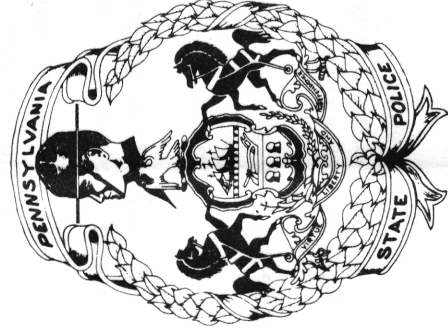


Act 94 Vehicles - Mobile Homes - Brakes	June 1, 1972
Act 158 Controlled Substance, Drug, Device and Cosmetic Act - Effective Date	June 7, 1972
Act 161 Burglary Tools - Possession - Use	June 30, 1972
Act 162 Motor Vehicles - Possession or Transportation of Drugs - Driving Without Lights	June 30, 1972
Act 177 Vehicles - Utility Trailers - Dealers - Registration Plates	Jan. 10, 1972
Act 181 Schools - Drug and Alcohol Abuse Programs	June 12, 1972
Act 184 Copying of Recorded Devices	Jan. 10, 1972
Act 187 Labor - Strikebreakers - Unlawful Activities	July 12, 1972

LEGISLATIVE ACTION FOR A BETTER PENNSYLVANIA



A summary of significant legislation enacted by the General Assembly concerning the promotion of law and order for the benefit of all the citizens of the Commonwealth of Pennsylvania.



COMMONWEALTH OF PENNSYLVANIA
MILTON J. SHAPP
GOVERNOR

PENNSYLVANIA STATE POLICE
ROCCO P. URELLA
COMMISSIONER

Act 9	Public Records Defined	June 17, 1971	Act 157	Motor Vehicle, Tractors - Operation Without License - Second Offense	Dec. 2, 1971
Act 45	Philadelphia Municipal Court - Criminal Jurisdiction	June 14, 1971	Act 163	State Police - Officers and Men - Number	Dec. 15, 1971
Act 57	Vehicle Operators - Fines and Costs - Nonpayment	July 29, 1971	Act 6	Motor Vehicles - Noise Limitations	Jan. 26, 1972
Act 69	State Institutions - Trespassing	Aug. 6, 1971	Act 7	Motor Vehicles - Accident Reports	Jan. 26, 1972
Act 73	Liquor - Sunday Sales - Effective Date	Aug. 6, 1971	Act 8	Fire Truck - Inspections	Jan. 26, 1972
Act 75	Snowmobiles - Registrations - Fees	Aug. 12, 1971	Act 15	Bombs - False Information	Feb. 9, 1972
Act 77	Slow Moving Vehicles - Reflective Devices	Aug. 12, 1971	Act 24	Fire and Fire Prevention - State Police - Duties	Feb. 17, 1972
Act 79	Vehicles - Blue Lights - Volunteer Firemen	Aug. 12, 1971	Act 25	Loaded Firearms - Possession	Feb. 17, 1972
Act 90	Vehicles, Tractors - Length	Aug. 20, 1971	Act 27	Deadly Weapons - "Firearms" Defined	Feb. 25, 1972
Act 110	Vehicles - Title, Fees - Youth Centers	Oct. 22, 1971	Act 61	Workmen's Compensation - Injuries - Maximum Compensation	Mar. 29, 1972
Act 130	Motor Vehicles - Fraudulent Removal	Nov. 5, 1971	Act 63	Drug and Alcohol Abuse Control Act	Apr. 14, 1972
Act 139	Shoplifting	Nov. 8, 1971	Act 64	Controlled Substance, Drug, Device and Cosmetic Act	Apr. 14, 1972
Act 145	Motor Vehicles - Registration - Operators - Licenses - Permits	Nov. 30, 1971	Act 82	Hazardous Substance Transportation Act - Definitions - Board - Penalties	May 26, 1972
Act 152	Cities of the First Class - Impounded Vehicles - Storage	Dec. 1, 1971	Act 84	Vehicles - Operation During License Suspension or Revocation - Penalty	May 26, 1972
Act 154	Crimes - Worthless Checks and Drafts	Dec. 1, 1971			
Act 155	Crimes - Loitering and Prowling - Night Time	Dec. 1, 1971			



COUNCIL OF THE CITY OF PHILADELPHIA
OFFICE OF THE CHIEF CLERK
ROOM 402, CITY HALL
PHILADELPHIA

(Resolution No. 129)

RESOLUTION

Authorizing the President of City Council to call upon the members of City Council to act as a committee to investigate and study the Criminal Justice System and law enforcement agencies of Philadelphia and providing for an appropriation to cover the costs of conducting the work of the Committee.

