THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 56

Session of 2021

INTRODUCED BY METCALFE, BOROWICZ, CAUSER, COOK, COX, DIAMOND, DUNBAR, FRITZ, GLEIM, HAMM, IRVIN, JAMES, JONES, JOZWIAK, KAUFFMAN, KEEFER, M. MACKENZIE, R. MACKENZIE, MUSTELLO, PUSKARIC, RAPP, ROAE, ROWE, RYAN, SCHEMEL, SMITH, STAATS, WARNER, ZIMMERMAN, KNOWLES AND ECKER, FEBRUARY 24, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 24, 2021

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 quaranteed
- 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 disproportionally 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.
- 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 email
- 15 from unemployment compensation offices to determine when they
- 16 will receive unemployment compensation benefits.
- 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.
- 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.
- 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.
- 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.