

RULES OF PROCEDURE FOR COMMITTEE

In addition to, and not in derogation thereof, of the House Rules, particularly Rule #51 relating to Investigations, the following Rules of Procedure are adopted.

1. No public hearing connected with an investigation shall be held without approval of a majority of the Committee. The minority members shall be apprised of investigations and hearings. Preliminary inquiries may be initiated by the staff with the approval of the Chairman.

2. Subpenas for attendance of witnesses and the production of memoranda, documents and records shall be issued by the Chairman or by any other Member of the Committee designated by him.

3. The Chairman shall have the authority to call meetings. This authority may be delegated by the Chairman to any other Member of the Committee when necessary. The Chairman shall not schedule any hearings or series of hearings outside Harrisburg without giving at least 48 hours notice thereof to the Members of the Committee.

4. For public or executive sessions, any two Members of the Committee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. With the permission of the Chairman and the ranking minority Member, one Member of the Committee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter in public or executive sessions.

5. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

6. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying of his legal rights. Provided, however, that any Commonwealth officer or employee being interrogated by the staff or testifying before the Committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any Commonwealth agency. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for contumacy or disorderly conduct; nor shall this rule be construed as authorizing counsel to coach the witness, answer for the witness, or put words in the witness' mouth. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpoena.

Rules of Procedure for Committee Continued

7. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Committee 24 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The Committee shall determine whether such statement may be read or placed in the record of the hearing.

8. A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such request to be ruled on by the Committee Members present at the hearing.

9. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

10. Interrogation of witnesses at Committee hearings shall be conducted on behalf of the Committee by Members and authorized Committee staff personnel only.

11. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Committee questions in writing for the cross-examination of other witnesses called by the Committee. With the consent of a majority of the Members of the Committee present and voting, these questions shall be put to the witness by the Chairman, by a Member of the Committee, or by Counsel of the Committee.

12. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Committee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Committee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Committee for its consideration and action.

Rules of Procedure for Committee Continued

13. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Committee.

14. No Committee report shall be released to the public without the approval of a majority of the Committee.

15. All staff members shall be confirmed by a majority of the Committee. Such staff members are authorized to serve subpoenas as well as the Sergeant-at-Arms of the Legislature or other person designated by the Committee or Chairman.

M E M O R A N D U M

Re: Pennsylvania - Committee Rules

January 29, 1973

1. Consideration should be given to a committee rule authorizing the service of subpoenas by staff personnel as provided for in Rule 51 of the House Rules recently adopted.

2. Make plain that testimony may be taken by sworn statement in appropriate situations.

3. Attempt to lay down ground rules for talking to the press by staff and committee members.

Downey Rice

DR/ph

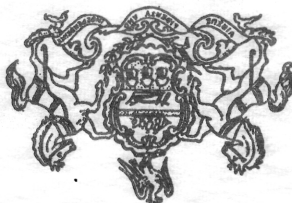
MEMORANDUM

TO: The Honorable H. Joseph Hepford
FROM: Mr. Downey Rice
DATE: March 12, 1973
SUBJECT: Rule No. 50

Please let this serve as a reminder that you suggested dropping a clarifying amendment to the Rules into the hopper—to confirm what we believe to be true—to the effect that an investigating committee operates under Rule No. 51 and not Rule No. 50.

DR:rf

HARRISBURG
COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES



RULE ON INVESTIGATIONS

1 statements of their proposed testimony and to limit their oral
2 presentation to brief summaries of their arguments. The Chairman
3 shall have the right to fix the order of appearance and the time
4 to be allotted to witnesses. In the discretion of the Chairman,
5 witnesses may submit brief pertinent statements in writing for
6 inclusion in the record. The Chairman is the sole judge of the
7 pertinency of testimony and evidence adduced at its hearings.

8 The Chairman, in presiding at such public hearings, shall
9 preserve order and decorum, in and adjacent to his committee
10 room while the hearing is being conducted and he shall have the
11 authority to direct the removal from the Committee room of any
12 person who fails to comply with order and decorum of the
13 Committee.

14 Proceedings of all public hearings shall be either
15 stenographically recorded and transcribed or electronically
16 recorded and said records shall be open for examination to any
17 member of the House.