WHEREAS, There has been criticism and public reaction to the conflicting views on the various law enforcement agencies and the agencies administering justice in the City of Philadelphia creating disrespect for those agencies; and

WHEREAS, The public has become alarmed at the number of homicides and serious crimes committed in Philadelphia and Resolution No. 13 of 1972 is concerned with a component of the overall problems of the Criminal Justice System and law enforcement agencies of Philadelphia, and is incorporated as a part of this resolution; and

WHEREAS, There seems to be a lack of coordination and participation by, and among, the component parts of the Criminal Justice System; and

WHEREAS, There seems to be a lack of cooperation and participation by part of the public in helping to control the alarming increase in crimes, therefore

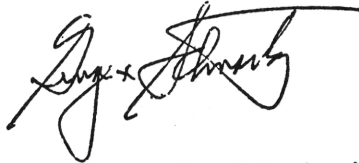
(OVER)

Resolved, by the Council of the City of Philadelphia, That in accordance with Article II, Chapter 4, Section 2 of the Philadelphia Home Rule Charter and Rules of the Council of the City of Philadelphia, the President of City Council shall convene the Committee of the Whole of City Council, which committee shall hold public hearings to investigate, study and report to the City Council relating to the problems dealing with the operations, facilities and responsibilities of the Criminal Justice System and law enforcement agencies of Philadelphia.

Further Resolved, That this Committee is hereby authorized to employ such personnel, and to make such expenditures, as may be deemed necessary.

Further Resolved, That an appropriation of the sum not to exceed Twenty-five Thousand Dollars (\$25,000) is hereby made for the purpose of conducting the study, investigation and report by the Committee.

CERTIFICATION: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the Seventh day of December, 1972.



President of City Council

Attest:



Chief Clerk of the Council

SPONSORED BY

Councilman ISADORE H. BELLIS (On Behalf of the Majority Members)

COMMISSIONER OF PENNSYLVANIA STATE POLICE

January 15, 1973

Major James D. Barger, 144 Victor Road, Butler, Butler County, from January 2, 1973, until the third Tuesday of January, 1975, and until his successor shall have been appointed and qualified.

Text of a floor statement by Rep. H. Joseph Hepford, R-Dauphin

Jan. 2~~4~~, 1973

MR. SPEAKER:

I HAVE TODAY INTRODUCED A RESOLUTION OF MAJOR IMPORTANCE TO THIS HOUSE AND TO ALL THE PEOPLE OF PENNSYLVANIA. IT CALLS FOR THE ESTABLISHMENT OF A FIVE-MEMBER COMMITTEE TO INQUIRE INTO THE ADMINISTRATION OF JUSTICE AND LAW ENFORCEMENT IN THE COMMONWEALTH.

I SUGGEST YOU REVIEW THE RESOLUTION AND BE PREPARED TO VOTE ON IT IN THE NEAR FUTURE. I WILL ASK THE CHAIRMAN OF THE RULES COMMITTEE TO HAVE IT GIVEN IMMEDIATE CONSIDERATION. IF THE COMMITTEE ACTS AFFIRMATIVELY, THE RESOLUTION COULD APPEAR ON OUR CALENDAR FOR ACTION DURING NEXT WEEK'S SESSION.

FOR THE MEMBER'S INFORMATION A COPY WILL BE PLACED IN THEIR MAIL BOX.

THANK YOU, MR. SPEAKER.

From

DOWNEY RICE

1744 R STREET, N. W.

WASHINGTON, D. C. 20009

TELEPHONE 232-2600

Joe -

This is only intended to be
some thoughts.

LAW OFFICES

DOWNEY RICE

1744 R STREET, N. W.

WASHINGTON, D.C. 20009

AREA CODE 202

232-2600

WILLIAM E. JONES, JR.

January 25, 1973

Mr. H. Joseph Hepford
Majority Caucus Secretary
House of Representatives
Suite 128, Main Capitol
Harrisburg, PA 17120

Re: Fodder for Use in Sponsoring the Resolution

Dear Joe:

Before leaving Harrisburg on Tuesday it occurred to me that you might find some use for some random thoughts on the overall approach to supporting the necessity for passage of the Resolution that has been introduced.

The general idea to express is to point out that no pragmatist would suggest that a readily attainable panacea in the war on crime or the administration of criminal justice is in the cards. There is no road map, architectural scheme nor easy solution. Scholars, jurists, law enforcement and government leaders have taken searching looks at the problems for generations, with the realization that there are overwhelming complexities, and that the most reasonable and best approach is to maintain the fight by exercising eternal vigilance, inquisitiveness, thirst for knowledge, and probity for facts upon which to base constructive conclusions and to relentlessly seek countermeasures, remedies and cures. Toward this end, nothing is eliminated that might make a useful contribution or add a string to the bow.

