one part of the existing Constitution. It is this single-issue question that was at issue before the PA Supreme Court just last week where the court heard oral arguments regarding a proposed Victim’s Rights Amendment.² When the amendment was voted on in 2019, the Supreme Court issued a ruling that the votes could not be tabulated or certified until the Court could hear arguments on whether the proposed amendment violated the single-issue rule. The proposed amendment contained 15 rights that would have affected different parts of the Constitution.

It is the job of Pennsylvania Courts to determine whether new laws, be they state laws or proposed amendments to the Constitution, comply with the Constitution. That is the reason it is so important to pay attention to the Statewide Judicial election races. As a reminder, these are the candidates running for election to the Supreme, Superior and Commonwealth Courts.

For the Supreme Court, the candidates are P. Kevin Brobson (R) and Maria McLaughlin (D). You can learn more about them at brobsonforpa.com and judgemclaughlin.com.

¹ In Re: Fortieth Statewide Investigating Grand Jury, 197 A.3d 712 (Pa. 2018).

² <https://www.post-gazette.com/news/crime-courts/2021/09/21/pennsylvania-supreme-court-crime-victims-rights-constitutional-amendment-case-Marsy-s-Law-ballot-question-voters/stories/202109210089>

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For the Superior Court, the candidates are Megan Sullivan (R) and Timika Lane (D). You can learn more about them at [Megsullivanforjudge.com](https://megsullivanforjudge.com) and judgelane.com

For the Commonwealth Court, there are two seats open. The candidates are Drew Crompton (R), Stacy Wallace (R), Lori Dumas (D), and David Spurgeon (D). You can learn more about them at judgECrompton.com, stacyforpa.com, judgedumas2021.com, and judgespurgeon4commonwealth.com

John T. Bender (D) and Mary Jane Bowes (R) are running for retention on the Superior Court this year. Anne E. Covey (R) and Renee Cohn Jubelirer (R) are running for retention on the Commonwealth Court this year.

We must elect Judges to the Appellate Courts that are going to interpret the law and not try to make law from the Bench.

In Our Opinion

Judge Kevin Brobson for PA Supreme Court

For the past three years, the PA Supreme Court has been a court of “super legislators,” revising laws that our state legislators passed instead of doing their job to interpret the law. We need to elect a justice who will interpret the law. Judge Brobson is the only candidate for the Supreme Court that has declared “I will not legislate from the bench.”

Judge Brobson currently sits on the Commonwealth Court, where he was elected by his peers as president judge despite not having the most seniority. He has obtained special appointments to the Supreme Court for pending cases and to preside over an expedited trial of a case involving a Pennsylvania constitutional matter. Judge Brobson is “Highly Recommended” by the Pennsylvania Bar Association for a position on the Supreme Court.

Megan Sullivan for PA Superior Court

Megan Sullivan is a veteran litigator with twenty years of legal experience as both a criminal prosecutor and civil attorney. Over the course of her career, Sullivan has gained substantial trial and legal experience. She has served as a prosecutor in the Chester County District Attorney’s office, a Deputy Attorney General in the Pennsylvania Office of Attorney General, a litigation attorney in private practice, and general counsel for a state university. Through her experience in both the state Attorney General’s Office and the District Attorney’s Office, she has handled all aspects of criminal prosecutions and prosecuted an extensive range of crimes, ranging from child abuse to white-collar crime.

Judge Drew Crompton for PA Commonwealth Court

Judge Drew Crompton was appointed to the Commonwealth Court in 2020 by a Senate vote of 42-7. His appointed term ends in 2022, and he is running for a full term. He was the point lawyer for dozens of high-profile cases including redistricting, negotiating a settlement with the NCAA, budget disputes, and separation of power cases (often to rein in the power of the Governor or other executives). Judge Crompton also participated in the seminal U.S. Supreme Court case, *DC v. Heller*, to protect the 2nd Amendment.

Judge Crompton believes “A judge’s job is not to make the law. That is the legislature’s responsibility. My role as a judge has been to interpret and follow the law in every case. Each branch of government is constitutionally required to stay in its lane.”

Stacy Wallace for PA Commonwealth Court

As an attorney, Stacy Wallace has represented an extensive range of clients in both the private and public sectors, worked on behalf of local and regional nonprofits, such as Northwestern Legal Services, and argued

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cases involving county and state government entities. Stacy has advocated for rank-and-file Pennsylvanians and served as their guide to our Commonwealth's legal system. Stacy believes the best judges have real-world experience to understand how their decisions will impact those in their jurisdiction. If elected, Stacy will be a judge for all Pennsylvanians, drawing on her perspective and past experience to craft decisions that are legally and constitutionally grounded.

As a judge, Stacy Wallace "...will restore the public's confidence and trust in Pennsylvania's judiciary by emphasizing integrity and due process." Most importantly, Stacy can always be trusted to practice judicial restraint by adhering to our federal and state constitutions.

Retain All of the Appellate Judges Running for Retention

John T. Bender is running for retention on the Superior Court. Judge Bender has been on Superior Court since 2001. He is a former Assistant District Attorney, a former District Justice, a former law clerk for the Superior Court, and previously served as President Judge of the Superior Court.

Mary Jane Bowes is also running for retention on the Superior Court this year. Judge Bowes has been on the Superior Court since 2001. She is a former law clerk for the Superior and Supreme Courts in Pennsylvania, lectures for the Pennsylvania Bar Institute, and has served as the administrative wiretap judge.

Anne E. Covey is running for retention on the Commonwealth Court. Judge Covey has been on the Commonwealth Court since 2011. Judge Covey is a former law clerk for the Commonwealth Court, was Assistant Counsel for the Labor Relations Board, and has served as an Adjunct Professor at Monmouth University.

Renee Cohn Jubelirer is running for retention on the Commonwealth Court. Judge Jubelirer has been on the Commonwealth Court since 2001. Judge Jubelirer has served as Deputy Solicitor and Assistant Solicitor for Lehigh County, served as an Assistant Professor at DePaul College of Law, and is currently Vice-Chair of the Judicial Conduct Board.

Remember, the candidates we choose in November will be elected for 10-year terms. That's why it's important to elect judges who will interpret the law, not legislate from the bench.