

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 16, 2022

SESSION OF 2022

206TH OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

AFTER RECESS

The time of recess having expired, the House was called to order.

THE SPEAKER (BRYAN CUTLER)
PRESIDING

ADJOURNMENT

The SPEAKER. The Speaker is in receipt of a motion made by the gentlewoman, Representative Thomas, that this House do now adjourn until Wednesday, November 16, 2022, at 10 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?

Motion was agreed to, and at 9:59 a.m., e.s.t., the House adjourned.

The House convened at 10 a.m., e.s.t.,

PRAYER

HON. BRIDGET M. KOSIEROWSKI, member of the House of Representatives, offered the following prayer:

Good morning, and let us pray.

As we gather here this morning with some of our friends and colleagues for the last time, may we wish them well on their journeys, whether it be to their retirements or embarking on new careers. And also I hope the Lord above will allow us here who return to the chamber to simply do our best. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, November 15, 2022, will be postponed until printed.

HOUSE BILL INTRODUCED AND REFERRED

No. 2924 By Representatives BOROWICZ, HAMM, M. MACKENZIE, BERNSTINE, STAMBAUGH, RYAN, METCALFE and SMITH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school security, providing for school armed guards.

Referred to Committee on EDUCATION, November 16, 2022.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence.

The Speaker recognizes the gentlewoman, the Republican whip, who indicates that the gentlewoman, Rosemary BROWN; the gentlewoman, Representative SCHROEDER; and the gentlewoman, Representative PENNYCUICK, all wish to be placed on leave for the day. Without objection, the leaves will be so granted.

The Speaker recognizes the Democratic whip, who indicates that there are no additional leaves. The Chair thanks the good gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Abney	Frankel	Lewis	Rigby
Armanini	Freeman	Longietti	Roae
Benham	Fritz	Mackenzie, M.	Rossi
Benninghoff	Galloway	Mackenzie, R.	Rothman
Bernstine	Gaydos	Madden	Rowe
Bizzarro	Gillen	Major	Rozzi
Boback	Gillespie	Mako	Ryan
Bonner	Gleim	Malagari	Sainato
Borowicz	Gregory	Maloney	Samuelson
Boyle	Greiner	Markosek	Sanchez
Bradford	Grove	Marshall	Sankey
Briggs	Guenst	Masser	Sappey
Brooks	Guzman	Matzie	Saylor
Brown, A.	Hamm	McClinton	Schemel
Bullock	Hanbidge	McNeill	Schlossberg

Burgos	Harkins	Mehaffie	Schmitt
Burns	Harris	Mentzer	Schnee
Carroll	Heffley	Mercuri	Schweyer
Causar	Helm	Merski	Shusterman
Cephas	Hennessey	Metcalfe	Silvis
Ciresi	Herrin	Metzgar	Sims
Conklin	Hershey	Mihalek	Smith
Cook	Hickernell	Millard	Snyder
Covington	Hohenstein	Miller, B.	Solomon
Cox	Howard	Miller, D.	Sonney
Cruz	Innamorato	Mizgorski	Staats
Culver	Irvin	Moul	Stambaugh
Curry	Isaacson	Mullery	Stephens
Daley	James	Mullins	Struzzi
Davanzo	Jones	Mustello	Sturla
Davis, A.	Jozwiak	Neilson	Thomas
Davis, T.	Kail	Nelson, E.	Tomlinson
Dawkins	Kaufer	Nelson, N.	Topper
Day	Kauffman	O'Mara	Twardzik
Deasy	Keefer	O'Neal	Vitali
DeLissio	Kenyatta	Oberlander	Warner
Delloso	Kerwin	Ortitay	Warren
Delozier	Kim	Otten	Webster
DelRosso	Kinthead	Owlett	Welby
Diamond	Kinsey	Parker	Wentling
Dowling	Kirkland	Pashinski	Wheeland
Dunbar	Klunk	Peifer	White
Ecker	Knowles	Pickett	Williams, C.
Emrick	Kosierowski	Pisciottano	Williams, D.
Evans	Krajewski	Polinchock	Young
Farry	Krueger	Puskaric	Zabel
Fee	Kulik	Quinn	Zimmerman
Fiedler	Labs	Rabb	
Fitzgerald	Lawrence	Rader	Cutler,
Flood	Lee	Rapp	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Brown, R. Pennycuik Schroeder

LEAVES ADDED—7

Boyle Burns Fiedler Rothman
Brown, A. Farry Neilson

LEAVES CANCELED—1

Farry

The SPEAKER. One hundred and ninety-eight members on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. Turning to visitor recognition.

Located in the front of the rostrum, the Chair welcomes guest page Rebecca Woodruff. Rebecca is a junior at Mechanicsburg Area High School and is the guest of Representative Delozier. Welcome.

Located in the gallery, the Chair welcomes the Meyers family. Craig, Denise, Kyle, and Andrew Meyers are the guests of Representative Farry and Representative Warren. Welcome.

Members, please take your seats. We will do two brief recognitions for some retirement remarks.

COMMEMORATIVE GAVEL PRESENTED

The SPEAKER. And I will ask Representative Hill-Evans to please approach the rostrum because, unfortunately, I was supposed to present Representative Isabella Fitzgerald her gavel today, but she was unable to make it here in Harrisburg. I do know that she is watching session and I would like to present it to her virtually, and they have indicated that Representative Hill-Evans will be the one to accept it on her behalf.

Representative Fitzgerald was elected to the House in 2016 and has two children. She has served on the Aging and Older Adult Services, Children and Youth, Human Services, and State Government Committees.

Representative Fitzgerald, we wish you well, and we wish continued success for you into your future.

Representative Hill-Evans, thank you very much for standing in for Representative Fitzgerald. Her presence here on the floor has certainly been missed. I know that she is watching and I am sure she will continue to watch here and keep a watchful eye over all of us.

FAREWELL ADDRESS
SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Representative Mullery, is seeking recognition, I believe for submission of remarks.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise to submit my farewell remarks for the record.

The SPEAKER. The Chair thanks the good gentleman.

Mr. MULLERY submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker. I rise to offer thanks and submit my formal farewell remarks.

First and foremost, I want to thank my wife, Michele. I have tested her patience constantly and consistently since she agreed to go to the junior prom with me 35 years ago. But during the past 12 years, while I have devoted countless hours to the communities and constituents I have represented in the 119th Legislative District, in addition to all the session days here in Harrisburg, she has been called upon time and time again to be the rock of our family. She has never wavered, and I could not have succeeded without her ever-present support.

To my children, Leah, Lauren, Liam, and Loudon, I want to thank you all for your maturity and understanding. And for circulating nominating petitions, knocking doors, and stuffing envelopes. While I did everything in my power to not miss your games or concerts or special events, or simply family time during the evenings or on weekends, each of you understood when I could not be there and never made me feel lesser for my absence. I will always appreciate the help you offered your mother and siblings, and for standing up for your dad on bus rides to Good Shepherd Academy and during political discussions with your college friends.

After each reelection, when questioned by reporters, I gave all the credit to my staff. I remain convinced I would not have been reelected once had it not been for the level of constituent service they have provided.

I am still not 100 percent convinced Diane Hollock wanted to remain a House employee when the Senate was within reach, but I cannot express how thankful I am that she committed to work with me and train our new hires. Her guidance laid the foundation upon which my entire team was built. Thank you for 12 years of service, and a special thank you to my go-to paper-shredding buddy, Eric.

Michelle Stashak was the first person I called after winning my election in 2010. There was never a doubt in my mind that she possessed the demeanor and professionalism I wanted representing me when constituents walked through the door. Her dependability, reliability, and commitment to our district have been unmatched. She is everything a true public servant should be. Thank you.

Nicole Brown joined Diane and Michelle on day one. Over 9 years of service, she helped thousands of constituents throughout the district. Thank you.

I have had the pleasure to have two chiefs of staff who have been my eyes, ears, and voice throughout the district when I was unable to be there personally. Leigh Bonczewski was blessed to have a similar physical build to me, and many constituents mistook him for me when he was providing constituent service. While he was on the team, it seemed as if I was omnipresent in the district. Cody Forgach, who, for reasons I will never fully understand, has a name nobody can get correct. He has been called everything from Cory to Tony, but to me, he will always be Cody "Fix It." Every member of the General Assembly should be blessed with a "Fix It" of their own whom they know, without a doubt, they can count on for whatever they need. Leigh and Cody, thank you for everything.

I have also had the pleasure of having two legislative aides in Harrisburg. JoAnn Bucher made certain I did not make any freshman, sophomore, or junior mistakes. Nothing made me happier than being greeted by her when I walked into my Capitol office. Her positive personality and energy were contagious. Paola Zamorano picked up where JoAnn left off and made the transition smooth and effortless. I cannot thank them both enough for everything they did for me personally, and for the people of the 119th.

I want to thank my committee staff. Haley Salera was one of, if not the most, talented and knowledgeable individuals I have had the pleasure of working with during my time in office. Our caucus lost one of its brightest stars when she left for the private sector. To Evan and Brooke, thank you for your commitment to the labor movement and all your work.

Last but not least, I want to thank the people of the 119th Legislative District for your support time and time again. I will be forever humbled by your faith and trust in me.

Thank you.

The SPEAKER. Many folks may not have been here long enough, but Representative Mullery and I sat next to each other during my time and tenure over on the Democratic side of the aisle. And we both had – I still have, but unfortunately, have given it up – a love of Mountain Dew, and I would often bring one up to the floor for him. And while I have given up soda, I would absolutely make an exception for you any time that you wish to return to town.

Thank you, Representative Mullery.

Turning to caucus and committee announcements.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Dunbar.

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus at 10:30 in the majority caucus room; 10:30 in the majority caucus room. We will be prepared to be back on the floor at 11 o'clock. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Representative Dan Miller, is recognized for a caucus announcement.

Mr. D. MILLER. Thank you, Mr. Speaker.

Democrats will caucus hybrid at 10:30.

STATEMENT BY MR. STEPHENS

The SPEAKER. Prior to the departure for caucus, the gentleman, Representative Todd Stephens, has asked for a brief recognition on unanimous consent, and seeing no objections, you are in order and may proceed, sir.

Mr. STEPHENS. Thank you, Mr. Speaker.

As some of you may know, they are still counting the ballots back home in Montgomery County in my race, but I just wanted to rise and say thank you to all the members on both sides of the aisle, frankly, who have reached out over the last week just to express their, you know, just the humanity and the friendship and camaraderie in this room. And I think it was important to note for the record that I really do appreciate the sentiments expressed by my colleagues on both sides of the aisle.

I certainly want to thank all of you, and also thank my family – my mother, my father, my sister, and my brother-in-law, and then of course, my wife and two kids, Nicole, Ben, and Will – for all their support over the last week as well.

So thank you all so much, and stay tuned.

The SPEAKER. The Chair thanks the gentleman and wishes him well.

RECESS

The SPEAKER. The House will stand in recess until 11 a.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 11:15 a.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

LEAVES OF ABSENCE

The SPEAKER. The Democratic whip requests that the gentlemen, Representative BURNS, Representative BOYLE, Representative NEILSON, and Representative Amen BROWN, be placed on leave. Without objection, the leaves will be so granted.

The Republican whip requests that the gentlemen, Representative FARRY and Representative ROTHMAN, be placed on leave, and without objection, the leaves will be so granted.

ANNOUNCEMENT OF DEMOCRATIC LEADERSHIP

The SPEAKER. The gentleman, Representative Sainato, is recognized for a brief announcement.

Mr. SAINATO. Thank you, Mr. Speaker.

Yesterday I was honored to serve as the chairman of the Democratic Caucus reorganization meeting. It is my privilege to announce the Democratic leadership team for the 2023-2024 legislative session. The leader will be the Honorable Joanna McClinton; the whip, the Honorable Jordan Harris; the caucus chairperson, the Honorable Dan Miller; the caucus secretary, the Honorable Tina Davis; the caucus Policy chairman, the Honorable Ryan Bizzarro; the caucus administrator, the Honorable Mike Schlossberg; and Appropriations chairman, the Honorable Matt Bradford.

Thank you, Mr. Speaker

The SPEAKER. The Chair thanks the gentleman and congratulates the nominees.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 242 By Representatives RABB, KENYATTA, HILL-EVANS, SCHLOSSBERG and FIEDLER

A Resolution amending House Rule 17, further providing for order of business; and amending the Rules of the House of Representatives to provide for land acknowledgment.

Referred to Committee on RULES, November 16, 2022.

HOUSE BILL INTRODUCED AND REFERRED

No. 2925 By Representative RABB

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in election districts and polling places, further providing for wards in cities of the first class may be created, divided, realigned, or consolidated; and making an editorial change.

Referred to Committee on STATE GOVERNMENT, November 16, 2022.

CALENDAR

RESOLUTION

Ms. WHITE called up **HR 240, PN 3607**, entitled:

A Resolution impeaching Lawrence Samuel Krasner, District Attorney of Philadelphia, for misbehavior in office; and providing for the appointment of trial managers.

On the question,

Will the House adopt the resolution?

Mr. ECKER offered the following amendment No. **A05891**:

Amend Resolution, page 1, lines 4 through 19; pages 2 through 21, lines 1 through 30; page 22, lines 1 through 27; by striking out all of said lines on said pages and inserting

WHEREAS, Lawrence Samuel Krasner was elected to the position of District Attorney of Philadelphia on November 7, 2017, and re-elected to the position on November 2, 2021, pursuant to section 4 of Article IX of the Constitution of Pennsylvania; and

WHEREAS, Pursuant to section 4 of Article VI of the Constitution of Pennsylvania, only the House of Representatives, as a body, has the power of impeachment; and

WHEREAS, Pursuant to section 6 of Article VI of the Constitution of Pennsylvania, civil officers like District Attorney Krasner may be subject to impeachment by the House of Representatives for "any misbehavior in office"; and

WHEREAS, In its 1994 opinion in *Larsen v. Senate of Pennsylvania*, the Commonwealth Court spoke to the meaning of the language "any misbehavior in office" in section 6 of Article VI of the Constitution of Pennsylvania; and

WHEREAS, Justice Larsen argued that the applicable standard of "misbehavior in office" was nothing more than a codification of the common law offense of misconduct in office, meaning "the breach of a positive statutory duty or the performance by a public official of a discretionary act with an improper or corrupt motive"; and

WHEREAS, In its opinion, the Commonwealth Court held that even if the strict definition espoused by Larsen were the appropriate rule, Larsen's conduct still met that heavy burden. More importantly, however, the court said that this "strict definition...finds no support in judicial precedents." Stated differently, there is no precedent that the current language is so constrained; and

WHEREAS, The Philadelphia District Attorney's Office's stated mission and statutory purpose is, among other things, to provide a voice for victims of crime, protect the community through zealous, ethical and effective investigations and prosecutions, and to uphold and prosecute violations of the laws of this Commonwealth and the provisions of Philadelphia's Home Rule Charter; and

WHEREAS, District Attorney Krasner, by and through his failed policies and procedures, and throughout the discharge of his duties as Philadelphia's chief law enforcement officer, has been derelict in his obligations to the victims of crime, the people of the City of Philadelphia and of this Commonwealth and has failed to uphold his oath of office; and

WHEREAS, District Attorney Krasner is bound by the Rules of Professional Conduct adopted by the Supreme Court, which set forth the minimal ethical requirements for all attorneys licensed to practice law in this Commonwealth, as well as the Code of Judicial Conduct, which is applicable to all district attorneys in this Commonwealth. 16 Pa. Stat. Ann. § 1401(o) ("A district attorney shall be subject to the Rules of Professional Conduct and the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth ..."); and

WHEREAS, There have been multiple incidents of District Attorney Krasner exhibiting unethical conduct by lacking candor to the Courts of this Commonwealth in violation of Rule of Professional Conduct 3.3, committing professional misconduct in violation of Rule of Professional Conduct 8.4 and engaging in impropriety and or appearances of impropriety in violation of Canon 2 of the Code of Judicial Conduct; and

WHEREAS, District Attorney Krasner has been in office since January 2018. Under District Attorney Krasner's administration, and as detailed herein, the city has descended into an unprecedented crisis of lawlessness. By way of example only, there were 562 murders in 2021, the most in the 340-year history of the city. Under District Attorney Krasner, murders and violence occur in every part of the city at every hour of the day. Shootings on public transportation, in populated neighborhoods with families and children, near schools and in the center city business district have now become frequent and routine. Open air drug markets have become ubiquitous. He has decriminalized

prostitution effectively destroying programs designed to rescue women from addiction and human trafficking. District Attorney Krasner has decriminalized retail theft resulting in numerous businesses leaving the city. He has released criminals back on to the street who go on to commit even more heinous crimes of murder, rape and robbery against the people of Philadelphia, the overwhelming majority of whom are African American. This crisis of crime and violence is a direct result of District Attorney Krasner's incompetence, ideological rigidity and refusal to perform the duties he swore to carry out when he became District Attorney. He has deliberately eviscerated the District Attorney's Office's ability to adequately enforce the laws of this Commonwealth; endangered the health, welfare and safety of more than 1.5 million Pennsylvanians that reside in Philadelphia and the tens of millions of Americans who visit the city every year; and, his conduct has brought the Office of District Attorney and the justice system itself into disrepute; therefore be it

RESOLVED, That Lawrence Samuel Krasner, District Attorney of Philadelphia, be impeached for misbehavior in office and that the following Articles of Impeachment be exhibited to the Senate pursuant to section 5 of Article VI of the Constitution of Pennsylvania:

ARTICLE I:

Misbehavior in Office In the Nature of Dereliction of Duty and Refusal to Enforce the Law

Upon assuming office, District Attorney Krasner terminated more than 30 assistant district attorneys (ADA) from employment with the Philadelphia District Attorney's Office. Many of these terminated assistant district attorneys were senior-level staffers in supervisory roles who possessed significant prosecutorial experience and knowledge of criminal procedure. District Attorney Krasner replaced this vast institutional knowledge in the Philadelphia District Attorney's Office with attorneys who lacked any meaningful experience in prosecuting criminal cases, some of whom only recently graduated from law school.

District Attorney Krasner subsequently withdrew the office from membership in the Pennsylvania District Attorneys Association (PDAA) because, he asserted, PDAA supported regressive and punitive policies. In withdrawing from PDAA, District Attorney Krasner denied the attorneys in his office the ability to participate in the various professional development and training programs provided by PDAA through its educational institute.

Rather than offering traditional prosecutorial training on such subjects as prosecutorial ethics, human trafficking, witness examination, trial advocacy, trial management and achieving justice for domestic violence and sexual assault victims, District Attorney Krasner offered attorneys seminars, including "A New Vision for Criminal Justice in Philadelphia," "Deportation: The Unforeseen Consequences of Prosecution in our Immigrant Community," and "Philadelphia and Safe Injection: Harm Reduction as Public Policy." The Philadelphia District Attorney's Office eventually returned to more traditional prosecutorial training, however, the office continued to focus on issues that promote District Attorney Krasner's radically progressive philosophies rather than how to effectively prosecute a criminal case.

Upon being elected to office, District Attorney Krasner established a series of office policies with the purported purpose to "end mass incarceration and bring balance back to sentencing," and later adopted a series of policies related to certain crimes or classes of people. These policies include directives not to charge sex workers or individuals for certain classes of crimes such as prostitution or possession of marijuana and marijuana-related drug paraphernalia.

These new policies identified a series of offenses for which the gradation may be reduced with the purpose of "reduc[ing] pre-trial incarceration rates as no bail is required and the shorter time required for hearings expedites Municipal Court and Common Pleas dockets," and requiring disposition of retail theft cases unless the value of the item stolen exceeds \$500 or where the defendant has an extensive history of theft convictions.

District Attorney Krasner instituted policies to make plea offers below the bottom end of the mitigated range under the Sentencing

Guidelines from the Pennsylvania Sentencing Commission and seek greater use of house arrest, probation and alternative sentencing when the sentencing guidelines indicate a range of incarceration of less than 24 months.

In February 2018, District Attorney Krasner established a policy that his office "will ordinarily no longer ask for cash bail for...misdemeanors and felonies" listed in the policy, because "[T]he cash bail system is rife with injustice and exacerbates socio-economic and racial inequalities, disproportionately penalizing the poor and people of color."

In November 2018, District Attorney Krasner adopted a policy in which a criminal defendant's immigration status should be considered in the plea-bargaining process, effectively providing that if an immigration consequence is detected pre-trial or with respect to a sentencing recommendation, counsel will advise if an offer can be made to avoid the consequence.

Other policies that District Attorney Krasner directed were as follows:

(1) Assistant district attorneys may not proceed in cases against defendants driving under the influence of cannabis when the defendants' blood "contains inactive metabolite (11-Nor-9-Carboxy-Delta-9-THC) or 4 or fewer ng/mls of psycho-active THC" and that "if the defense presents evidence that calls impairment into question, an ADA may consider dropping the charges against the defendant."

(2) The District Attorney's Office "will only oppose motions for redactions or expungements in limited circumstances" and sets forth various scenarios in which the office will agree to, seek or not oppose the expungement of a defendant's criminal history.

(3) The District Attorney's Office directed plea offers and sentencing recommendations:

(i) for felonies, "aimed at an office-wide average period of total supervision among cases of around 18 months or less of total supervision, with a ceiling of 3 years of total supervision or less on each case";

(ii) for misdemeanors, aimed at an office-wide average of "6 months or less of total supervision, with a ceiling of 1 year";

(iii) for all matters, for "concurrent sentences"; and

(iv) for cases involving incarceration, "for a period of parole that is no longer than the period of incarceration."

Nearly all of District Attorney Krasner's policies "create a presumption" for ADAs to follow and require approval from District Attorney Krasner himself or a first assistant district attorney for deviations from the policies.

District Attorney Krasner, in an April 2021 report published by the District Attorney's Office (DAO) titled "Ending Mass Supervision: Evaluating Reforms," wrote in his opening letter: "I am proud of the work this office has done to make Philadelphians, particularly Philadelphians of Color, freer from unnecessary government intrusion, while keeping our communities safe." In reality, the policies and practices of the Philadelphia District Attorney's Office instituted under the direction of District Attorney Krasner have led to catastrophic consequences for the people of the City of Philadelphia.

According to the City Controller, spikes in gun violence and homicides have dramatically impacted historically disadvantaged neighborhoods, and those neighborhoods are "primarily low-income with predominately black or African American residents." The Philadelphia Police Department (PPD) reports that the number of homicide victims has increased every year since 2016, more than doubling from 2016 to 2021, with a year-over-year increase of 40% between 2019 and 2020. As of October 16, 2022, there have already been 430 homicides in the City of Philadelphia in 2022. As of October 17, 2022, reported trends gathered from the PPD's "incident" data, which tracks the reporting of all crimes in addition to homicides, shows

a 12% increase in all reported offenses, a 6% increase in violent offenses and a 21% increase in property offenses.

While incidents of violent crime are increasing, prosecution of crime by the Philadelphia District Attorney's Office has decreased during this same period. In 2016, the Philadelphia District Attorney's Office reported that only 30% of "all offenses" resulted in a dismissal or withdrawal, but that number spiked to 50% in 2019, 54% in 2020, 67% in 2021 and 65% to date in 2022.