That this is the function of the legislature was recently enunciated by the Pennsylvania Crime Commission that stated in its 1970 report, after a very thoroughgoing study of organized crime in the Commonwealth, at page 2 of its conclusions and recommendations:

"The Pennsylvania Crime Commission firmly believes that the first goal must be to lessen

Mr. H. Joseph Hepford

January 25, 1973

the influence of organized crime where it affects the agencies of criminal justice, and especially on the political officials who control and oversee these agencies. This entails a fight against improper political interference in the entire criminal justice process from investigation to incarceration, which includes, police, prosecutors, judges, court clerks, probation and parole workers, and correctional officials. Any such drive must include the city councils and county commissioners who chart the direction of law enforcement by controlling the operating budgets. It must involve the State Legislature, which alone can provide the laws needed by state and local authorities."

Furthermore, the same Commission report stated, in discussing the problem of controlling organized crime in Pennsylvania, at page 2:

"Despite some sporadic thrusts at the problem and the earnest work of some professional law enforcers, there never has been in Pennsylvania the sustained drive needed to eradicate the crime syndicates."

It seems to be appropriate to ask, "Why not?" and to see if there is an answer that can be implemented through the interest of the House of Representatives.

Unquestionably, the most far-reaching, illuminating, enlightening and effective study and inquiry in modern times was that headed by the late US Senator Estes Kefauver. This was a legislative inquiry into ramifications of organized crime in interstate commerce. Beneficial results included the enactment of federal laws, the revamping and improvement of the law-enforcement machinery, and the administration of justice that is still occurring. Although that inquiry was some 20 years ago, the impact on major criminals and corrupt officials is substantial and gratifying. even now.

In the final report of that Committee the first suggestion for action by state governments (page 11, Final

Mr. H. Joseph Hepford

January 25, 1973


Report, Special Committee to Investigate Crime in Interstate Commerce, US Senate, issued August 31, 1951) it was stated:

"The Committee . . . suggests that State legislatures might reexamine their criminal laws with a view to correcting any deficiency . . . State legislatures in some cases might profitably appoint legislative committees, with broad subpoena and investigative powers, for the study of organized crime within their borders."

While it is true that both the Pennsylvania Crime Commission and the US Senate Committee were primarily concerned with organized crime, there is no doubt that they were addressing themselves to the over-all situation pertaining to criminal justice and law enforcement. The Kefauver Committee, the Pennsylvania Crime Commission and the US Senate Rackets Committee headed by Senator John McClellan have all heavily emphasized the need for the continuous ferreting out of intelligence as to the current interests and activities of the underworld who may change their techniques and modus operandi on almost a daily basis in their understandable efforts to defeat police and prosecutors so that they can continue to prey upon the public.

While this Resolution, of course, does not contemplate an inquiry of the magnitude of the Kefauver or McClellan inquiries, nor does it contain a mandate to concern ourselves with organized crime, it is a certainty that any manifestations of interest and activity on our part looking toward a healthier and more effective functioning of our law enforcement and prosecutive machinery must be accounted a plus and be applauded by those aforementioned scholars, jurists, law enforcement and government leaders.

Sincerely,


Downey Rice

DR/ph

cc: Mr. Craig Truax



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

MEMO

February 1, 1973

SUBJECT: House Resolution 21

TO: Kenneth Lee, Robert Butera, Matthew Ryan, H. Joseph Hepford, Donald Fox

FROM: Edward Hussie

This memo is issued to correct misinformation appearing in the PITTSBURGH POST GAZETTE, February 1, 1973 in a story based upon a memo originating in the offices of Democratic Leader Herbert Fineman.

The memo originating in Mr. Fineman's office was drafted by a person who possesses no knowledge of law, or by someone who willfully sought to misrepresent law. Hopefully, the former situation is correct.

My comments, based upon extensive research and consultation with legal advisers, are:

The memo refers to language in House Resolution 21 which empowers the special committee to utilize the services and personnel of state government.

The memo contends that this provision violates the doctrine of separation of powers between the executive and legislative branch of government. We have been unable to discover any cases either substantiating or refuting this point. However, since the deletion of this language in no way impedes the essential function of the committee, I have requested an amendment be drawn which removes this provision from the resolution.

The remaining criticisms represent an undisguised attempt to kill off any meaningful investigation whatsoever. The very shrillness of their tone should alert the impartial observer to their lack of substance. It represents a classic example of shouting in the absence of anything constructive to say. There are persons who fear a legitimate, dispassionate inquiry into law enforcement in Pennsylvania.

The first phase of their strategy will be to saddle the committee with as many limitations and restrictions as they can jam into the resolution. If they succeed, the second phase will be to use those restrictions to stifle legitimate inquiry.

The criticism of the resolution boils down to this: the scope of the proposed inquiry is unprecedented in either Pennsylvania or United States history. This charge is untrue. The language was drafted after a careful analysis of Pennsylvania law and a study of federal and state language dealing with legislative inquiries similar in scope.

