



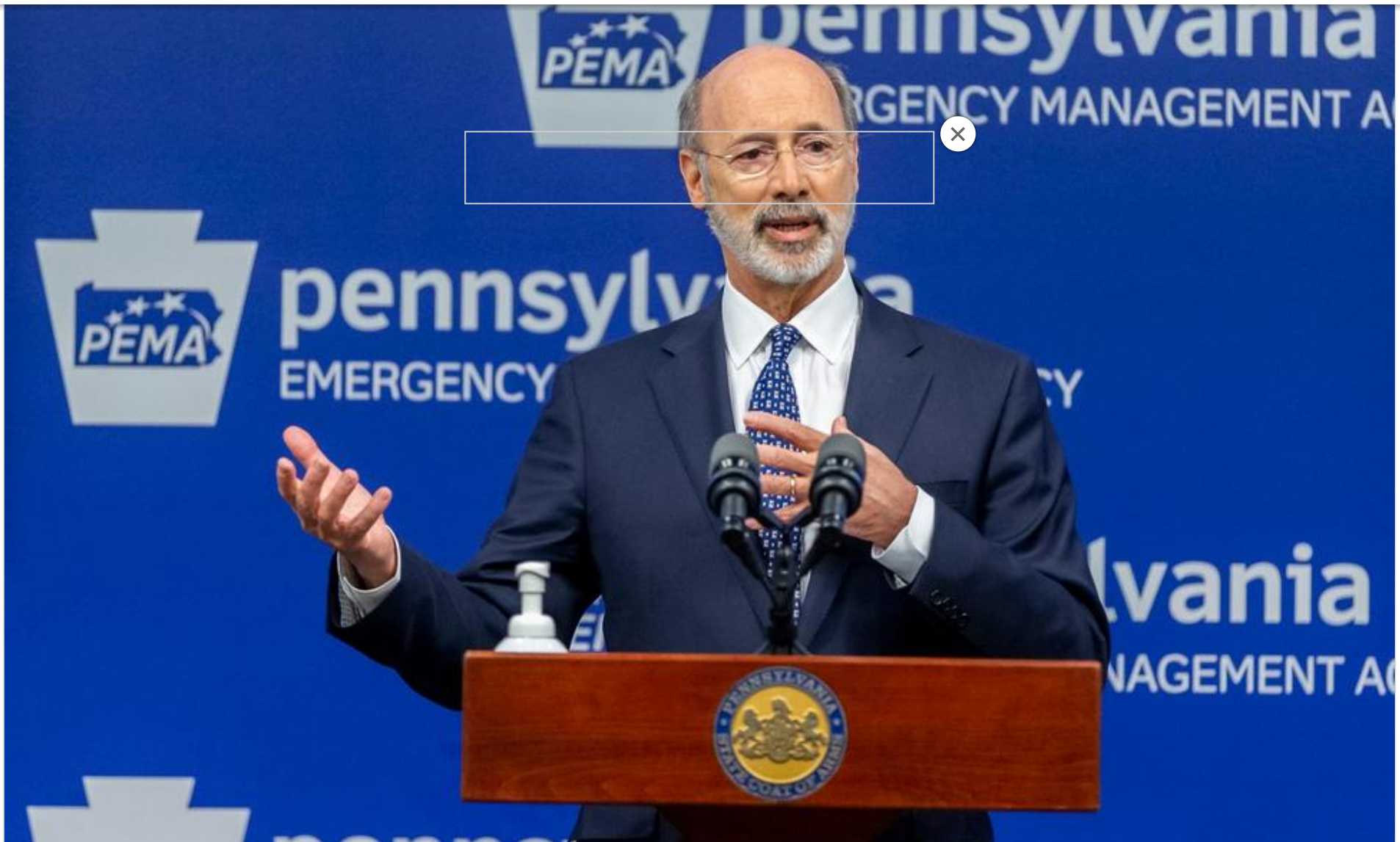
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Judge: Pennsylvania's Pandemic Restrictions Unconstitutional

Gov. Tom Wolf's administration says it will appeal a federal judge's ruling that pandemic restrictions that required people to stay at home, placed limits on gatherings and ordered "non-life-sustaining" businesses to close are unconstitutional.