A similar trend is evident when filtering the data for violent crimes, where, in 2016, the withdrawal and dismissed violent crime cases accounted for 48% of all violent crime case outcomes, but that percentage increased to 60% in 2019, to 68% in 2020, to 70% in 2021 and to 66% in 2022 to date. Data from the Pennsylvania Sentencing Commission relating to violations of the Uniform Firearms Act (VUFA) evidences a similar jarring trend. The Sentencing Commission reports that guilty dispositions in the City of Philadelphia declined from 88% in 2015 to 66% in 2020, compared to a decline from 84% to 72% in counties of the second class, with the driver of the decrease being nolle pros dispositions. As compared to the Statewide data and other county classes, in the City of Philadelphia the percent of guilty verdicts has decreased significantly, while the percent of nolle prossed cases has increased.

Studies by the Delaware Valley Intelligence Center (DVIC) attempted to provide "an explanation for the increase in homicides and shootings in an effort to begin a conversation to address the challenge at a strategic level," and, significantly, the report notes:

"The rate of prosecution dismissal and withdrawal has been increase [sic] substantially since 2015 under DA [Seth] Williams, and has continued to increase after DA Krasner took office. Furthermore, a closer examination of these dropped cases indicates that more cases are dismissed/withdrawn at the preliminary hearing state [sic] under DA Krasner than the actual trial state []. This implies that, even when criminals are caught with a gun, they are swiftly finding out they may not receive as significant a consequence as they had historically. Notably, the likelihood of being arrested is low to begin with. This means that, criminals know that their likelihood of getting caught with a gun is slim and, even if they get caught, they feel that they can leave without severe (or any) consequences."

The DVIC conducted a " cursory examination " of dismissed/withdrawn cases in 2018/2019 and "found 6 offenders whose cases were dismissed (VUFA former convict charge) and got later involved in shootings...2 of these shootings were fatal and 4 out of these 6 offenders were gang members."

The DVIC studied the prosecution declination for narcotics, retail theft and prostitution arrests from 2016 to 2018, and concluded in its key findings that the percentage of all declinations, not just narcotics, prostitution and retail theft, increased "especially in 2018" to more than 7%, when it had been just 2% or less between 2007 and 2015.

In September 2020, the Philadelphia City Council authorized the Committee on Public Safety and the Special Committee on Gun Violence Prevention to study gun violence in the city. This study involved a collaboration between the Controller's Office, Defender Association, Department of Public Health, District Attorney's Office, First Judicial District, Managing Director's Office, Pennsylvania Attorney General and PPD. The published results, called the "100 Shooting Review Committee Report," discusses trends and general findings regarding shootings in the City of Philadelphia. The published results showed the following:

- (1) The clearance rate (*i.e.*, when an arrest was made or a suspect that could not be arrested was identified) for fatal shootings in 2020 was 37% and the rate for nonfatal shootings was 18%.
- (2) There has been a "marked increase" in the number of people arrested for illegal gun possession without the accusation of an additional offense, including a doubling in arrests for illegal possession of a firearm without a license since 2018.
- (3) The initial and final bail amounts set by courts in

illegal possession of firearms cases declined between 2015 and 2019 and increased in 2020 and 2021.

(4) Conviction rates in shooting cases declined between 2016 and 2020 from 96% to 80% in fatal shootings and from 69% to 64% in nonfatal shootings.

(5) There is a long-term trend of a reduction in conviction rates for illegal gun possession cases, dropping from 65% in 2015 to 45% in 2020.

In August 2022, the Philadelphia Police Commissioner indicated that her department is short-staffed by approximately 20%, or 1,300 officers, due to low morale, politics, increased scrutiny and "uniquely stringent hiring requirements" during a nationwide shortage.

Police Commissioner Danielle Outlaw stated, "The truth is the homicides are not happening in a vacuum - there are those who are determined to attack and kill their victims. While we are making constant adjustments to mitigate this sickening reality, our officers, simply put, just can't keep up by being everywhere at all times." While the PPD may arrest a suspect for the commission of a crime, the Philadelphia District Attorney's Office is one of the few district attorney's offices in this Commonwealth that reserves unto itself the authority to charge a person for a criminal act.

In October 2022, following yet another act of violence against police in the City of Philadelphia, Police Commissioner Danielle Outlaw issued the following statement:

"We are tired of arresting the same suspects over and over again, only to see them right back out on the street to continue and sometimes escalate their criminal ways. We are tired of having to send our officers into harm's way to serve warrants on suspects who have no business being on the street in the first place.

No - not everyone needs to be in jail. But when we repeatedly see the extensive criminal histories of those we arrest for violent crime, the question needs to be asked as to why they were yet again back on the street and terrorizing our communities.

I am beyond disgusted by this violence. Our entire department is sickened by what is happening to the people that live, work, and visit our city. Residents are tired of it. Business owners are tired of it. Our children are tired of it.

We are long past 'enough is enough'."

Acts of violence, and particularly violent crimes committed with firearms, have exacted a heavy toll on victims and their families, with countless lives unnecessarily lost or irretrievably broken, due to the increase of violent crime in the City of Philadelphia. The foregoing acts constitute "misbehavior in office" by District Attorney Krasner in that such acts have substantially contributed to the increase in crime in the City of Philadelphia, undermined confidence in the criminal justice system, and betrayed the trust of the citizens of Philadelphia and the Commonwealth.

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

ARTICLE II:

Misbehavior In Office In the Nature of Obstruction of House Select Committee Investigation

House Resolution 216 of 2022 established the House Select Committee to Restore Law and Order pursuant to Rule 51 of the General Operating Rules of the House. The select committee is authorized and empowered "to investigate, review and make finding and recommendations concerning risking rates of crime, law enforcement and the enforcement of crime victim rights," in the City of Philadelphia.

House Resolution 216 further charges the select committee to make findings and recommendations, including, but not limited to, the following:

- (1) Determinations regarding the performance of public officials empowered to enforce the law in the City of Philadelphia, including the district attorney, and recommendations for removal from office or other appropriate

discipline, including impeachment.

(2) Legislation or other legislative action relating to policing, prosecution, sentencing and any other aspect of law enforcement.

(3) Legislation or other legislative action relating to ensuring the protection, enforcement and delivery of appropriate services and compensation to crime victims.

(4) Legislation or other legislative action relating to ensuring the appropriate expenditure of public funds intended for the purpose of law enforcement, prosecutions or to benefit crime victims.

(5) Other legislative action as the select committee finds necessary to ensure appropriate enforcement of law and order in the City of Philadelphia.

In pursuit of these obligations, the resolution empowers the select committee chair to, among other things, "send for individuals and papers and subpoena witnesses, documents, including electronically stored information, and any other materials under the hand and seal of the chair." The chair issued subpoenas to a number of Philadelphia municipal offices, including the Controller, the Mayor, the Police Department, the Sheriff's Office, the Treasurer and the District Attorney's Office. The subpoenas sought nonprivileged records necessary to fulfill the select committee's obligations to the House of Representatives pursuant to House Resolution 216.

While other municipal offices worked cooperatively with the select committee to respond to the subpoenas issued to them, District Attorney Krasner and his office chose instead to obstruct the select committee's work at every turn. District Attorney Krasner and his office asserted that the select committee was illegitimate and that its subpoenas served "no valid legislative purpose, violating the separation of powers, invading legal privileges, and seeking to deny the constitutional rights of Philadelphia's citizens, especially their democratic right to vote and choose their local leaders."

District Attorney Krasner asserted various claims that held no basis in fact or law, including the following:

(1) District Attorneys are not subject to impeachment.

(2) Impeaching the District Attorney violates the constitutional rights of the people who voted for him.

(3) The District Attorney committed no wrong, and therefore was not required to comply with the committee chair's subpoena.

(4) Impeachment of a public official requires a conviction for a criminal act; and

District Attorney Krasner and his office refused to search for or produce any documents in response to the subpoena. Despite multiple attempts by counsel to the select committee chair to bring District Attorney Krasner and his office into compliance with the subpoenas, explaining on multiple occasions that the select committee was seeking nonprivileged records and, as it related to any record for which the District Attorney believed were privileged, the District Attorney should follow common practice in responding to a subpoena by providing a privilege log to identify those records for which the District Attorney asserts a privilege.

On September 12, 2022, after multiple exchanges between counsel and a Request to Show Cause why the District Attorney should not be held in contempt by the House, the select committee issued an interim report pursuant to Rule 51 of the General Operating Rules of the House of Representatives, notifying the House of District Attorney Krasner's refusal to comply with the subpoena and recommending that the House consider contempt proceedings.

The House of Representatives adopted House Resolution 227 on September 13, 2022, resolving that the House hold District Attorney Krasner in contempt. House Resolution 227 was adopted by a bipartisan vote of 162 to 38.

District Attorney Krasner filed an action in Commonwealth Court on September 2, 2022, in which he raised the same arguments that fail to have any meaningful basis in law or fact. District Attorney Krasner and his office have since feigned partial compliance with the

subpoena, providing several public-facing records obtained without the need to engage in any legitimate effort to search for the records.

The select committee chair invited District Attorney Krasner to testify before the select committee in executive session on October 21, 2022. District Attorney Krasner refused to testify in executive session, demanding a public hearing instead. District Attorney Krasner then published a press release which was misleading at best, mischaracterizing the invitation to District Attorney Krasner to testify in yet another moment of grandstanding.

Given the District Attorney's rejection of the invitation to testify in executive session, the select committee was compelled to cancel the hearing.

District Attorney Krasner has, at every turn, obstructed the efforts of the House Select Committee on Restoring Law and Order. He has consistently raised specious claims without a good faith basis in law or fact. Even after the House of Representatives resolved to hold him in contempt, District Attorney Krasner's efforts to comply with subpoenas issued by the select committee chair fall far short of what can be considered a reasonable good faith effort.

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

Article III:

Misbehavior In Office In the Nature of Violation of the Rules of Professional Conduct and Code of Judicial Conduct; specifically Rule 3.3 Candor Toward the Tribunal, Rule 8.4 Professional Misconduct, and Canon 2 of the Code of Judicial Conduct Impropriety and Appearance of Impropriety in the Matter of *Robert Wharton v. Donald T. Vaughn*

In the Federal habeas corpus proceeding in *Robert Wharton v. Donald T. Vaughn*, Federal District Court Judge Goldberg issued a memorandum order admonishing and sanctioning the District Attorney's Office. Robert Wharton was convicted of murdering the parents of survivor Lisa Hart-Newman, who was seven months old at the time and was left to freeze to death with her deceased parents by Mr. Wharton.

After his conviction, Wharton pursued a death penalty habeas petition in the Federal district court. The District Attorney's Office under prior administrations had opposed this petition.

In 2019, District Attorney Krasner's administration filed a "Notice of Concession of Penalty Phase Relief," stating that it would not seek a new death sentence, and, based on that sentencing relief, the litigation and appeals could end. The concession noted only that the decision to concede was made "[f]ollowing review of this case by the Capital Case Review Committee of the Philadelphia [District Attorney's Office], communication with the victims' family, and notice to [Wharton's] counsel."

Judge Goldberg undertook an independent analysis of the merits of the claim and invited the Pennsylvania Office Attorney General (OAG) to file an amicus brief in the case. In its amicus, the OAG submitted additional facts that the District Attorney's Office had not disclosed, including evidence of prison misconducts, attempted escapes and Department of Corrections concerns regarding "assaultiveness" and "escape" by Mr. Wharton.

The OAG concluded that "given the facts of this investigation and aggravating sentencing factors present in this case, Wharton could not establish a reasonable probability that the outcome of his penalty phase death sentence would have been different if the jury had heard evidence of his alleged 'positive' prison adjustment."

The OAG further determined that members of the family, including victim Ms. Hart-Newman, were not contacted and that they opposed the concession by the District Attorney's Office.

After an evidentiary hearing, Judge Goldberg held as follows:

(1) The District Attorney's Office failed to advise the court of significant anti-mitigation evidence, including that Mr. Wharton had made an escape attempt at a court appearance.

(2) Two of the office's supervisors violated Federal Rule of Civil Procedure 11(b)(3) "based upon that Office's representations to this Court that lacked evidentiary support and were not in any way formed after 'an inquiry reasonable under the circumstances.'"

(3) Representations of communication with the victims' family were "misleading," "false," and "yet another representation to the Court made after an inquiry that was not reasonable under the circumstances."

(4) The Law Division Supervisor, Assistant Supervisor and District Attorney's Office violated Rule 11(b)(1), and concluding that the violation was "sufficiently 'egregious' and 'exceptional' under the circumstances to warrant sanctions."

Judge Goldberg imposed nonmonetary sanctions on the District Attorney's Office, requiring that separate written apologies be sent to the victim, Lisa Hart-Newman, and the victim's family members. Given the testimony of the two Law Division supervisors that District Attorney Krasner approved and implemented internal procedures that created the need for this sanction, and that the District Attorney had the sole, ultimate authority to direct that the misleading Notice of Concession be filed, therefore "the apologies shall come from the District Attorney, Lawrence Krasner, personally."

District Attorney Krasner has the sole authority to approve court filings on behalf of Philadelphia District Attorney's office. While in office, District Attorney Krasner directed, approved and or permitted the filing of a "Notice of Concession" and presentation of other pleadings and statements in Federal court which contained materially false and or misleading affirmative statements and purposeful omissions of fact in violation of the Rules of Professional Conduct, Rule 3.3 (Candor Toward the Tribunal) and Rule 8.4 (Professional Misconduct), and Code of Judicial Conduct, Canon 2 (Impropriety and or Appearance of Impropriety).

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

Article IV:

Misbehavior In Office In the Nature of Violation of the Rules of Professional Conduct; specifically Rule 3.3 Candor Toward the Tribunal, Rule 8.4 Professional Misconduct, and Canon 2 of the Code of Judicial Conduct Impropriety and Appearance of

Impropriety in the matter of *Commonwealth vs. Pownall*

In his special concurrence in *Commonwealth v. Pownall*, Supreme Court Justice Dougherty highlighted what he feared to be an effort by the District Attorney's Office to deprive certain defendants of a fair and speedy trial. Following the June 2017 incident in which former Philadelphia police officer Ryan Pownall shot and killed David Jones, the District Attorney's Office submitted the matter to an investigative grand jury. The investigating grand jury issued a presentment recommending that Pownall be charged with criminal homicide, possession of an instrument of crime and recklessly endangering another person; and

During trial, the prosecutor filed a motion in limine to preclude the standard peace officer justification defense instruction, based on the assertion that the instruction, which largely tracked language of statute, violated Fourth Amendment prohibition against unreasonable search and seizure. The motion was denied and the prosecution appealed to the Superior Court, which quashed the appeal as unauthorized. The Supreme Court granted the prosecutor's request for allowance of appeal.

The Supreme Court ultimately denied the appeal, but the special concurrence filed by Justice Dougherty illuminated startling behavior by the District Attorney's Office. Justice Dougherty held that the District Attorney's Office's actions during grand jury process "implicate[s] a potential abuse" and stated that "the presentment in this case is perhaps best characterized as a 'foul blow.'" He referred to the grand jury presentment, authored by the District Attorney's Office, as a

"gratuitous narrative."

Justice Dougherty also recognized that any abuse of the grand jury could have been remedied by "Statutory safeguards embedded in the process," such as a preliminary hearing. He went on to say "What is troubling is the DAO's effort to ensure that would not occur," *i.e.*, their filing of a motion to bypass the preliminary hearing.

Justice Dougherty found it "inexplicable" that, in presenting a bypass motion to the Court of Common Pleas, the District Attorney's Office failed to highlight the Investigating Grand Jury Act section 4551(e), which directs that a defendant "shall" be entitled to a preliminary hearing. He emphasized that the District Attorney's Office "appear[ed]" to have known [about that requirement] at the time it filed its motion."

As it related to the prosecutor's motion in limine and interlocutory appeal, Justice Dougherty observed that the District Attorney's Office's motion "presented only half the relevant picture." He went on to say that "this type of advocacy would be worrisome coming from any litigant," but coming from a prosecutor, "is even more concerning, particularly in light of the motion's timing...." He cited directly to Pennsylvania Rule of Professional Conduct 3.3 regarding candor to the tribunal.

Further referencing ethical concerns, Justice Dougherty found that the timing of the motion in limine, "[w]hen combined with the other tactics highlighted throughout this concurrence," could lead to the conclusion that the decision to take "an unauthorized interlocutory appeal was intended to deprive [Mr. Pownall] of a fair and speedy trial." Justice Dougherty went on to say:

Now, for the first time before this Court, the DAO finally admits its true intent in all this was simply to use Pownall's case as a vehicle to force judicial determination on 'whether Section 508(a)(1) is facially unconstitutional.' DAO's Reply Brief at 1; see *id.* at 6 (asserting Section 508's applicability to [Pownall] is not the subject of this appeal"). What's more, despite having assured the trial court it was not trying 'to bar [Pownall] from a defense[.]' N.T. 11/25/2019 at 8, the DAO now boldly asserts it would be appropriate for this Court to rewrite the law and retroactively apply it to Pownall's case because he supposedly 'had fair notice of his inability to rely on this unconstitutional defense[.]' DAO's Brief at 10.

Justice Dougherty concluded, "Little that has happened in this case up to this point reflects procedural justice. On the contrary, the DAO's prosecution of Pownall appears to be "driven by a win-at-all-cost office culture" that treats police officers differently than other criminal defendants. DAO CONVICTION INTEGRITY UNIT REPORT, OVERTURNING CONVICTIONS - AND AN ERA 2 (June 15, 2021) available at tinyurl.com/CIU-report (last visited July 19, 2022). This is the antithesis of what the law expects of a prosecutor."

On remand, Common Pleas Court Judge McDermott said that there were "so many things wrong" with the District Attorney's Office's instructions to the investigating grand jury that it warranted dismissing all charges against Mr. Pownall. After hearing testimony from the assistant district attorneys who handled the grand jury and preparation of the presentment, Judge McDermott concluded that the District Attorney's Office failed to provide the legal instructions to the grand jurors on the definitions for homicide and information regarding the use-of-force defense.

In her October 17, 2022, Statement of Findings of Fact and Conclusions of Law, Judge McDermott stated, "The Commonwealth made an intentional, deliberate choice not to inform the grand jurors about the justification defense under Section 508. While [the ADA] was aware of Section 508 and its applicability to the Defendant's case at the time of the Grand Jury proceedings, she decided not to advise the Grand Jury about Section 508 after consulting with other, more senior Assistant District Attorneys."

As it related to Pownall's right to a preliminary hearing, Judge McDermott wrote:

In its Motion to bypass the preliminary hearing, the Commonwealth demonstrated a lack of candor to the Court by

misstating the law and providing Judge Coleman with incorrect case law.

* * *

The Commonwealth was also disingenuous with the Court when it asserted that it had good cause to bypass the preliminary hearing under Pa.R.Crim.P. 565(a) because of the complexity of the case, the large number of witnesses the Commonwealth would have to call, the expense, and the delay caused by a preliminary hearing. As a preliminary hearing was not held in this case, the Defendant's due process rights were violated and the Defendant suffered prejudice.

Judge McDermott told the District Attorney's Office that if defense counsel had made the decisions that the District Attorney's Office made, she would "declare them incompetent." The District Attorney's Office's own expert report from Gregory A. Warren, Ed.D., of American Law Enforcement Training and Consulting concluded that, given all the facts presented to him, Officer Pownall's "use of deadly force in this case was justified." This expert report was withheld from Pownall by the District Attorney's Office.

District Attorney Krasner has the sole authority to approve court filings on behalf of Philadelphia District Attorney's office. While in office District Attorney Krasner directed, approved and or permitted the filing of motions, presentations of other pleadings and statements to the Grand Jury and the Court which intentionally omitted, concealed and or withheld material facts and legal authority relevant to the judicial proceedings in violation of the Rules of Professional Conduct, Rule 3.3 (Candor Toward the Tribunal), Rule 8.4 (Professional Misconduct) and Code of Judicial Conduct, Canon 2 (Impropriety and or Appearance of Impropriety).

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

Article V:

Misbehavior In Office In the Nature of Violation of the Rules of Professional Conduct and Code of Judicial Conduct; specifically Rule 3.3 Candor to Tribunal, Rule 8.4 Professional Misconduct, and Canon 2 of the Code of Judicial Conduct Impropriety and Appearance of Impropriety in the matter In re: Conflicts of Interest of Philadelphia District Attorney's Office

During sworn testimony, District Attorney Krasner withheld material facts from the Supreme Court when he testified under oath before the Supreme Court's Special Master. The Special Master was appointed by the Supreme Court pursuant to its King's Bench jurisdiction to investigate whether District Attorney Krasner had a conflict of interest favoring the defendant and appellant, Mumia Abu-Jamal, who had been convicted of first-degree murder of Officer Daniel Faulkner. District Attorney Krasner testified that he "never represented any advocacy organization for Mumia Abu-Jamal."

While affirmatively stating he never represented an "organization" which advocated for Mumia Abu-Jamal, District Attorney Krasner omitted the fact that he had, in fact, represented at least one pro-Mumia activist who was arrested for seeking to intimidate the judge deciding Abu-Jamal's Post Conviction Relief Act ("PCRA") Petition. That activist, who at the time was the "Director" of the "Youth Action Coalition," was arrested along-side local leaders of The International Concerned Family and Friends of Mumia Abu-Jamal, all of whom were protesting outside the home of Abu-Jamal's PCRA judge in an effort to illegally influence the very proceedings at issue in Mumia Abu-Jamal's nunc pro tunc appeal.

District Attorney Krasner represented this "Director," and potentially other pro-Mumia activists, against charges for violating a criminal statute that prohibits protesting outside the homes of judicial officers to influence the outcome of cases pending before the judicial officers. Yet, in testifying that he "never represented any advocacy organization for Mumia Abu-Jamal," District Attorney Krasner omitted

these material facts, providing a partial and misleading disclosure regarding his connection to the effort to exonerate and free Mumia Abu-Jamal. District Attorney Krasner's misleading disclosure was directly relevant to the subject matter under investigation by the Supreme Court in that he was concealing material facts concerning his conflicts of interest in the Mumia Abu-Jamal matter, an issue at the very heart of the Supreme Court's review of the King's Bench Petition filed by the widow of Officer Faulkner. District Attorney Krasner therefore violated Rules of Professional Conduct, Rule 3.3 (Candor Toward the Tribunal), Rule 8.4 (Professional Misconduct) and Code of Judicial Conduct, Canon 2 (Impropriety and or Appearance of Impropriety).

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

Article VI:

Misbehavior in Office in Nature of Violation of Victims Rights

Federal and State law provides for certain rights for victims related to the prosecution and sentencing of the defendants who victimized them or their family members (18 U.S.C. § 3771 (b)(2)(A) and section 201 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act). Chief among the rights provided to victims is the right to be kept informed at all stages of the prosecution through clear, respectful and honest communication and to be consulted with regard to sentencing. District Attorney Krasner repeatedly violated, and allowed Assistant District Attorneys under his supervision to violate, the Federal and state victims' rights acts on multiple occasions by specifically failing to timely contact victims, deliberately misleading victims and or disregarding victim input and treating victims with contempt and disrespect.

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

Article VII:

Misbehavior In Office In the Nature of Violation of the Constitution of Pennsylvania By Usurpation of the Legislative Function

Pursuant to Article II of the Constitution of Pennsylvania, the legislative power is vested in the General Assembly. District Attorney Krasner as an elected executive in the City of Philadelphia has no authority to create, repeal or amend any state law. Despite this clear separation of powers, District Attorney Krasner has contravened the authority of the legislature by refusing to prosecute specifically prohibited conduct under state law. Rather than exercising his inherent discretionary powers to review and determine charges on a case-by-case basis, District Attorney Krasner, in his capacity as the Commonwealth's Attorney in the City of Philadelphia, unilaterally determined, directed and ensured that certain crimes would no longer be prosecuted and were therefore *de facto* legal.

