

Statement of Delegates to the 1968 Constitutional Convention: Why We Re-elect Judges by Retention

Editor's Note: The following is a statement issued recently by some delegates to the 1968 Pennsylvania Constitutional Convention in affirmation of the merit retention process.

The delegates to the 1968 Constitutional Convention wanted to ensure that Pennsylvania judges, after serving an initial term in office, would be re-elected in a nonpolitical manner based on the merits of their performance in office.

The Constitution born of that convention provided, for the first time in Pennsylvania history, that judges were to be reelected not in partisan political contests but by a new method called retention. When seeking re-election, each judge would have the opportunity to stand before voters on his or her record in a neutral, nonconfrontational referendum. Voters would approve or disapprove each judge with a "yes" or "no" vote.

This re-election method was designed to keep judges out of the political fray, while at the same time holding them accountable to the voters based on their overall performance in office.

Under the retention system, the public is able to evaluate its judges while the judges are able to maintain their independence which is essential to their role in our democratic system of government.

In making retention part of the Constitution, the delegates to the Constitutional Convention hoped and expected that voters would evaluate judges not on any single issue or decision, but rather on their full records and with the understanding that the sole duty of all judges is to uphold the law, uninfluenced by any form of outside pressure.

We, the undersigned delegates of the 1968 Constitutional Convention, believe it is important that all Pennsylvania citizens understand in this election year why we have a retention system for reelecting judges. We hope voters will honor the spirit of the Constitution and judge their judges fairly in November.

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