18 THE CHIEF CLERK SHALL NOT MAKE PAYMENT OF ANY EXPENSES
19 INCURRED AS A RESULT OF A PUBLIC HEARING WITHOUT THE PRIOR
20 WRITTEN APPROVAL OF EITHER THE SPEAKER OR THE MAJORITY LEADER OF
21 THE HOUSE. <--

RULE 51

Investigations

22
23
24 Any Standing Committee, Sub-committee or Select Committee,
25 upon resolution introduced and approved by majority vote of the
26 House, may be authorized and empowered to conduct hearings at
27 any place in the Commonwealth to investigate any matter provided
28 for in such resolution. When so authorized, such Committee shall
29 be empowered to issue subpoenas under the hand and seal of the
30 Chairman thereof commanding any person to appear before it and

1 answer questions touching matters properly being inquired into
2 by the Committee and produce such books, papers, records,
3 accounts, reports, and documents as the Committee deems
4 necessary. Such subpoenas may be served upon any person and
5 shall have the force and effect of subpoenas issued out of the
6 courts of this Commonwealth. Where any person willfully neglects
7 or refuses to comply with any subpoena issued by the Committee
8 or refuses to testify before the Committee on any matter
9 regarding which he may be lawfully interrogated, it shall be the
10 duty of the Committee to report such disobedience or refusal to
11 the House of Representatives, and such person shall be subject
12 to the penalties provided by the laws of the Commonwealth in
13 such cases. Each member of the Committee shall have power to
14 administer oaths and affirmations to witnesses appearing before
15 the Committee. The Sergeant-at-Arms of the Legislature or other
16 person designated by the Committee shall serve any subpoenas
17 issued by the Committee, when directed to do so by the
18 Committee. The subpoena shall be addressed to the witness, state
19 that such proceeding is before a Committee of the House at which
20 the witness is required to attend and testify at a time and
21 place certain and be signed by the Chairman of the Committee
22 commanding attendance of such witness.

23 The Chairman of the investigative hearing shall call the
24 Committee to order and announce in an opening statement the
25 subject or purposes of the investigation.

26 A copy of this rule shall be made available to the witnesses.
27 Witnesses at investigative hearings, may be accompanied by their
28 own counsel for the purpose of advising them concerning their
29 constitutional rights. The Chairman, for breaches of order or
30 decorum or of professional ethics on the part of counsel, may

1 censure him or exclude him from the hearing.

2 If the Committee determines that evidence or testimony at an
3 investigative hearing may tend to defame, degrade or incriminate
4 any person, it shall:

5 a. Receive such evidence or testimony in executive session;

6 b. afford such person an opportunity voluntarily to appear
7 as a witness; and

8 c. receive and dispose of requests from such person to
9 subpoena additional witnesses.

10 No evidence or testimony taken in executive session may be
11 released or used in public sessions without the consent of the
12 Committee.

13 In the discretion of the Chairman, witnesses may submit brief
14 and pertinent sworn statements in writing for inclusion in the
15 record. The Chairman is the sole judge of the pertinency of
16 testimony and evidence adduced at its hearing.

17 Upon payment of the cost thereof, a person may obtain a copy
18 of the transcript of any testimony given at a public session or,
19 if given at an executive session when authorized by the
20 Committee.

21 RULE 52

22 Possession of Bills by Committee

23 When a committee has ordered that a bill, resolution or other
24 matter be reported to the House, the member to whom it is
25 assigned shall make the report thereof to the House either on
26 the same day or at the next meeting of the House.

27 Failure of a member to comply with this rule shall be
28 reported to the House by the committee, provided the official
29 copy of the bill, resolution or other matter has not been
30 obtained. Upon a motion agreed to by the House, a duplicate



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

MEMO

SUBJECT: Request for Copy of Testimony

TO: James R. Malley

FROM: Edward Hussie

March 23, 1973

Relevant portion of Rule No. 51:

Upon payment of the cost thereof, a person may obtain a copy of the transcript of any testimony given at a public session or, if given at an executive session when authorized by the Committee.

