

Racial & Gender Bias in the Courts

Joint Policy Committee Hearing, Co-Hosted by the Pennsylvania
Legislative Black Caucus
February 19, 2021, at 10 am

Testimony: The Honorable Karen Yvette Simmons Philadelphia Municipal Court Judge

Senate Policy Committee Chair, Katie Muth, House Policy Committee Chair Ryan Bizzarro, Pennsylvania Legislative Black Caucus Chair Rep. Donna Bullock, Senator Anthony Williams, Pennsylvania Legislative Black Caucus Vice Chair Rep. Summer Lee, Senator Sharif Street, members of the Joint Policy Committee, and members of the Legislative Black Caucus. Good morning, and thank you for this invitation and opportunity to address you on these urgent issues of Race, Discrimination and Equity found in the Center for Urban and Racial Equity report (better known as the CURE Report or the Equity Organizational Assessment Report). I must also give special thanks to Councilman Kenyatta Johnson and Mr. Michael Coard for their willingness to take action and remain relentless on these issues of Racial Bias, Equality, and Discrimination. I have never seen justice prevail when people continue to do what is comfortable and convenient for themselves. I say this to you, because I'm very uncomfortable testifying before you today, but I've been very uncomfortable and inconvenienced for a very, very long time, and I believe I owe it to myself, to each of you, and to every citizen of Philadelphia to remain uncomfortable until we have a justice system that's fair, equitable, and just. I'm here with the clear expectation and knowledge that the consequences to me for my continued efforts fighting for racial justice in our courts are great, and the retaliation and retribution is real, but I know what I have to say is necessary. I am honored to be here this morning, and I am hopeful because we are here before you shining a light on this dark subject.

I am here only in my individual capacity because these issues continue to negatively impact the citizens of Philadelphia generally, and the Philadelphia Court System. My goal is a lofty one, and that is to end the institutionalized racism that continues to mar our court system.

While America is purportedly attempting to have yet another reckoning with its longstanding racial inequities towards Black Americans, our Court system remains mired in the disease of racism. Throughout the Country, courts have issued strong proclamations denouncing systemic racism and particularly racism within the judicial system. Our courts have remained deafeningly silent. Many Courts

have issued sweeping statements acknowledging racism and its stain on the judicial system.

For example, the Washington Supreme Court stated:

“The devaluation and degradation of Black lives, is persistent and systemic injustice, we continue to see racialized policing and the over-representation of Black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.”

And through it all everyone hear remained and still to this day, remains silent.

The issues of Race, Anti-Racism, Discrimination and Equity in our Courts demand an urgent response and plan that should be addressed immediately and communicated to the entire court.

There are questions that must be asked and answered of our Court leadership, because our system of justice demands it.

The level of disrespect and retaliation I personally have experienced since December 2018 by members of our Court, and even members of the Administrative Governing Board (AGB) because I continue to speak out about the systemic racism within our Court, and directed towards me, is a disgrace and must stop. I want to believe the reason you don't have more judges here today, is because of fear of reprisal, and not indifference. Dr. King realized that silence is a form of complicity when he said “Our lives begin to end the day we become silent about things that matter,” In the end we will remember not the words of our enemies, but the silence of our friends.”

This silence has persisted since I received that racist note in my robing room 2yrs ago, and continues throughout the conversations to address the issues identified in CURE's –First Judicial District of Pennsylvania's Equity Organizations Assessment Report. I come here today and present to you, the same issues, concerns, questions and requests that I and Michael Coard addressed to the members of the Philadelphia Court leadership.

1. Why didn't the AGB immediately release the CURE Report once it was concluded? It's a legitimate question that needs to be addressed and communicated to our court and to you. The inaction could make all of our judges potentially complicit because of this lack of action, and a lack of transparency.