These crimes include prostitution, theft and drug-related offenses, among others. In particular, the *de facto* legalization of prostitution by District Attorney Krasner has had a devastating impact on women who are victims of sex trafficking and the communities where they are trafficked. Refusing to prosecute retail theft of property with less than a value of \$500, District Attorney Krasner has created an atmosphere of lawlessness in Philadelphia, with the direct effect of causing businesses to curtail activity or cease doing business altogether in Philadelphia. District Attorney Krasner's refusal to prosecute those caught driving under the influence of marijuana, aside from contributing to the lawlessness in the city, has created dangerous situations for the health, safety and welfare of the people in Philadelphia. District Attorney Krasner *de facto* legalizing such acts that the General Assembly has determined to be illegal is a clear usurpation of legislative powers in violation of the Constitution of Pennsylvania, and thus constitutes misbehavior in office.

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

The House of Representatives hereby reserves to itself the right and ability to exhibit at any time after adoption of this resolution further or more detailed Articles of Impeachment against District Attorney Lawrence Samuel Krasner, to reply to any answers that District Attorney Lawrence Samuel Krasner may make to any Articles of Impeachment which are exhibited and to offer proof at trial in the Senate in support of each and every Article of Impeachment which shall be exhibited by them.

Upon the articles of impeachment against Lawrence Samuel Krasner, Philadelphia District Attorney, being signed by the Speaker of the House of Representatives, the Speaker shall appoint a committee of three members, two from the majority party and one from the minority party, to exhibit the same to the Senate, and on behalf of the House of Representatives to manage the trial thereof.

The expenses of the committee shall be paid by the Chief Clerk from appropriation accounts under the Chief Clerk's exclusive control and jurisdiction upon a written request approved by the Speaker of the House of Representatives, the Majority Leader of the House of Representatives or the Minority Leader of the House of Representatives.

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Ecker.

Mr. ECKER. Thank you, Mr. Speaker.

So before we get into the complete substance of this amendment, I think it is important that we outline the legal standards as it pertains to impeachment in Pennsylvania. What does the Pennsylvania Constitution say about impeachment? Well, Article VI, section 4, says that "The House of Representatives shall have the sole power of impeachment." Sole power of impeachment. Section 5 talks about the Senate's role in this, and then section 6 says that "The Governor and all other civil officers shall be liable to impeachment for any misbehavior in office,..."

So what is that standard? The short answer is in Article VI, section 6, which says, "any misbehavior in office." The use of the word "any" implies a pretty broad construction.

Now, it is important to look at the Constitution and other provisions as it pertains to impeachment and removal from office. Article VI, section 7, and Article V, section 18, also use the words "misbehavior in office," but as I foresee that we may discuss later, those two sections deal with a conviction as well. They are preceded by the words "of" or "rather than." They do not include the word "any" misbehavior in office. Today we are talking about Article VI, section 6, of the PA Constitution, which says, "any misbehavior in office."

Now, previously our Constitution – before it was amended, which I think is important to note – contained "misdemeanor in office." That was changed to "misbehavior in office," and I think different words mean different things. The change of language as it appears in the current Constitution was intended to effect a different result moving forward, and I know we are going to talk about previous impeachments today, and the most recent impeachment dealing with Supreme Court Justice Larsen was the last impeachment that was debated on this floor. So I think it is important to look at some of the precedent that was set with that vote and on that day, when members of this House argued that

"The House of Representatives shall have the sole power of impeachment."

"The decision of whether or not to impeach...is ours and ours alone to consider.... As the sole possessor of the power of impeachment, the House of Representatives has the right and the responsibility to assess when misbehavior in office has occurred, without assistance or interference from the other branches of government...it can include both criminal and noncriminal conduct,..."

I think it is also important to take a look at some case law as it pertains to misbehavior in office, or impeachment for that matter. Around the same time, in 1993, the U.S. Supreme Court took up a case, *Nixon v. United States*, involving a Federal judge who was being impeached. The U.S. Supreme Court found the challenge to be a "political question" that could only be determined by the legislature. The court in that case focused on the word "sole." The sole power of impeachment – in this case, under Article I, section 3, clause 6, of the U.S. Constitution – uses the word "sole" power of impeachment. It is our constitutional authority and our obligation to make this determination.

Now, turning again back to the *Larsen* case, which I think was our last impeachment before this body, Justice Larsen argued what that standard was for misbehavior in office. He argued that it is "...a breach of a positive statutory duty or the performance by a public official of a discretionary act with an improper or corrupt motive." Now, what is important to note here, in its opinion, is that a Commonwealth Court who decided this case said that this strict definition finds no precedential judicial support. In other words, there was no precedent that the current language is so limited. The court said in that case, "The courts have no jurisdiction in impeachment proceedings and no control over their conduct," meaning the House of Representatives. So to close on this point, any misbehavior in office is just that: any misbehavior in office.

Now, turning to the amendment today which amends the articles, I am going to quickly move through each article. Article I, under this amendment, under district attorney Lawrence Krasner's administration, this article details in HR 240 that his dereliction of duty serves as a direct and proximate cause of the crisis of crime facing the city of Philadelphia. He has engaged in wholesale termination of experienced prosecutors, instituted ineffective training, and adopted policies that have eviscerated the district attorney's office's ability to adequately enforce the laws of this State. As demonstrated by studies and bolstered by public statements of other Philadelphia officials, these changes have endangered the health, welfare, and safety of more than 1.5 million Pennsylvanians that reside in the city of Philadelphia and the tens of millions of Americans who visit the city each year. This has substantially contributed to the increase in crime in the city, undermined the confidence in the criminal justice system, betrayed the trust of the people, and brought the office of district attorney into disrepute.

Article II. District attorney Larry Krasner has, at every turn, obstructed the efforts of the House select committee and this General Assembly. He has refused to participate in hearings as governed by House rule 51. He has consistently raised baseless claims without a good-faith basis in law or fact. Even after the House of Representatives resolved to hold him in contempt, Attorney Krasner has refused to comply with subpoenas issued by the select committee, and falls short of the reasonable good faith which that committee extended to him. By both his words

and deeds, he has personally obstructed a legitimate legislative investigation.

Article III. Robert Wharton was convicted of murdering the parents of survivor Lisa Hart-Newman, who was 7 months old at the time and was left to freeze to death when her deceased parents were murdered by Mr. Wharton. After his conviction, Mr. Wharton pursued a death penalty habeas petition in the Federal district court. The district attorney's office under the prior administration successfully opposed such petitions. In 2019 District Attorney Krasner's administration filed a pleading stating that it would not seek a new death penalty sentence, and based on that sentencing relief, the litigation appeals could end. The pleading noted that the decision to not seek a new death sentence was made following a review of the case by the district attorney's office, communications with the victims' family, and notice to Wharton's counsel.

At the invitation of Judge Goldberg, the Pennsylvania Office of Attorney General submitted additional facts that disclosed evidence of prison misconduct by Mr. Wharton and other damaging information, as well as the failure of the district attorney's office to contact Miss Hart-Newman, who was that 7-month-old survivor, and other family members of the victims.

After an evidentiary hearing, Judge Goldberg discovered that the district attorney's office had intentionally misrepresented facts in an effort to nullify the punishment imposed by a jury, and as a result, issued a memorandum order admonishing and sanctioning the district attorney personally for failing to respond to the victim and the victims' family and requiring him to write an apology to them, a written apology. This sequence of events demonstrates a lack of candor, professional misconduct, and impropriety in direct contradiction to relevant ethical guidelines.

Article IV. In a special concurrence opinion in *Commonwealth v. Pownall*, Supreme Court Justice Dougherty highlighted an effort by the district attorney's office to deprive a police officer of a fair trial. Justice Dougherty determined the district attorney's office's actions during the grand jury process implicated "a potential abuse" and stated that "the presentment in this case is perhaps...characterized as a 'foul blow,' further referring to the grand jury presentment as a 'gratuitous narrative.'"

On remand, Judge McDermott said that there were "so many things wrong" with the district attorney's office's instructions to the investigating grand jury that it warranted dismissing all the charges. As explained by Judge McDermott, this included "an intentional, deliberate choice" by the district attorney's office "not to inform the grand jurors about a justification defense" available to Officer Pownall. Judge McDermott went so far as to inform the district attorney's office that if defense counsel had made the decisions the district attorney's office had made, she would "declare them incompetent." Similar to the facts presented in Article III, these events also demonstrated a lack of candor to the court, professional misconduct, and impropriety in direct contradiction to relevant ethical guidelines.

Moving on to Article V. When testifying before a special master appointed by the Pennsylvania Supreme Court to investigate whether District Attorney Krasner had a conflict of interest favoring Mumia Abu-Jamal, who had been convicted of first-degree murder in the death of police officer Daniel Faulkner,

District Attorney Krasner withheld material facts, explaining that he "never represented any advocacy organization for Mumia Abu-Jamal," while neglecting to mention that he had represented at least one pro-Mumia activist, who was the director of the Youth Action coalition, arrested for seeking to intimidate a judge.

In addition to the information presented in Articles III and IV, this also demonstrates a lack of candor to the court, professional misconduct, and impropriety in direct contradiction to the relevant ethical guidelines.

Article VI. District Attorney Krasner has repeatedly violated and allowed A.D.A.s (assistant district attorneys) under his supervision to violate the Federal and State victims' rights acts on multiple occasions by failing to timely contact victims, deliberately misleading or disregarding victim input, and treating victims with contempt and disrespect.

We have already discussed one, dealing with Lisa Hart-Newman in the Robert Wharton matter. There are also others. Waiting until the last minute, according to widow Kristi Richardson, to notify her of a court date at which the district attorney's Conviction Integrity Unit agreed that an accomplice to her husband's murder – who was on death row for a second murder – was owed a new trial. Less than 72 hours' notice to the family of Sgt. Robert Wilson that a plea deal would be offered to his killers, leaving them little time to prepare for the hearing. There will be more.

And finally, Article VII. The people of Pennsylvania, working through the General Assembly and in concert with the Governor, have enacted comprehensive laws proscribing criminal conduct in the Commonwealth. That is at the heart of the Pennsylvania Constitution, vesting the legislative branch with the power to pass laws. It is fundamental to our system of government.

District Attorney Krasner, by arrogating to himself the authority to determine which laws are worthy of enforcement, and in contrast, which laws he will ignore, directly contravenes this constitutional system. This goes beyond prosecutorial discretion and effectively represents a change in statutory law without resort to the General Assembly or the Governor. Theft, prostitution, drug-related offenses – to the extent that these fall outside District Attorney Krasner's own personal moral code, regardless of the preferences of the people of Pennsylvania as expressed through their constitutional voice in the PA Legislature – do not matter. Setting aside, for the moment, the dramatic increase in criminal conduct as a result of District Attorney Krasner's decisions, this offends the basic tenets of constitutional government.

Mr. Speaker, this matter before us today is a grave matter, and I recognize there will be arguments about timing and whether this is a political exercise, but make no mistake, this is an opportunity for this General Assembly to act. We have outlined articles – which are not politically motivated – that outline facts and data, stories of victims, stories of impropriety. This is not a close call. Misbehavior in office is the standard. Misrepresenting to courts, withholding information from victims, failing to charge, and blanket disregard for the laws of this State is misbehavior in office. I would ask that we adopt this amendment and also adopt the Articles of Impeachment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO ADJOURN

The SPEAKER. The gentleman, Representative Harris, is recognized on the amendment.

Mr. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion.

The SPEAKER. The gentleman may state your motion.

Mr. HARRIS. Mr. Speaker, I would like to move that this House do adjourn until November 30 at 10:59 p.m.

The SPEAKER. The gentleman, Representative Harris, has made a motion to adjourn to a set time and date. As soon as that is on the board, we will debate the motion and proceed to vote.

On the question,

Will the House agree to the motion?

The SPEAKER. Is the gentlelady, Representative White, seeking recognition on the motion to adjourn?

You are in order and may proceed.

Ms. WHITE. Thank you, Mr. Speaker.

I ask that my colleagues oppose this motion to adjourn. These Articles of Impeachment contain serious instances of misbehavior in office by Larry Krasner. Serious matters like the life and death of our citizens and the fair administration of justice deserve our full attention as the people's elected Representatives. Just as Larry Krasner is derelict in his duties as Philadelphia district attorney, we would be derelict in our duty as legislators to not stand and vote on this impeachment resolution today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Seeing no one else seeking recognition, we will now turn to the leaders, on the motion.

Leader McClinton, you are in order and may proceed.

Ms. McCLINTON. Thank you, Mr. Speaker.

I just wanted to respond.

The SPEAKER. You are in order and may proceed, ma'am.

Ms. McCLINTON. Mr. Speaker, after a general election, matters this serious should not be on the agenda. We want to be accountable to the voters of the Commonwealth of Pennsylvania. Matters this serious we have had 2 years to take up, and we have had 2 years to do something serious about reducing gun violence in every corner of the Commonwealth.

I support the gentleman's motion.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff, on the motion to adjourn.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I remind the members on both sides of the aisle, this is not something new. This is something we have been working on for many, many months, and sadly, the violence within that city continues to grow. And it is the time to send a message that we have a lot of laws in the books and those laws are only as good as somebody is willing to enforce them and adjudicate them. It is not fair to the people of Pennsylvania – those who live in Philadelphia, those who want to visit there, or those who do commerce there.

I would ask you to defeat this motion to adjourn.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and will recognize Leader Benninghoff for an electronic vote board verification.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct.

The SPEAKER. The Chair thanks the good gentleman.

The following roll call was recorded:

YEAS—85

Abney	Fiedler	Krajewski	Puskaric
Benham	Fitzgerald	Krueger	Rabb
Bizzarro	Frankel	Kulik	Rozzi
Bradford	Freeman	Lee	Sainato
Briggs	Galloway	Longietti	Samuelson
Bullock	Guenst	Madden	Sanchez
Burgos	Guzman	Malagari	Sappay
Carroll	Hanbidge	Markosek	Schlossberg
Cephas	Harkins	Matzie	Schwayer
Ciresi	Harris	McClinton	Shusterman
Conklin	Herrin	McNeill	Sims
Covington	Hohenstein	Merski	Snyder
Cruz	Howard	Miller, D.	Solomon
Curry	Innamorato	Mullery	Sturla
Daley	Isaacson	Mullins	Vitali
Davis, A.	Kenyatta	Nelson, N.	Warren
Davis, T.	Kim	O'Mara	Webster
Dawkins	Kinhead	Otten	Welby
Deasy	Kinsey	Parker	Williams, D.
DeLissio	Kirkland	Pashinski	Young
Delloso	Kosierowski	Pisciottano	Zabel
Evans			

NAYS—107

Armanini	Greiner	Marshall	Rowe
Benninghoff	Grove	Masser	Ryan
Bernstine	Hamm	Mehaffie	Sankey
Boback	Heffley	Mentzer	Saylor
Bonner	Helm	Mercuri	Schemel
Borowicz	Hennessey	Metcalfe	Schmitt
Brooks	Hershey	Metzgar	Schnee
Causer	Hickernell	Mihalek	Silvis
Cook	Irvin	Millard	Smith
Cox	James	Miller, B.	Sonney
Culver	Jones	Mizgorski	Staats
Davanzo	Jozwiak	Moul	Stambaugh
Day	Kail	Mustello	Stephens
DeLozier	Kaufer	Nelson, E.	Struzzi
DeLrosso	Kauffman	O'Neal	Thomas
Diamond	Keefer	Oberlander	Tomlinson
Dowling	Kerwin	Ortitay	Topper
Dunbar	Klunk	Owlett	Twardzik
Ecker	Knowles	Peifer	Warner
Emrick	Labs	Pickett	Wentling
Fee	Lawrence	Polinchock	Wheeland
Flood	Lewis	Quinn	White
Fritz	Mackenzie, M.	Rader	Williams, C.
Gaydos	Mackenzie, R.	Rapp	Zimmerman
Gillen	Major	Rigby	
Gillespie	Mako	Roae	Cutler,
Gleim	Maloney	Rossi	Speaker
Gregory			

NOT VOTING—0

EXCUSED—9

Boyle	Burns	Neilson	Rothman
Brown, A.	Farry	Pennycuick	Schroeder
Brown, R.			

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and will recognize Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—107

Armanini	Greiner	Marshall	Rowe
Benninghoff	Grove	Masser	Ryan
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Culver	Jones	Mizgorski	Staats
Davanzo	Jozwiak	Moul	Stambaugh
Day	Kail	Mustello	Stephens
Delozier	Kaufer	Nelson, E.	Struzzi
DelRosso	Kauffman	O'Neal	Thomas
Diamond	Keefer	Oberlander	Tomlinson
Dowling	Kerwin	Ortitay	Topper
Dunbar	Klunk	Owlett	Twardzik
Ecker	Knowles	Peifer	Warner
Emrick	Labs	Pickett	Wentling
Fee	Lawrence	Polinchock	Wheeland
Flood	Lewis	Quinn	White
Fritz	Mackenzie, M.	Rader	Williams, C.
Gaydos	Mackenzie, R.	Rapp	Zimmerman
Gillen	Major	Rigby	
Gillespie	Mako	Roae	Cutler,
Gleim	Maloney	Rossi	Speaker
Gregory			

NAYS—85

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Bullock	Guenst	Madden	Sanchez
Burgos	Guzman	Malagari	Sappey
Carroll	Hanbidge	Markosek	Schlossberg

Cephas	Harkins	Matzie	Schweyer
Ciresi	Harris	McClinton	Shusterman
Conklin	Herrin	McNeill	Sims
Covington	Hohenstein	Merski	Snyder
Cruz	Howard	Miller, D.	Solomon
Curry	Innamorato	Mullery	Sturla
Daley	Isaacson	Mullins	Vitali
Davis, A.	Kenyatta	Nelson, N.	Warren
Davis, T.	Kim	O'Mara	Webster
Dawkins	Kinhead	Otten	Welby
Deasy	Kinsey	Parker	Williams, D.
DeLissio	Kirkland	Pashinski	Young
Delloso	Kosierowski	Pisciottano	Zabel
Evans			

NOT VOTING—0

EXCUSED—9

Boyle	Burns	Neilson	Rothman
Brown, A.	Farry	Pennycuick	Schroeder
Brown, R.			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House adopt the resolution as amended?

The SPEAKER. The Speaker recognizes the gentleman, Representative Bonner, who is seeking recognition on HR 240.

You are in order and may proceed, sir.

Mr. BONNER. Thank you, Mr. Speaker.

We are a nation founded on the rule of law and on the principles that no person is above the law. What does that really mean and how does it relate to today's resolution regarding the impeachment of district attorney Larry Krasner? Our system of justice demands that the law apply equally to all, and we are all expected to obey the law, whether we are the district attorney of Philadelphia or the janitor at one of our local schoolhouses. When our citizens watch our elected leaders not enforce or disregard the law, many of our citizens lose respect for the law and wonder why they must follow the law. The growing belief that our elected officials and our citizens can choose what laws they will obey is a major threat to the security and the well-being of this nation. Anarchy and violence will prevail if our elected leaders or our citizens are permitted to choose what laws they will or will not obey or enforce.

The Philadelphia district attorney has unilaterally decided not to enforce the laws written as to prostitution, possession of marijuana, marijuana drug paraphernalia, retail theft, and to implement rigid policies favorable to the accused on setting bail, sentencing, plea bargains, and immigration violations, with no consideration of the individual circumstances of each case coming to his office. These findings were unanimously approved by the select committee of the House, and their report was overwhelmingly accepted by the bipartisan vote of this House of Representatives.

One man, then, has put himself above the law and has arbitrarily decided what laws are valid in Philadelphia. A prosecutor is at the center of the rule of law and protecting the law and enforcing the law in this country. A prosecutor has discretion in deciding what charges will be initially filed, but that power is not absolute and it can be abused. Abuse of power by an

elected official in office is the corruption of power and constitutes misbehavior in office, which is the standard set by Article VI, section 6, of our Constitution.

Impeachment, then, does not require the commission of a crime but simply misbehavior in office, and our Supreme Court has said that improper actions by an elected official or the corrupt or abusive use of their power are grounds for impeachment.

I have worked in the district attorney's office for 16 years. I never thought for a single moment that I had the discretion or absolute power to completely ignore categories of crime which had been enacted into law by the General Assembly, nor did I feel that I could ignore the circumstances of a victim or the interests of society at large in deciding how to proceed with a prosecution. Rather, I looked at each individual case as it came before me – the interests of the defendant, the interests of the victim, and the interests of society – and then decided whether to proceed with the prosecution and what the outcome may be.

But in Philadelphia, even before the crime has been committed, the district attorney has said these laws will not be enforced. That is an abuse of discretion. For one individual to completely set aside entire categories of law, as has been done in Philadelphia, is the height of the arrogance of power and a complete undermining of the rule of law.

No one individual has the right to set aside the laws of Congress or the General Assembly because they simply do not like the law. No one has that degree of absolute power. Such an approach not to enforce categories of law across the board is an abuse of power and will ultimately lead to the destruction of the rule of law in the United States, because today a prosecutor may say, I am not going to enforce this category of laws, but then tomorrow he will say, and I am going to add additional rules of law that I will not enforce within my jurisdiction. No person, no district attorney, has that degree of power.

Today a district attorney has decided that he will not enforce the valid laws passed by this General Assembly. He will not enforce our laws that we passed relative to theft or drug laws. Tomorrow, tomorrow he may decide not to enforce the laws on assault or the laws on illegal gun possession, but then again, tomorrow has already arrived in Philadelphia.

No district attorney, no one person has the absolute power to that degree – not the President of the United States and not the district attorney of Philadelphia. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Hohenstein, on the resolution.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

Before I begin, I have something that is either a point of order or an interrogation, and it relates to what is the record that goes with this resolution to the Senate. Any trial has to have an evidentiary record and I would like to know what are the documents that will consist of the evidentiary record that is being presented to the Senate? I do not know if that is a point of order to be clarified or an interrogation for the maker of the bill.

The SPEAKER. I believe the good gentleman is actually seeking a point of interrogation, not a point of order, if he wishes to identify the prime sponsor, perhaps, or the maker of the amendment, depending on the underlying subject nature.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

Then I state my inquiry as interrogation to the maker of the bill, if they will stand for interrogation.

The SPEAKER. She indicates she will, and you are in order and may do so.

You are in order and may proceed, sir.

Mr. HOHENSTEIN. Again, as I stated before, what is the evidentiary record and documentation that will accompany this resolution as it is presented on trial in the Senate?

Ms. WHITE. I will be presenting a variety of exhibits, as is consistent with previous historical precedent, when the time comes. Thank you.

Mr. HOHENSTEIN. With all due respect, Mr. Speaker, I do not believe the maker has actually answered the question.

What document consists of the record that is accompanying this resolution? That is something that should be already set and presented and encapsulated.

When we prepare for trials in court, we have full evidentiary packages, detailed exhibits, and evidence. I want to know what the evidence is.

The SPEAKER. The gentlelady will please suspend.

To the good gentleman's question regarding his underlying question, she did in fact answer the question. In regards to whether or not it was satisfactory regarding your request or specifically what you were asking for, that is a determination that only you can make.