Critics could have resolved their fears concerning the proposed resolution by studying the 1972 United States Senate resolution which authorizes investigations by the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations. Section 4 of the resolution authorizes the Subcommittee to study:

"The efficiency and economy of operations of all branches of the government including the possible existence of fraud, misfeasance malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interests, and the improper expenditure of government funds in transactions, contracts, and activities of the Government or Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals or companies, or individuals or persons affiliated therewith, doing business with the Government....Provided, that, in carrying out the duties herein set forth, the inquiries of this committee....shall not be deemed limited to the records, functions, and operations of the particular branch of the government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of government;"

Section 4 of the same resolution authorizes inquiries relating to:

"All other aspects of crime and lawlessness within the United States which have an impact upon or affect the health and safety.... within the United States."

Certainly, such language gives a permanent sub-committee of the United States Congress powers far beyond that permitted under House Resolution 21.

The critics of House Resolution 21 also would have fought the language in the famous Kefauver Resolution of 1950 which exposed the scope of organized crime in this country and which led to a significant strengthening of the ability of United States law enforcement agencies to deal with the problem.

In addition, they would have employed the same tactics of strangulation by amendment to convert the investigation into an empty window dressing.

Pennsylvania case law has established special safeguards to protect a witness against potential abuse of authority by a legislative investigative committee. Annenberg v. Roberts, 333 Pa. 203 (1938) held that a witness may question the legality of a subpoena and demands to produce records in a judicial proceeding before he incurs the risk of punishment for failure to obey an order of a legislative committee. A witness need not test his rights at his own peril.

It is settled law in Pennsylvania that a legislative body has a right to investigate subjects upon which legislation might be properly enacted. It is patently obvious that the General Assembly has the right to legislate upon the subject of law enforcement agencies.

The other objections raised in the memo to democratic leadership are irrelevant and appear ridiculous. An example being a portion of the memo which suggests, fearfully, that the legislative committee has powers broader in scope than those of a County Commissioner.

KENNETH B. LEE
THE SPEAKER



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HARRISBURG OFFICE:
ROOM 139 MAIN CAPITOL
PHONE: AC 717-787-4610

HOME OFFICE:
1ST NATIONAL BANK BLDG.
DUSHORE, PENNA. 18614
PHONE: AC 717-928-8288

February 7, 1973

Dear Joe,

*I am pleased to advise that
I have appointed you to the Committee
created under House Resolution 21.*

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken", written over a horizontal line.

Kenneth B. Lee

*Hon. H. Joseph Hepford
House of Representatives
P.O. Box 14
Harrisburg, Pa.*




HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

MEMO

Feb. 20, 1973

SUBJECT: House Resolution 21

TO: Rep. H. Joseph Hepford

FROM: Craig Truax 

The intent of the House of Representatives as expressed in Resolution 21 is to broadly inquire into the Commonwealth's system of criminal justice so that existing law and the quality of implementation of law can be evaluated. Such a legislative inquiry indicates the need for broad involvement of persons who are formally related to the existing system.

To accomodate the need for broad involvement, I recommend that the special committee use a direct mail questionnaire to give opportunity for expression to a wide variety of groups and individuals.

The questionnaire would include a letter of explanation over your signature, a copy of the resolution and 5 specific questions to be formulated by the Committee. Extra space would be afforded for any comment the person might want to make. Staff personnel could easily handle such a survey.

Suggested recipients of the questionnaire are:

1. Members of State Police
2. All state and regional crime commission officials
3. District Attorneys
4. Mayors
5. Chiefs of Police
6. Judges
7. State Narcotics Agents
8. Probation and Parole officials
9. Local and State Bar Association officials
10. Legislators
11. Sheriffs

Staff would circulate the questionnaire to all parties and summarize responses for Committee consideration.



HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

Mr. H. Joseph Hepford

R. Fox

March 26, 1973

Mr. Larry Silver of the Justice Department called early this morning and requested copies of the House Resolution and Committee Rules. When he dropped in the office to pick up this material, he requested copies of new releases that had been issued. He was referred to Mr. McCormick to obtain the same. According to Mr. Truax, he was also furnished with copies of the news releases.

TO: Kenneth B. Lee

FROM: Edward Hussie

I have studied the proposed resolution to establish a legislative committee. The draft is excellent. I suggest a slight modification in order to adopt the language to a potential obstacle in Pennsylvania law - the tendency of the courts to limit the scope of legislative investigations.

Mr. Rice has emphasized that the validity of legislative investigations depends upon their reasonable relationship to the legislative function, defined as the enactment and evaluation of statutes. A review of Pennsylvania's law demonstrates that Mr. Rice's observation applies with avengence. Pennsylvania courts appear to place significant restrictions on the scope of legislative investigations. I suggest the language be slightly broadened in order to permit the committee to rely upon its power to determine if there is a need to institute impeachment proceedings in addition to its power to determine the need for legislation.

