



## The Case Against Krasner

Oct. 25, 2022

### QUESTIONS FOR THE KRASNER IMPEACHMENT

#### What laws did Krasner violate? Does his conduct rise to the level of “misbehavior in office”? Is Dereliction of Duty the same as “misbehavior in office”?

The Constitutional standard for impeachment does not require criminal activity or the violation of any laws. The constitutional standard required for the House to impeach is “misbehavior in office,” and it is the collective body of the House who determines the definition of “Misbehavior in Office.”

Given District Attorney Krasner’s willful refusal uphold the laws of this Commonwealth—something he swore an oath to do— and his improper use of prosecutorial discretion, Philadelphia has seen an unchecked increase in crime and violence led by those who should have already been in jail and/or those who know there will be no consequences for their behavior.

More specifically, former U.S. Attorney for the Eastern District of Pennsylvania and former Chester County District Attorney Tom Hogan published an article in *Criminology and Public Policy* earlier this year entitled De-Prosecution and Death that directly ties the policies of DA Krasner with increased crime, violence, and death by criminal activity:

*The broadscale de-prosecution policy of Philadelphia—particularly for firearm and drug trafficking offenses—appears to have a causal association with a large increase in homicides.*

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*[T]he homicide victims are overwhelmingly people of color living in the poorest sections of Philadelphia. Calls for less prosecution under the guise of social justice may inadvertently lead to more homicides of minorities, which then degrades social justice.*

Due to his refusal to uphold his oath of office, willful failure to enforce the laws of this Commonwealth, and his policies leading to increased crime and violence in Philadelphia District Attorney Larry Krasner has been derelict in his duties and has engaged in misbehavior in office.

#### Isn’t this political?

This is about public safety and accountability, not politics. It is unfortunate if people want to make it political. People are dying in the streets of Philadelphia on more than a daily basis from unchecked crime and violence. Businesses in the largest city in Pennsylvania, the sixth largest city in the country, and Pennsylvania’s economic engine are fleeing Philadelphia because they cannot guarantee safety of persons and property.

In a report, the Philadelphia City Controller’s Office noted that the gun violence and homicides have a deleterious impact on the city’s economy and property values. This must also correlate to a negative economic impact on the Commonwealth.

The crime and violence crisis in Philadelphia has now bled into surrounding counties and municipalities. People are looking to their elected leaders to do something and hold those who refuse to take action accountable.

State government has a mandate to provide for the health, safety, and welfare of its people. This decision, made with deliberate thought and action, furthers that goal.

## Wouldn't this be better to wait for the new House term?

Starting this process now ensures that the House has time to act on its recommendations in a timely manner.

In addition, impeachments occurring at the end of a legislative session are not without precedent. The impeachment of President Bill Clinton occurred at the end of the U.S. House of Representatives' session in 1998. The trial was held by the U.S. Senate at the beginning of the new session in 1999.

## Does the Senate have time to hold impeachment hearings?

The Senate's process is one for the Senate to answer. The House has and will continue to stand up for law and order and ensure the enforcement of our laws. We are taking this step to effectuate change, and hopefully as soon as possible.

## Wasn't Krasner elected by an overwhelming majority of Philadelphians? Will this disenfranchise minority/Democrat voters?

No. Only those looking to score partisan political points will make that claim. Here are the facts of the election: In Larry Krasner's 2021 general election, 163,890 Philadelphians voted, which is roughly ten percent of 1.2 million registered voters in Philadelphia and the 1.582 million people living in the City. Of those voters, 113,308 voted for Larry Krasner, which is LESS than ten percent of the registered voters in Philadelphia. An overwhelming majority of Philadelphia did not elect Larry Krasner as District Attorney.

In fact, the public outrage against DA Krasner is so large that the voices of those opposed to his policies and/or looking for significant change seems to drown out those who voted for him.