However, I will say that the Speaker does have in my possession a script in the event that evidence is presented so that it will be appropriately handled. It is my assumption that that will continue throughout the entirety of the debate.

Mr. HOHENSTEIN. If I may make one final inquiry along this line of interrogation. Are any of those documents that have been presented to the Speaker that he just referred to not included in presentations that have been made either to the special committee or to the Judiciary Committee?

The SPEAKER. I believe the good gentleman has misunderstood what I said. I have a script for the acceptance of evidence. We do not have, in my possession, in my capacity as the presiding officer, that evidence yet; I expect that to come throughout the course of the debate.

Mr. HOHENSTEIN. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is welcome, and you may either continue your interrogation or conclude that and speak on the underlying resolution.

Mr. HOHENSTEIN. I will proceed, Mr. Speaker.

The SPEAKER. You are in order and may proceed.

Mr. HOHENSTEIN. Mr. Speaker, this resolution is made by two members shortly after the submission of the Second Interim Report from the Select Committee on Restoring Law and Order that makes no formal recommendation and actually signals its intent to continue its work. The resolution and accompanying amendment are wrongly presented to this body.

I support the rule of law and I believe we all benefit when we have rules that make sense and that everybody can understand. I am concerned that this presentation has been working without rules or guidelines. The maker of the resolution is not following any recognizable rule or process. Neither of these people are members of the select committee, but they are making a last-minute, lame-duck session, desperation move to impeach another duly elected official.

The House has rarely ever voted to impeach a government official, and no official other than a judge or justice has ever been impeached. There is no rhyme or reason or precedent that can justify this action. In over 300 years, the House has impeached

less than 10 times total, and the Senate has only convicted 3 of those individuals. I am going to repeat that. In 300 years, the House has impeached a total of 10 times, and the Senate has convicted 3 times. Other than the impeachment of Justice Larsen for proved criminal conduct in 1993 and 1994, the House has not had an active impeachment since 1848. That is 174 years.

Now, the makers of this resolution and the last-minute amendment are acting in haste to ask this body to use this extreme power. The select committee's report is only interim and not intended to support impeachment. I appreciate that the committee is keeping us apprised of its work, but I think it is premature to take action on that work.

I want to quote the final paragraph of the committee's second interim report: "The Select Committee has no reservations in emphatically stating, even at this interim stage, that addressing the increase in crime in Philadelphia requires the cooperation and collaboration of all stakeholders who share in the responsibility of addressing public safety, including, but not limited to, joint efforts to create policies and programs that harmonize protection of the public and the avoidance of unjust results. The Select Committee is hopeful that its work has underscored this critical need and that such cross-office cooperation can and does result from its work."

Now, this language of cooperation and collaboration is important. The select committee was set up to deal with a very difficult issue that affects my district and the entire city of Philadelphia and even the entire Commonwealth. If we had been wise, we actually would have set that committee up to look at violent crimes statewide, because there are counties that had the same or worse increases in violence as Philadelphia. But we did not do that. The goal of the select committee should have been to conduct a comprehensive investigation examining any and all causes of the rise of violent crime in Philadelphia.

I personally voted in favor of the investigation. I held the hope that it would be conducted in good faith, with the best interest of my friends, my neighbors, and my constituents at the forefront. Instead, it focused its energies on one singular political lightning rod and, as a result, we have been delivered an incomplete interim report, leaving us to beg the question, "Where's the beef?" There is simply nothing in the report to support impeachment, which is the most serious, extreme, and rare action that we can take.

Now, just today an additional five more articles of impeachment were added, but none of them rise to the level of being the type of improper and corrupt action that merit impeachment. And that phrase "improper and corrupt" is actually part of the ruling in the Larsen case that my colleague referred to earlier when he submitted the amendments. Now, this is a last-minute attempt to add beef to the allegations, but there is still nothing there. The committee report is still interim and they are not recommending impeachment.

Now, I want to speak directly to my constituents and neighbors in the 177th District, because you deserve to know why I am doing what I am doing today. I know that violent crime in Philadelphia is one of our most dire issues. We have an obligation to find solutions to it, and I think the select committee has identified a key characteristic of the solution: cooperation and collaboration. In my office, we do this by regularly attending Police District Advisory Council, or PDAC, meetings, other community meetings, where we listen to people about what is making them feel unsafe in their own neighborhoods, and to that end, we have actually made arrangements in my office for

community meetings that will include the D.A. himself, along with other stakeholders. That will be our chance to truly hear what it is that is keeping you up at night. When we cooperate with the police and community leaders to find solutions, everyone is safer, and by everyone, I mean everyone – our kids, our elderly, our law enforcement, our first responders. Everyone deserves to be safe and feel safe.

Now, the makers of this resolution are not following the special committee's recommendations about cooperation. In fact, the message that is being sent by this unilateral action feeds right into the chaos that the forces of disorder are actually trying to sow. The move to impeach one person for a statewide or even a national problem does not help us to be safer, it does not give us a solution to the violence, and it is not following the rule of law. The twisted interpretation of the *Larsen* decision that would allow noncriminal conduct to be impeached – not based in any rule of law; not that I know. Again, in over 300 years we have never impeached a fellow elected official for anything other than criminal misconduct, and we have never moved against anyone other than a judge on this floor. Now, the makers of this resolution want to abandon established practice precedent and common sense to go after a single person that they disagree with based on an incomplete interim investigation that has found nothing? I do not think so.

To my neighbors, I take my role as a public servant and this vote very seriously. I will personally discuss this vote and any other with you whenever you need me to.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the good gentleman and recognizes the gentleman, Representative O'Neal, on the resolution.

Mr. O'NEAL. Thank you, Mr. Speaker.

Mr. Speaker, the Philadelphia district attorney has refused to enforce the laws of this Commonwealth. The select committee's report, accepted by this body in October, showed that crime in the city of the first class has skyrocketed: low-level crime, violent crime, and even a staggering increase in the number of homicides. This crisis is the direct result of the Philadelphia district attorney's refusal to enforce the laws. With out-of-control crime plaguing the city of Philadelphia, has the district attorney done anything to change course? Not at all. In fact, he has doubled down on his misbehavior in office. When the district attorney saw year-over-year crime rise dramatically, he did not stop withdrawing cases, he did not stop dropping charges at an abnormally high rate; he doubled down. When the district attorney's office was admonished by a Pennsylvania Supreme Court Justice for lack of candor within the court and for misleading a grand jury, the district attorney brushed it off and continued with the same behavior. The district attorney's office was caught lying to the court again, this time a United States District Judge, about notifying a murder victim's family about reducing the sentence of the criminal who murdered her parents in cold blood.

The Philadelphia district attorney has engaged in misbehavior time and time again. This legislature, this General Assembly, is the body that has the oversight of a local elected official who willingly refuses to enforce the laws that we have passed and the laws that he has sworn a duty to uphold and enforce.

I ask you for an affirmative vote on HR 240 to hold the district attorney of Philadelphia, Larry Krasner, accountable for his misbehavior in office.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Malcolm Kenyatta. You are in order and may proceed, sir.

Mr. KENYATTA. Thank you, Mr. Speaker.

You know, I will tell you, I can remember the first time I ever came to this chamber. I was not a member at the time and I came here on a tour with some other folks and I sat right up there where we have visitors up there who are sitting right now. I sat just like you and I remember looking out over this chamber and, Mr. Speaker, I have to be honest, I do not remember what the current composition of members were debating at the time, but I do remember how special it felt walking into this building, how magical it felt being in this gilded gold chamber, seeing democracy at work.

Like all of you, I had the honor to one day be elected to this chamber, and we have a lot of new members who are walking around this building right now getting ready, doing their orientation. And all of us remember the special responsibility that you feel when you raise your hand and commit to uphold the Constitution, commit to do the work that you campaigned for months to do in representing your constituents.

As fever pitched as it gets in this room sometimes, I still feel a little bit of that tingle when I walk in this door. I can tell you, Mr. Speaker, I do not today. Today is a sad day in this chamber. I do not have a crystal ball, but I have a sense of how I think this vote is going to go today, and I think the members who are considering voting for this, I hope that you reconsider. You are doing the wrong thing. I will be generous and say that maybe you are making a mistake. But if you look at what is before us, and when we think about the sacred obligation we have as members of this august body, this is not what we ought to be doing.

It has been mentioned over and over again that we have the power to impeach local elected officials. Of course we have the power to do so, but is it the right thing to do? Is it the right thing to do? What is done here today has been called many names – a sham, a political stunt, a distraction, a disgrace – but what I call it today, Mr. Speaker, is simply sad. It is sad that in a lame-duck session, we are using the extraordinary power we have with such disregard. And if we want to have a serious conversation and if we really want to set the precedent that the standard for being impeached is this amorphous dereliction of duty, then I would ask us to pick up a mirror and ask, do we think it is derelict of our duty when members of this body reject commonsense gun safety? Should my colleagues be impeached for being derelict in their duty? Is it derelict in our duty when we do not want to fully fund our schools and deal with the lead, asbestos, and mold that is riddling Philadelphia schools?

And we have a lot of members, Mr. Speaker, you love Philadelphia. I have never seen you in Philadelphia, but you love Philadelphia. If you did, then I think you would care about the little babies and bodies that we are sending in the school buildings that we know can be better than they are, but we have not seemed to really want to do that. Should you be impeached for that? Should you be impeached for the votes that I have seen taken on this floor that take food literally out of the mouths of the most vulnerable people in our communities, especially in cities like Philadelphia?

I remember standing at this very podium talking about a program called general assistance, which cut off funds, desperate funds, for people who are just trying to get to the doctor, wash their clothes, people who were kicked out of their homes as a

result of losing that bridge funding. Should anybody who voted against that be impeached?

What we are doing here – I know it is a whole political thing; you all decided in caucus what you are going to do – but there are some moments where I hope we come to this floor and people literally think through what is being done and change their minds. I saw at least one vote on the board that went the other way from what the consensus of the caucus was. I hope that today we add some more names on this board and do not continue down this path of ignoring voters and ignoring the truth of what is causing the violence that we are seeing.

Nobody from Philadelphia needs a lecture from any Republican in this building about crime in our communities. Every person who represents Philadelphia knows all too well about what it means to call a constituent who has lost a loved one, hold their hands as they cry and mourn their loved ones. Many of us have gone to numerous funerals of people who have lost their lives. We do not need to be lectured by you on what is happening in our neighborhoods. In fact, members of the Philadelphia delegation, members of the broader Democratic Caucus, have come to this body again and again and again asking for things that would help deal with those very real people who have lost loved ones.

It is easy to get up here and read a name of somebody from a newspaper article that you read and suggest that that person's loss can be used for your political gain to pursue this senseless, nonsensical impeachment. It is a different thing altogether to do what I have done with my constituents – to sit down with law enforcement, to sit down with community members, to sit down with victims and perpetrators of crime to talk about how we craft serious solutions.

You are right, this building has a lot of power. Why are we not using that power to actually fix what is broken? If you believe, if you seriously believe that impeaching one elected official is going to fix all crime in Philadelphia, then I have a bridge to sell you, Mr. Speaker, and I am charging tax if you are that naive.

This is what we could have done. This is what we could have done. There was a bill, HB 671, that would have allowed local municipalities like Philadelphia—

The SPEAKER. The gentleman will please suspend. You have strayed now off of the topic of the underlying resolution and going on to a bill that is not here before the body. I would encourage you to please come back to the resolution and contain your comments to the parameters therein.

The Chair thanks the gentleman for ceasing. You are in order and may proceed.

PARLIAMENTARY INQUIRY

Mr. KENYATTA. Mr. Speaker, if the Articles of Impeachment are about crime in Philadelphia and I want to talk about things in this body that would reduce crime in Philadelphia, how is that far afield from what we are discussing today, Mr. Speaker?

I guess that is a parliamentary inquiry.

The SPEAKER. First, the Chair will not be interrogated nor engage in debate, although he would be happy to come to the well of the House and do so.

Mr. KENYATTA. I welcome you, Mr. Speaker.

The SPEAKER. Second, the issue regarding the good gentleman's own words – and I have given the good gentleman

some latitude thus far with several references to motive. I did hear one – the issue you literally led into it saying "in this bill" and then proceeded to discuss the contents in that bill, not the resolution.

If the gentleman wishes to speak generally about the underlying component parts of the resolution, you are certainly free to do that.

Mr. KENYATTA. Mr. Speaker, if we want to be serious about crime, there are ideas that maybe some people have possibly introduced as bills that would allow local municipalities like Philadelphia to enact stricter gun safety legislation. Our mayor, actually just a couple of weeks ago, did an Executive order to say you cannot have guns on playgrounds, in playgrounds. He was sued by a pro-gun group to stop him from doing that, trying to actually deal with the root causes of crime, because it is not about one person. Folks have had ideas about doing something with bump stocks, about doing something with background checks, about doing something about ghost guns, about investing in people from the perspective of root-cause solutions so we deal with the increase of crime that we have seen. We have not used our constitutional power to deal with any of those things.

Our leader said it in a previous comment about adjourning, but the people of Pennsylvania have spoken as it relates to this body, and the people of Philadelphia spoke as well, and what they have said is they want commonsense solutions to crime and violence. We are ready to deal with that, and I will tell you, the people in this body who actually represent Philadelphia care more than most about what is going on. But I find it very ironic that a city that is often used as a punching bag in this building, a city that people usually mention with snide remarks, now everybody so desperately cares about our community.

I cannot believe what you said because I see what you have done. I see what you have done with the power that you have had, and if we want to look at who is violating oaths of office, people in this body ought to look in the mirror.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Gillen.

Mr. GILLEN. Thank you, Mr. Speaker.

I promise my comments will be brief, but I want to address a few comments that I heard on the other side of the aisle that we are never seen in Philadelphia. I started playing soccer at Parkwood Youth Organization in Philadelphia. The good lady from the 170th Legislative District represents that area. I delivered the Philadelphia Bulletin for years. I regularly attended ball games at Connie Mack Stadium at North 21st and West Lehigh. I worked at John Wanamaker in downtown Philadelphia. I played at Kensington against the Lighthouse Boys Club. And I played for the German Hungarian Soccer Club.

Why do I say all of that? Because I think what is missing in this discussion and debate is the human component.

Two days ago – and the good lady from the 184th Legislative District represents my mother, thank you, in South Philadelphia – 2 days ago, my mom and I were talking on the phone – and by the way, I am on Passyunk Avenue every Sunday; sometimes I am there on Saturday and pick my mom up a pizza, and occasionally, she will dabble in some Chinese food that I have introduced her to and we go out and grab cannoli. Probably right now as I am talking, my brother is on Broad Street, and he works at a medical facility right there on Broad Street.

I am in Philadelphia, and even if I was not in Philadelphia, it is not to say that I care any less about Philadelphians. My mother, 2 days ago – 96 years old, lives by herself and that is her choice; I tried to get her out to the farm, but she is not ready for that yet – was on the cell phone and I was talking to her as she was headed up to the Rite-Aid pharmacy on Broad Street. My grandmother before her lived her entire life in Philadelphia – in fact, we have a 150-year unbroken footprint in the City of Brotherly Love – died at 98 years old, was born in the South Philadelphia neighborhood. My mother, who is 96, as I mentioned, lives on the street that she was born on.

I heard the word "extreme" regarding this action, and I would maintain to you – based on what I heard in terms of the answer, which was cooperation, communication, collaboration – I characterize that as extreme inaction. The time for conversation is over. The time for communication and collaboration is over. The time for action is today.

My mother was walking up to Broad Street – and thank God nothing happened to her 2 days ago – she was headed to the Rite-Aid pharmacy. Her mother never had a driver's license. The subway, mass transit, that was the conveyance of the day for them. My mother had a driver's license and has given it up many years ago. She was headed up there and said, "Mark, you know, there was a time when I did not feel like I had to look over my shoulder. There was a time when I got to the Rite-Aid pharmacy, there was a time when where I got to Citizens Bank, there was a time when I got to the senior center, there was a time when I got to the Acme supermarket, there was a time when I got to the 7-Eleven, I stopped looking over my shoulder, but that day has ended." And she said to me, "I find it scary what's going on now."

It has been said to me, get your mother out. My mother and my family have lived at ZIP (Zoning Improvement Plan) Code 19148 for over 150 years, and, Mr. Speaker, we are not leaving ZIP Code 19148. And may I suggest to you that maybe we ought to send the problems to ZIP Code 16823, and that is Rockview penitentiary, and we ought to clean up the streets of Philadelphia. And no, the district attorney is not the only problem, and I let my mom talk about this and she did not assert he was the only problem, but she said this to me, and I think it is absolutely correct: "He is a significant part of the problem." And when it came to the issue of impeachment, she said, absolutely. We need to clean up the streets of Philadelphia, and we need to clean out the district attorney's office.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (STAN SAYLOR) PRESIDING

The SPEAKER pro tempore. Representative Zabel is recognized.

Mr. ZABEL. Thank you, Mr. Speaker.

I live in Delaware County and represent Delaware County, but there was a time when I served as an assistant district attorney in the city of Philadelphia – not for the current district attorney, but for his predecessor. Working as an assistant district attorney for the great city of Philadelphia was one of the best jobs I ever had. For me and everyone in that office, being a prosecutor meant upholding the law, advocating for victims, deterring future crime with vigorous prosecution, and most importantly, always seeing that justice was done.

But since I am among friends now, and if you promise to keep this in the chamber – and nobody is watching, I hope – I have to tell you something: I was not always successful at my job as a prosecutor; sometimes I failed. There were times when I asked for the wrong amount of bail. There were times when my communication with victims or their families could have been better. There were times when cases got dismissed and I wondered if a more skilled prosecutor might have carried the day. And those failures are mine; I own them forever. But I can sleep at night because those failures of mine, they did not come because I did not care. They did not come because I was not working hard or because I was not following the law. I was doing all of those things.

Mr. Speaker, the truth is that prosecuting crimes in one of the largest cities in the country is a complex task with a never-ending parade of challenges. And every morning when I walked into the criminal justice center at 13th and Filbert, I had a stack – sometimes under my arms, sometimes in a trial bag – of 30 to 60 cases just for that day, and things would go wrong every single day. For some of those cases, a victim would fail to show or a witness, and that could be for any number of reasons. For some cases, the case would fail because an arresting officer could not make it, and that might have been because he was on duty somewhere or he was injured or he was on vacation. In some cases, a judge would grant a motion to suppress and gut all the evidence I had that I intended to present. And sometimes the judge would just get the law wrong; that happens too. And sometimes there was reasonable doubt.

The point to all of that, and I know you guys know this, is there is a myriad of factors that affect the ultimate outcome of any criminal case, every single criminal case. And the reason for an acquittal or a dismissal, or even the withdrawal of charges, in any criminal case, any criminal case, is going to be nuanced and specific to its circumstances. And that is not just true for Philadelphia; that is true for every jurisdiction in the country.

So my first objection, as a prosecutor who may not necessarily agree with every decision that that office makes, is that these articles attempt to pin the entirety of fault and blame on a single man for the challenges in a sprawling and endlessly complex criminal justice system. These articles take the statewide and nationwide trends in violent crime and simplistically lay them at the feet of the Philadelphia district attorney. We all know better. Scapegoats are not solutions.

Mr. Speaker, as a legislator, I believe we have an obligation to speak truthfully to our constituents, even when the truth is not easy. I will admit, sometimes it is tempting for me to go back home, when I am talking to my constituents, and blame every single problem in Pennsylvania on the leader from Centre County, but I do not, because it is not true.

And I want to go the second aspect of what troubles me about the implications of this vote today. Now, I am 4 years into this job – I was blessed enough to get 2 more by the voters in my district – and each passing year I try to get a little better at this. And I try really hard not to get cynical – I think we all have to fight that sometimes – and it is hard right here in this moment not to be cynical, because I know this resolution is going to pass, history will be written, and a dark precedent is going to be set. But I will come back to that.

I want to speak specifically to those of you who are not sure whether to go through with this vote. You may think impeachment is too drastic an action. You may be concerned about what future legislatures might do once we set down this

path. You may feel that our Constitution should not be used to win political battles, and if you feel that way, feel any of that way, you are right. Impeachment is not about being removed for being ineffective at your job; it cannot be. Impeachment is not about litigating disagreements in policy; it never has been – not in this Commonwealth, not anywhere in this country.

These articles want to change that, and these articles, Mr. Speaker, they do not identify a single impeachable act. These Articles of Impeachment are like a plate of spaghetti. Throw it against the wall. You are supposed to look at it – not too carefully – and just throw up your hands and say, what a mess. And to those of you who are uneasy with this process and how it has gone, fight that urge. Fight the urge to throw your hands in the air and go, what a mess. Really consider for a moment, as legislators, what should be the grounds for impeachment? Think about the standard you want to be applied to you or to future legislators or future elected officials, because that is what is at stake here, not just what is going on in Philadelphia. Because if impeachment in Pennsylvania becomes a process for pursuing political grievances, no elected official will be safe.

District attorneys across the Commonwealth should be prepared to have their exercise of prosecutorial discretion scrutinized by future legislatures. That is a clear precedent. They should be prepared to be second-guessed by elected officials who do not live in, work in, or really know much about the counties that those elected district attorneys represent. Judges across this Commonwealth should be prepared to have their rulings, their sentences, and their case dispositions reviewed by future legislatures who might be of a different ideological bent. Future Governors and Cabinet members should be prepared to face down impeachment charges should a future legislature disagree with their decisions. Future legislative leaders, specifically those who are leading a minority someday, should be prepared for potential allegations that the minority leader has recklessly allowed his or her members to obstruct the policy agenda of the majority, to the great detriment of Pennsylvania. That is entirely in line with the precedent that we are seeking to set today. Now, should any of that happen? No. But it could happen, and a "yes" vote sends us down that path.

Mr. Speaker, today's vote is an instruction to future legislatures. Today's vote will endure in history longer than any other vote we have taken in this chamber in my time here. Mr. Speaker, this is your moment. This is the one that is important enough to step out on. The stakes are too high. I know some of you oppose this; I know it. And some of you may be doing the internal calculus of, well, it is going to pass anyway, so why create problems for myself by voting "no"? I get that. I cannot make that decision for you. But I can tell you this, here is what a "no" vote would mean for you, in my opinion. A "no" vote today is a statement of your belief that our State Constitution is a sacred document, not a political weapon; a "no" vote today is a sign to your constituents that you are willing to make a responsible choice, even when it is hard or unpopular; a "no" vote today is a statement of your integrity and your independence. And regardless of whether this resolution passes, every "no" vote today matters. Every single "no" vote matters, and it will send a message not just to Pennsylvania, but to posterity.

So finally, I will put this to you. We have spent, this legislative body has spent a lot of time and resources on this subject during this session. Where has it gotten us? The people of Philadelphia have made it clear that they want Larry Krasner to be their district attorney. This resolution and all the efforts leading up to it have

done nothing for your constituents or mine. It will not do anything for them in the future.

Mr. Speaker, let us take a break from the political brinkmanship. I truly believe our constituents are exhausted by it. All indications are that in the next session, the number of Democratic members and the number of Republican members in this House will be very, very close, and if we are going to function as a legislative body, all of us, each and every one of us is going to need to de-escalate our political rhetoric and find common ground.

There has been a regrettable political trend in America over the past couple years where Democrats and Republicans speak of their political opponents as traitors or enemies, or we call for criminal prosecutions of elected officials we do not like. Maybe most troubling is the increasing trend of, after losing an election, instead of regrouping and reorganizing, the losers make plans to throw the winners out. Today we can help stop all of that. I am not asking you to like the Philadelphia district attorney or approve of him or condone his policies or how he runs his office. That is not what this vote is about. This vote is about being a responsible steward of this Commonwealth and its Constitution.