RULE ON PUBLIC HEARINGS

1 subject nor any amendments adopted by the House. Where the
2 Chairman of the Standing Committee refers such bill, resolution,
3 or matter to a Sub-committee, such Sub-committee, except as
4 hereinafter provided, shall have full power over the same.

5 All Standing Sub-committees shall be subject to the will of
6 the majority of their parent Standing Committee and shall not
7 promulgate any rules or take any action inconsistent with the
8 rules of their parent Standing Committee or the Rules of the
9 House.

10 A member shall not relate in debate what was done or said in
11 committee, except such as is contained in the written report, or
12 in the transcript of testimony taken at any public hearing
13 before said committee, or is authorized by the committee; nor,
14 shall a member in debate discuss a bill, resolution or other
15 matter not yet reported by a committee to the House.

RULE 50

Public Hearings

18 Each Standing Committee, Sub-committee or Special House <--
19 SELECT Committee to which a proposed bill, resolution or any <--
20 matter is referred shall have full power and authority to study
21 said bill, resolution or other matter before it, as such
22 Committee, shall determine is necessary to enable it to report
23 properly to the House thereon. To this end, a Standing
24 Committee, ~~or~~ Sub-committee OR SELECT COMMITTEE, may as <--
25 hereinafter provided, conduct public hearings. No Standing
26 Committee, Sub-committee or Special House SELECT Committee shall <--
27 hold any public hearings without prior approval by a majority
28 vote of the members of the Standing Committee and the leadership
29 of the Majority Party of the House.

30 When a public hearing has been authorized as aforesaid, the

1 Chairman of the Standing Committee, Sub-committee Chairman, or
2 ~~Special House~~ SELECT Committee Chairman as the case may be, <--
3 shall instruct the Chief Clerk to give written notice thereof TO <--
4 EACH HOUSE MEMBER not less THAN five calendar days before the <--
5 proposed hearings and post the same in or immediately adjacent
6 to the House Chambers. Such notice, which shall contain the day,
7 hour and place of the hearing and the number or numbers of bills
8 or other subject matter to be considered at such hearing, shall
9 also be given ~~to each member of the House~~ THE SUPERVISOR OF THE <--
10 NEWS ROOM, AND TO THE NEWS MEDIA.

11 Public hearings held by a Standing Committee shall be chaired
12 by the Chairman of such Committee, unless absent, in which case
13 an acting Chairman shall be selected in the manner prescribed by
14 these rules to serve in his stead. Public hearings held by
15 Standing Sub-committees shall be chaired by the Sub-committee
16 Chairman thereof, but the Chairman of the parent Standing
17 Committee, as an ex-officio member of the Sub-committee, shall
18 have the right to attend and participate in the hearing
19 proceedings. In the absence of the Sub-committee Chairman, an
20 acting Chairman shall be appointed in the manner prescribed by
21 these rules.

22 All public hearings shall be open to the public and
23 reasonable opportunity to be heard shall be afforded to all
24 interested parties who have requested an appearance before the
25 Committee. In addition, it shall be the responsibility of the
26 Committee in conducting its hearing to request the presentation
27 of testimony by any person who, in the opinion of the Committee,
28 is qualified to present pertinent and important testimony.

29 Such Committee shall, so far as practicable, require all
30 witnesses appearing before it to file in advance written

1 statements of their proposed testimony and to limit their oral
2 presentation to brief summaries of their arguments. The Chairman
3 shall have the right to fix the order of appearance and the time
4 to be allotted to witnesses. In the discretion of the Chairman,
5 witnesses may submit brief pertinent statements in writing for
6 inclusion in the record. The Chairman is the sole judge of the
7 pertinency of testimony and evidence adduced at its hearings.

8 The Chairman, in presiding at such public hearings, shall
9 preserve order and decorum, in and adjacent to his committee
10 room while the hearing is being conducted and he shall have the
11 authority to direct the removal from the Committee room of any
12 person who fails to comply with order and decorum of the
13 Committee.

14 Proceedings of all public hearings shall be either
15 stenographically recorded and transcribed or electronically
16 recorded and said records shall be open for examination to any
17 member of the House.