As to minority communities, they are the ones being torn apart by crime and violence in Larry Krasner's Philadelphia. Not long ago, The Wall Street Journal did a story about how the Harrowgate neighborhood, which is 82 percent minority, is blaming Larry Krasner for the spike in violence and crime in their neighborhood:

*"As violence in the neighborhood has mounted, some in Harrowgate have faulted Mr. Krasner, who last year coasted to a second four-year term as the city's chief prosecutor. These residents say his office should more aggressively prosecute people charged with a range of crimes."*

This is about being a voice for those communities who want and deserve to feel safe in their communities and actually BE SAFE in their communities.



## Why was this needed now?

Again, this is about accountability for a prosecutorial philosophy that has led to an increase of crime and violence through a willful refusal to uphold the oath of office taken by the District Attorney by purposely not enforcing the laws of the Commonwealth.

Crime continues to increase and outpace historic levels. As of October 16, 2022, violent crime offenses are up nearly 4.5%, property crime offenses are up almost 31%, and the number of shooting incidents and shooting victims are up over last years numbers.

To make matters even worse, according to the Philadelphia Controller's Office, the number of cases withdrawn/dismissed by the Philadelphia District Attorneys Office for violations of the Uniform Firearms Act now outpaces guilty/conviction outcomes in all segments of case origin.

### Here is how the Philadelphia Inquirer put it last year:

*Meanwhile, people accused of illegally carrying guns have seen their chances of getting convicted in court plunge from 63% in 2017 to 49% two years later.*

*Put plainly, people accused of carrying illegal guns in recent years have had better than a coin flip's chance of beating their case in court.*

### Here is what Philadelphia Police Inspector Derrick Wood said about the problem in the same story:

*"They know there's no consequences for carrying a gun in Philly. It's zero to none," he said. "I don't care what kind of programs you come up with, what kind of money you put in prevention — if people are not held accountable, then people are going to keep carrying guns."*

*He added: "I'm not worried about hurting people's feelings anymore," without specifying names. "We've got to do something different. We can't keep doing the same thing."*

## Why are you not impeaching other Pennsylvania district attorneys in the state?

The other "District Attorneys" that are talked about here (Bradford County and Somerset County) are actually no longer serving as District Attorneys. The Bradford County District Attorney resigned after pleading guilty to a number of crimes and the Somerset County District Attorney had his law license suspended and, by Pennsylvania law, has been removed from his position as District Attorney.

The bottom line is here, when it comes to criminal activity, there are other ways District Attorneys can and should be removed from office or fulfilling the duties of their office. However, when it comes to a dereliction of duty and a gross abuse of prosecutorial discretion, as Bruce Antkowiak, the legal expert from St. Vincent College testifying before the House Select Committee on Restoring Law and Order said:

*"[W]hile individual decisions in certain matters are constrained by Legislative enactments, the major check of the exercise of discretion is the electoral process. **Short of that, resorting to the exhaustive process of impeachment is available.** And in specific cases, the Attorney General may seek to intervene and supersede the District Attorney in a given prosecution. Beyond that, little is available as a legal avenue to check a prosecutor's executive Power."*

## Isn't the crime surge a statewide problem?

Despite how the Philadelphia District Attorney has liked to cherry pick statistics to make the consequences of his actions look less severe, no part of the Commonwealth has seen the real numbers of increasing and unchecked crime and violence like Philadelphia. Police, legal experts, and the numbers mete out that there is a direct correlation to the election of District Attorney Larry Krasner, the implementation of his radical criminal justice philosophy, and the increase in crime. He is the only district attorney in Pennsylvania to openly and willfully fail to uphold his oath of office by being purposefully derelict in his duty to enforce the laws of the Commonwealth.

In fact, the numbers speak for themselves. While the percentages of increases used by folks, including the Philadelphia District Attorney, are large they really only amount to less than a handful of additional cases. In Philadelphia, that number is 1,000 murders since 2021, over 1,000 carjackings since the beginning of this year. The numbers don't compare.