I know you know what the right decision is here, and I am asking you today to vote your conscience. Reject this resolution as the inappropriate political weapon that it is. It will make Pennsylvania stronger and history will remember you as someone who stood above the partisan fray when it mattered the most. Thank you.

The SPEAKER pro tempore. Representative Cutler is recognized.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I think it is important that we draw our attention to, one, what the Constitution actually says, and two, some of the facts that we actually have before us, because the good gentleman is right. Laws matter, words matter. And I would like to share a couple words, because I think they are important. "Duty," "oath," our "responsibility" to carry out a job. You know, swearing-in day will soon be upon us. All elected officials have it. We swear to uphold the Constitution and the laws of the Commonwealth. I think that is important.

And to answer the good gentleman from Philadelphia who asked if, you know, any of his colleagues had ever been in Philadelphia, the answer is yes. I have actually spent quite a bit of time there. The best man in my wedding went to Drexel University, spent a lot of time there. More recently I spent time in the gentleman's district who is sitting right next to him, the 197th. We toured a series of businesses. We, sadly, went to an area where an individual had previously shot a policeman. The good Representative shared with me it was a couple of blocks from where we ate lunch. I spent a great deal of time in the 202d at that Representative's invitation to tour businesses, community centers, and discuss the issues in his community. I have toured schools. And if the good gentleman would like me to tour somewhere else, I would be happy to come and tour in your district as well.

Some would have you believe that what the district attorney is doing is simply prosecutorial discretion. That is not true. Prosecutorial discretion is when the prosecutor can, as the good gentleman who preceded me described, look at the evidence and make a decision if it meets the thresholds and then proceed to make a rational decision on the underlying fact, laws in the case before them. That is true. What is happening, though, is very

different. As the good gentleman who opened this discussion on this resolution pointed out, the district attorney is currently acting in a legislative capacity by simply declaring entire sections of law void, nonprosecutable, will not go after them. Why is that important? Because they are the laws of the Commonwealth that were duly passed and signed into law by this chamber, the Senate, and the Governor.

So what makes the city of the first class different? There is a big difference. They are the only city that has this level of approval when it comes to charging. They have direct oversight of the convictions unit and make a decision of what to go forward on. Their rate of dismissal is much higher than all the other counties.

Some would have you believe that this is somehow complex, and therefore, not our business. People dying in Philadelphia is our business. In fact, I have heard members from both sides say that. But I would like to share some stats – and it is not a lecture, but they are facts that I think inform the debate – murders up 79 percent since the good gentleman went into office, and gun convictions down 45 percent.

It was openly asked here on the House floor, what else have we done? There are several things that are ongoing. The good gentleman referenced the select committee and how that will proceed. We also provided, I believe, in the last budget, by working with colleagues on both sides of the aisle and the Governor and our friends in the Senate, \$30 million in grants, prevention money, which I think was good. We also passed concurrent jurisdiction for the Attorney General in the city of the first class, which I will get to in a little bit. And sadly, we have Gun Violence Task Force money that is available that is currently being investigated because it was misused by the district attorney's office. So those are some of the things that we have done, and the laws do matter and it is very important.

What else have we done? I think the dates are important. In 2019 was when we gave concurrent jurisdiction over firearm crimes in Philadelphia to the then Attorney General. November 17, 2021, HR 111 was adopted with a bipartisan vote, 133-67, asking the Commission on Sentencing to provide a data-driven, evidence-based, bipartisan legislative agency to study cases involving firearms. The commission would rely on arrests, guilty pleas, convictions, sentences, and other data to study the manner in which firearm cases have been investigated, prosecuted, and adjudicated in the city of Philadelphia and the other counties to help inform the General Assembly of any reforms that were necessary. That report is before us. I believe the good gentleman from Montgomery County, if I remember correctly, was the prime sponsor of that. We also, in January just of this year, the 25th, 2022, called for the extension of the Attorney General's jurisdiction to address the gun violence, because that was a temporary piece. We got the report from the commission in June of 2022, and that work is continuing. And then obviously, we have got the current issue before us, as well as the select committee, which I referenced earlier.

Why is all of this important? It is important, Mr. Speaker, because what is going on right now in the city of the first class does in fact impact all of us. It is literally the heart and soul, the economic driver of our Commonwealth. That matters. It is a huge portion of the tax base. But when you have people who are fearful to go into the city to work, to recreate, to visit family, as we heard from the good gentleman from Berks County earlier – thank goodness he goes there to check on his mom. He should not have to worry. None of us should have to worry.

So where does that leave us? Well, the Constitution is very clear. And I said it earlier, words matter. The House has sole discretion over this. Now, we can have a legitimate debate of whether or not that power should be exercised; the good gentleman did raise that. I would offer that skyrocketing murder rates and decreasing gun convictions and prosecutions should be big red flags for us. That is something that probably should catch our attention. When you have got a revolving door in the police station and the prisons sending criminals back out, perhaps with little to no bail, not being convicted of crimes that they could have because of this blanket statement, that is in direct contradiction to what we do here as legislators. That is wrong.

Mr. Speaker, what was provided in the amendment I think also was appropriately outlined more troubling. It is either one of two things. It is incompetence, or it is direct misleading to the courts when it came to some of the evidence, the statements to the victims' families, and some of the other discipline that we have seen come from the courts directed at this office.

You know, earlier this week, as a top member in the caucus, I took responsibility for some of the issues that we were discussing. The buck stops at the top, Mr. Speaker. And right now the top of that office has some serious issues that I do believe that we should look at, investigate, and keep looking at. Will it rise to the level that the good gentleman appropriately asked? That is what we are here to do.

And what makes prosecutorial discretion different than what we are doing here today? For starters, Mr. Speaker, there are 202 of us here today. We are not quite at our full complement. But we get to debate. We get to have amendments. We get to work through this process and share our sides. And as the presiding officer, I do try, you know, you have probably noticed we go Democrat, Republican, but thankfully, that does not mean that there are always opposite views. Sometimes we do agree here. I think we should agree that there is a problem. I think that we could also agree that the current laws are not being enforced. I simply ask the good gentleman, why talk about all these other laws that we should pass if in fact the current ones are not being enforced? That is an important question, Mr. Speaker. That is a very important question.

I think it is time that we keep digging into those issues. It is time that we take a look. The resolution from the select committee was very, very direct. It dealt with all of the issues, many of which the good gentleman from Philadelphia raised. Those are fair discussion points, but they should be debated. What should never happen, Mr. Speaker, is to have an elected official who swore an oath to the Constitution to uphold our laws say those laws do not matter, these do. That is a recipe for disaster. I have said that time and time again here on this House floor. We do not get to ignore laws, Mr. Speaker. If we want to change them, what we should do is amend them and legislate them differently. That is the proper process, not to allow one rogue county with special powers that no other county has to go off the rails and jeopardize the citizens that live there or visit there or come there.

Mr. Speaker, I believe this warrants a good, healthy debate, and I, for one, am welcome to having that debate, and I appreciate the good gentleman's invitation to come to the well of the House and debate. But the truth is, this is our job, just like it is his job to enforce the laws.

I urge a "yes" vote.

The SPEAKER pro tempore. Representative Dawkins is recognized.

Mr. DAWKINS. Thank you, Mr. Speaker.

So we have a very spirited debate, but I think it is time to put some facts to this debate. As I said in committee, it is a lot of emotion as we talk about this issue, and quite frankly, it feels a little like "Groundhog Day" for me. We talk about this same issue over and over and over. And quite frankly, it is just not an honest discussion that we are having.

The challenges in the city of Philadelphia are not uniquely different from any other urban setting that deals with poverty at such a high level. What I hear from a lot of my colleagues – which I, again, I do not set any motives of why you may take up this action – but I have been around this building long enough to remember that we sit right here on this floor and we talk about this "any misbehavior in office" as a means to impeach, but not that long ago we had a member in our midst who had a protective order on this House floor and we have never addressed a misbehavior in office in this body. Not that long ago we had sitting district attorneys in this Commonwealth that have committed crimes while in office and we have not taken up this particular motion. So I am not calling anyone a hypocrite, I am just saying there is something that just does not sit right.

I understand we may have our differences as it relates to how the city of the first class may conduct their business, but I heard nothing when our Phillies were making a run for the World Series and folks flooded into our city – not once did anyone say they were feeling unsafe. Not once did I hear about any misconduct or any type of crime that they felt they could not attend those games. So it is hard for me to stand here and believe that we are trying to do the best for the city of the first class.

And when we talk about this breach of positive statutory duty of a means to impeach an individual that we do not agree with, especially when we had a committee that had bipartisan buy-in to look to see if in fact there was a grounds for impeachment, the good gentleman from Chester County who led that particular select committee did not suggest that in his report, nor did he attend the press conference of announcing said impeachment, because facts do matter. And it is one thing to talk about what it may feel like to live or visit in the city of the first class, but until you actually serve in the city of the first class and actually have a constituency in the city of the first class, I suggest we mind our business, because our business in the city of the first class have been asking this body for help over the years and we have not received it. But there is a consequence when you do not mind your business, and we have seen this issue be the forefront of campaign smears throughout our Commonwealth over the last couple weeks. Every attack ad that you saw on your television nightly or daily had all these reference points of Philadelphia. And I wondered, and I was scratching my head and I am looking at this commercial, and every commercial I saw was a bunch of young folks that look like me carrying on and everyone pointing to them as criminals and mobs and carry on, and then when they panned over and say, who are we trying to protect? That family did not look like me or anyone I represent. And I was wondering – not making any motives – but it seems to me something is not right.

I remember, because not that long ago, Pennsylvania was the leading State of juvenile lifers right here in this Commonwealth. African-Americans made up roughly about 11 percent of the

population in Pennsylvania, but somehow we made up almost 85 percent of those lifers. I do not remember anyone talking about that on this House floor, about how do we somehow correct maybe a mistake we have made over the years of overprosecuting folks that look like me? But not until we had a district attorney who started to look at those cases with a second eye and say, hmm, why are our conviction rates 98 percent in the city of the first class? Seems a little high. Seems like a lot of folks are taking deals. Why? And the moment we start peeling back that onion, we start to realize there is something here that is just not right.

And today I cannot ignore the obvious. The obvious to me is that this particular resolution is being led solely for one purpose: to disenfranchise those who look like me to have a voice to pick who they want to be duly elected for fairness. We should all want fairness in this Commonwealth. I would not want to come to your county and tell you how to do business because it is not my business. But I will tell you one thing: In a few days, things will change, and when things change, Democrats will show you how to lead, because I see we have not led this caucus or this body in a way that can move Pennsylvania forward.

So thank you, Mr. Speaker.

The SPEAKER pro tempore. Recognizing Representative Delozier.

Ms. DELOZIER. Thank you, Mr. Speaker.

In my time in the legislature, I have been proud to see the focus that we have put collectively on criminal justice reform and public safety. For those of you who may not remember, just 12 years ago, Pennsylvania's prisons were overpopulated. We had inmates living in other States. And we agreed that an all-or-nothing approach to criminal justice and incarceration was having a negative impact on our prison system, rehabilitation, and our Commonwealth as a whole. So what did we do?

What we decided to do was embark on a new path. Two iterations of Justice Reinvestment Initiatives, a focus on helping the judiciary finance alternatives to incarceration with things like specialty courts that help those with addiction problems, veterans, and other communities. Together we have worked to provide funding for prosecution, mental health, and law enforcement. We have focused on early education prevention so people do not encounter the criminal justice system in the first place. As a result of these efforts, our prison population has decreased. We have helped people in a real way, and our system is better – not perfect, but it is better.

The point of this is to say that we can work together to reform the criminal justice system by working together. We do not have to abandon law or our law enforcement men and women in this Commonwealth wholesale just to achieve better outcomes. Unfortunately, that is what the district attorney of Philadelphia has done. He has decided that in order to implement his vision of criminal justice reform, he will abandon the law instead of working together to make it better. As a result, the criminal justice system in Philadelphia has been completely compromised. Police officers are demoralized, the district attorney's office is in a state of perpetual chaos, and criminals who should be in jail are back on the streets.

These Articles of Impeachment note that the district attorney himself, through his policies and his office administration, has been a direct and proximate cause of the increase in crime and violence in Philadelphia. Instead of working in a constructive way to change the system – something we have all in this

chamber done and sought to do in one way or another – he has instead decided to act as the defense attorney, the judge, the jury, and his role as prosecutor, with absolute disregard for the victims of the crimes he refuses to prosecute. We have had success in reforming our criminal justice system, and we have worked together passing laws that should be enforced. By going it alone, through his policies and actions, the Philadelphia district attorney has significantly damaged the very same criminal justice process that we all seek to fix, and has left havoc and fear in Philadelphia.

Elected officials need to do their job. We do not have to agree, but they need to do their job, and when they do not do their job, there are consequences. It is all of our business when the people of the largest city in our State are living in fear. As a result, the Articles of Impeachment that have been laid out are in order, and they will receive my support today.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Representative White is recognized.

Correction. Sorry, Representative White.

Next is Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I have spent all 38 years of my life as a resident of the city of the first class. My mother – I will not tell her age because she might be watching – my mother has spent her whole life as a resident of Philadelphia. My mother's mother, my grandmother, has spent her whole life as a resident of Philadelphia. My great-grandmother, a resident of Philadelphia. My great-great-grandmother, a resident of Philadelphia. So I think that I can speak a little bit about the city of the first class as an authority on what happens in the city of the first class.

Let me be clear, there is an issue of crime in the city of the first class. I do not think anybody on my side of the aisle debates that. Quite honestly, many of the folks who sit in this chamber who represent the city of the first class have attended funerals; some of us have helped pay for funerals. Some of us have brought food and water to the homes of victims of gun violence. We go to church with the victims of gun violence. We have gone to school with the victims of gun violence. We cry with the mothers and comfort them. We cry with the fathers and comfort them. Mr. Speaker, no one in this chamber needs to lecture anyone from the city of the first class on gun violence and its effects because it is not something we see on TV. It is not something we read about in the newspaper. It is something we live and have lived every single day of our lives. We know about what happens in the city of the first class.

But, Mr. Speaker, today we are actually not talking about that. We are talking about a resolution to impeach a duly elected district attorney whom this chamber sends to fight crime with one hand tied behind his back.

Mr. Speaker, one of the previous speakers spoke about the Sentencing Commission and a report that the Sentencing Commission did on crime. What the speaker did not say is that the Sentencing Commission actually did not recommend impeachment. The Sentencing Commission said we needed further information and study. Mr. Speaker, we continue in this body to opine on crime and do nothing about it.

Mr. Speaker, I want to quote one of my favorite poets. He was made famous for many songs, but this one song, the great poet, Michael Joseph Jackson, used to sing. It said:

I'm starting with the man in the mirror
 I'm asking him to change his ways
 And no message could have been any clearer
 If you wanna make the world a better place
 Take a look at yourself and then make a change.

Mr. Speaker, I am asking the members of this chamber to take a look at ourselves, because in 2018 there was legislation, legislation to ban bump stocks that passed the Judiciary Committee but it was never voted on on the floor of this House of Representatives. In 2018 there was legislation for universal background checks that failed in the Judiciary Committee and this very chamber. In 2021 there was a bill about constitutional carry that moved out of this chamber. Mr. Speaker, the gentleman from Montgomery County and the gentleman from Philadelphia have a bill about lost and stolen that has not moved out of this chamber. So how can you in good conscience talk about violence without looking at the man in the mirror for all of the votes that you have put up not to help the citizens of Philadelphia, not to help the district attorney of Philadelphia, not to help the victims of crime in Philadelphia?

It is cute to say you care, but if you care, then do something about it. I am not saying change does not need to happen. I agree, there are some things that need to change. But the truth of the matter is that our district attorney is not the only one responsible. This chamber is also responsible. And until we are willing to make the change here and do what is necessary, we do not have the right, the privilege, or the honor to utter the names of those who have lost their lives in my city. It is a disgrace to use those lives for political points without doing the necessary work to change the circumstance by which my community must live.

Every January, every January folks across this country get up and they quote the great Dr. Martin Luther King. Well, let me tell you something that Dr. King said that reminds of today. He said, "Cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' Vanity asks the question, 'Is it popular?' But conscience asks the question, 'Is it right?' And there comes a time when" a man or a woman "...must take a position that is neither safe, nor politic, nor popular, but..." they do it because their conscience tells them that it is right.

Today is one of those moments. This is not the time to impeach a district attorney; this is a time to put up the votes to actually help change the course for the people in Philadelphia. Do what your conscience says is right.

THE SPEAKER (BRYAN CUTLER) PRESIDING

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative White.

Ms. WHITE. Thank you, Mr. Speaker.

You know, the Representative that just came before us to speak talked about looking in the mirror. I wish that Krasner would look in the mirror for the death and destruction that has been brought to our city. This man has denied that there is even a crisis of crime happening on our streets.

Now, I will tell you what, you talk about other D.A.s in other parts of the State that committed crimes; they at least had the common decency to resign after committing those crimes, unlike what Larry Krasner is doing in our city.

And when you talk about, well, there are no recommendations made in the Committee on Restoring Law and Order as it pertains to impeachment. But you know what? You think maybe it is because they have received so much information that they are still investigating? But the information that was contained in the most recent preliminary report was so egregious to me, I felt compelled to drop these Articles of Impeachment.

This is a historically important issue as we consider the impeachment of Philadelphia District Attorney Larry Krasner. The General Assembly of Pennsylvania created the role of district attorney to enforce the laws of this Commonwealth, utilizing powers delegated to his office as the chief prosecutor of the given jurisdiction and the representatives of the Commonwealth in criminal proceedings. Since taking his oath of office in 2018, Lawrence Samuel Krasner, a.k.a. Larry Krasner – some know him as Uncle Larry – has chosen not to exercise his responsibilities as district attorney with fidelity. Rather, Mr. Krasner has engaged in misbehavior in office and obstruction. The constitutional standard—

POINT OF ORDER

The SPEAKER. The gentlelady will please suspend.

For what purpose does the gentleman, Representative Hohenstein, rise?

Mr. HOHENSTEIN. This body does have standing practice and rules relating to not speaking of other public officials in a derogatory manner. I believe the speaker just did. I ask that the portion of her statements referring to the name of the district attorney be stricken.

The SPEAKER. The gentleman has raised the point of order regarding the naming of individuals. I would simply remind individuals, the issue of impeachment is different in that we do name them because they are the subject of the underlying resolution, but they should not, the gentleman is partially correct in that they should not be used in an inappropriate manner.

You in are in order and may proceed, ma'am.

Ms. WHITE. Thank you, Mr. Speaker.

The constitutional standard for the legislative process of impeachment is "any misbehavior in office." This language is intentionally broad as to protect the citizens of Pennsylvania from those in positions of power who may walk the line of abusing their power but fall short of coming to a criminal act.

The Pennsylvania Supreme Court describes the duties of a district attorney succinctly: "...the district attorney is not an advocate in the ordinary sense of the term; his duty is to seek justice, to protect the innocent as well as to convict the guilty." In his haste to radically reinvent the role of district attorney into something far different than what was empowered by the legislature, Mr. Krasner has usurped our authority by not prosecuting certain crimes this body has specifically directed those in his position to pursue.

Mr. Krasner has proven himself derelict in his duties as the district attorney of Philadelphia by inappropriately using prosecutorial discretion to act against the public's interest. He has done this by consistently dropping charges against repeat offenders, refusing to prosecute certain crimes outright, and withdrawing and dismissing charges under the Uniform Firearms Act at an abnormally high rate. He has continued pursuing these policies even as homicides, violent crime, theft, and overall crime

reach record levels, jeopardizing the welfare of our citizens and undermining the criminal justice system entirely.

Mr. Krasner and his office have intentionally misled justices, and even a grand jury, while pursuing cases. They have knowingly made false statements to the court, failed to disclose mitigating evidence in court, prejudiced the administration of justice, and neglected to provide legally required notice to victims of crime. Mr. Krasner has grossly mismanaged the district attorney's office personnel, which has experienced unprecedented employee turnover resulting in a plethora of inexperienced prosecutorial staff, and neglected to offer relevant training to that staff. This has left the interests of the Commonwealth and its citizens inadequately represented.

There have been multiple studies, reports, and investigations into crime and the catastrophic impact the actions of Larry Krasner and his office are having on the city of Philadelphia.

The Philadelphia Police Department reports that the number of homicide victims has increased every year since 2016, more than doubling from 2016 to 2021, with a year-over-year increase of 40 percent just between 2019 and 2020. As of today, there have already been 458 homicides in the city of Philadelphia in 2022, on pace with last year's all-time record high of 562 homicides. Recently reported trends gathered from the PPD's incident data shows an increase of 12 percent in all reported offenses, a 6-percent increase in violent offenses, and a 21-percent increase in property offenses. Even though these incidents of violent crime are increasing, when officers catch those criminals, the prosecution of the crimes committed by the district attorney's office has actually decreased.

The D.A.'s office has self-reported that only 30 percent of all offenses resulted in dismissal or withdrawal in 2016, and that number has more than doubled to 67 percent in 2021. A similar trend is evident when filtering the data for violent crimes, where in 2016 the withdrawn and dismissed violent crime cases accounted for 48 percent of all violent crime outcomes, but increased to 70 percent in 2021.

The Sentencing Commission reports that guilty dispositions in the city of Philadelphia declined 20 percent since 2015, with the driver of this decrease being the number of nolle pros, or D.A.-initiated withdrawal of prosecutions.

The Philadelphia City Council authorized the Committee on Public Safety and the Special Committee on Gun Violence Prevention to study gun violence in the city. Their "100 Shooting Review Committee Report" made key findings that conviction rates in fatal and nonfatal shooting cases declined between 2016 and 2020 by a combined 21 percent. There is also a long-term trend of reduction in conviction rates for illegal gun possession cases, dropping 20 percent from 2015 to 2020.

Our Philadelphia Police Commissioner indicated she is having staffing shortages of 1300 officers, and yet the arrests of those who carry illegal firearms are still going up because they know how important it is to get these criminals who are using guns off of our streets. In fact, Police Commissioner Danielle Outlaw has publicly stated: "We are tired of arresting the same suspects over and over again, only to see them right back out on the street to continue and sometimes escalate their criminal ways. We are tired of having to send our officers into harm's way to serve warrants on suspects who have no business being on the street in the first place. No – not everyone needs to be in jail. But when we repeatedly see the extensive criminal histories of those we

arrest for violent crime, the question needs to be asked as to why they were yet again back out on the street and terrorizing our communities."

Mr. Speaker, a bipartisan vote initiated the Select Committee on Restoring Law and Order as a means to investigate the city of Philadelphia's crisis of crime and the actions of Krasner's district attorney's office in their prosecution of those crimes. The committee's preliminary report indicated that there is a direct causal relationship between Krasner's deprosecution of violations of the Uniform Firearms Act and the increase in homicides in the city of Philadelphia.

This crisis of crime and violence that started in Philadelphia is spreading to the bordering counties who do not get to cast their vote for or against the D.A. in Philadelphia but are being impacted by his decisions. At a recent Policy Committee hearing in Bucks County, we found out from the Bensalem Director of Public Safety, he expressed concern that 42 percent of the crimes being committed there are being committed by Philadelphia criminals.

