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ENVIRONMENTAL RESOURCES AND
ENERGY COMMITTEE
CHAIRMAN

May 11, 2020

Executive Director Lindsay Vaughan
Pennsylvania District Attorneys Association
2929 North Front Street
Harrisburg, PA 17110

Dear Executive Director Vaughan,

We write you today regarding Gov. Tom Wolf's unconstitutional and illegitimate attempts to close businesses and shut down our Commonwealth. We are calling on every district attorney throughout the Commonwealth to publicly commit to actively intervening to ensure that any citations issued under the governor's emergency declarations are withdrawn, including citations based on the governor's mandated business closures and stay-at-home order.

Taking this action will allow business owners to make their own decisions regarding reopening, or continuing to operate cautiously and safely, without having to be afraid of their government that is supposed to be serving them. While Gov. Wolf may claim that he has begun to reopen the state, this effort has come far too late, and will not happen quickly enough for our citizens and businesses that are suffering immensely under his mandates.

As you are aware, the governor has attempted to base his nonexistent authority primarily on provisions of the Administrative Code and the Disease Prevention and Control Law. Nothing in either of these laws, or any other state law, has granted the governor the authority to issue these far-reaching restrictions which have had a devastating impact on our economy and our citizens' most basic and fundamental rights.

The governor has unilaterally made arbitrary and capricious decisions about which members of our workforce he will permit the dignity of continuing to earn a living to support their families. With an unprecedented number of Pennsylvanians unemployed, many throughout the state are concerned about putting food on the table. Additionally, the governor has encouraged our citizens to turn against their neighbors and communities to report non-compliance with his dictates, evoking scenes from an Orwellian nightmare.

Our businesses need certainty that they will not be punished for attempting to operate by serving their communities and allowing their employees to earn a wage. We were heartened to see Blair County District Attorney Peter Weeks quoted recently saying, "I'm not sure noncompliance with the governor's order is a crime. Criminalizing that behavior without legislation sounds unconstitutional." We would urge all district attorneys throughout the Commonwealth to make similar statements and declare that you will not prosecute any citation related to the governor's orders, and in fact, that you will proactively seek to have any such citation withdrawn.

Sincerely,

Daryl D. Metcalfe
Chairman
Environmental Resources & Energy Committee

DDM:pn

cc: Pennsylvania District Attorneys Association

Signatories:

Rep. Daryl Metcalfe

Rep. Russ Diamond

Rep. Torren Ecker

Rep. Jesse Topper

Rep. Marci Mustello

Rep. David Rowe

Rep. Stephanie Borowicz

Rep. Richard Irvin

Rep. Craig Staats

Rep. Jonathan Fritz

Rep. Mike Jones

Rep. Jim Cox

Rep. Valerie Gaydos

Rep. Garth Everett

Rep. Marcy Toepel

Rep. Cris Dush

Rep. David Maloney

Rep. Kathy Rapp

Rep. Aaron Bernstine

Rep. Jerry Knowles

Rep. Jonathan Hershey

Rep. Jack Rader, Jr.

Rep. David Millard

Rep. Stan Saylor

Rep. Marcia Hahn

Rep. Tim O'Neal