



The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

223 Fourth Avenue, Tenth Floor
Pittsburgh, PA 15222
412.697.1311
pa-interbranchcommission.com

Judge Tranquilli's Racist Comments Cause Personal and Systemic Harm to Our Justice System

For more than 15 years, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness ("Commission") has worked tirelessly to ensure that all Pennsylvanians, regardless of their race, color, ethnicity, gender or other status are treated with dignity and respect when they participate in Pennsylvania's justice system. To that end, we stand committed to eliminating implicit and explicit biases that continue to plague this system.

The racially derogatory comments that Allegheny County Court of Common Pleas Judge Mark Tranquilli allegedly made about a female African-American juror demonstrate that our work, as a Commission, is far from complete. In this instance, according to both the prosecutor and the defense attorney in the case, Judge Tranquilli angrily admonished the prosecutor for not striking an African-American woman from the jury during the selection process, referring to her as "Aunt Jemima", and stating that "you know darn well that when she goes home to her baby daddy, he's probably slinging heroin too."

Judge Tranquilli's use of such negative stereotypes is systemically harmful and divisive. In particular, his stated presumptions about the supposed inability of a female African-American juror to render a fair verdict, due to the race that she shared with the defendant, violated the Equal Protection Clause of the U.S. Constitution and the Pennsylvania Code of Judicial Conduct. When judges, who are entrusted by the public to fairly and impartially administer justice, make blatantly racist remarks about court participants, public confidence in the judiciary, essential to a civil society, is also compromised.

Moreover, at a time when Pennsylvania judicial districts are working to increase the diversity of their juries, Judge Tranquilli's alleged racist comments may well have the opposite effect, confirming perceptions within communities of color of a system that does not mete out justice fairly. Rather than berating attorneys for following the law which prohibits discrimination in selecting a jury, Judge Tranquilli should be setting the standard of zero tolerance for discrimination of any kind in our justice system.

In light of the severity of this alleged conduct, the Commission urges the Judicial Conduct Board to conduct its investigation thoroughly, but expeditiously. Every day that this inexcusable incident remains featured prominently in the media, public confidence in our justice system is further eroded. Pending the completion of the investigation, the

Commission also urges the Supreme Court of Pennsylvania to suspend Judge Tranquilli without pay, in accordance with the powers afforded to it by Article V, §10 of the Pennsylvania Constitution and 42 Pa.C.S.A. §1701.