In Annenberg vs. Roberts 333 Pa. 203 (1938) the court held that the Plaintiffs could ignore a subpoena from a legislative investigative committee commanding them to produce documents.

The Act established a House-Senate Commission to investigate practices whereby information was gathered in furtherance of gambling. The act stated that the purpose of the investigation was to determine the need for remedial legislation.

The committee issued subpoenas to Plaintiffs requiring them to produce "all records...showing your connection with.....any or all companies....having to do with the dissemination of racing sheets" with respect to 52 corporations.

Plaintiffs filed in equity to enjoin the commission from compelling the production of the documents. The Supreme Court, reversing the opinion of the lower court held that Plaintiffs were being compelled under the guise of a legislative study of conditions bearing upon proposed legislation, to reveal their personal and private affairs. In essence the court held that the subpoenas were irrelevant to the legislative function.

In McGinley vs. Scott 401 Pa. 310 (1960), the court held that "the clause in the Senate resolution which assumes to direct the committee members to investigate 'into the actions of the District Attorney or Philadelphia County with respect to charges of alleged election frauds in that County' is beyond the constitutional power of the State Senate to authorize.

The court noting that the House has the power of impeachment, stated that it would be "an unconstitutional denial of procedural due process for the Senate to investigate into the conduct of an official and then sit in judgement on his guilt or innocence of impeachment charges arising out of the investigation."

Implicit in this decision is the premise that if the House had commenced as investigation based on a comparable resolution, such investigation could only have been sustained on the basis of impeachment power, not on legislative power.

Article 6, Section 6 of the Pennsylvania Constitution dealing with impeachment, provides that a person convicted following impeachment is disqualified from holding any office of trust or profit under the Commonwealth. Therefore, resignation from an office prior to institution of impeachment proceedings would not appear in any way to render an inquiry into grounds for impeachment moot.

I, therefore, recommend that the language of the resolution be expanded. A civil officer who might successfully challenge the legislative relevance of a question might have more difficulty in demonstrating irrelevance for determination of grounds for impeachment.

Appendix I contains the original language of the preliminary draft. Those portions of Appendix II underlined in red comprise the recommended changes to broaden the scope of the committee's authority.

I would modify the language, "for the purpose of informing the House of Representatives in the discharge of its legislative function" by substituting for 'legislative function' the term constitutional function. The term, 'legislative function', excludes impeachment power, while the term constitutional function would appear to include both the legislative and impeachment power.

In addition I would expand the language of Section 6, which provides "that the committee report its findings to the House of Representatives as soon as possible." I suggest we provide "that the committee report its findings together with its recommendations, for remedial legislation or other appropriate action as soon as possible." Again, the language specifically emphasizes the legislative function, while leaving open through the phrase "other appropriate action", the option of relying on the impeachment function where a civil officer is involved.

I have been unable to discover any precedent allowing a legislative committee to grant witness immunity in the absence of a statute.

Pennsylvania has an immunity statute - (19 P.S. 640.1 supplement). There are two obstacles which appear to block use of this statute by a House investigative committee.

First, the statute applies to legislative investigative committees formed by "legislative enactment". Legislative enactment would appear to apply to action taken with the concurrence of both branches of the General Assembly. The statutory construction act does not define "legislative enactment", but by inference could be interpreted to exclude unilateral use by one branch. The Statutory Construction Act requires that laws begin in the following style: The General Assembly...hereby enacts as follows". The act defines "final enactment" as the "time when the procedure required by the constitution for the enactment of a bill into a law has been complied with." The act defines "legislature" as being coterminous with General Assembly.

Second, even if legislative enactment could be applied to action by one branch, immunity cannot be granted unless and until the Attorney General establishes before the court a need for immunity

cc: H. Joseph Hepford

Hepburn - Sam Hayes
Gochberg?
Helen

W MW

WHEREAS, ~~public charges~~ allegations ~~of~~ that members of the Pennsylvania State Police force acted to interfere with the function of the Pennsylvania Crime Commission by tapping officials' telephones indicate widespread disunity within Commonwealth law enforcement agencies; and

WHEREAS ~~such~~ numerous other internal conflicts ~~of such agencies~~ within such agencies ^{are} indicated by continuing controversy in the public press; and

WHEREAS, ~~the Governor~~ such evidence that fundamental problems exist which serve to undermine public confidence in law enforcement agencies and call into question the ^{laws} ~~laws upon which~~ which structure and empower such agencies to act for the public good, be it therefore

RESOLVED

On February 6, 1973, pursuant to House Resolution 21, Printer's Number 291, the House of Representatives of the Commonwealth of Pennsylvania has created this House Committee to investigate the administration of justice

The purpose of this hearing is to:

(1) Determine if state law enforcement agencies are engaged in wiretap practices or electronic eavesdropping practices in order to evaluate the manner, necessity and extent of such practices for the purposes of evaluating the need for remedial legislation or legislation to permit such practices;

(2) Determine if members of the Pennsylvania State Police had tapped the telephone lines of other members of the state police assigned to the Pennsylvania Crime Commission which is under the chairmanship of the Attorney General. If such incident did take place, to determine the manner and reason for such occurrence, for the purpose of determining whether there is a need for remedial legislation.