18 THE CHIEF CLERK SHALL NOT MAKE PAYMENT OF ANY EXPENSES
19 INCURRED AS A RESULT OF A PUBLIC HEARING WITHOUT THE PRIOR
20 WRITTEN APPROVAL OF EITHER THE SPEAKER OR THE MAJORITY LEADER OF
21 THE HOUSE. <--

22 RULE 51

23 Investigations

24 Any Standing Committee, Sub-committee or Select Committee,
25 upon resolution introduced and approved by majority vote of the
26 House, may be authorized and empowered to conduct hearings at
27 any place in the Commonwealth to investigate any matter provided
28 for in such resolution. When so authorized, such Committee shall
29 be empowered to issue subpoenas under the hand and seal of the
30 Chairman thereof commanding any person to appear before it and

cc: Mr. Heford

MEMORANDUM

TO: Committee to Investigate the Administration of Justice

FROM: Edward Hussie

SUBJECT: Do the courts or other agencies of government have the power to prohibit a legislative committee from calling witnesses because of a potential conflict with their own hearings?

Dauphin County Grand Jury Investigation Proceedings (No. 2), 332 Pa. 342, 1938, the court held that a court could not interfere with hearings conducted by a legislative committee. The court also invalidated a Pennsylvania statute which provided that whenever the House of Representatives institutes an investigation to determine if there are grounds to institute impeachment proceedings against a civil officer, all other investigations of the same charges by legislative, judicial, or executive bodies shall be suspended until the House completes its investigation.

On September 7, the State Supreme Court vacated a Dauphin County court order which prohibited District Attorney Shelly, Charles Margiotti and Edward Friedman from testifying before a House investigating committee on the grounds that the court lacked the authority under the separation of powers doctrine to make such a decision. The court noted:

Therefore, the courts have no jurisdiction in impeachment proceedings, and no control over their conduct so long as actions taken are within constitutional lines. It follows from this, that the courts cannot prohibit a witness from testifying before a legislative committee, which is conducting an investigation under Act 2, not here in question, to determine whether civil officers shall be proceeded against by impeachment. The courts cannot stay the Legislature and the witnesses named are subject to call by the legislative committee at any time.

On October 3, the court invalidated a statute which suspended investigations by executive and judicial entities during the course of impeachment investigations by House legislative committees. The ruling was based on the separation of powers doctrine. The court retained jurisdiction to resolve potential conflicts between the two investigating bodies on the order of witnesses, the use of documentary evidence and other respects.

Committee to Investigate the Administration of Justice - 2

The House Committee to Investigate the Administration of Justice has been authorized to hold hearings and take testimony pursuant to the constitutional power of the General Assembly to enact legislation. The Dauphin County case held that the court had no jurisdiction in the impeachment proceedings. By analogy, it would appear that a court would have no jurisdiction over the law-making function of the General Assembly. It would further appear that the same bar limiting the judiciary would apply also to the executive branch of government.

It would further appear, however, that if a conflict regarding specific witnesses and use of evidence did arise between the legislative committee and another entity of government, the courts could take jurisdiction to resolve conflicts and to make an appropriate order designed to further the continuance of both investigations.

c: Hussie

MEMORANDUM

TO: Downey Rice

FROM: Edward Hussie

SUBJECT: Statutes governing the public's Right to Know with respect to the State Police

A. Several statutes specifically govern disclosures of information by the State Police.

71 P.S. 1194 authorizes the State Police to disclose information to other police for the detection of crime and criminals. It has been held in Commonwealth v. Friday, 171 Pa. Super. 397, that a District Attorney does not have custody or control of reports of investigations by the State Police and cannot, without the consent of the State Police Commissioner, reveal them or produce their contents.

71 P.S. 251 forbids the publication of the findings of a court martial board prior to being acted upon by the Commissioner. The law further provides that in those instances where the final decision is in favor of the enlisted member, the State Police records shall show accordingly.

B. The open meetings statute, 65 P.S. 250, does not apply to the State Police. Application is restricted to local political subdivisions, municipal and state authorities and the Pennsylvania Turnpike Commission.

