



Impeachment Process in PA

Oct. 25, 2022

Impeachment is the Legislature's most powerful tool for holding any Pennsylvania elected official to account.

The Impeachment Process At-A-Glance

A petition or resolution is presented to the House of Representatives that calls for an investigation.

The House passed HR 216 to create the House Select Committee on Restoring Law and Order, and investigate the rising rate of crime in Philadelphia and the performance of Philadelphia District Attorney Larry Krasner.

The committee reports its finding to the House. If a recommendation of impeachment is made, a resolution that includes articles of impeachment is drafted, either by the same committee that performed the investigation, or a special committee appointed by the Speaker.

The House Select Committee on Restoring Law and Order provided an interim report on Oct. 25, 2022. Its findings clearly indicted Krasner's policies, methods and results.

The House of Representatives sits as an impeachment body and adopts or rejects the articles of impeachment, either in part or in whole.

This can occur at the will of the House.

The House also appoints a committee of managers to continue the impeachment process in the Senate, where an impeachment trial is to occur.

Should the Senate approve the impeachment by a two-thirds majority vote, Philadelphia District Attorney Larry Krasner will be officially removed from office and will not be able to hold public office again.

How the Impeachment Process Works

The impeachment process is described in Article VI of the Pennsylvania Constitution, which provides the House of Representatives the sole power of impeachment (Section 4). As a body, the House decides what is, or is not, an impeachable offense; the House also decides what would be "misbehavior in office."

Should a simple majority vote in the House occur, an impeachment trial would occur in the Senate. A conviction requires a vote of two-thirds by the Senate (Section 5). The power of impeachment applies to all public officers for any misbehavior in office (Section 6) or any infamous crime (Section 7). Article VI of the Pennsylvania Constitution states:

§ 4. Power of impeachment.

The House of Representatives shall have the sole power of impeachment. (May 17, 1966, 1965 P.L.1928, J.R.10)

§ 5. Trial of impeachments.

All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present. (May 17, 1966, 1965 P.L.1928, J.R.10)

§ 5. Officers liable to impeachment.

The Governor and all other civil officers shall be liable to impeachment for any misbehavior in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law. (May 17, 1966, 1965 P.L.1928, J.R.10)

§ 7. Removal of civil officers.

All civil officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed civil officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All civil officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate. (May 17, 1966, 1965 P.L.1928, J.R.10)

Expected Impeachment Process for Philadelphia District Attorney Larry Krasner

Impeachment procedures related to Philadelphia District Attorney Larry Krasner follow the bipartisan support of House Resolution 216, which established the House Select Committee on Restoring Law and Order to investigate, review and make legislative findings and recommendations regarding the rising rate of crime in Philadelphia.

After a months-long investigation and a bipartisan House vote (House Resolution 227) to hold Krasner in contempt for failing to respond to a subpoena, the committee has adopted a report supporting impeachment.

In response, Articles of Impeachment against Krasner have been introduced in the House, first considered by the House Judiciary Committee and then on the House floor for final consideration. With a majority vote, the House voted in favor of impeachment. The process now requires the Senate to conduct a trial where a two-thirds vote is required for conviction.

The Senate's Power

Referred to as “Direct Address Power,” the Senate could call for the removal of Krasner by the governor after a two-thirds vote and for reasonable cause, essentially utilizing the powers in Article VI, Section 7 without the call for impeachment by the House. However, there has been no successful precedent of such a means. While the House was beginning the process to impeach then-Attorney General Kathleen Kane in 2016, the Senate attempted to use Direct Address to remove her from office. With a vote of 29-19, the measure failed to meet the two-thirds majority required. It is relevant that the use of Section 7 alone is not an impeachment; therefore, the public official who is removed would not be disqualified from seeking public office in the future.

Impeachment History in Pennsylvania

The impeachment process is rare throughout our state's history. The first was in 1685, which was also the first case in America of an impeachment of a judge. Nicholas Moore was the first chief justice of the Supreme Court and was impeached on May 15, 1685, for “high crimes and misdemeanors.” The Provincial council refused to try him.

In 1803 the Pennsylvania Legislature removed Federalist Judge Alexander Addison, largely because of his intemperate judicial behavior. An attempt to impeach three of the Pennsylvania Supreme Court's four judges narrowly failed.

In 1811, President Judge of the Eighth Circuit Court Thomas Cooper was impeached for “official misconduct.”

In 1818 and 1825, the House tried to vote to impeach Judge Walter Franklin for judicial misconduct. But his attorney, James Buchanan (who would later become our 15th president), argued the General Assembly should only undertake impeachment proceedings in the most dire circumstances. The Senate acquitted him both times.

In 1891, Gov. Robert Pattison attempted to remove State Treasurer Henry K. Boyer and Auditor General Thomas McCamant through the means of a direct removal clause. The Senate voted 28-19 not to remove them from office.

Efforts were made to impeach Gov. George H. Earle during the Great Depression of the 1930s. The House did not consider the charge serious enough.

On May 24, 1994, Rolf Larsen, Justice of the Supreme Court of Pennsylvania, was impeached by the House and convicted by the Senate on Oct. 4, 1994, for improper communication with a trial judge, and removed from office. The House Judiciary Committee began its work in 1993, though in April of 1994, Larsen was found guilty in a Court of Common Pleas for criminal conspiracy related fraudulent use of prescription drugs. In May of 1994, the House adopted seven Articles of Impeachment against Larsen, though his conviction in the Senate was for one count related to the improper communication.

During the Larsen impeachment, the House approved four separate resolutions: (a) a resolution for appointment of committee and empowering an investigation (HR 205, PN 2750), (b) one preparing articles of impeachment (HR 316, PN 3650), (c) a resolution impeaching Rolf Larsen (HR 324, PN 3661), and (d) one exhibiting articles of impeachment to the Senate (HR 335, PN 3767).