By Associated Press, Wire Service Content Sept. 14, 2020



FILE - In this May 29, 2020, file photo, Pennsylvania Gov. Tom Wolf meets with the media at The Pennsylvania Emergency Management Agency (PEMA) headquarters in Harrisburg, Pa. A federal judge on Monday, Sept. 14 struck down Gov. Tom Wolf's pandemic restrictions that required people to stay at home, placed size limits on gatherings and ordered "non-life-sustaining" businesses to shut down, calling them unconstitutional. (Joe Hermit/The Patriot-News via AP, File)  THE ASSOCIATED PRESS

Gov. Tom Wolf's pandemic restrictions that required people to stay at home, placed size limits on gatherings and ordered "non-life-sustaining" businesses to shut down are unconstitutional, a federal judge ruled Monday.

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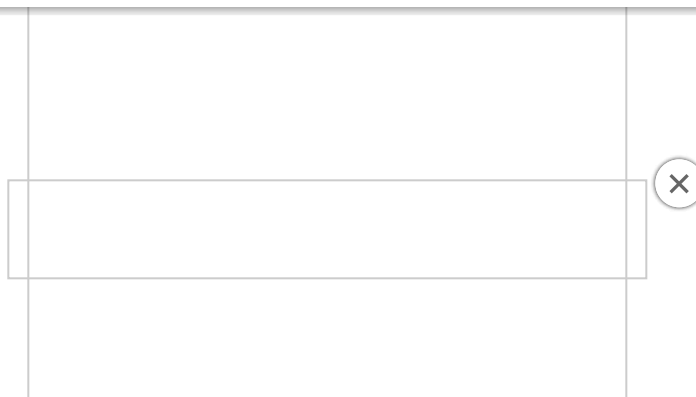
included hair salons, drive-in movie theaters, a farmer's market vendor, a horse trainer and several Republican officeholders in their lawsuit against Wolf, a Democrat, and his health secretary.

The Wolf administration's pandemic policies have been overreaching and arbitrary, and violated citizens' constitutional rights, Stickman wrote in his ruling.

The governor's efforts to slow the spread of the coronavirus "were undertaken with the good intention of addressing a public health emergency. But even in an emergency, the authority of government is not unfettered," Stickman wrote. "The Constitution cannot accept the concept of a 'new normal' where the basic liberties of the people can be subordinated to open-ended emergency mitigation measures."

The ruling means that current restrictions, including ones that limit the size of indoor and outdoor gatherings, can't be enforced, according to attorney Thomas W. King III, who represented the plaintiffs. The state has been enforcing a gathering limit of more than 25 people for events held indoors and more than 250 people for those held outside.

"It's really 100% in our favor. The court found in all respects that the orders issued by the governor and the secretary of health were unconstitutional. What it means is they can't do it again, and they should not have done it in the past," King said.



Wolf's spokesperson, Lyndsay Kensinger, said the administration will seek delayed enforcement of the ruling while it appeals.

"The actions taken by the administration were mirrored by governors across the country and saved, and continue to save lives in the absence of federal action. This decision is especially worrying as [Pennsylvania](#) and the rest of the country are likely to face a challenging time with the possible resurgence of COVID-19 and the flu in the fall and winter," Kensinger said in a written statement.

At a news conference Monday, the state health secretary, Dr. Rachel Levine, pleaded with Pennsylvania residents to maintain social distancing and avoid crowds despite the ruling. She said of the ruling that "anything that limits our ability and the number of tools we have is a challenge to public health."

