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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 284 Session of  
2015

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INTRODUCED BY SCARNATI, FEBRUARY 9, 2016

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REFERRED TO RULES AND EXECUTIVE NOMINATIONS, FEBRUARY 9, 2016

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A RESOLUTION

1 Addressing the Governor to act under section 7 of Article VI of  
2 the Constitution of Pennsylvania to remove Attorney General  
3 Kathleen G. Kane from office for reasonable cause.

4 WHEREAS, On September 21, 2015, the Supreme Court issued an  
5 order to temporarily suspend Attorney General Kathleen G. Kane's  
6 license to practice law for an indefinite period of time; and

7 WHEREAS, On October 22, 2015, the order became effective and  
8 Attorney General Kathleen G. Kane's law license was suspended;  
9 and

10 WHEREAS, On October 26, 2015, the Senate established the  
11 bipartisan Special Committee on Senate Address to pursue  
12 possible Senate address related to Attorney General Kathleen G.  
13 Kane under section 7 of Article VI of the Constitution of  
14 Pennsylvania; and

15 WHEREAS, During November 2015, the committee conducted  
16 hearings, taking sworn testimony and receiving evidence to  
17 determine whether there is a sufficient basis for the Senate to  
18 move forward with due notice to Attorney General Kathleen G.  
19 Kane and a full hearing under section 7 of Article VI of the

1 Constitution of Pennsylvania; and

2 WHEREAS, On November 25, 2015, the committee made findings;  
3 and

4 WHEREAS, The committee found that the Senate is vested with  
5 the constitutional authority under section 7 of Article VI of  
6 the Constitution of Pennsylvania to direct the Governor to  
7 remove an Attorney General for reasonable cause, following due  
8 notice and full hearing, on the address of two-thirds of the  
9 Senate; and

10 WHEREAS, The committee, while making no specific finding on  
11 direct removal, found a sufficient basis for the Senate to move  
12 forward with due notice to Attorney General Kathleen G. Kane and  
13 a full hearing under section 7 of Article VI of the  
14 Constitution of Pennsylvania; and

15 WHEREAS, On December 4, 2015, the committee made a  
16 preliminary report of its findings to the Senate; and

17 WHEREAS, On December 9, 2015, the Senate unanimously adopted  
18 Senate Resolution No. 256, Printer's No. 1461 (2015), which  
19 adopted rules of procedure governing the due notice and full  
20 hearing to be provided to Attorney General Kathleen G. Kane  
21 under section 7 of Article VI of the Constitution of  
22 Pennsylvania; and

23 WHEREAS, On December 10, 2015, Senate Resolution No. 256,  
24 Printer's No. 1461 (2015), the report of the committee and the  
25 exhibits of the report were served on both the Office of  
26 Attorney General and private counsel for Attorney General  
27 Kathleen G. Kane, fulfilling the notice requirement of section 7  
28 of Article VI of the Constitution of Pennsylvania; and

29 WHEREAS, On January 11, 2016, Attorney General Kathleen G.  
30 Kane sent a letter to the committee in which she declined to

1 appear personally before the committee to defend herself; and

2 WHEREAS, The service and response fulfill the due notice  
3 requirement under section 7 of Article VI of the Constitution of  
4 Pennsylvania; and

5 WHEREAS, On January 12, 2016, a full hearing for Attorney  
6 General Kathleen G. Kane was conducted by the committee; and

7 WHEREAS, At the hearing, Jonathan Duecker, Chief of Staff for  
8 Attorney General Kathleen G. Kane, and former Governor Edward G.  
9 Rendell testified as authorized by Attorney General Kathleen G.  
10 Kane on her behalf; and

11 WHEREAS, The hearing and testimony fulfill the full hearing  
12 requirement of section 7 of Article VI of the Constitution of  
13 Pennsylvania; and

14 WHEREAS, On January 27, 2016, the committee made a final  
15 report of its findings to the Senate; and

16 WHEREAS, On February 5, 2016, the Supreme Court denied  
17 Attorney General Kathleen G. Kane's Application for  
18 Extraordinary Relief seeking the immediate reinstatement of her  
19 law license; and

20 WHEREAS, After careful consideration and deliberation of the  
21 testimony presented and the evidence received, reasonable cause  
22 exists to remove Attorney General Kathleen G. Kane from office  
23 because Attorney General Kathleen G. Kane cannot perform the  
24 duties of her office with an indefinitely suspended law license;  
25 and

26 WHEREAS, The Senate determined that, after due notice and  
27 full hearing was provided as required under section 7 of Article  
28 VI of the Constitution of Pennsylvania, reasonable cause has  
29 been found to exist to remove Attorney General Kathleen G. Kane  
30 from her elected office; therefore be it

1       RESOLVED, That the Senate, by this address, direct the  
2 Governor to remove Attorney General Kathleen G. Kane from the  
3 Office of Attorney General of the Commonwealth of Pennsylvania  
4 under section 7 of Article VI of the Constitution of  
5 Pennsylvania; and be it further

6       RESOLVED, That, within 24 hours of adoption of this  
7 resolution, the Sergeant-at-Arms serve this resolution and the  
8 reports and exhibits of the Special Committee on Senate Address  
9 upon the Governor.