2. I ask, and I hope we all must ask, why the threat against me, in the words of the CURE Report “was not taken seriously by the court leadership.” In my words, it was dismissed and not addressed, which made it clear that the leadership at the time (in its collective) did not care! The disgusting, racist hateful note left for me, was an opportunity for our court to do better and be better and they failed. They had the ability as leaders, to send a strong and clear message that my life mattered, that this Black female Judge mattered.

We all knew the person who left the note is/was a member of our courts because that's the only people with access to a judges' robing room (I must have spoken to 50-60 Black and Brown judges, employees and people outside the courts, and the belief, and the perception is – had the same type note been left for a Jewish person, or White woman, the AGB's response would have been vastly different. There would have been a strong, clear, and swift response).

There has been a false narrative that there was no investigation by the AGB because it was the directive of the Feds, (whoever that is), this is not true. The U.S. Attorney and the FBI became involved only because there was not a response or investigation by our courts.

Immediately after I received that racist note in December 2018, I asked the AGB in writing, to do specific things:

- Open a Real Investigation
- Put cameras in the hallways of the Robing rooms
- Fingerprint all court employees
- Issue a strong statement denouncing racial discrimination

(none of my request were met with any type of a response until very recently).

Cameras are now present 2yrs later.

The AGB's response to what happened to me is disgraceful and brings up many emotions.

3. The AGB should conduct an internal Self-Assessment of their Board and our Judges. It should incorporate all of the recommendations outlined in the CURE Report and include a Facilitator to work with every judge, and

paid for by the AGB, with our tax dollars. This would enable us to honestly address these issues of Racism and Equity in our Court-System. And to acknowledge openly and transparently that there are issues of systemic Racism in our Court System, and in our Society, and to begin to address them.

4. There needs to be a work Group/Committee with substantive goals and plans of action with strict deadlines to address each issue presented in the report. Mr. Coard and I have volunteered to start this work, and to work together with a diverse group of others in a transparent manner to achieve real change. This would be a progressive step. We are committed to working to address these issues and create a First Judicial District that is representative and responsive to everyone. While the CURE Report for some is shocking and disheartening, it could be a 1st step to address the issues many of us experience daily.

The Cure Report must finally be taken seriously. Judicial transparency is a must. The Report demonstrates that both perceived and actual racism exists within the FJD. The Courts must stand as guardians against specific and institutionalized racism, and not as aiders and abettors or neutral condoners of racial injustice. Fairness within the judicial system, regardless of race, is the essential pillar of justice. Where fairness because of race is lacking, justice cannot be fairly dispatched and the rule of law will no longer exist. Inaction will allow the cancer of Racism to metastasize within the Court System. It is imperative that the courts hear and respond affirmatively to this call of action for social and racial justice. This is the right thing to do, and it is very long overdue. (And this body holds the purse strings to force it to happen).

I must state that the makeup of the AGB membership has recently changed, but the majority of the membership has remained. I remain hopeful through this process, thank you for the invitation to address you on these most urgent and crucial issues.

I pray that this body and the individual members will:

- hold our Courts accountable for the inaction and suppression of the CURE Report
- demand measurable change at all levels within the Courts, including pay equity for Black and Brown employees and equal promotional

- opportunities for Black and Brown employees that is not based on nepotism
- Fair and equitable Judicial assignments and opportunities that are not based on race, sex or nepotism
 - Training for all Judges, Staff and Employees on Racism, Anti-Racism, Diversity & Equity, Explicit & Overt Bias training.

Professionally, the hard, sad reality we all must face is if I, as a sitting judge, received a racist, and misogynistic threat left in my robing room as I sat on the bench in my courtroom, what type of experience are the Black and Brown people of Philadelphia having when they enter our courtrooms. What does justice look like for people who look like me but don't wear a black robe? While I remain hopeful, I am extremely concerned, and that's why I will stay uncomfortable until we are forced to do better, and to be better, because the people of Philadelphia, and the people of Pennsylvania deserve better.

Personally however, I want the Retaliation & Retribution I have received to STOP

Thank you.