(3) Determine the nature and extent of any duplication or conflict between the crime commission, the Justice Department and the State Police. This information is required to enable the committee to properly pursue its legislative function.

We hope this hearing will assist this committee to determine whether there is a need to:

(a) Amend 18 P.S. 3742 which prohibits the tap of telephone lines in the absence of consent by the parties to the conversation. Such testimony, among other things, will enable the committee to better determine whether special, restricted exemptions should be added to the law for law enforcement officers and

the nature of such exemptions.

(b) Enact legislation to outlaw electronic eavesdropping under certain circumstance, or to permit it with court approval in investigation of certain crimes.

(c) Amend the state Constitution to provide for an elective office of Attorney General. Proposed Constitutional amendments are presently embodied in House Bill 76 in the State Government Committee and House Bill 123 in the Judiciary Committee.

(d) Amend the Act of July 31, 1968, P.L. No. 235, Section 3, which defines the powers and duties of the Pennsylvania Crime Commission, 71 P.S. 250 et seq and 71 P.S. 291 et seq of the Administrative Code which defines the powers and duties of the Pennsylvania State Police and the Department of Justice, respectively, and

Further purposes of this hearing:

(e) To ascertain if investigative agencies and prosecutive authorities are effectively functioning, and if not, why?

(f) The use being made of funds made available to the State under Federal Omnibus Crime Control Bill known as Law Enforcement Assistance Funds - administered by State Authorities.

We intend to conduct this committee as a legislative fact finding body. We are not a court nor are we a grand jury. I will conduct the business of this committee by the same standards Chief Justice Warren applauded in the case involving the Federal Civil Rights Commission, an administrative body created by the Congress to find facts for prospective legislation.

In the words of the Chief Justice:

It does not adjudicate. It does not hold trials nor determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish or impose any legal sanctions. It does not make any determinations depriving anyone of his life, liberty, or property. In short . . . (it) does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may be subsequently used as a basis for legislative . . . action.

These will be the standards of this committee.

The Committee and its staff solicits cooperation of all citizens who may feel that they possess information of interest, as the Committee is in the learning stage.

Toward that end P.O. Box 3900 Harrisburg, Pennsylvania, 17105 has been established (envelope from L. Packel).

A direct line telephone to the Committee Staff (787-7170-7171) for information of the public and interested tappers.

HISTORY OF HOUSE RESOLUTIONS

Serial No. 1. (Resolution No. 1) Printer's No. 2. Serial No. 2. (Resolution No. 2) Printer's No. 3.
By Messrs. LENCH, KISTLER, MILLS, FRANK, McNALLY, T. F. SULLIVAN, J. A. SULLIVAN AND DUMBAULD. By Messrs. GELFAND, SHERMAN, MORLEY and R. E. CLARKE.

BIPARTISAN HOUSE COMMITTEE EMPOWERED TO CONTINUE INVESTIGATION OF PENNSYLVANIA STATE POLICE

In the House of Representatives, January 4, 1966.

WHEREAS, The House of Representatives, on February 1, 1965, introduced Resolution Serial No. 9 (Resolution No. 6), which read as follows:

"The State Police force of the Commonwealth of Pennsylvania has traditionally been one of the finest law enforcement agencies in the world. It has consistently been held in the highest esteem by the public because of the courteous and dignified manner in which its activities have been conducted, and its outstanding record of achievement.

"Recently, however, there appear to be disturbing influences in the higher echelons of the force which if allowed to continue, could bring irreparable damage to the reputation and operations of the force.

"Morale of the members of the Pennsylvania State Police is, reportedly, at an all time low. Promotions, transfers, assignments and other actions taken by the commissioner and his administrative assistants have been inequitable and of questionable motivation. Such actions are bound to have an adverse effect on the pride and spirit de corps of the troopers, and when that is gone we can bid farewell to the excellence of the force; therefore be it

"RESOLVED, That the Speaker of the House of Representatives appoint five members of the House, three of whom shall be of the majority party who shall constitute a committee whose duty it shall be to make a thorough study and investigation of the administration and administrative practices of the Pennsylvania State Police; and be it further

"RESOLVED, That the committee may meet, hold hearings, take testimony and make its investigations whether the General Assembly is in session or in adjournment. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Any person who wilfully neglects or refuses to testify before this committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

"RESOLVED, That the committee make a report of its findings, together with any recommendations it may have for remedial action or for appropriate legislation, to the General Assembly, as soon as it has completed its investigation."

