

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 143 Session of 2015

INTRODUCED BY VEREB, STEPHENS, MARSICO, CUTLER, BAKER, BARRAR, DELOZIER, DUSH, FEE, GINGRICH, GREINER, GROVE, HARHART, HARPER, A. HARRIS, HEFFLEY, HICKERNELL, IRVIN, JAMES, JOZWIAK, M. K. KELLER, KNOWLES, KRIEGER, LAWRENCE, MAJOR, MCGINNIS, MENTZER, METCALFE, MILLARD, B. MILLER, OBERLANDER, PYLE, QUIGLEY, SACCONI, SANKEY, SAYLOR, SONNEY, STAATS, TALLMAN, TAYLOR, TOEPEL, WATSON, MILNE AND HACKETT, MARCH 4, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 4, 2015

A RESOLUTION

1 Condemning Governor Tom Wolf's unconstitutional action to usurp  
 2 the authority of the General Assembly to make the laws and of  
 3 the judiciary to administer justice by declaring a moratorium  
 4 on capital punishment in Pennsylvania and calling upon  
 5 Governor Wolf to reverse this action and to carry out his  
 6 constitutional duty.

7 WHEREAS, On February 13, 2015, approximately two weeks before  
 8 the scheduled execution of convicted murderer Terrance Williams,  
 9 Governor Tom Wolf announced that he was granting a reprieve of  
 10 that execution; and

11 WHEREAS, Even the Governor has conceded that there is no  
 12 doubt as to the guilt of Terrance Williams or as to the  
 13 monstrosity of his violent crimes; and

14 WHEREAS, The Governor has not suggested that there was any  
 15 miscarriage of justice in the Williams case; nor that the duly  
 16 enacted laws of Pennsylvania relating to Williams' trial,  
 17 including the preconviction and postconviction procedure, failed

1 Williams in any way; nor that the subsequent Federal court  
2 review of his case was anything less than robust and thorough;  
3 nor that the aggravating circumstances in Williams' case were  
4 insufficient to merit the penalty of death under the duly  
5 enacted laws of Pennsylvania; nor that Williams was in any way  
6 the victim of unfair or prejudicial treatment; nor that Williams  
7 has in any way attempted to redeem himself; and

8 WHEREAS, Governor Wolf has also declared that he will issue  
9 reprieves in all future capital cases that are presented to him  
10 for warrants, in a concerted effort to impose a blanket  
11 moratorium on the death penalty in Pennsylvania; and

12 WHEREAS, The grounds for a reprieve are, and only ever have  
13 been during the history of Pennsylvania law, a temporary stay of  
14 a criminal judgment for a defined period of time for the purpose  
15 of allowing a defendant to pursue a legal remedy or enabling the  
16 executive branch time to arrange for an execution; and

17 WHEREAS, The reprieve that Governor Wolf has granted is  
18 actually, by the Governor's admission, a subterfuge by which he  
19 is illegally refusing to impose Terrance Williams' sentence,  
20 which was legally and properly imposed, as leverage in order to  
21 extract from the General Assembly legislation that conforms to  
22 the Governor's personal specifications with regard to the reform  
23 of Pennsylvania's criminal law; and

24 WHEREAS, This is not only an improper use of a gubernatorial  
25 reprieve, but is also an affront to the coequal branches of  
26 government and to the residents of Pennsylvania who elect  
27 Representatives to create the law, judges to interpret and  
28 uphold the law in order to ensure that justice is served in each  
29 individual case and a Governor to faithfully execute the law;  
30 and

1       WHEREAS, The Governor's cavalier action in unilaterally  
2 declaring a moratorium on capital punishment exhibits an  
3 astounding disregard for the additional and unnecessary  
4 heartache he has now caused to the family and loved ones of  
5 Terrance Williams' victims, and for the families and loved ones  
6 of all the victims of all of the inmates currently on death row,  
7 as Governor Wolf has promised each and every one of these  
8 inmates that he will grant them the same reprieve until his  
9 legislative demands are met; and

10       WHEREAS, The Governor's action in standing side by side with  
11 the inmates on death row, fighting to overturn their sentences  
12 even as he expresses confidence in their guilt, makes a mockery  
13 of his claim that he "stands with victims of violence"; and

14       WHEREAS, Governor Wolf's assertion that he "stands with all  
15 those who have suffered" even while he chooses to ignore  
16 sentences imposed by juries across this Commonwealth and instead  
17 to extend the lives of those who have willfully and violently  
18 taken the lives of others rings false and is an affront to  
19 victims everywhere; and

20       WHEREAS, Victims of violent crime deserve to know that a  
21 sentence properly imposed will be faithfully carried out, and  
22 the residents of Pennsylvania deserve to know that their laws,  
23 properly enacted, will be faithfully executed by their Governor;  
24 therefore be it

25       RESOLVED, That the House of Representatives condemn Governor  
26 Tom Wolf's unconstitutional action to usurp the authority of the  
27 General Assembly to make the laws and of the judiciary to  
28 administer justice by declaring a moratorium on capital  
29 punishment in Pennsylvania and call upon Governor Wolf to  
30 reverse this action and to carry out his constitutional duty;

1 and be it further

2 RESOLVED, That the Governor's action in granting a reprieve  
3 in the case of Terrance Williams is an illegal act and an  
4 unconstitutional violation of the separation of powers; and be  
5 it further

6 RESOLVED, That no Governor of this Commonwealth can be  
7 allowed to nullify a duly enacted law, unilaterally reverse a  
8 legally and properly imposed verdict and substitute his own  
9 judgment for decades of exhaustive judicial review based on  
10 nothing more than his own personal disapproval with the  
11 legislative and legal processes that make up the rule of law in  
12 this Commonwealth.