While some here have implied that Krasner's policies are working – which I absolutely disagree with for obvious reasons – the following acts of misbehavior in office are a direct result of his conduct and actions as district attorney. The misbehavior in Larry Krasner's office is unprecedented. Here are just a few of the specific instances that speak to why we must impeach:

District attorney Larry Krasner's dereliction of duty serves as a direct and proximate cause of the crisis currently facing the city of Philadelphia. He has willfully neglected to enforce the laws of this Commonwealth, terminated experienced prosecutors, and provided ineffective training to staff. His actions have endangered the safety and welfare of the citizens of the city and the millions of Americans who visit our beautiful city each year.

District attorney Larry Krasner has obstructed the efforts of this House Select Committee on Restoring Law and Order at every turn. He has refused to participate in the select committee without making his own demands. He has refused to participate in their hearings and has raised erroneous claims about the committee that have no basis in law or fact. After this body held Krasner in contempt for his actions, his efforts to comply with the committee's subpoena was not a reasonable or good-faith effort. District Attorney Krasner purposefully obstructed a legitimate legislative investigation.

Krasner's office dishonestly attempted to have the sentence of a convicted murderer, Robert Wharton, reduced. Wharton murdered the parents of Lisa Hart-Newman, strangling her father and drowning her mother in a bathtub. They left 7-month-old Lisa to freeze to death in the January cold. Lisa miraculously survived this despicable act. Not only was she never contacted by Krasner's office about their effort to reduce Wharton's charges, the D.A.'s office knowingly lied to the court, saying they had contacted the victim's family when in fact they did not. The U.S. district judge presiding over the case admonished Krasner for his office's dishonesty and lack of candor to the court.

A Pennsylvania Supreme Court Justice highlighted an effort by the district attorney's office to deprive a police officer of a fair trial, as Krasner's office misled the grand jury about the nature of the charges and deprived the officer of his civil right to a preliminary hearing and a speedy and fair trial. The common pleas judge presiding over this case found that there were "so many things wrong" with the D.A.'s conduct, stating that if the

defense counsel had acted similarly, she would "declare them incompetent." These events demonstrate a lack of candor, professional misconduct, and impropriety in direct contradiction to relevant ethical guidelines.

When testifying before a special master appointed by the Pennsylvania Supreme Court regarding a potential conflict of interest favoring Mumia Abu-Jamal, the convicted murderer of Officer Daniel Faulkner, District Attorney Krasner withheld material facts. Krasner stated that he never represented any advocacy organization for Mumia Abu-Jamal, despite having represented at least one pro-Mumia activist who was arrested for seeking to intimidate a judge presiding over one of Abu-Jamal's appeals. Krasner once again demonstrated a lack of candor, professional misconduct, and impropriety in direct contradiction to relevant ethical guidelines.

District Attorney Krasner and his office have repeatedly violated both the Federal and State victims' rights acts on multiple occasions by failing to timely contact victims, deliberately misleading victims, or even disregarding victim input, and treating victims with contempt and disrespect. The D.A.'s office has failed to contact Lisa Hart-Newman and other family members of the victims, which led directly to Judge Goldberg's order that the district attorney write a letter of apology to that family. That poor family. He waited until the last minute to notify Kristi Richardson, the widow of a murder victim, about the court date for a new trial for the murderer's accomplice – who is now on death row for a second murder. Failed to notify Mike Poeng and his family before offering a plea deal to the man who shot him with an AK-47. As a result, the district attorney's office moved to vacate the sentence. These poor families are not getting the justice that they deserve.

The people of Pennsylvania, working through this General Assembly and with the Governor, have enacted comprehensive laws proscribing criminal conduct in the Commonwealth. That is at the heart of the Pennsylvania Constitution, vesting legislative power in the General Assembly, and is fundamental to our system of government. By Krasner granting himself the authority to determine which laws are worthy of enforcement, and in contrast, which laws he will just ignore, District Attorney Krasner has directly contravened our constitutional system. This goes beyond prosecutorial discretion and effectively represents a change in statutory law without resort to the General Assembly or the Governor. This offends the basic tenets of our constitutional government.

I will tell you what, Mr. Speaker, judges rely heavily on the honesty of those who come before them and heavily depend on the fact that a district attorney takes an oath of office to fulfill their duties with fidelity. Violating that trust means judges cannot make appropriate decisions to administer justice fairly. If Krasner's office is willing to mislead a judge to break a convicted murderer from jail, how many cases is there a miscarriage of justice taking place because judges are not catching Krasner and his A.D.A.s in their lies as they help set other criminals free onto our streets?

Separately, the level of contempt that Krasner has shown for this chamber's oversight over his office is despicable, and his obstruction of our legal authority is deserving of its own Article of Impeachment. When the Select Committee on Restoring Law and Order issued a subpoena during its investigation requesting information from Mr. Krasner and the district attorney's office, he chose not to comply with a lawfully issued subpoena. Instead, Mr. Krasner stated his office, and I quote, "will not search for or

produce any documents," and baselessly accused the bipartisan committee of being, and I quote, "wholly illegitimate," "illegal," "politically motivated," and a "fraud." In response to these baseless claims and willful refusal to comply with a lawfully issued subpoena, this body voted to hold Mr. Krasner in contempt of the House of Representatives by an overwhelming bipartisan vote of 162 to 38.

As you can see, this is a deeply personal issue for me, as I live in and represent Philadelphia. I get messages every day from victims and residents who are tired of the crime and they are tired of pleading for help.

In just the last month, we have witnessed appalling acts of crime. Eleven Temple University students were held at gunpoint in their apartment and robbed recently. A priest was carjacked while unloading a wheelchair from his vehicle. Five teenagers were shot while at a football scrimmage, and one tragically passed; all four of the alleged shooters had serious priors but were back on our streets. A Wawa was ransacked by nearly 100 teenagers, and 2 more locations are shutting down due to continued safety and security challenges, with other businesses, unfortunately, expected to follow suit.

My office has heard from victims of every race, every ethnicity, and every income level who live in neighborhoods across our city. They have told their stories of how the district attorney's office abandoned them, ignored their wishes in sentencing, and encouraged them to stay home during important court dates. The stories we hear are tragic and they are avoidable. Ask the mother of Dominic Billa, a young man who was gunned down in a Philadelphia shopping mall. Dom's killers were repeat offenders let out of jail under Krasner's bail policies. Ask the wife of Sgt. Jimmy O'Connor, who was murdered while serving a warrant. The suspect had his previous cocaine charges dropped without proper explanation or legitimate prosecutorial justification. This allowed the suspect to remain at large for nearly a year until he took Sergeant O'Connor's life. Ask the children of Gladys Coriano, who was murdered by her ex-husband after he was not taken into custody while he appeared in court, despite a warrant for his arrest. Krasner's office failed to respond to her concerns as he repeatedly violated a protection order. And even recently, a repeat child rapist was released on unsecured bail only to go out and rape another child.

Larry Krasner is the top law enforcement official who is supposed to be representing the interests of our Commonwealth in Philadelphia criminal cases. His dereliction of duty and despicable behavior is unacceptable and cannot be tolerated. No public official is above accountability. And if not for us in this chamber, he would have no oversight. No public official is above accountability, especially public officials who are entrusted with enforcing the laws that we were sent here to make. The legislature has a duty and the only authority to act when a public official refuses to perform their duties and puts the public in danger.

You have been provided with the facts collected by a bipartisan group of our members; you have been shown the misbehavior in office of the district attorney, Larry Krasner; and you have heard the stories of the citizens and victims who have suffered because of his actions. Today is our chance to put all politics aside and do what is right based upon the facts. Today we must stand for accountability by sending these impeachment articles to the Senate.

Will you stand as one of Krasner's supporters? Will you stand in agreement with the way he has misled judges, worked to release convicted murderers from jail, refused to prosecute

violence and gun crime, and even allowed a convicted repeat rapist back onto our streets to rape another child? Or are you going to stand with Pennsylvania citizens, with victims of crime, and with a fair justice system that convicts the guilty and protects the innocent? Will you stand with our Constitution that gives us the sole authority to impeach public officials for their actions when they misbehave in office and jeopardize the safety of our citizens?

Please, Mr. Speaker, the decision is yours, but I will be a "yes" vote. Thank you.

I would also, briefly, Mr. Speaker, the evidentiary record is not closed at this point. In HR 240, taken from the Larsen resolution, provides that the House "...reserves to itself the right and ability...to reply to any answers that District Attorney...may make...and to offer proof at trial in the Senate in support of each and every Article of Impeachment."

It is important to keep in mind what brought us to this point. HR 216, PN 3313, "A Resolution establishing, authorizing and empowering the Select Committee on Restoring Law and Order to investigate, review and make findings and recommendations concerning rising rates of crime, law enforcement and the enforcement of crime victim rights." And it was adopted by a bipartisan vote of 114 to 86 on June 29, 2022.

(HR 216 was submitted for the record as exhibit 1. For resolution, see Appendix.)

At that point, the Select Committee on Restoring Law and Order began its work. The select committee, however, had to face the district attorney's willful refusal to comply with legislative, legitimate legislative subpoenas. This obligated the select committee, under House rule 51, to report the refusal to the House and resulted in HR 227, PN 3458, "A Resolution finding that Philadelphia District Attorney Lawrence Krasner is in contempt of the House of Representatives," which was adopted by a bipartisan vote of 162 to 38 on September 13, 2022.

(HR 227 was submitted for the record as exhibit 2. For resolution, see Appendix.)

On October 24, 2022, the Select Committee on Restoring Law and Order submitted its Second Interim Report, including attachments A through N, concurring opinion in *Commonwealth v. Pownall*, Judge Goldberg's Memorandum Opinion in *Wharton v. Vaughn*, and various reports and studies on the problems of violent crime in Philadelphia. This report was accepted by the House by a vote of 189 to 11. And since this has been accepted by the House, I would submit this by reference.

(Second Interim Report of the Select Committee on Restoring Law and Order, including attachments A through N, was submitted for the record as exhibit 3. For report, see Appendix.)

Additionally, I would ask that excerpts of the hearing transcript and Justice Dougherty's Concurring Statement regarding Conflict of Interest of the Office of the Philadelphia District Attorney be now made part of the record.

(Transcript and Justice Dougherty's Concurring Statement were submitted for the record as exhibit 4. For documents, see Appendix.)

I would ask that exhibits 1 through 4 now be made part of this record.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker accepts exhibits 1 through 4 for the record as marked and described.

The Chair thanks the lady.

The Speaker recognizes the gentlewoman, Leader McClinton, on the resolution.

Ms. McCLINTON. Thank you, Mr. Speaker.

Before I get into my remarks, there was something that the last speaker stated that was not in fact factual. The district attorney in Somerset County did not resign. That district attorney was suspended and is currently in litigation for back pay and benefits. Is that noted, Mr. Speaker?

The SPEAKER. You are recognized and may proceed—

Ms. McCLINTON. Thank you.

The SPEAKER. —so yes, it is part of the record.

Ms. McCLINTON. Thank you.

Mr. Speaker, impeachment is a solemn affair. It is something that has not happened often in this Commonwealth of Pennsylvania, and it is an extraordinary power that this General Assembly has. It is the ability for one branch of government to remove another elected official from a separate branch of government. Impeachment is so extraordinary it has only been used twice in the history of the oldest continuous legislative body in our nation. In fact, the only people who have been impeached by this body previously were both members of the judiciary branch. One time, in 1994, a State Supreme Court Justice who was criminally convicted to conspiring to get prescription drugs fraudulently was removed by this body, and even before that, more than 100 years prior, in 1811, a county judge was removed by this body after being accused of injudicious conduct.

At its core, impeachment is invalidating an election. It is invalidating the will of the voters. And in fact, it has only been done in the most dire of scenarios thus far in history, 245 years of history. But here we are today, and of course, it is an entirely different world than it was when those other only two instances of impeachment ever occurred. This is not 1994 where we have a Supreme Court Justice who was caught trying to get drugs illegally. This is not 1811 where we have a county judge who has been accused of injudicious conduct.

But once again, the majority caucus is very familiar with wanting to overturn the will of an electorate, because it was not that long ago that you used official documents and paperwork to throw out the voters in the whole Commonwealth of Pennsylvania, in 2020. So this is something that is not new to this body. It is not a new tactic. It is not a new trick. Unfortunately, when you do not like what occurred in the outcome of an election, there has been a decision within the Grand Old Party to subvert the will of the voters, and we see that happening today with this so-called impeachment. We are talking about impeachment where there has not been a crime committed. What you are trying to do is, I guess, get involved in the 2025 election, a municipal one that will occur in the city of the first class, when in fact, you had your opportunity in 2021. If you did not like people's policies, if you did not like the way an office was being run, you could have gotten involved in the election, because Philadelphia voters came out and they made a decision, first in a primary between folks in the same party, and then, of course, in the general election, where that district attorney was opposed in both races, but people in my community and so many others that are represented made a decision of whom they want to be the top

lawyer in our city to be the one responsible for holding people accountable. Yet here we are, on the last scheduled day of session, seemingly with so many folks who have already stated, in the majority caucus, investigations that still need to be happening, but yet a decision is being rushed on the last scheduled day of session to impeach a sitting elected official.

The Pennsylvania Constitution is clear, Mr. Speaker. Impeachment is something that happens when there is misbehavior in office for infamous crimes or other types of misbehaviors which I have previously alluded to. But impeachment now seems to be a measure that we are using when we have a disagreement on public policy. Somehow or another, the party of local control has never allowed my city to be able to even control our local gun laws. Somehow or another, Mr. Speaker, after spending 40 years of my life in the city and county of the first class, you all pretend and act as if you know better than Philadelphians about issues that, unfortunately, are literally happening in our own backyard. We are quite honest with ourselves on this day, and we are truly disgusted and upset about the violence that is prevalent in the city and county of the first class because these are our loved ones, these are students from our schools, these are children that live in our communities, these are adults that live next door to us; these are not faceless, nameless people. The people who have been victimized are folks that we know. They are folks that we care about. They are folks that we represent. They are folks who have sent us here with a mandate and a mandate to do something serious about not just reducing gun violence in Philadelphia, but doing something about our awful culture in America that has a violent, prevalent overtone, and we have done nothing about it.

Mr. Speaker, I was in the 12th grade when the Columbine school shooting occurred in 1999. And many members of my community were hopeful that because a horrible scene that my neighbors were so familiar with, unfortunately way too often, occurred in a different type of community, perhaps folks would get up and do something about gun violence finally. But you fast-forward. It has been a long time since I was a high school student, and sadly, many students have been victimized since that first mass shooting on American soil. What have we done to combat this culture of violence? What have we done to talk about the fact that there are guns everywhere in our society? What have we done to slow down the proliferation of firearms? We can do so many things. My colleagues have had an endless amount of ideas and suggestions introduced in this legislative session, but yet it has never come up for one vote.

The morning when we were all mourning after Uvalde, Texas, I stood at this podium and I asked everyone to become a profile in courage so why do we not do something that we can all agree on, ban assault weapons? But in this chamber, not even 6 months ago, we could not even move for a motion so that we could simply vote on something that even hunters in our caucus and yours agree is a silly provision that simply allows dangerous people to be able to shoot and kill and hurt more people in a shorter time. We could not even do anything about that, Mr. Speaker. And unfortunately, even on the last day of session, we are open to do it. We could call for a Judiciary meeting right now and do something serious about crime.

If we want to figure out where we stand, which is what the other gentlelady from the city of the first class said, we should figure out why we do not stand on the side of children who do not see hope in their future when they go into underfunded schools. We should figure out why we stand on the side of a violent culture

that has not done anything about teaching our children how to de-escalate situations. I have had a conflict resolution bill that has sat in the Education Committee for more than 5 years. We are long overdue for teaching our children how to deal with their different disagreements, because violence and harassment is not the answer.

But here we are, Mr. Speaker, not here to do any of those things today. We are not here to be able to provide the mental health resources our children need when they go to school and there is a shooting and then they are just told, go home early; come back on Friday. What side are we standing on? Why are we not on the side of pouring resources into a problem to prevent it from exacerbating and certainly to ensure because it is not unique, sadly, to the city where I lay my head every night, my family and I, but it is everywhere in Pennsylvania. People are at risk, and we have seen, since this pandemic in 2020, all across the nation, folks seem to be on edge and making horrific decisions that are ending lives.

We have to ask again, where do we stand? If we are not standing on the side of more mental health resources, why are we not standing on the side of getting at the issue, the core issue that draws folks to substance abuse disorder? Why do we not stand on that side? Why do we not stand on the side of getting out of the way and allowing for there to be local control in the city of Philadelphia to pass local commonsense gun control like universal background checks and red flag laws? We can talk to our city council members; they will be happy to take that up immediately. They meet for session tomorrow.

But we are not here to do any of that, Mr. Speaker. In this last day of legislative session, instead of really addressing the needs of our constituents, we are engaging in what has been described by the Republican nominee for Governor as political grandstanding. This legislation is antidemocratic, and it is also, I beseech each and every one of you to recognize, beneath the dignity of this institution, this institution that has existed almost now for 246 years, yet has only implemented this tool twice for folks who were actually committing crimes in office. This is beneath the dignity of this institution.

So, Mr. Speaker, I ask for everyone who is here, on each side of the aisle, for all of my colleagues to live up to your mantra of "local control," stop patronizing us and get out of our way so we can really do something about this awful, awful gun violence that is everywhere in the Commonwealth of Pennsylvania.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff, on the resolution.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I thought I knew where I wanted to start, but after I hear some of this stuff, I am not sure where I want to stop. I just cannot believe the smoke and mirrors that are stated by some of these previous speakers to want to pretend like inanimate objects jump up and have caused all the problem. But no, what we ought to do is pass more laws. A hundred new laws, new gun laws, are not going to get the district attorney off his butt in Philadelphia and protect the people that elected him into office. You could put a thousand there and he is not going to do it. I am just dumbfounded that we would even go down that route.

But I do believe a few things are worth stating. Number one, it was stated about other elected officials and this body has not taken actions on them, whether it was a D.A., whether it was a sheriff, or whomever. Fortunately, we did not have to do that because those elected officials realized their own wrong and did the right thing and resigned. We are only asking the D.A. in

Philadelphia to do one right thing so he does not have to do the other right thing and resign, and that is to do your job. Do what the people elected you to do.

Now, I know somebody is going to correct me real quick and say, "Well, wait a minute, they reelected him." You are right, 7.6 percent of the population reelected him. And something tells me if you went down there today and asked that 7.6 percent of the population – if I do quick math – then the other 93.4 percent – I think that is right; maybe it is one off – I bet they would have a whole lot more to say.

You know, I was at a ceremonial event in my own little town of State College not too long ago, and a person came up that I know, and he said, "I just want to tell you, my brother lives in the city of Philadelphia, and he said if I ever see you, please say thank you that somebody's taking actions. We are scared."

Now, I am not the greatest orator. I do not get as boisterous, but I think some things are worth saying, you know, when you see headlines that say, "Man shot in rear driveway of Northeast Philadelphia home." Up in what we call Happy Valley, I just cannot even fathom that. "5 high school football players shot, 1 dead in Philly." "2-year-old was shot in another night of gun violence in Philly." These are headlines. Nobody wants to read these headlines in their community, and I do not want to read them about anyone's community, including the beautiful city of Philadelphia. "Girl, 8, Caught in Crossfire as Nearly 50 Shots Fired in North Philly." Now, that is right, these guns are jumping up and doing this. Remember that. It is all about the mechanism, not the intent of who is making these choices.

"Man dies after being shot 21 times in Philly neighborhood." "2 Teens Shot in Philly's Nicetown Neighborhood." But most recently, probably less than a week ago, we hear, 11 college students tied up in the basement, robbed at gunpoint. My guess is not 11 of them are residents there, at least on a permanent basis. People chose to send their children to some of these hallmark schools. Why should parents, much less these students, have to worry that it is happening?

It is saddening and it does not matter what the geography is, it should upset all Pennsylvanians, and that is what this resolution is about. It says enough is enough. The people we have talked to – and some that some of my colleagues live around, worship with, and try to enjoy amenities there – they hear it: "Please do something."

A lot has been said about the district attorney's lack of performance, a lot of statistics so I will share no others on that line. But I have to be honest with you, I sat here and pondered exactly what I would say, what I might delete. I was both profoundly feeling a sense of astonishment, but also some hope, and that is why we are elected, to try to provide hope for those individuals who cannot be here and be a voice for themselves. Granted, we are all kind of astonished at the doubling down by the district attorney on his mismanagement of the office, his prosecutorial philosophy, and frankly, his failure to protect the people in Philadelphia as well as those of us who want to visit there or go to college there.

The young lady who authored this talked about the 459 murders; I do not need to go down that route. But what I talked to her about earlier was since these articles of impeachment were first introduced, the crime numbers continued to go up. Doing nothing today only guarantees one thing: those crime numbers will go up. And we talk about the number of

murders, because that gets people's attention, but how much other violent crime has happened? Muggings, stabbings, maimed people whose lives have been changed forever, both physically and psychologically. I cannot imagine the conversations these parents are having with children that had their home busted into, tied up at gunpoint, and robbed. They had to be wondering if that was their last couple of minutes.

And again, it is easy to talk about firearms. There are a lot of places with firearms that do not have these kinds of statistics. But I am astonished that the Philadelphia district attorney, a member of the legal bar, sworn to uphold and defend the laws of the Commonwealth, the hundreds of gun laws we already have on the books, chooses – this is a choice, voluntary action – to abuse that prosecutorial discretion. And not only willfully refuses to do so, but acts in repeated defiance in what we would consider condemnation of the House of Representatives, also duly elected individuals.

But as I said, Mr. Speaker, I am incredibly hopeful. I think I can quote this individual – if not, you can admonish me. So I am going to paraphrase Abraham Lincoln when I say that this vote today can help provide those both living in Philadelphia and those who choose to visit or want to visit "...a new birth of freedom..." It is for us here to stand up for those who do not have the voice or feel that they live in fear to exercise that voice. It is for us to stand up for those who were victims and those who may become victims, for those that long for safety.

Imagine going home to your house tonight, going to bed, waking up. How many of you really worry about being safe in your own home, safe walking down the street and going to church, going to the market, or more sadly, sending your child somewhere, even if it is only two or three blocks away? They long for that simple word we all relish: "freedom." Let us recognize what it is we are trying to truly do here today. Let us stand up for the people of Philadelphia, the people that want to visit, and the people of Pennsylvania who eagerly, eagerly want us to take action.

