

Chairman Pitts and Honorable Members of the Fulton County Board of Commissioners,

My name is Christopher Bruce, and I serve as the Policy Director for the American Civil Liberties Union of Georgia. I am here today to express our strong opposition to the proposed change that seeks to convert the elected position of Magistrate Judge into an appointed role.

First, let me be clear. I am not here to defend Judge Kirk. I am here for the voters of Fulton County, which I am one of, and I am here to fight the ever-increasing attack on our democracy.

The cornerstone of our democratic system is the direct election of public officials, ensuring that they are accountable to the people they serve. The office of Magistrate Judge is no exception, and the ability of citizens to elect individuals to this position is fundamental to maintaining a fair and just legal system.

By making the Magistrate Judge position appointed rather than elected, we risk undermining the principles of transparency, accountability, and community representation that are crucial to a thriving democracy. Elected officials are directly accountable to the residents they serve, reflecting the diverse perspectives and values of the community.

An appointed system could introduce potential biases and conflicts of interest into the selection process, eroding public trust in the judiciary. Moreover, it may inadvertently limit diversity in the judiciary, as the appointment process may not be as accessible or inclusive as the electoral process.

I do want to be clear; the ACLU of Georgia would be perfectly content if voters decide we need a different chief magistrate. The allegations in this paper are disturbing. We've also been critical of Judge Kirk. You can see in our latest report that we think the magistrate court is one of the largest bottlenecks contributing to jail overcrowding and the human crisis at Rice St. But we believe accountability ultimately belongs in the ballot box. Judge Kirk has two years to show the voters she can do this work. We understand the concerns that lead to this paper, but we do not accept a solution that just replaces an elected judge with an appointed one without any meaningful tool to hold them accountable.

It is not up to this body to erode to even recommend taking away the right of Fulton voters to elect a judge. The ACLU of Georgia would also be satisfied if the Commission changed the resolution to urge the state to make it a referendum by giving Fulton County voters a say in whether or not to make the Magistrate Judge position appointed and not elected.

In conclusion, let's let the people decide. Not this body.