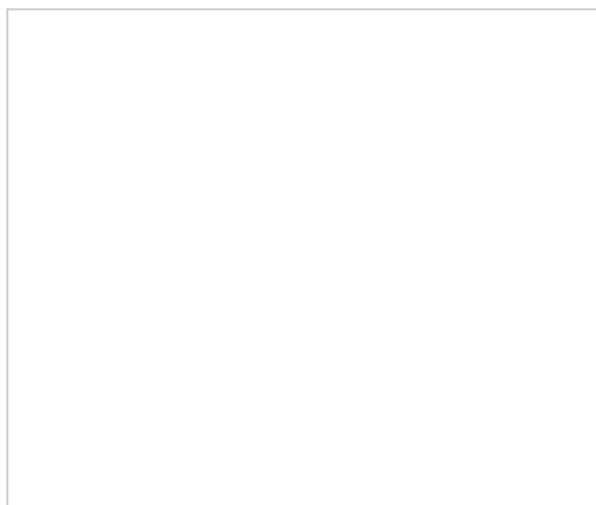
Courts had consistently rejected challenges to Wolf's power to order businesses to close during the pandemic, and many other governors, Republican and Democrat, undertook similar measures as the virus spread across the country.

Wolf had eased many of the restrictions the plaintiffs objected to in their lawsuit — allowing businesses to reopen and canceling a statewide stay-at-home order — but the judge's ruling noted that the administration had merely suspended



theaters, gyms, salons and malls. It imposed even more restrictive measures on bars and restaurants, which the Wolf administration blamed for a summer spike in virus cases.

The judge said the plaintiffs did not challenge Wolf's occupancy limits, and his ruling does not impact those orders. Nor did the lawsuit challenge the Wolf administration's order requiring people to wear masks in public.



Another federal judge, U.S. District Judge R. Barclay Surrick, recently dismissed parts of a separate lawsuit that challenged Wolf's business shutdown. "We are skeptical of claims seeking to challenge emergency government action taken to combat a once-in-a-century global health crisis," wrote Surrick, an appointee of President Bill Clinton.

Pennsylvania has reported that more than 145,000 people statewide have contracted the virus since the beginning of the pandemic. More than 7,800 people have died.



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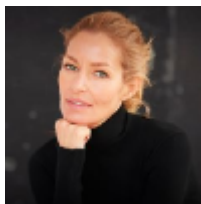
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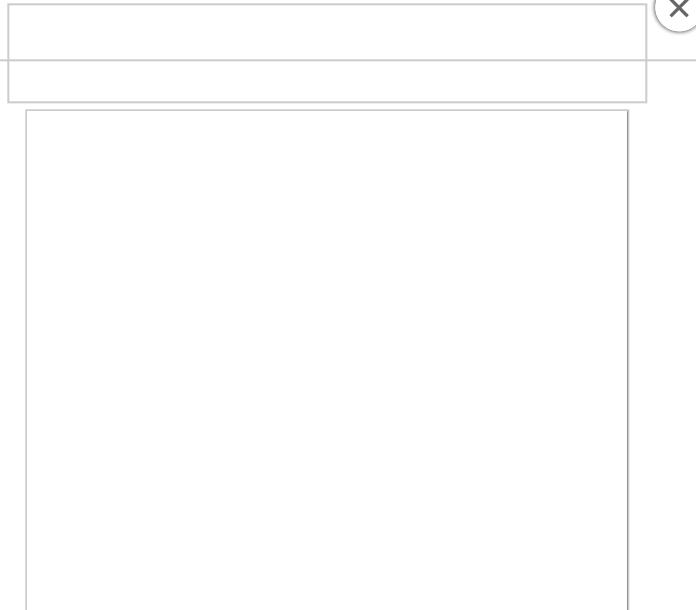
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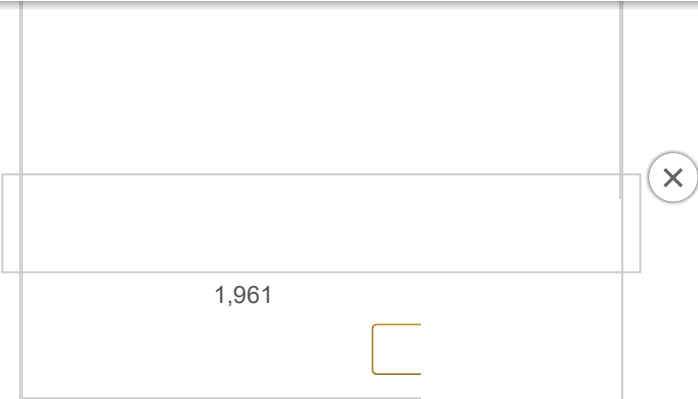
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