To the members of the body – and, Mr. Speaker, I thank you for taking time to hear all of the speakers – it is now your time to also make a choice and join us in voting "yes" for HR 240 by the gentlelady from Philadelphia County.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—107

Armanini	Greiner	Marshall	Rowe
Benninghoff	Grove	Masser	Ryan
Bernstine	Hamm	Mehaffie	Sankey
Boback	Heffley	Mentzer	Saylor
Bonner	Helm	Mercuri	Schemel
Borowicz	Hennessey	Metcalfe	Schmitt
Brooks	Hershey	Metzgar	Schnee
Causar	Hickernell	Mihalek	Silvis
Cook	Irvin	Millard	Smith
Cox	James	Miller, B.	Sonney
Culver	Jones	Mizgorski	Staats
Davanzo	Jozwiak	Moul	Stambaugh
Day	Kail	Mustello	Stephens
Delozier	Kaufer	Nelson, E.	Struzzi
DelRosso	Kauffman	O'Neal	Thomas
Diamond	Keefer	Oberlander	Tomlinson
Dowling	Kerwin	Oritay	Topper
Dunbar	Klunk	Owlett	Twardzik
Ecker	Knowles	Peifer	Warner
Emrick	Labs	Pickett	Wentling
Fee	Lawrence	Polinchock	Wheeland
Flood	Lewis	Quinn	White
Fritz	Mackenzie, M.	Rader	Williams, C.
Gaydos	Mackenzie, R.	Rapp	Zimmerman
Gillen	Major	Rigby	
Gillespie	Mako	Roae	Cutler,
Gleim	Maloney	Rossi	Speaker
Gregory			

NAYS—85

Abney	Fiedler	Krajewski	Puskaric
Benham	Fitzgerald	Krueger	Rabb
Bizzarro	Frankel	Kulik	Rozzi
Bradford	Freeman	Lee	Sainato
Briggs	Galloway	Longietti	Samuelson
Bullock	Guenst	Madden	Sanchez
Burgos	Guzman	Malagari	Sappey
Carroll	Hanbidge	Markosek	Schlossberg
Cephas	Harkins	Matzie	Schweyer
Ciresi	Harris	McClinton	Shusterman
Conklin	Herrin	McNeill	Sims
Covington	Hohenstein	Merski	Snyder
Cruz	Howard	Miller, D.	Solomon
Curry	Innamorato	Mullery	Sturla
Daley	Isaacson	Mullins	Vitali
Davis, A.	Kenyatta	Nelson, N.	Warren
Davis, T.	Kim	O'Mara	Webster
Dawkins	Kinthead	Otten	Welby
Deasy	Kinsey	Parker	Williams, D.
DeLissio	Kirkland	Pashinski	Young
Delloso	Kosierowski	Pisciottano	Zabel
Evans			

NOT VOTING—0

EXCUSED—9

Boyle	Burns	Neilson	Rothman
Brown, A.	Farry	Pennycuick	Schroeder
Brown, R.			

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

RESOLUTION SIGNED BY SPEAKER

Resolution numbered and entitled, the same being correct, the title was publicly read as follows:

HR 240, PN 3634

A Resolution impeaching Lawrence Samuel Krasner, District Attorney of Philadelphia, for misbehavior in office; and providing for the appointment of trial managers.

Whereupon, the Speaker, in the presence of the House, signed the same.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Representative Grove, I believe wishes to submit remarks for the record.

Mr. GROVE. Yes, sir, Mr. Speaker; floor remarks on HR 240.

The SPEAKER. The Chair thanks the gentleman.

Mr. GROVE submitted the following remarks for the Legislative Journal:

Mr. Speaker, today is not about political partisanship. Today is not an action without basis in evidence or precedence. Today we are taking an extraordinary action to address an extraordinary problem that has been brought about by the extraordinary reality that a chief law enforcement officer in one of our counties has abjectly refused to do his job. No more, no less. The district attorney of Philadelphia has the tools to protect his city, and he has refused to do so. Period.

We have been asked to act by constituents of this body who live in Philadelphia, constituents of this body who have tried and failed to be heard by the district attorney of Philadelphia in their attempts to address the very real public safety concerns in Philadelphia, to act. These folks came to us to ask us for assistance from law enforcement, from the victims' community, and from the public. They have come forward because their concerns have been unanswered, unaddressed, and denied by the district attorney of Philadelphia.

For Philadelphians to come to members of this body to share their stories of horror as victims, as law enforcement members, or as community or business leaders about the very real public safety problems facing Philadelphia because the district attorney refuses to address those concerns, a clear message is sent that we need to act.

When the statistics on crime reflect a drastic increase in violent crime that is plaguing the city and driving business ownership either out of the city or forcing business owners to change their operational standards to protect their employees and business, a clear message is sent that we need to act.

Perhaps most importantly, a clear message is received when District Attorney Krasner continues to thumb his nose at his constituents and this body through his action of refusing to answer subpoenas and his refusal to change his own course of action in the wake of the concerns we have expressed in public hearings in this building based on what we have heard from his constituents. The message is, we need to act.

The misbehavior that is the basis of this resolution is his manifest indifference to addressing the public safety concerns that have been expressed in hearing upon hearing, meeting upon meeting, statement upon statement. When the Chief of Police of Philadelphia publicly states there is a problem with repeat violent offenders being back on the street, what more do we need when we have seen a district attorney flout his obligation to protect his own constituents?

We can leave to his discretion how he may choose to address the concerns, but failing to act in any manner, failing to address these concerns in any degree, and finally, continuing to allow the city of Philadelphia to suffer from his abject failure to enforce the law can no

longer continue. Our only option under the law is to take this extraordinary step to send a message that things need to change, and drastic change is needed now in Philadelphia, and specifically as it relates to public safety.

None of us takes this step lightly. None of us. But what option are we left with? We cannot legislate our way out of this problem. To be sure, conversations will come about improving the tools that are available for use in addressing the concerns that plague the criminal justice system, but those conversations are not conditions precedent to fixing the problem in Philadelphia. Make no mistake, tools are already in place to address this problem – we simply want the district attorney of Philadelphia to use them. The only path to hope he does so is taking this extraordinary step.

Mr. Speaker, I ask my colleagues to join me in sending a message to the district attorney of Philadelphia and the people of this Commonwealth that we expect public safety to be protected and that we expect him to use the tools at his disposal to do so. If he wishes to improve the system, then we welcome conversation on how to do so. A request for improvement or refinement is not a defense against abject indifference and failure to execute that has resulted in lives being lost and safety being jeopardized, that indifference is simply misbehavior.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Representative Ryan, who I believe has a similar request.

Mr. RYAN. That is correct, Mr. Speaker. I would like to submit my remarks to the record.

The SPEAKER. The Chair thanks the gentleman.

Mr. RYAN submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

In mid-November 2004 I was called out of my USMCR (United States Marine Corps Reserve) retirement to go to Iraq due to a changing security environment. To think that just 18 years later, all of us would be called upon to rescue our beautiful city of Philadelphia from crime, lawlessness, and chaos.

As many of you know, I have been to some unusual spots in this globe, many in harm's way. I have seen the First World and I have seen the Third World. I have seen communities and countries at their peak, and I have seen them in their infancy and their decline. I was born and raised in inner-city Baltimore and share the pain and fear of my family and friends near and in Philadelphia. As part of my service in the U.S. Marines, I was deployed to Iraq during our country's mission to liberate that country from the oppressive and dictatorial regime of Saddam Hussein. The streets of Baghdad, Iraq, were no safe place for Iraqis or Americans, especially Americans in uniform.

Mr. Speaker, I have also walked the streets of Philadelphia, the Philadelphia that is supposed to be protected by their top law enforcement officer, the district attorney. I stand here on the floor of the Pennsylvania House of Representatives to say, I felt safer walking the streets of Baghdad, Iraq, than I feel now walking the streets of Philadelphia. If you do not believe me anecdotally, let us hear from some of the folks living in Philadelphia right now. These quotes are from a story published in the Wall Street Journal about the Harrowgate neighborhood in Philadelphia. "The city's not going to help us..." one said. "It's gotten scary. Our kids have to worry about dodging bullets," said another resident. "People don't want to live in the apartments now. They're afraid of the neighborhood...People are shooting needles in each other's necks in broad daylight. This is chaos," said a business developer.

Mr. Speaker, we cannot sit idly by as the most important city in Pennsylvania succumbs to unchecked crime and violence. We have the ability to do something today that sends a strong and clear message to

the residents of this Commonwealth that we take their safety and security seriously. Impeachment is a serious step, not to be taken lightly. I treat that action as the critical issue that it truly is. When the concept of impeachment is discussed, no one ever envisioned that an elected official would ignore the duly passed laws of our Commonwealth that puts our citizens in harm's way, and that we will not rest until those that are supposed to be enforcing our laws to get dangerous criminals off the streets do so to the fullest extent possible.

From the cradle of civilization to the cradle of liberty, let us help provide a path to those that seek a better future. I ask all of us today to support this impeachment action and to provide a ray of hope to our fellow citizens.

Thank you, Mr. Speaker.

The SPEAKER. The House will be at ease.

The House will please return to order.

RULES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes Leader Benninghoff for an announcement.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I would like to call an immediate Rules Committee meeting for the consideration of HR 243, which will be originating in the Rules Committee, in the majority caucus room immediately upon our recess. That will be the majority caucus room for a Rules Committee meeting. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate Rules Committee in the majority caucus room.

This House will stand in recess until 2:45 p.m., unless sooner recalled by the Speaker.

The House will please return to order.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Representative Dan Miller, was seeking recognition for a caucus, Democratic Caucus announcement, and he will be recognized at this time.

Mr. D. MILLER. Thank you, Mr. Speaker.

Democrats will caucus hybrid at 2:15.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Now the House will stand in recess until 2:45, unless sooner recalled by the Speaker.

AFTER RECESS

The time of recess having expired, the House was called to order.

RESOLUTION REPORTED AS ORIGINATED IN RULES COMMITTEE

HR 243, PN 3635

By Rep. BENNINGHOFF

A Resolution amending the Rules of the House of Representatives, further providing for members' and employees' expenses; and amending the Temporary Rules of the House of Representatives, further providing for applicability, for voting by designation on the floor of the House, for voting by designation in committee, for remote participation and for expiration.

RULES.

The SPEAKER. For the information of the members, we will wait until that resolution has posted to, I believe it will be supplemental calendar A, and we will be at ease until that calendar is printed.

The House will return to order.

SUPPLEMENTAL CALENDAR A

RESOLUTION

Mr. BENNINGHOFF called up **HR 243, PN 3635**, entitled:

A Resolution amending the Rules of the House of Representatives, further providing for members' and employees' expenses; and amending the Temporary Rules of the House of Representatives, further providing for applicability, for voting by designation on the floor of the House, for voting by designation in committee, for remote participation and for expiration.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

It is pretty self-explanatory. We had used this as a temporary tool and it is time to bring that to end as we close out this session. Whatever the next incoming group does in January will be negotiated with them. I would ask the members to support HR 243. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Samuelson, on the resolution.

Mr. SAMUELSON. Thank you, Mr. Speaker.

We have a copy of a draft that was floating around about an hour ago, but the computer says that this bill is being revised. Do we have a copy of the latest version before we have the vote?

The SPEAKER. It was previously on the computer—

Mr. SAMUELSON. I am looking at my computer. It is not there.

The SPEAKER. —but we will print it off and/or make sure that it is in fact available, Representative. Thank you for bringing that to our attention.

The House will be at ease while the clerk works on that.

The House will return to order.

The gentleman, Representative Samuelson, it is my understanding you have a hard copy, paper version. Do you wish to speak on the resolution, sir?

Mr. SAMUELSON. Yeah. For the record, I do have a paper copy. It is dated November 13, 72 hours ago. The computer still says it is being revised. But my understanding is the version, the paper copy that we have from 72 hours ago, it is not yet available on the computer. Is that the final version that we are voting on, or is it truly being revised?

The SPEAKER. I have been informed by the Parliamentarian you do in fact have the final version. It is the same as the one I have up here on our desk.

Mr. SAMUELSON. The one that is dated November 13, 2022?

The SPEAKER. Perhaps the gentleman would like to approach the rostrum.

Mr. SAMUELSON. I just want to establish for the record, is that the version? The correct printer's number?

The SPEAKER. Are you referring to the — Representative Samuelson, if you could approach the rostrum, I want to make sure we are comparing the same portions of the document. There is a portion of the document at the top which is printed on that says 11/13; however, the date 11/16 is handwritten on the front. So I would— Are you satisfied that that is the same as what we have up here?

The Chair thanks the gentleman. You may proceed. The gentleman waives off. The Chair thanks the gentleman. Glad that we could assist you.

The question is, will the House adopt the resolution?

POINT OF ORDER

The SPEAKER. Is the gentleman, Representative Vitali, seeking recognition on the resolution?

You are in order and may proceed, sir.

Mr. VITALI. Yeah. Point of order.

I think the fact that Representative Samuelson has the right copy does not really solve the problem with the rules, which require it to be in the public domain. I do not have a copy and I think other members do not either, so I am not sure how we can proceed at this point.

The SPEAKER. Well, we would be happy to also provide you a paper copy, as we did with Representative Samuelson. We were trying to save paper, however. I know that Representative DeLissio had worked diligently to remove many of the papers that were often found on our desks. But we would be happy to either to share our copy with you or make another one.

Mr. VITALI. That is not the issue. I mean, the issue is complying with the rules, which require the rules to be in the — the matter we are voting on to be in the public domain, and it is not. You can give 10 people copies; you still have not solved that problem.

The SPEAKER. Respectfully, Representative Vitali, we have solved the problem in that we are making a paper copy available. It is the Chair's understanding that LDP (Legislative Data Processing) has had an error in the labeling of the bill which resulted in an action that said it was unable to be executed. We

will be happy to provide a paper copy. The rules I believe allow for that, and we would be happy to share that copy with you. The members will have a copy of those items, and it could be electronically or it could be via paper.

PARLIAMENTARY INQUIRY

Mr. VITALI. So parliamentary inquiry?

The SPEAKER. You are in order and may state your inquiry.

Mr. VITALI. So what section of the rules allow us to proceed without the item in question not being in the public realm?

The SPEAKER. The Chair wished to provide the gentleman with an exact cite. I would refer you to rule 35 – it is on page 35 of the most recent edition of the rule book – where it says, "A resolution introduced in the House and referred to committee shall be printed and placed in the House files."

Additionally, when we refer to amendments, we also reference that it could be printed. Historically, we have switched from paper to computer, as we had said previously. We could return – but I do not think the gentleman is advocating for this – to paper copies on everybody's desk for any proposed, in this case, resolutions, rules, amendments.

MOTION TO ADJOURN

The SPEAKER. For what purpose is the Democratic leader seeking recognition?

Ms. McCLINTON. I would like to make a motion, Mr. Speaker.

The SPEAKER. You may state your motion and we will put it on the board.

Ms. McCLINTON. Mr. Speaker, I would like to make a motion to adjourn until November 30 at 10:59 p.m. Here we are having a rules discussion by—

The SPEAKER. The gentlelady will please suspend.

I would like to place your motion on the board and then recognize you to speak on the motion.

It is now available, and you may speak on your motion to adjourn.

On the question,

Will the House agree to the motion?

Ms. McCLINTON. Thank you, Mr. Speaker.

We are violating our own rules by having a rules discussion on what is at least the last advertised day of session, the final few minutes. We cannot even allow voters in our communities to see what this proposed rules change is, as it is not yet available on our system, and members of our caucus had just received it within the last 60 minutes.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Prior to the next recognition, the gentleman, Representative Farry, wishes to be removed from leave. Without objection, he is recognized and placed on the master roll.

MOTION TO ADJOURN CONTINUED

The SPEAKER. Madam Leader, had you concluded your comments on the motion to adjourn?

Ms. McCLINTON. I have not. Thank you, Mr. Speaker.

Mr. Speaker, we need to adjourn because, as I alluded to in the Rules Committee, we negotiate rules for this institution at the beginning of a legislative session. We are clearly at the end of the legislative session, and we need to adjourn because we are undermining our members' ability to represent their constituents should we not have proxy voting, should we not have the ability to vote remotely, particularly as we are still in a worldwide pandemic.

So many people on our side of the aisle have masks on right now because of a perpetual outbreak even in this institution, and the idea that up until November 30, we may be called back to session and we would not be able to vote remotely no matter what is going on, no matter what the outcome of a COVID test is or what someone's health needs otherwise may necessitate, is absolutely absurd.

So I am calling on this institution to adjourn today until November 30, 10:59 p.m., so we start the next session anew and really have the ability to work on our rules without violating them as we are changing them at the last second.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair has been notified that LDP has made the resolution available online. That has been visually confirmed.

Does that change your motion, Leader McClinton? Or would you like to proceed with the motion?

Ms. McCLINTON. We can proceed with the motion, Mr. Speaker. It still stands.

The SPEAKER. Very well.

Ms. McCLINTON. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, the majority leader, on the motion to adjourn.

Mr. BENNINGHOFF. I would ask the members to finish out their job and vote "no" to this motion.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—84

Abney	Evans	Kosierowski	Pisciottano
Benham	Fiedler	Krajewski	Rabb
Bizzarro	Fitzgerald	Krueger	Rozzi
Bradford	Frankel	Kulik	Sainato
Briggs	Freeman	Lee	Samuelson
Bullock	Galloway	Longietti	Sanchez
Burgos	Guenst	Madden	Sappey
Carroll	Guzman	Malagari	Schlossberg
Cephas	Hanbidge	Markosek	Schweyer
Ciresi	Harkins	Matzie	Shusterman
Conklin	Harris	McClinton	Sims
Covington	Herrin	McNeill	Snyder
Cruz	Hohenstein	Merski	Solomon
Curry	Howard	Miller, D.	Sturla
Daley	Innamorato	Mullery	Vitali
Davis, A.	Isaacson	Mullins	Warren
Davis, T.	Kenyatta	Nelson, N.	Webster
Dawkins	Kim	O'Mara	Welby
Deasy	Kinkead	Otten	Williams, D.
DeLissio	Kinsey	Parker	Young
Delloso	Kirkland	Pashinski	Zabel

NAYS—109

Armanini	Gregory	Marshall	Rowe
Benninghoff	Greiner	Masser	Ryan
Bernstine	Grove	Mehaffie	Sankey
Boback	Hamm	Mentzer	Saylor
Bonner	Heffley	Mercuri	Schemel
Borowicz	Helm	Metcalfe	Schmitt
Brooks	Hennessey	Metzgar	Schnee
Causar	Hershey	Mihalek	Silvis
Cook	Hickernell	Millard	Smith
Cox	Irvin	Miller, B.	Sonney
Culver	James	Mizgorski	Staats
Davanzo	Jones	Moul	Stambaugh
Day	Jozwiak	Mustello	Stevens
Delozier	Kail	Nelson, E.	Struzzi
DelRosso	Kaufer	O'Neal	Thomas
Diamond	Kauffman	Oberlander	Tomlinson
Dowling	Keefer	Ortitay	Topper
Dunbar	Kerwin	Owlett	Twardzik
Ecker	Klunk	Peifer	Warner
Emrick	Knowles	Pickett	Wentling
Farry	Labs	Polinchock	Wheeland
Fee	Lawrence	Puskaric	White
Flood	Lewis	Quinn	Williams, C.
Fritz	Mackenzie, M.	Rader	Zimmerman
Gaydos	Mackenzie, R.	Rapp	
Gillen	Major	Rigby	Cutler,
Gillespie	Mako	Roae	Speaker
Gleim	Maloney	Rossi	

NOT VOTING—0

EXCUSED—8

Boyle	Brown, R.	Neilson	Rothman
Brown, A.	Burns	Pennycuik	Schroeder

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House adopt the resolution?

The SPEAKER. Representative Bradford, are you seeking recognition?

You are in order and may proceed, sir, on the resolution.

Mr. BRADFORD. Thank you, Mr. Speaker.

I stand in opposition to HR 243. There is an old expression that "there is no such thing as a coincidence in politics," and HR 243 seems to be a very clear reminder of what petty partisan politics and those who will never yield power—

The SPEAKER. The gentlemen will please suspend.

We had discussed earlier regarding going after members' motives. I would simply remind the gentleman that the words that he just used would be consistent with going after motives or assigning motive to members as to why they may or may not support or oppose this resolution. I would just encourage the gentleman to please stay on the underlying merits of the resolution.

You are in order and may proceed.

Mr. BRADFORD. So sometimes the truth is painful, and sometimes people need to be reminded of what is going on right now outside this building, because those coincidences paint a pretty ugly picture of what this is about.

See, there are those in this room who know, because they are getting contacted right now, that there have been more COVID cases among members. And I mention that not because I want to disclose any confidence. I mention that because everyone knows that the next session, this chamber will come back very closely divided, and without the ability to have proxy voting, those who would frustrate democracy, those who would say that the will of the people will not be heard, will be able, because of a pandemic that still, unfortunately, does occasionally bubble up, they will be able to make sure that this building can never function. They do not care about the health of the members or the staff. That has been clear for years in this building. But what they really care about more than anything – not public health – what they really care about is power, and that is what this resolution is about. It is about a dying majority, a dying majority trying to say— It is about a dying majority that knows that its only way to cling to any form of power is to frustrate the will of the people. We may have seen that earlier today. They have a real problem with count the votes and let the consequences flow.

The SPEAKER. The gentleman will please suspend.

The good gentleman has been reminded once, but I will do so again. The underlying premise of the resolution is a rules change. The gentleman has strayed far afield yet again into another area discussing votes and matters that were before the House previously.

I would simply urge the gentleman, if the gentleman is concerned about the potential spread of COVID, as he raised, the quickest way would be to simply wrap up debate as quickly as possible, succinctly on the merits of the underlying resolution.

Madam Leader, for what purpose do you rise?

Ms. McCLINTON. Mr. Speaker, to respond.

The SPEAKER. A response to the Chair is not appropriate. A parliamentary inquiry perhaps would be. If you have one, you may state it.

Ms. McCLINTON. A statement as the minority leader of this chamber then.

The SPEAKER. The gentleman, Representative Bradford, actually has the floor right now. I would be happy to recognize you, Madam Leader, as soon as he is done, or he can yield the floor and then we can recognize you. I was simply—

Ms. McCLINTON. Mr. Speaker, am I not allowed to respond to the ruling?

The SPEAKER. Madam Leader, please suspend. Madam Leader, please suspend. I was in mid-sentence. I was simply raising a point of order related to the rules with the good gentleman and was urging him to stay on the underlying content of the resolution. He had strayed afield from that. You had raised for recognition; however, the good gentleman, Representative Bradford, still had the floor. If he has concluded, the Chair will recognize you at this time. Or if you have a parliamentary inquiry, that would also be appropriate under the rules of the House.

Ms. McCLINTON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. You are in order and may state your parliamentary inquiry.

Ms. McCLINTON. Is it against the rules of this House to speak the truth?

The SPEAKER. I believe the good Representative knows that that is not an appropriate element of a parliamentary inquiry. Does the lady have an appropriate parliamentary inquiry?

The Chair thanks the lady.

Representative Bradford, would you wish to conclude your remarks?

You are in order and may proceed, sir.

Mr. BRADFORD. Not in conclusion, but furtherance of my remarks, Mr. Speaker.

So 14 days left in this session – not a single one currently sunshined for session – and yet we today are going to change the rules for a session that has no more days left to create a precedent going forward, knowing that this body may struggle to deal with a new vote margin – or at least one caucus is going to struggle with it.

Now, if you wish to frustrate the will of the people and you wish to put all of us in a very difficult spot, you will vote for HR 243. If you have any concern for your fellow members, you will not. If you have any concern for the staff and the people who make it possible for us to come here, you will not. If you have any concern for members who are going to do the right thing when they are sick and stay home and follow the doctor's orders and all that, you will not do this. But if what you are really concerned about is how you can edge control in a tightly divided chamber, you will do this. And you know what? It is not about questioning motives. The simple reality is, with 14 days left, with no days sunshined, there is no other reason to do this. It is so cynical. It is so obvious. It is so clear that those who would never give power are just struggling mightily with the new reality.

In the last 20 minutes, yes, they learned about two additional COVID cases, and they know that to be true. And they also learned that they do not have a legislative majority in the next session. So with no notice, without the resolution even being on the system, without anyone ever being able to see it, you see this. That is not questioning motives. It is, where is the good faith? Where is the desire to say, hey, the voters have spoken? Let us try to put the pieces back together and restore some level of civility and common decency to this chamber.

