

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
HARRISBURG, PA 17120

KATHLEEN G. KANE  
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November 13, 2015

Chair of the Special Committee on Senate Address  
The Honorable John R Gordner  
Room 177, Main Capitol Building  
Harrisburg, PA. 17120-3027

RE: Subpoena Duces Tecum Response  
The Special Committee on Senate Address

Dear Senator Gordner:

As discussed in my letter of November 6 , 2015, the Pennsylvania Constitution and the long standing precedent set forth from various attempts for direct address by the Governor and the Senate, both for the proper use of direct removal in the case of senility or physical incapacity, and in the improper use of side stepping the impeachment process, it continues to be my position that this Special Committee on Senate Address lacks the jurisdiction, under Article VI, Section 7 of the Constitution in this proceeding to inquire into, hear and determine said action and that this process deprives an elected official the right to trial by jury, guaranteed under Article 1, or to a trial in regular proceedings by impeachment in accordance with Sections 1, 2, and 3 of Article VI of the Pennsylvania Constitution. Said action deprives an elected official of Due Process rights guaranteed to all citizens, and further attempts to utilize an administrative proceeding, of which there was no hearing, to further deny the elected official due process. As previously stated, this action thereby deprives the citizens of Pennsylvania their votes in the improper removal of an individual duly elected by the citizenry.

However, to maintain the respect and decorum of our government, I offer this response to your issuance of a Subpoena Duces Tecum to Kathleen Kane, Attorney General, on November 6, 2015, with a date deliverable no later than Friday, November 13, 2015 at 4:00 p.m. Please accept the following:

1. Any and all documents including electronic communications, detailing or describing the operation of the Office of Attorney General following the suspension of the Attorney General's law license which became effective on October 22, 2015.

**Response:** Beyond the document provided pursuant to your request #3, I am not aware of any other documents that exist.

2. Any and all communications from the Attorney General to the employees of the Office of Attorney General related to the suspension of the Attorney General's law license.

**Response:** No document exists.

3. Any and all communications sent to the Attorney General from or produced by employees of the Office of Attorney General related to the suspension of the Attorney General's law license.

**Response:** See Attachment #1

4. A description of any duties or functions the Attorney General has delegated to other employees of the Office of Attorney General which cannot be performed or effectuated due to the suspension of the Attorney General's law license.

**Response:** See Attachment #2

5. Any opinion or explanation of the legal authority of the Attorney General to delegate any duties or functions to the First Deputy since there has not been a "vacancy in the position of Attorney General"...

**Response:** Pursuant to the Commonwealth Attorney's Act, this agency may not provide legal opinions to anyone other than a Commonwealth Agency, after proper request.

A common sense reading of that Act fails to identify any provision which prohibits the Attorney General from designating any deputy or employee to perform the various functions of the office. Practically speaking, it would be impossible for the Attorney General to operate without delegation of duties to the approximately (835) members of OAG, with state wide jurisdiction, dealing with numerous divisions in the agency. I have enclosed the press releases of the activities of OAG on behalf of Pennsylvanians for this past week. See Attachment #3

6. All filings and documentation require under Section 217 of the Pennsylvania Rules of Disciplinary Enforcement related to formerly admitted attorneys.

**Response:** To my knowledge, all proceedings related to the Disciplinary Counsel and related proceedings are "confidential". Therefore, I will not further subject myself to possible disciplinary action or create a perceived waiver of confidentiality of these proceedings. I am confident that this Special Committee will respect the rules of the Disciplinary Counsel, and further will not demand a document that will affect my rights with regard to further disciplinary action.

Sincerely,



KATHLEEN G KANE  
Attorney General

KGK/jma

ENCL\ (1) Attachment #1  
(1) Attachment #2  
(1) Attachment #3

cc: w/attachments to:  
Honorable Joseph B. Scarnati, III, President Pro Tempore  
Honorable Lisa Baker  
Honorable Gene Yaw  
Honorable Judith L. Schwank  
Honorable Sean Wiley  
Honorable Art Haywood  
Honorable Mike Turzai, Speaker of the House  
Governor Tom Wolf, Governor of Pennsylvania  
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