The law defines a public meeting as any portion of a meeting comprising official action in connection with:

1. The receipt, borrowing or disbursement of funds;
2. The acquisition, use, or disposal of services, supplies, materials, equipment or other property;
3. The fixing of personal or property rights of any person.

The law excludes meetings which would disclose the institution, progress, or result of an official investigation.

- C. The Commonwealth Documents Act, 45 P.S., 1101 (Supp), is applicable to the State Police. The definition of 'agency' includes executive departments, boards and commissions. The law does not include the General Assembly, the Judiciary, and local political subdivisions and authorities.

A regulation is defined as any rule or regulation or an order in the nature of a rule or regulation.

The Commonwealth Documents Act requires agencies to meet two conditions before their regulations become valid:

1. Approval by the Justice Department in all circumstances;
2. Publication in the Pennsylvania Bulletin and filing with the Legislative Reference Bureau in all but the following circumstances:
 - (a) Military affairs;
 - (b) Agency organization, management and personnel;
 - (c) Agency practice and procedure;
 - (d) Commonwealth property, grants, loans, benefits and contracts;
 - (e) Agency interpretations of self-executing acts and regulations;
 - (f) Situations where all affected persons have actual knowledge or have been personally served with notice;
 - (g) Instances where the agency, in writing shows cause that compliance is impractical, unnecessary, or contrary to the public interest.

Under this Act a State Police regulation affecting the public at large must be on file with Legislative Reference in order to be valid. A State Police regulation affecting the internal organization of the State Police need not be on file with the Bureau. Both classes of regulations, however, must be approved by the Justice Department before they have force and effect.

The Joint Committee on Documents has the authority to waive the above listed exemptions. The Committee could require, for instance, that the records of the State Police be filed with Legislative Reference in order to be valid. The Joint Committee on Documents is composed of:

- (1) The Speaker of the House
- (2) The President Pro Tempore of the Senate
- (3) The Director of the Legislative Reference Bureau
- (4) The Attorney General
- (5) The Secretary of Property and Supplies
- (6) and
- (7) Two public members appointed by the Governor

The Governor effectively controls four members of the Committee, while the General Assembly controls three. The composition of the Committee can only be changed by legislation.

The Right to Know Act, 65 P.S. 66.1, applies to the State Police. The law defines agency to include departments, boards and commissions of the executive branch of the Commonwealth and of political subdivisions.

The law provides that the public, without the proof of special interest, has the right to:

- (1) Examine and inspect all public records;
- (2) Make copies of all public records;
- (3) Appeal to the Commonwealth Court or the appropriate Court of Common Pleas if public records are withheld by the agency. The authority of the court is limited to compelling the disclosure of the public record.

The law defines public record as:

- (1) Accounts, vouchers, or contracts dealing with the receipt or disbursement of funds;
- (2) Acquisition, use or disposal of services or supplies, materials, equipment, or other property;
- (3) Minutes, orders or decisions affecting the personal or property rights, duties, obligations or immunities of any person or class of persons.

The law carves out two fundamental exceptions to the definition of a public record:

- (1) Any report the publication of which would disclose the institution, progress or result of an investigation by the agency;
- (2) Reports banned by statute, order of court, or which would prejudice a person's reputation or personal security.

In Wiley v. Woods, 393 Pa. 341, the State Supreme Court held that the field investigation notes of the Pittsburgh City Planning Commission are not public records within the meaning of the Act in that they are a "report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation..." which are exempted from disclosure under the Right to Know Act.

The court indicated that if these filed reports had been a factor in the decision by the Planning Commission, their disclosure might have been compelled under Due Process.

The Wiley court listed a series of cases concerning the disclosure of public records prior to the adoption of the Right to Know statute in 1957. The Wiley court summarized the prior state of the law as "confused."

In Argo v. Goodstein, 438 Pa. 468, the State Supreme Court upheld the ruling of the trial court in a negligence case holding that certain records in the Department of Health were privileged under the Right to Know statute. The decision reveals neither the type of record nor the rationale for their exemption from disclosure.