We have already impeached someone today. Now we are going to change the rules. Now we are proposing to change the House rules for a session that we all concede is over. There is something amiss in this building. We need to start recognizing that elections have consequences and voting matters and the ability to vote and to let members safely let the will of the voter be heard. If there is a discussion to be had about the rules for the next session, there is a way to negotiate it, as the good gentlelady

from Philadelphia said. We have been doing it for 200 and some years in this Commonwealth. But what we have never tried to do is amend the rules at the very end of session. You know why, though? Because politically, everyone knows it is so transparently obvious and cynical. And it sounds like questioning motives because you know what, Mr. Speaker? It is wrong. It is petty. And some of you are above this, and for others, it will be the last vote you cast. Think about what you are doing.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, the majority leader, on the resolution.

Mr. BENNINGHOFF. Seldom do I often agree with the minority Appropriations chairman. He says there are only 14 days left. Then what is the harm of us finishing our business? We put these rules in order and we have the opportunity to eliminate them and be done with it.

You know, we keep saying we need more people in the workforce, we need to get people back to work. We are working on that. And you know what? All of our members should be too, and whenever the opportunity is here, they should be here to vote, and frankly, some that are not able to be here today, even on your own board, are excused.

So there is no harm. This is not difficult. And I can only hope that the minority chair will actually stand by those words of big hope and wanting to work together harmoniously and having a gentler, brighter tomorrow. So let us get the vote done and be done with it.

I encourage the members for a unanimous vote on HR 243.

The SPEAKER. The Chair thanks the gentleman.

Typically, it is not customary for individuals to speak after the leader, but— The gentleman, please suspend. The Chair will not engage in a conversation from the rostrum. I was going to recognize you and I will recognize you, Representative Carroll, but it is just simply a reminder to the members that it has been a long-standing tradition that the leaders, both Democrat and Republican, generally get to conclude their remarks.

But I will recognize you now at this time, Representative Carroll, and recognize that you will do your best.

Mr. CARROLL. Thank you, Mr. Speaker. I will try.

The majority leader just said that the rule needs to be changed in case there is a session day scheduled between now and November 30. The adoption of this rule would mean any member with COVID would be disenfranchised. They would not be able to vote because they would not be able to come on this floor. Or if they did, I hope they do not sit next to the Representative from Sunbury. I hope they do not sit next to her, Mr. Speaker. I hope they do not sit next to the gentleman from Lackawanna with a daughter at home with a heart condition. I hope they do not do that.

So for the members that get COVID in the world that the majority leader just described, and we have a voting session day between now and November 30, those elected members have two choices: do not vote, or risk infecting their neighbor. Those are horrible choices.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. I appreciate the retiring chairman's comments, but he has been here many decades and knows that there was a lot of voting that went on, and people that could not make it, unfortunately, at those times could not vote.

But let us talk about what is also in this resolution that, out of courtesy, I did not necessarily focus on when going over the highlights of it and the real reason that they want to get up and

argue about this, and that is the second part of that. If we need to get into a deep conversation, we can do that because it is all part of the resolution.

Ms. McCLINTON. Point of order, Mr. Speaker. This is motive.

The SPEAKER. The gentleman will please suspend. Madam Leader, you will please suspend. I already gaveled.

I would simply remind the majority leader that we are not to go to motive on the underlying issues of the bill – or the resolution, excuse me. We would like to civilly and quickly wrap up debate on this issue because of the concerns expressed by the gentleman from Montgomery County.

Madam Leader, I believe you were going to raise a point of order on motive. We have addressed that.

Ms. McCLINTON. Thank you, Mr. Speaker.

The SPEAKER. You are welcome, Madam Leader.

You may proceed, sir.

Mr. BENNINGHOFF. Respectfully, I hope I get the same leeway some of the other speakers, specifically when all I want to do is make sure for those that do not have this on their computer readily available or the copy that they want in their hand know exactly what is in the resolution. So for those who do not necessarily know what all is in the resolution, this also addresses the taxpayers paying for people to have cars, the same taxpayers that, in some cases, are waiting 6, 7, 8, 9, 10, 12 months to get their own car while paying for other people.

So we want to go down this road about who is better or smarter or who is more – somebody is being deviate. We did not question how you come back an hour later and have masks on. I was told that they are waiting on some tests. I listened to that; that is fine.

But, Mr. Speaker, this chamber has lasted and functioned for years, hundreds of years before there was even such a thing called remote voting. It was not designed so people could run for two offices. It was designed when somebody may be ill. And I do not think that there is anybody in this room who wants to force somebody to be here, but we make choices. We all do. We all come here when we do not necessarily feel that great. But the pandemic was an event to learn other opportunities to do things.

So at the end of the day, Mr. Speaker, you are sending a message to the taxpayers of what you believe is important, and this resolution gives you two opportunities to do that. I would ask the members to vote "yes" on HR 243.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RULES SUSPENDED

RESOLUTION DIVIDED

The SPEAKER. The Speaker recognizes Leader McClinton, who is seeking recognition.

Ms. McCLINTON. Thank you for your patience, Mr. Speaker.

I rise to make a motion to suspend the rules for the purpose of dividing this resolution starting at page 2, line 19, down to page 4 of line 21.

And if I may, when you are ready, I will ask to speak on it so I may explain.

The SPEAKER. Madam Leader, what was the page line number again? I just want to make sure we are reviewing the correct citation?

Ms. McCLINTON. Okay. So page 1, line 1, down to 19. And then we wanted to divide out page 2, line 20, to page 4, line 21, for two separate votes, and I am happy to explain.

The SPEAKER. The Speaker wishes just to clarify.

Madam Leader, you are asking if it is divisible at the conclusion of page 1 at line 19 as one separate and distinct item, and then beginning on page 2, line 1 through the remainder of the resolution would be the second?

Ms. McCLINTON. I am not asking if it is divisible. I am asking for us to suspend the rules to make it divisible.

The SPEAKER. Very good.

Leader McClinton has made a motion to suspend the rules regarding the divisibility of resolutions. I apologize, Madam Leader. We were actually looking at the divisibility in terms of the point that you were looking for to break that into two separate and distinct items. However, the suspension of the rules, for the information of the members, would allow it to be divisible even though our rules do not otherwise allow it.

On the question,

Will the House agree to the motion?

The SPEAKER. So with that, the motion to suspend the rules is on the board and you may speak on your motion.

I would simply remind members that motions to suspend the rules typically are contained to the reasons as to why we would suspend the rules, not necessarily the underlying component parts of each piece in this case, but we would get to that if and when the suspension proposal is successful. However, the leaders typically are given a little bit more latitude than rank-and-file members.

You are in order and may speak on your motion to suspend.

Ms. McCLINTON. Thank you so much, Mr. Speaker.

Mr. Speaker, if this body is willing to vote on these issues separately, this caucus will demonstrate that we are more than willing to be able to not have leased vehicles with taxpayer dollars. That is not an issue for this caucus. But interestingly enough, two totally separate issues were combined into one resolution, and our overarching concern is what I stated in the Rules meeting, and what many of my colleagues have stated this afternoon, and that is us compromising the health, safety, and welfare first for our staff – they are not elected to come here – and then for our families back home. If we do not have the ability to vote remotely, as we are in year 3 of a worldwide pandemic, and the Department of Health – you can all check your e-mails – this is the third week where deaths are over 100 due to coronavirus. More than 100 of our neighbors around the State died from coronavirus this week, and it is the third week for that.

If we can be able to have the ability to vote remotely, we can continue to ensure, as we have this entire time, that folks' districts are not silenced. We even had a long-serving member, the longest in this chamber's current session, who had a number of health challenges but was able to vote remotely, ensuring that his neighbors' voices were heard even throughout all the important issues that we have had to decide in this current legislative session.

So I am asking for this chamber to suspend the rules so that we can divide these two issues and vote on them appropriately.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff.

For the information of the members, this motion to suspend the rules would only be debatable by the two leaders.

The Speaker recognizes the gentleman, the majority leader, on the motion to suspend the rules regarding divisibility.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If I am hearing the minority leader correctly, she said she is willing to eliminate cars. She is concerned about COVID, but would prefer to do it by dividing the resolution. So we can give them two votes and ask the members to support the suspension.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

(Members will proceed to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The voting board is correct.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—162

Abney	Fritz	Lawrence	Roae
Benham	Galloway	Lee	Rozzi
Benninghoff	Gillen	Longietti	Ryan
Bizzarro	Gillespie	Mackenzie, M.	Sainato
Boback	Greiner	Mackenzie, R.	Samuelson
Bonner	Grove	Madden	Sanchez
Bradford	Guenst	Major	Sankey
Briggs	Guzman	Mako	Sappey
Bullock	Hanbidge	Malagari	Saylor
Burgos	Harkins	Maloney	Schemel
Carroll	Harris	Markosek	Schlossberg
Causar	Heffley	Marshall	Schmitt
Cephas	Helm	Matzie	Schnee
Ciresi	Hennessey	McClinton	Schweyer
Conklin	Herrin	McNeill	Shusterman
Covington	Hershey	Mehaffie	Silvis
Cruz	Hickernell	Merski	Sims
Culver	Hohenstein	Metzgar	Smith
Curry	Howard	Millard	Snyder
Daley	Innamorato	Miller, B.	Solomon
Davanzo	Irvin	Miller, D.	Sonney
Davis, A.	Isaacson	Mizgorski	Struzzi
Davis, T.	Jones	Mullery	Sturla
Dawkins	Jozwiak	Mullins	Thomas
Day	Kail	Mustello	Topper
Deasy	Kaufer	Nelson, E.	Twardzik
DeLissio	Kauffman	Nelson, N.	Vitali
Delloso	Keefer	O'Mara	Warren
Delozier	Kenyatta	O'Neal	Webster
DelRosso	Kerwin	Ortitay	Welby
Diamond	Kim	Otten	Wentling
Dowling	Kinhead	Owlett	Wheeland
Dunbar	Kinsey	Parker	White
Emrick	Kirkland	Pashinski	Williams, C.
Evans	Klunk	Peifer	Williams, D.
Fee	Knowles	Pickett	Young
Fiedler	Kosierowski	Pisciottano	Zabel
Fitzgerald	Krajewski	Puskaric	Zimmerman

Flood
Frankel
Freeman

Krueger
Kulik
Labs

Rabb
Rader
Rigby

Cutler,
Speaker

NAYS—31

Armanini
Bernstine
Borowicz
Brooks
Cook
Cox
Ecker
Farry

Gaydos
Gleim
Gregory
Hamm
James
Lewis
Masser
Mentzer

Mercuri
Metcalf
Mihalek
Moul
Oberlander
Polinchock
Quinn
Rapp

Rossi
Rowe
Staats
Stambaugh
Stephens
Tomlinson
Warner

NOT VOTING—0

EXCUSED—8

Boyle
Brown, A.

Brown, R.
Burns

Neilson
Pennycuick

Rothman
Schroeder

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

The SPEAKER. For the information of the members, page 1, lines 1 through 19 will be subpart A, and the remainder of the resolution will be subpart B. Subpart A is found on page 1, lines 12 through 19.

On the question,

Will the House adopt part A of the resolution?

LEAVE OF ABSENCE

The SPEAKER. Is the gentleman, Representative Harris, seeking recognition?

The gentleman, Representative Harris, wishes to place Representative FIEDLER on leave. Without objection, the leave will be so granted.

CONSIDERATION OF HR 243 CONTINUED

The SPEAKER. The question before the body is the first portion. Seeing no one seeking recognition on subpart A, again for the information of the members, it is page 1, lines 12 through 19, are the substantive parts of the bills, plus the title at the top. Page 2 is lines 1 through 19 is subpart B.

On the question recurring,

Will the House adopt part A of the resolution?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.
The electronic board is correct.
The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—191

Abney	Galloway	Longietti	Rigby
Armanini	Gaydos	Mackenzie, M.	Roae
Benham	Gillen	Mackenzie, R.	Rossi
Benninghoff	Gillespie	Madden	Rowe
Bernstine	Gleim	Major	Rozzi
Bizzarro	Gregory	Mako	Ryan
Boback	Greiner	Malagari	Sainato
Bonner	Grove	Maloney	Samuelson
Borowicz	Guenst	Markosek	Sanchez
Bradford	Guzman	Marshall	Sankey
Briggs	Hamm	Masser	Sappey
Brooks	Hanbidge	Matzie	Saylor
Bullock	Harkins	McClinton	Schemel
Burgos	Harris	McNeill	Schlossberg
Carroll	Heffley	Mehaffie	Schmitt
Causar	Helm	Mentzer	Schnee
Cephas	Hennessey	Mercuri	Schweyer
Ciresi	Herrin	Merski	Shusterman
Conklin	Hershey	Metcalfe	Silvis
Cook	Hickernell	Metzgar	Sims
Covington	Hohenstein	Mihalek	Smith
Cox	Howard	Millard	Snyder
Cruz	Innamorato	Miller, B.	Solomon
Culver	Irvin	Miller, D.	Sonney
Curry	Isaacson	Mizgorski	Staats
Daley	James	Moul	Stambaugh
Davanzo	Jones	Mullery	Stephens
Davis, A.	Jozwiak	Mullins	Struzzi
Davis, T.	Kail	Mustello	Sturla
Dawkins	Kaufer	Nelson, E.	Thomas
Day	Kauffman	Nelson, N.	Tomlinson
Deasy	Keefer	O'Mara	Topper
DeLissio	Kenyatta	O'Neal	Twardzik
Delloso	Kerwin	Oberlander	Warner
Delozier	Kim	Ortitay	Warren
DelRosso	Kinkead	Otten	Webster
Diamond	Kinsey	Owlett	Welby
Dowling	Kirkland	Parker	Wentling
Dunbar	Klunk	Pashinski	Wheeland
Ecker	Knowles	Peifer	White
Emrick	Kosierowski	Pickett	Williams, C.
Evans	Krajewski	Pisciottano	Williams, D.
Farry	Krueger	Polinchock	Young
Fee	Kulik	Puskaric	Zabel
Fitzgerald	Labs	Quinn	Zimmerman
Flood	Lawrence	Rabb	
Frankel	Lee	Rader	Cutler,
Freeman	Lewis	Rapp	Speaker
Fritz			

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—9

Boyle	Burns	Neilson	Rothman
Brown, A.	Fiedler	Pennycuik	Schroeder
Brown, R.			

The majority having voted in the affirmative, the question was determined in the affirmative and part A of the resolution was adopted.

On the question,
Will the House adopt part B of the resolution?

The SPEAKER. Moving to subpart B.

On the question recurring,
Will the House adopt part B of the resolution?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—109

Armanini	Gregory	Marshall	Rowe
Benninghoff	Greiner	Masser	Ryan
Bernstine	Grove	Mehaffie	Sankey
Boback	Hamm	Mentzer	Saylor
Bonner	Heffley	Mercuri	Schemel
Borowicz	Helm	Metcalfe	Schmitt
Brooks	Hennessey	Metzgar	Schnee
Causar	Hershey	Mihalek	Silvis
Cook	Hickernell	Millard	Smith
Cox	Irvin	Miller, B.	Sonney
Culver	James	Mizgorski	Staats
Davanzo	Jones	Moul	Stambaugh
Day	Jozwiak	Mustello	Stephens
Delozier	Kail	Nelson, E.	Struzzi
DelRosso	Kaufer	O'Neal	Thomas
Diamond	Kauffman	Oberlander	Tomlinson
Dowling	Keefer	Ortitay	Topper
Dunbar	Kerwin	Owlett	Twardzik
Ecker	Klunk	Peifer	Warner
Emrick	Knowles	Pickett	Wentling
Farry	Labs	Polinchock	Wheeland
Fee	Lawrence	Puskaric	White
Flood	Lewis	Quinn	Williams, C.
Fritz	Mackenzie, M.	Rader	Zimmerman
Gaydos	Mackenzie, R.	Rapp	
Gillen	Major	Rigby	Cutler,
Gillespie	Mako	Roae	Speaker
Gleim	Maloney	Rossi	

NAYS—83

Abney	Evans	Krajewski	Rabb
Benham	Fitzgerald	Krueger	Rozzi
Bizzarro	Frankel	Kulik	Sainato
Bradford	Freeman	Lee	Samuelson
Briggs	Galloway	Longietti	Sanchez
Bullock	Guenst	Madden	Sappey

Burgos	Guzman	Malagari	Schlossberg
Carroll	Hanbidge	Markosek	Schweyer
Cephas	Harkins	Matzie	Shusterman
Ciresi	Harris	McClinton	Sims
Conklin	Herrin	McNeill	Snyder
Covington	Hohenstein	Merski	Solomon
Cruz	Howard	Miller, D.	Sturla
Curry	Innamorato	Mullery	Vitali
Daley	Isaacson	Mullins	Warren
Davis, A.	Kenyatta	Nelson, N.	Webster
Davis, T.	Kim	O'Mara	Welby
Dawkins	Kinhead	Otten	Williams, D.
Deasy	Kinsey	Parker	Young
DeLissio	Kirkland	Pashinski	Zabel
Delloso	Kosierowski	Pisciottano	

NOT VOTING—0

EXCUSED—9

Boyle	Burns	Neilson	Rothman
Brown, A.	Fiedler	Pennycuick	Schroeder
Brown, R.			

The majority having voted in the affirmative, the question was determined in the affirmative and part B of the resolution was adopted.

The SPEAKER. For the information of the members, the Chair wishes everyone safe travels on their way home. While there will be no further votes here today, we will be recessing to the call of the Chair, just as we did yesterday, because as we come to the conclusion of session, you know, we may need to keep the desk open for some housekeeping, and that will be how we will end session. Currently, as noted previously, this was the last scheduled session day. Wish everyone safe travels and happy holidays.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1212**, **PN 1843**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for renewal of licenses and temporary provisions for licensees in armed service and for rights of municipalities preserved.

On the question,
Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The majority leader moves that SB 1212 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The majority leader moves that SB 1212 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

The SPEAKER. The individuals who had contacted the Speaker's Office and the leaders' offices about rule 17 speeches; there were a couple. I note that the one gentleman is on leave; however, the gentleman, Representative Lawrence, may proceed to the well of the House and you will be recognized for your appropriate speech under rule 17.

STATEMENT BY MR. LAWRENCE

The SPEAKER. The gentleman, Representative Lawrence, is recognized under rule 17 to speak on the Chester Water Authority.

You are in order and may proceed.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to bring to the attention of the House some concerning developments surrounding the situation facing the Chester Water Authority.

For several years, CWA has faced a series of lawsuits after its board unanimously rejected an unsolicited takeover offer. The water authority has continuously and without exception taken the position that it is not for sale. Nine days ago, on election day, while everyone's eyes were elsewhere, the DCED (Department of Community and Economic Development)-appointed receiver for the city of Chester quietly filed a request to modify the city's Amended Recovery Plan with the Commonwealth Court.

Two days later, on November 10, the city of Chester filed for chapter 9 bankruptcy in Federal court. Also on November 10, the receiver filed a motion in Federal court citing section 362(a) of the Federal Bankruptcy Code that imposes an automatic stay on any outstanding court cases involving the debtor.

Since the city has filed bankruptcy, outstanding court actions are now put on hold pending the disposition of the bankruptcy. And this would include an important case slated to be heard before the Pennsylvania Supreme Court on November 30 that would determine who has the authority to order a sale of Chester Water Authority. But interestingly, the receiver for the city of Chester goes on to ask the U.S. District Court to lift the stay, or clearly state that the stay does not apply, to the November 8 modification request filed before the Commonwealth Court. Again, remember that this modification request was made 2 short days before the city filed bankruptcy.

Now, why would the receiver ask a Federal judge to allow one matter to proceed when Federal law clearly says that a bankruptcy filing puts all legal matters on hold? Well, it would seem that this modification plan is worth having a look at.

On page 56 of the modification plan, the receiver outlines a, quote, "New Initiative," stating that the receiver shall have sole authority and discretion to monetize any authority as defined under section 701 of Act 47. Now, looking at that law, the definition of the word "authority" includes an authority, quote, "to which a distressed municipality has power of appointment."

The receiver himself outlines this on page 6 of the Amended Recovery Plan. Indisputably, this definition includes Chester Water Authority.

So what is the point? The receiver for the city of Chester files a modification plan, then 2 days later files for bankruptcy. The bankruptcy puts all court actions on hold, but the receiver seeks to ensure that the stay does not apply to this modification plan. If and when the Commonwealth Court approves the modification plan, the receiver for the city of Chester will have a court order in hand that some will say gives him the direct authority to sell Chester Water Authority. Every other court challenge will be on hold for months, maybe years, until the bankruptcy is sorted out. In the meantime, CWA will be sold.

Now, let us turn to last week's bankruptcy filing. The largest outstanding obligation is the \$37 million the city of Chester owes its pension funds. The city has not made its minimum payment to the pension funds on a consistent basis since 2013 – 10 years. Now, these municipal workers, police officers, firefighters, they are owed their pension. It is a sacred trust. One would think it would be all hands on deck to find funding to fix this issue, but next to no action has been taken to resolve this pension crisis over the last 10 years. And despite plenty of opportunities to take action, the city, DCED, and the DCED-appointed receiver for the city of Chester seem to only be able to come up with one source of funding: selling Chester Water Authority.

Now, Mr. Speaker, Delaware County received \$110 million in Federal ARPA (American Rescue Plan Act) funds and has a \$100 million surplus as we stand here today. The city of Chester itself received \$30 million in ARPA funds. What about these funds? And even if we set aside the ARPA funds, the city is clearly owed a significant amount of money – some have estimated as much as \$100 million – if the DELCORA (Delaware County Regional Water Quality Control Authority) wastewater treatment authority is sold. That \$100 million could immediately resolve the city's bankruptcy issues. Why has not DCED vigorously pursued these angles to bring the city out of a fiscal crisis?

It is obvious to anyone who is paying attention that the city of Chester's financial woes are being leveraged to force a sale of Chester Water Authority. And there is bipartisan criticism of this approach – foisting the city's financial woes onto the CWA ratepayers. For years I have been asking the Wolf administration, why this singular focus on leveraging the financial crisis in Chester to force a sale of CWA? And in response, I have gotten silence and stonewalling.

There is a way this could be resolved immediately. One person has ultimate control in this situation. The Governor could publicly state today that his administration, DCED, and the DCED-appointed receiver for the city of Chester will not pursue a monetization, or a sale, of the Chester Water Authority.

I call on the Governor to make that announcement today. Tell us your administration will stand with the board of CWA that has unanimously rejected this approach. Stand with the unionized workers at CWA who oppose this sale. Stand with the environmental groups that have made this a top priority. Stand with the ratepayers and with the people of the city of Chester who deserve better. Today is the day to act. This is an opportunity to leave a legacy that the people of Chester and Delaware Counties will remember for generations to come. Mr. Speaker, tell DCED that the Chester Water Authority is not for sale.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DOCUMENTS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Representative Lawrence, are you seeking recognition?

Mr. LAWRENCE. Yes, Mr. Speaker.

I have documents I would like to submit for the record with regard to my rule 17 speech.

The SPEAKER. The Chair thanks the gentleman and will accept those exhibits.

Mr. LAWRENCE submitted the following documents for the Legislative Journal.

(For documents, see Appendix.)

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER. The House will recess until the call of the Chair.