WHEREAS, The said resolution was duly adopted June 29, 1965; and

WHEREAS, The said resolution was amended on August 2, 1965 to increase the membership of the committee to ten and to broaden its scope; and

WHEREAS, The work of the said committee not having been completed; therefore be it

RESOLVED, That the entire Resolution Serial No. 9 (Resolution No. 6), as amended by Resolution Serial No. 114 (Resolution No. 111), be adopted by this House so that the same bipartisan committee, with the same membership and same powers, shall be empowered to continue its investigation of the Pennsylvania State Police and file its findings, together with recommendations, for appropriate legislation as soon as possible.

Adopted, January 4.

Rep. Hepford replaces Rep. Eshleman on Committee, July 11.

HOUSE BIPARTISAN COMMITTEE TO CONTINUE INVESTIGATION OF THE INSURANCE DEPARTMENT

In the House of Representatives, January 4, 1966.

WHEREAS, On May 25, 1965, Resolution Serial No. 89, (Resolution No. 86), Printer's No. 1445, was introduced, calling for an investigation of the Insurance Department of the Commonwealth of Pennsylvania; and

WHEREAS, On September 29, 1965, the said resolution was adopted; and

WHEREAS, The said resolution provided as follows:

"The Insurance Department of the Commonwealth of Pennsylvania has been the subject of much criticism by the citizens of this State. The manner of its operation and the results of its operation are questionable from the standpoint of efficiency and effectiveness.

"The administration of so important an organ of our State Government should be beyond reproach. It should not be permitted to bring discredit on the Commonwealth. An investigation of it and its operation is in order; therefore be it

"RESOLVED, That the Speaker of this House of Representatives appoint five members, three of whom shall be of the majority and two from the minority party, who shall constitute a committee to investigate the Insurance Department and its operation; and be it further

"RESOLVED, That the committee shall elect a chairman and such other officers as it shall deem necessary, hold hearings, take testimony, and make its study at such places as it deems necessary within this Commonwealth. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who wilfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

"RESOLVED, That the committee shall report its findings together with recommendations for appropriate legislation as soon as possible."; and

WHEREAS, The work of this bipartisan committee not having been completed, it is most urgent that the same committee with the same membership and with the same powers be directed to continue its work of investigating the Insurance Department; therefore be it

RESOLVED, That the bipartisan investigating committee created under Resolution No. 86 be directed to continue its investigation of the Insurance Department of the Commonwealth of Pennsylvania and file its report with its findings together with recommendations for appropriate legislation as soon as possible.

Adopted, January 4.

*Complete - find
see account to
1. see process
2. scope
3.*

cases, the payment of cancellation penalties. Seldom can a station or network afford to bear this enormous financial burden.

Unless sponsorship is permitted, the public will be deprived of the privilege of witnessing many important events. At the same time, it is important to avoid a type of sponsorship which permits the broadcasting to be done in a manner that detracts from the dignity of the proceedings.

After extensive study by the committee and its staff, and discussion with representatives of the radio and television industry, the committee in an effort to reach an understanding with the industry adopted a proposed code of conditions covering the use of sponsored radio and television at its hearings. The plan adopted is as follows:

1. No television network or station shall use for the hearings a commercial sponsor not specifically approved in writing by the committee or its designated representative, and no sponsor shall be charged by a network or station more than such reasonable amount as may be consistent with the usual charges for other programs emanating from a public source.

2. No commercial announcement shall be broadcast from the hearing room.

3. Breaks for station identification during the hearings shall be limited to 10 seconds.

4. No network or station shall make any comment or commercial announcement during the testimony of a witness, or interrupt the broadcasting of the testimony of a witness for the purpose of making any such comment or announcement.

5. During each pause or intermission in the hearings, the network may make a commercial announcement lasting not more than 1 minute and, except in the case of a newspaper, magazine, or other publication of general circulation referring to reports of the hearings to appear in its columns, such commercial shall be institutional in character and shall make no reference to the hearings.

6. No local station shall interrupt any portion of the broadcasting of the hearings as received from a network for the purpose of making any spot or other commercial announcement.

7. A network or station may, at any time, make a complete break from the broadcasting of the hearings for the purpose of broadcasting other programs.

8. At the beginning and end of the broadcasting of the hearings for any day, the network carrying the hearings shall make the following announcement or its equivalent:

These hearings are brought to you as a public service by the X Company in cooperation with the Y Television Network.

It is hoped that the committee's experience in this matter will be of some guide to other congressional committees faced with similar problems.

The committee, immediately after its creation in May 1950, adopted a code of procedure for its hearings. This code provided among other things that a witness before the committee should have the benefit of counsel when requested. Also the counsel could ask his client questions designed to bring out full information on a particular matter; questions or interrogatories could be submitted to the committee to be asked other witnesses who gave testimony concerning a particular

witness. The code also provided that any persons or organizations whose names were mentioned in a hearing should be afforded an opportunity to give their side of the story by testifying or filing a statement or data in the record designed to clarify any point in controversy.

