



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR

May 8, 2020

The Honorable Mike Regan  
Senate of Pennsylvania  
Chair, Senate Veterans Affairs & Emergency Preparedness Committee  
15 East Wing  
Senate Box 203031  
Harrisburg, PA 17120

Dear Senator Regan:

I am responding to the subpoenas issued to the administration by the Senate Veterans Affairs & Emergency Preparedness Committee on April 30, 2020. It is well established that our Constitution is one of divided powers, in which each branch of government is constitutionally committed to its particular sphere. Under this system of separate powers, the Pennsylvania Supreme Court has recognized that a governor—and agents and officials acting under his authority—are exempt from subpoenas relating to the exercise of such authority.

This Chief Executive Privilege was most recently reaffirmed by the Commonwealth Court in *League of Women Voters v. Commonwealth of Pennsylvania*. There, the Court held that to require former Governor Corbett to respond to a subpoena relating to his exercise of gubernatorial duties would have unconstitutionally interfered with his exercise of constitutional duties. Thus, the Court refused to compel such a response. *Id.* Therefore, to preserve these constitutional boundaries, my office will not be substantively responding to your subpoena.

That said, my administration has consistently promised to provide information about the exemption process, including the names of the businesses that requested exemptions, and the response that they received. My commitment to do so has not changed, and that information will be provided not only to your committee, but to the public as well. This information should be sufficient to address your committee's concerns.

We are also working with the Auditor General on his audit of the business exemption process, and making all non-privileged or otherwise protected information available for that review. This information will include the plethora of communications from legislative members to the Governor's Office about the exemption process, as we believe the Auditor General should also review whether legislative members attempted to influence the exemption process in any way.

Lastly, please know that businesses submitted confidential, often proprietary, information in support of their requests for exemptions. These businesses could not have envisioned that this information, which may include trade secrets, customer data, and in some cases, personal health information about small business owners, would be subjected to legislative (and potentially public) review. My administration cannot waive the privacy interests that these business owners have in this information, and therefore we will alert these businesses that your committee has sought their potentially private information and recommend that they contact you to authorize disclosure of such information.

Thank you for your consideration.

Sincerely,



TOM WOLF  
Governor

cc: The Honorable Pam Iovino, Minority Chair, Senate Veterans Affairs & Emergency Preparedness  
Committee  
The Honorable Joseph Scarnati, President Pro Tempore, Senate of Pennsylvania  
The Honorable Jake Corman, Majority Leader, Senate of Pennsylvania  
The Honorable Jay Costa, Minority Leader, Senate of Pennsylvania