

Declaration of Suspension

Under the authority of Article 1, Section 12 of the Pennsylvania Constitution we, the General Assembly of the Commonwealth, declare the immediate suspension of the Act of Nov. 26, 1978, P.L. 1332, No. 323, known as the Emergency Management Services Code, as amended (hereinafter Act 323 of 1978).

Article 1, § 12. Power of suspending laws.

No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Article 1, Section 12 of the Pennsylvania Constitution grants all power of suspending laws solely to the legislative branch. It does not allow or provide for judicial or executive branch interference in the suspension of laws.

Additionally, judicial and executive branch interference is precluded by Article 1, Section 25.

Article 1, § 25. Reservation of powers in people.

To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

Just as the Declaration of Independence announced the birth of our great nation in 1776 in defense of our inalienable rights, a Declaration of Suspension shall protect and preserve the constitutionally affirmed rights of our citizens today.

We are grateful to our Founding Fathers who delivered the Declaration of Independence to the world and thought it appropriate to use some of their words in this Declaration to honor their achievements for freedom as we struggle during this modern time to preserve our freedom.

When in the course of world events, it becomes necessary to dissolve law by exercising foundational powers granted by the people through their Constitution, then we feel compelled to declare the causes which impel the suspension of Act 323 of 1978.

As recognized by our forefathers, experience has shown that mankind is more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

Such has been the patient sufferance of our fellow Pennsylvanians. The history of the present governor of Pennsylvania and his agents is a history of repeated injuries and usurpations, resulting in the establishment of tyranny over the people and businesses of the Commonwealth.

His violations of our constitution, state law, historical precedent, and his abuse of executive power is unprecedented in modern times.

To prove this, let these facts be made known to the world:

- He has usurped the right of the people, as affirmed in Article 1, Section 1 of the Pennsylvania Constitution, “of acquiring, possessing and protecting property” by ordering that citizens not be allowed to go to work.
- He has made arbitrary decisions on what livelihoods constitute “life sustaining” that resulted in thousands of business closures across the Commonwealth and 3.5 million unemployment claims.
- He has instituted a waiver program for businesses to continue operations that was then applied in a secretive, arbitrary and capricious manner and discontinued abruptly with thousands of waiver applications still pending and unanswered.
- He has failed to direct or oversee his Department of Labor and Industry, along with the Office of Unemployment Compensation, to adequately staff and administer unemployment claims stemming from his initial orders resulting in inexcusable delays in processing of payments to needy Pennsylvanians.
- He has disregarded his sworn duty to protect the most vulnerable members of our society by requiring, through “health directives,” nursing homes and long-term care facilities to admit and readmit patients that had tested positive for COVID-19 and likely infected those already in residence.
- He has actively withheld critical information from the people of Pennsylvania regarding the rationale supporting his orders, denying Right-to-Know requests for testing and waiver data as well as a “secret” Agreement related to the Carlisle Car Show.
- He has fomented a constitutional crisis via his disregard of the Legislature’s authority to enact House Resolution 836.
- He has vetoed legislation, namely Senate Bill 613, House Bill 2412, and House Bill 2400 among others, only to actuate the legislation through executive order shortly thereafter.
- He has removed himself and his agents from their offices, a dereliction of his duty and availability to the people and provided no timeline or expectations for their return.
- He has, in opposition to his own dictates, marched on Capitol grounds with a large crowd of people while instructing others to shelter in place and live in perpetual fear.
- He has offered and enforced an inconsistent and capricious color-coding scheme, used to dictate what can and cannot occur within county borders, which has undergone frequent changes and lacks supportive data.
- He has violated state appropriations law, Act 24 of 2020, by withholding federal funds allocated for Lebanon County.
- He and his Secretary of Health have entered into a secret “Settlement Agreement” of a case entitled Penna. Dept. of Health vs. Carlisle Events at No. 350 MD 2020 in the Commonwealth Court of Pennsylvania, which Agreement violates the orders issued by both the Secretary of Health and the governor. Both the governor and the Secretary of Health have attempted to keep the Agreement out of the public record as both are guilty of violating their own orders and discriminating against other businesses, events and the citizens of this Commonwealth as a result.

We have warned, through various communications and actions of the Legislature, the governor and his administration regarding their abuses of our Constitution, our law and our people. We

acted through resolution, as allowed for in Act 323 of 1978, to direct the governor to end his March 6, 2020, emergency declaration.

The Pennsylvania Supreme Court further facilitated this constitutional crisis by ignoring the clear intent and letter of the law and issued a decision both enabling the unlawful actions of the governor and unconstitutionally declaring the lawful actions of the General Assembly to be null and void.

Our duty to God, our duty to our fellow citizens and our duty to uphold the Constitution compels us to declare by the authority vested in the Legislature in Article 1, Section 12 of The Pennsylvania Constitution, the immediate suspension of Act 323 of 1978, Pennsylvania's Emergency Management Services Code.

We, the Pennsylvania General Assembly, appealing to the good people of this Commonwealth, solemnly publish and declare that this state and its people are free from all adherence to Act 323 of 1978, the Emergency Management Services Code, and that all executive orders and actions stemming from said code are totally dissolved.

This declaration shall be deemed enacted following the reception of a majority of signatures from the duly elected representatives of the people from each of the co-equal chambers of the Pennsylvania General Assembly.

Joseph D. Melia 12th

[Signature] DISTRICT 102

Francis X. Ryan District 101

[Signature] District 66

Kathy L. Kapp District 65

Dawn Wetzel Kiefer 92nd

[Signature] 76th *[Signature]* 93rd

[Signature] 99th

[Signature]

33rd
Senate