Later, when requests were made to permit televising of the hearings, the committee gave a great deal of consideration to this problem and ultimately adopted the set of conditions for sponsored broadcasts set forth heretofore. The committee had to act on all matters in its hearings without the benefit of precedent of other committees.

The committee feels that much time in the development of individual codes for congressional committees would be saved and hearings would be expedited if the Senate or the Congress would adopt an over-all code of procedure for all such committees. Witnesses appearing before the committees and their counsel would then know the rules of the game and much bickering, questioning and delay would be avoided.

The committee gives its wholehearted approval to the proposals which are now pending before the Senate Committee on Rules and Administration and other congressional committees for the adoption of such an over-all code of procedure.

Mark up

RESOLUTION

1 RESOLVED, That a special committee composed of five
 2 members, two of whom shall be members of the minority
 3 party, be appointed by the Speaker of the House of Rep-
 4 resentatives, is authorized and directed to ~~(make a full~~^{examine,}
 5 ~~and complete study and investigation of)~~ the administra-
 6 tion, activities, methods of operation, use of appropria-
 7 tions, ^{use of} funds and expenditures thereof, policies, accom-
 8 plishments and results, deficiencies or failures, effi-
 9 ciency and effectiveness ~~relating to~~ law enforcement
 10 within the Commonwealth; and the work and functioning of
 11 law enforcement agencies, departments, commissions, com-
 12 mittees, groups, organizations and entities within the
 13 Commonwealth; and related individuals, ^{corporations} consultants, groups,
 14 agencies, departments and entities within the Commonwealth
 15 involved in the administration of justice, for the purpose
 16 of informing the House of Representatives in the discharge
 17 of its constitutional ^{and legislative} functions. - Provided, That, in carrying out the
 18 SEC. 2. The committee shall select a chairman from among ^{the inquiries of this}
 19 its members. Vacancies in the membership of the committee ^{committee shall not}
 20 shall not affect the power of the remaining members to ^{be deemed limited to}

investigate and make a complete study of any and all matters pertaining to

the records, functions and operations of law enforcement under inquiry, and

* From Mr. Bellon

may extend to the records and activities of persons, corporations

or other ^{gritios} ~~in~~ ^{check} ~~with~~ or affecting ~~the~~
~~particular~~ law enforcement or the administration of
justice within the Commonwealth. (and 1)

1 execute the functions of the committee, and shall be filled
2 in the same manner as the original selection. A majority
3 of the members of the committee, or any subcommittee there-
4 of, shall constitute a quorum for the transaction of busi-
5 ness, except that a lesser number, to be fixed by the com-
6 mittee, shall constitute a quorum for the purpose of taking
7 sworn testimony.

8 SEC. 3. The committee, or ~~any~~ duly authorized subcommittee
9 thereof, is authorized to sit and act at such places and
10 times during the sessions, recesses, and adjourned periods
11 of the House of Representatives, to require by subpoena or
12 otherwise the attendance of ~~such~~ witnesses and the produc-
13 tion of ~~such~~ books, papers, and documents, to administer
14 ~~such~~ oaths, to take ~~such~~ testimony, ^{either orally or by sworn statement} ~~to procure such print-~~
15 ~~ing and binding,~~ ^{necessary and proper} and to make such expenditures as it deems
16 advisable. *The expenses of the committee shall be paid upon vouchers*

17 SEC. ~~4~~ ⁴ (all) ₃ The committee shall have power to employ and
18 fix the compensation of such officers, experts, and em-
19 ployees as it deems necessary in the performance of its
20 duties. The committee is authorized to utilize the ser-
21 vices, information, facilities, and personnel of the various
22 departments and agencies of the Commonwealth to the extent
23 that such services, information, facilities, and personnel,

*approved by the
chairman of the
committee. ✕*

1 in the opinion of the heads of such departments and agencies,
2 can be furnished without undue interference with the per-
3 formance of the work and duties of such departments and
4 agencies.

5 SEC. 5. That within thirty calendar days after the com-
6 mittee has made its report, the chairman of the committee
7 shall cause a record of all expenses incurred by the com-
8 mittee, or the members thereof, which are payable at Com-
9 monwealth expense, to be filed with the Speaker of the
10 House and the Speaker shall cause the same to be entered
11 in the journal thereof. No expenses incurred by the com-
12 mittee or any member thereof shall be reimbursable by the
13 Chief Clerk unless such expense shall first have been in-
14 cluded as an expense item in the record heretofore re-
15 quired.

16 SEC. 6. ²¹ ~~That~~ ^{shall} the committee report its findings together
17 with its recommendations, for remedial legislation or other
18 appropriate action as soon as possible. ^{at the}

^{earliest practicable date.}

