

Vote for Retention of the Pennsylvania Supreme Court Justices

First, the non-partisan Pennsylvania Bar Association (PBA) has endorsed all three of the Supreme Court Justices - Donohue, Dougherty, and Wecht - for retention. Many individuals have a more difficult time deciding whom to vote for in judicial elections than other contests, but the members of the PBA committee are both knowledgeable about the Justices' records and well qualified to make these judgements. The PBA has described these Justices as fair, logical, and open to differing perspectives. This non-partisan group's endorsement should carry tremendous weight with all voters.

Secondly, the Justices up for retention have been strong advocates for women's rights and specifically for choice. See, *Alleghany Health Center v. Pennsylvania Department of Human Services*. A postcard sent out by a group trying to unseat the sitting Justices suggests that potential challengers would project women's rights. This is a highly misleading statement. The rights, and I don't know which ones they are suggesting, supported by the challengers will not include choice.

Thirdly, while Republicans and others have argued that ballots with minor-technical errors should not be counted, the Justices up for retention found that technical issues should not prevent the votes from being counted where the individual's votes were clear. See, for example, *Center for Coalfield Justice, et al. v. Washington County Board of Elections*.

Fourthly, the Justices up for retention are the ones who ended Pennsylvania's Gerrymandered United States' Congressional Districts. While there is a near even split in Pennsylvania between Democratic and Republican voters, the Republican State Legislature had rigged - Gerrymandered - the Congressional Districts so that the number of Republican Congress members far outnumbered the Democratic members. In *League of Women Voters v. Commonwealth*, the Justice up for retention were among those who made Congressional representation fair.

Fifthly, the opponents of retention have suggested that term limits should apply to judges. While term limits may seem appropriate for members of Congress and the State Legislature - persons who make the laws - judges have a very different role and one that is far removed from the novel suggestion of judicial term limits. Judges don't enact the laws; they apply the law. They apply policy but do not make it. The term limit argument as applied to Pennsylvania Supreme Court Justices lacks merit and is a fabrication designed simply to remove the highly qualified sitting Justices.

Sixthly, unions have also endorsed the current Justices for retention. For example, from my days as the director of attorney training for the Maryland Office of the Attorney General, I am a member of the American Federation of State, County, and Municipal Employees (AFSCME), and they support the retention of the current Justices. Their endorsement states that they are looking to have the Court continue to be fair and protect workers rather than assisting the very wealthy. And given the extraordinary amount of money backing the effort to unseat the current Justices, it is clear the effort is one to assist very wealthy individuals and the large corporations.

John Capowski
October 12, 2025