

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:

ARTICLE I

7
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.

17 While Governor Wolf had the legislatively delegated authority

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

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

21 ARTICLE II

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

30 Businesses providing the same service received different

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

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

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

23 ARTICLE III

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

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

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

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

28 Wherefore, Governor Thomas W. Wolf is guilty of an
29 impeachable offense warranting removal from office and
30 disqualification to hold any office of trust or profit under

1 this Commonwealth.

2 ARTICLE IV

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

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

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

26 ARTICLE V

27 Governor Wolf has actively withheld critical information from
28 the public, press and General Assembly regarding issues
29 pertaining to the COVID-19 outbreak. State agencies under
30 Governor Wolf's jurisdiction have stopped responding to requests

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

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

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