
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 915 Session of
2020

INTRODUCED BY METCALFE, BOROWICZ, JAMES, BERNSTINE, COOK,
DAVANZO, DIAMOND, DUSH, EVERETT, FRITZ, GREGORY, IRVIN,
JOZWIAK, KAUFFMAN, KEEFER, M. K. KELLER, MOUL, MUSTELLO,
PYLE, ROAE, ROWE, RYAN, SANKEY, SCHMITT, ZIMMERMAN, WARNER
AND KNOWLES, JUNE 23, 2020

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 23, 2020

A RESOLUTION

1 Impeaching Thomas W. Wolf, Governor of Pennsylvania, for
2 misbehavior in office.

3 BE IT RESOLVED, That Thomas W. Wolf, Governor of
4 Pennsylvania, be impeached for misbehavior in office and that
5 the following Articles of Impeachment be exhibited to the
6 Senate:

7 ARTICLE I

8 On March 6, 2020, Governor Wolf declared a disaster emergency
9 for this Commonwealth, published at 50 Pa.B. 1644 (March 21,
10 2020), related to the COVID-19 outbreak as authorized under 35
11 Pa.C.S. § 7301(c) (relating to general authority of Governor).
12 On March 19, 2020, Governor Wolf issued an order mandating the
13 closure of all businesses not deemed "life-sustaining" as
14 determined by Governor Wolf's administration. On April 1, 2020,
15 Governor Wolf issued a Statewide order mandating that citizens
16 of this Commonwealth stay at home.

1 While Governor Wolf had the legislatively delegated authority
2 to declare the disaster emergency related to the COVID-19
3 outbreak, Governor Wolf did not have the authority to issue
4 subsequent orders following the disaster declaration that
5 deprived citizens of this Commonwealth of their most basic
6 rights affirmed by the Constitution of the United States.
7 Governor Wolf's orders violate the prohibition against unlawful
8 seizures and the right not to be deprived of property without
9 due process of law or just compensation under the Fourth and
10 Fifth Amendments to the Constitution of the United States.
11 Moreover, Governor Wolf's orders violate the right of citizens
12 of this Commonwealth to equal protection under the law
13 guaranteed by the Fourteenth Amendment to the Constitution of
14 the United States. In addition, Governor Wolf's orders violate
15 the freedom of speech and freedom of assembly rights guaranteed
16 to citizens of this Commonwealth by the First Amendment to the
17 Constitution of the United States.

18 Wherefore, Governor Thomas W. Wolf is guilty of an
19 impeachable offense warranting removal from office and
20 disqualification to hold any office of trust or profit under
21 this Commonwealth.

22 ARTICLE II

23 After Governor Wolf mandated the closure of "non-life-
24 sustaining" businesses across this Commonwealth on March 19,
25 2020, Governor Wolf ordered the Department of Community and
26 Economic Development to create a waiver program through which
27 newly shuttered businesses could apply to reopen. The waiver
28 program was applied in an arbitrary and capricious manner,
29 leading to inconsistent and unjust results which determined the
30 fate of the livelihoods of many citizens of this Commonwealth.

1 Businesses providing the same service received different
2 waiver decisions under the waiver program. Businesses which had
3 been previously granted waivers under the waiver program saw the
4 waivers revoked without justification. Governor Wolf did not
5 create an appeals process for businesses to allow businesses to
6 challenge denials under the waiver program. Governor Wolf also
7 provided no detailed information to the public that would
8 indicate how decisions under the waiver program were being made.

9 Governor Wolf's mandated business closure orders have
10 devastated this Commonwealth's economy. The draconian nature of
11 Governor Wolf's mandated business closure orders, even as
12 compared to similar orders in other states, ensured that this
13 Commonwealth's path to economic recovery will be painful and
14 slow. Many of the businesses that Governor Wolf ordered
15 shuttered will never reopen. Governor Wolf's mandated business
16 closure orders have disproportionately impacted small businesses
17 because larger businesses which sell a variety of products were
18 more easily deemed "life-essential" by Governor Wolf's
19 administration.

20 Wherefore, Governor Thomas W. Wolf is guilty of an
21 impeachable offense warranting removal from office and
22 disqualification to hold any office of trust or profit under
23 this Commonwealth.

24 ARTICLE III

25 While Governor Wolf knew that his mandated business closure
26 orders would forcibly cause historically high unemployment in
27 this Commonwealth, Governor Wolf failed to direct the Department
28 of Labor and Industry and the Office of Unemployment
29 Compensation to appropriately staff and administer unemployment
30 compensation offices to provide citizens of this Commonwealth

1 with essential unemployment benefits. As many citizens of this
2 Commonwealth found themselves no longer receiving a paycheck
3 through no fault of their own, the only income available was
4 through unemployment benefits administered by the Office of
5 Unemployment Compensation.