In Commonwealth v. Barclay, 47 Del. County 203, a defendant appealing an assault with attempt to rob conviction sought to obtain the following records:

- (1) Bank deposits and withdrawals by one, Louis Grey, from June 11 until July 30. The case in no way identifies the status of Grey;
- (2) The desk book, radio log book and the day book of the Chester Police Department regarding police assist calls relating to the offense.

The court ruled that the former were clearly private records, hence outside the scope of the Right to Know statute, and that the latter came within the exception to the Right to Know statute outlined in the Wiley case. (Above)

In McMullen v. Secretary of Welfare, 3 Commonwealth Ct. 574, the Philadelphia Inquirer sought to obtain from the Welfare Department the names of certain public assistance recipients. The department contended that disclosure would violate a provision of the Right to Know statute which forbids revelation of records which would operate to the prejudice or impairment of a person's reputation. The Commonwealth Court held that disclosure of a person's welfare status does not prejudice or impair his reputation.

In the City of Philadelphia v. Ruczynski, 24 D. & C. (2d) 478, the Philadelphia Court of Common Pleas held that the reports of the accident investigation division of the police department are public records and, therefore, not within the scope of the Wiley exemption. The court further held that an agency cannot limit the manner of inspecting and copying public records in the absence of duly promulgated regulations with uniform applicability.

It would appear that disclosure of the internal practices and procedures of the State Police could be compelled under the Right to Know Act. Files in the possession of the State Police relating to persons within the force and in the public at large cannot be obtained under any of the aforementioned acts if they would (a) prejudice a person's reputation, or (b) disclose the institution, progress or result of an investigation. There appear to be only two ways to obtain such documents:

- (1) Voluntary cooperation of the State Police;
- (2) The subpoena power of the Committee.

The Federal Public Disclosure Statute enacted in 1966 contains the following provisions:

Agencies are required to furnish the public the following information through the medium of the Federal Register:

- (a) Descriptions of central and field organizations including persons and methods by which the public may obtain information, make requests and obtain decisions.
- (b) Rules of procedure, forms, and instructions as to the scope and content of all papers, reports or examinations including statements by which agency functions are channeled, together with the nature and requirements of all formal and informal procedures available;

- (c) Substantive rules of general applicability.

Agencies are required to make the following documents available for public inspection and copying:

- (a) Final opinions and orders in the adjudication of cases;
- (b) Agency policy statements not published in the Federal Register;
- (c) Administrative staff manuals that affect a member of the public;
- (d) Final votes of each agency member are available for public inspection.

The agency is authorized to delete specifics from any of the above mentioned data to the extent of a "clearly unwarranted invasion of personal privacy" by deleting identifying details. Such deletions must be explained by a full justification in writing.

The following documents are specifically exempted from public disclosure:

- (a) Documents deemed necessary to keep secret in the interest of national defense or foreign policy;
- (b) Documents relating solely to internal agency rules and practices;
- (c) Documents specifically exempted from disclosure by statute;
- (d) Confidential financial information and trade secrets;
- (e) Inter-agency memos or letters which would only be available to a party in litigation with the agency;
- (f) Personnel and medical files which would constitute a clearly unwarranted invasion of privacy;
- (g) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a party other than an agency;
- (h) Contained in or related to examination reports for use of an agency responsible for the supervision of financial institutions;
- (i) Geological and geophysical information.

The Congress, the courts, and the Governments of D. C., the territories, and possessions are excluded from the definition of "agency."

Jurisdiction lies with the federal district court wherein the plaintiff resides. The burden of proof is placed upon the agency. The court is required to give an action under this section precedence over all other actions upon its docket "except as to causes the court considers of greater importance."

In certain substantive respects, the federal law may not be as effective as the Pennsylvania law. It would appear, for instance, that a citizen could not compel disclosure of any additional category of State Police records under the language of the Federal Freedom of Information Statute. A person's right to know, if anything, might be additionally restricted by the federal language because of the exemption allowed to documents relating to internal agency rules and practices.

Federal judicial remedies may be superior to those of Pennsylvania: The federal statute specifically places the burden of proof upon the agency, while the Pennsylvania statute is silent upon the matter. The federal language provides for a high priority on the court's docket. Neither the federal nor the Pennsylvania statutes provide for effective penalties against footdragging agencies.