

‘Quite a first day’: Senate swearing-in devolves into shouting, removal of Fetterman as GOP refuses to seat Dem senator

By: [Justin Sweitzer](#) January 5, 2021

The Pennsylvania Senate on Tuesday reconvened for its first session day of the new legislative term, and what a day it was.

What is typically a day filled with ceremony and decorum quickly devolved into shouting, confusion and the removal of the Senate’s presiding officer, Lt. Gov. John Fetterman, as Democrats and Republicans sparred over a GOP decision to not seat the winner in the 45th Senatorial District race.

Per state-certified election results, Democratic Sen. Jim Brewster won that contest by a mere 69 votes, but the race is subject to a federal court challenge and a formal election contest petition from GOP challenger Nicole Zicarelli.

Zicarelli has alleged that a number of undated mail ballots in the race violate the state Election Code and should be thrown out, a decision that would leave her victorious. But multiple courts have already favored Brewster, a point which Democrats say only underscores his victory.

But with both Zicarelli’s most recent legal challenge and her election contest both pending, Senate Republican leaders chose not to seat Brewster and said the Senate as a whole will judge the formal election contest brought by Zicarelli. That contest asks the Senate to refuse the Secretary of State’s certification of the results, exclude the undated mail ballots from the final total and deem Zicarelli the winner of the race.

Senate President Pro Tempore Jake Corman (R-Centre) [told reporters Monday night](#) that the decision not to seat Brewster was one that would provide due process to both Brewster and Zicarelli. “Our goal here is to get it right and so we’re going to do the due diligence and take the proper time and get it right,” Corman said.

But Democrats, both before and after Tuesday’s session, likened the decision to an effort to “steal the election” away from Brewster.

“Senate Republicans are thieves. Senate Republicans have committed theft,” said Sen. Vincent Hughes in a lengthy speech following session. “It’s a dark moment for this nation and it’s a dark moment for this state, and quite frankly, this body has never sunk so low as it has on what occurred here today.”

A spokesperson for Corman questioned characterizations that Republicans “stole” the seat, given that the seat is currently vacant.

On Tuesday, as Republicans formally moved to prevent Brewster from being sworn-in, Democrats furiously objected to the move, reiterating their opposition and accusing Republicans of circumventing the will of the voters.

But as Sen. Ryan Aument (R-Lancaster) offered the motion to table the swearing-in of Brewster, Fetterman, the Democratic lieutenant governor who was presiding over the Senate, refused to acknowledge Aument's motion, causing a shouting match between the Republicans and Democrats over whether Fetterman had the power to object to the motion.

Fetterman called for all senators to be sworn in, but Republicans proceeded to call a vote on removing Fetterman as presiding officer, with Senate President Pro Tempore Jake Corman (R-Centre) administering the roll call on Fetterman's removal.

"This is inappropriate," said Senate Minority Whip Anthony Williams (D-Philadelphia) in a furious speech as lawmakers were voting to remove Fetterman. "You are breaking the constitution and the laws of the commonwealth and violating the oath of office you have actually taken!"

Republicans were ultimately successful, but Fetterman refused to leave the rostrum, continuing to attempt to run session as Corman did the same.

Fetterman later left both the rostrum and the Senate chamber, allowing Corman to continue to run session.

Gov. Tom Wolf in a statement defended Fetterman and criticized the move by Republican leaders to block Brewster from being sworn-in.

"Sen. Jim Brewster rightfully won the 45th Senate District, but Senate Republicans are ignoring the voters in the district and refusing to swear him in as Senator," Wolf said. "This is a shameful power grab that disgraces the institution."

After Fetterman left the floor, Corman administered swearing-in ceremonies for Republican and Democratic senators. Despite Brewster being in attendance for the ceremony, the Allegheny County lawmaker told Senate leaders that his Democratic colleagues should be sworn in without him.

The tension on the Senate floor was reminiscent of [another disagreement between Fetterman and Senate Republicans in 2019](#), with Fetterman opting to ignore a motion from Senate Republicans to cut off debate on legislation to end a cash assistance program for needy Pennsylvanians.

That 2019 debate also led to shouting on the Senate floor, with Fetterman leaving the rostrum and former President Pro Tempore Joe Scarnati assuming duties as the presiding officer.

Corman, who was technically interim president pro tempore at the time of Fetterman's ouster on Tuesday, was later elected the chamber's permanent president pro tempore, despite rare objections from Democrats on a vote that is typically marked by a bipartisan show of unity.

Senate Democratic Leader Jay Costa (D-Allegheny) objected to Corman's nomination, arguing that he did not demonstrate an ability to fairly preside over both the Republican and Democratic caucuses during the day's heated altercation.

Corman, however, didn't dwell on the tense exchange in his opening remarks as president pro tempore, but did acknowledge the unprecedented and unusual start to the legislative term.

"Quite a first day," he said.

Later Tuesday evening, Corman issued a statement defending both the decision to remove Fetterman as the presiding officer and to not seat Brewster. "We remain committed to conducting the business of the Senate in accordance with the Pennsylvania constitution, the law and our rules without the displays of partisanship and the level of disrespect that we saw today," Corman said.

"This a complex issue was further complicated by a 500-plus page petition that was filed late last week by the candidate for the 45th Senate District Nicole Zicarelli followed by a 120-plus page response by PA Senate candidate James Brewster," he added. "Everyone deserves due process and we owe it to the residents of the 45th District to fully explore the petition that has been filed before us. This is what is right."

This story was updated to include a statement from Senate President Pro Tempore Jake Corman.

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