6 Governor Wolf's failure to direct the Department of Labor and
7 Industry and the Office of Unemployment Compensation to
8 appropriately staff and administer unemployment compensation
9 offices after Governor Wolf issued his mandated business closure
10 orders left many citizens of this Commonwealth facing delays of
11 weeks and even months in merely receiving notices that they have
12 been determined to be eligible to receive unemployment
13 compensation benefits. Desperate citizens of this Commonwealth
14 have been unable to get assistance over the phone or via e-mail
15 from unemployment compensation offices to determine when they
16 will receive unemployment compensation benefits.

17 Owners and employees of businesses that were forced to
18 shutter under Governor Wolf's mandated business closure orders
19 rely on unemployment compensation benefits to meet their most
20 basic needs, including housing payments and food. Governor Wolf
21 should have known well in advance and begun preparing for the
22 massive influx of unemployment compensation claims after he
23 issued the mandated business closure orders. Governor Wolf's
24 failure to direct the Department of Labor and Industry and the
25 Office of Unemployment Compensation to appropriately staff and
26 administer unemployment compensation offices further contributed
27 to the suffering of the citizens of this Commonwealth initially
28 created by his mandated business closure orders.

29 Wherefore, Governor Thomas W. Wolf is guilty of an
30 impeachable offense warranting removal from office and

1 disqualification to hold any office of trust or profit under
2 this Commonwealth.

3 ARTICLE IV

4 Governor Wolf failed in his duty to protect the citizens of
5 this Commonwealth who are most vulnerable to COVID-19: residents
6 of nursing homes and long-term care facilities. Although
7 Governor Wolf had ample notice that residents of nursing homes
8 and long-term care facilities were at severe risk of contracting
9 and dying from COVID-19, Governor Wolf failed to direct the
10 Department of Health to develop and implement a comprehensive
11 plan to protect them. More than two-thirds of all COVID-19-
12 related fatalities in this Commonwealth have occurred in nursing
13 homes and long-term care facilities.

14 On March 18, 2020, the Department of Health issued guidance
15 urging nursing homes and long-term care facilities to admit and
16 readmit patients who had tested positive for COVID-19. This
17 decision directly endangered all residents and staff of nursing
18 homes and long-term care facilities. Moreover, the Department of
19 Health moved far too slowly to implement COVID-19 testing for
20 residents and staff of nursing homes and long-term care
21 facilities in comparison to neighboring states that required
22 such testing.

23 Wherefore, Governor Thomas W. Wolf is guilty of an
24 impeachable offense warranting removal from office and
25 disqualification to hold any office of trust or profit under
26 this Commonwealth.

27 ARTICLE V

28 Governor Wolf has actively withheld critical information from
29 the public, press and General Assembly regarding issues
30 pertaining to the COVID-19 outbreak. State agencies under

1 Governor Wolf's jurisdiction have stopped responding to requests
2 under the act of February 14, 2008 (P.L.6, No.3), known as the
3 Right-to-Know Law, during the COVID-19 outbreak. The Governor
4 has refused for months to release requested information related
5 to the waiver program for reopening businesses shuttered by
6 Governor Wolf's mandated business closure orders established
7 under the Department of Community and Economic Development.
8 While Governor Wolf has finally begun to release some of the
9 relevant information regarding the waiver program, his delays
10 and obfuscation have been and continue to be entirely
11 unacceptable. The Governor has refused to respond to a subpoena
12 issued by the Veterans Affairs and Emergency Preparedness
13 Committee of the Senate for records pertaining to the waiver
14 program, forcing the Senate to take legal action to attempt to
15 obtain the requested records. Numerous inquiries from the press
16 seeking details about the waiver program have also been denied.
17 The right of the public, press and General Assembly to access
18 critical government records and information becomes more, not
19 less, important during a period of crisis.

20 Wherefore, Governor Thomas W. Wolf is guilty of an
21 impeachable offense warranting removal from office and
22 disqualification to hold any office of trust or profit under
23 this Commonwealth.

24 The House of Representatives hereby reserves to itself the
25 right and ability to exhibit at any time hereafter further
26 Articles of Impeachment against Governor Thomas W. Wolf, to
27 reply to any answers that Governor Thomas W. Wolf may make to
28 any Articles of Impeachment which are exhibited and to offer
29 proof at trial in the Senate in support of each and every
30 Article of Impeachment which shall be exhibited by them.