

Committee to Investigate the Administration of Justice

Hearing Dates

1  
March 16, 1973

Robert S. Dracup  
Lee Schwartz  
• John Benjamin Sherr  
Thaddeus Rickards  
Mrs. Julia Waller  
Joseph Monahan  
Miss Jill Karen Kauler

Bell Telephone Company  
Photo Research, Inc.  
George Washington Motor Lodge  
George Washington Motor Lodge  
George Washington Motor Lodge  
George Washington Motor Lodge  
George Washington Motor Lodge

2  
March 21, 1973

William D. McCuin  
David Greth

SIC, Inc.  
Former Sales Manager for  
George Washington Motor Lodge

3  
April 4, 1973

Harry E. Kapleau  
Lt. Col. Joseph Dussia  
Joseph Tenetylo  
Clarence E. Barnes

Milk Marketing Board  
Pennsylvania State Police  
Bell Telephone Company  
Bell Telephone Company

4  
April 12, 1973

Rocco P. Urella  
  
Frank Ertz  
Robert R. Reynolds

Former Commissioner  
Pennsylvania State Police  
Bell Telephone Company  
Bell Telephone Company

5  
April 26, 1973

Lieutenant Herman J. Faiola  
Stephen Luchansky

Pennsylvania State Police  
Former Lieutenant  
Pennsylvania State Police

6  
May 3, 1973

Gerald T. DeWalt  
Stephen J. Luchansky

PSP Trooper (presently under suspension)  
Former Lieutenant - PSP

May 4, 1973 (continued from May 3)

J. Shane Creamer  
Lieutenant Richard Weimer

Former Attorney General  
Pennsylvania State Police

05  
May 18, 1973 (Executive Session)

Marion Gobrecht

2  
May 18, 1973

Lieutenant John J. McKenna

Pennsylvania State Police

7  
May 25, 1973

Kathryn Crankfield  
Metro Kardash  
John Robert Law  
Rocco P. Urella

Receptionist - PSP Headquarters  
Former Corporal - PSP

Former Commissioner - PSP

8  
June 7, 1973

Colonel James D. Barger  
Robert Zinsky

Commissioner, Penna. State Police  
Secretary-Treasurer  
State Police Civic Association

June 8, 1973

Rocco P. Urella  
William D. Taylor  
Walter F. Junkins  
Sergeant Matthew E. Hunt

Former Commissioner, Penna. State Police  
Former Security Officer, Agriculture Bldg.  
PSP - assigned to Crime Commission

9  
June 22, 1973

Sergeant John W. Noel  
Sergeant Paul S. Capparell  
Corporal Joseph S. Yaskus  
George R. Hall  
John Gillen  
David Pickrell, Sr.

Pennsylvania State Police  
Pennsylvania State Police  
Pennsylvania State Police  
Bethlehem Steel Company  
Gillen Coal Company  
Covington Township Supervisor

10  
July 12, 1973

Francis St. C. O'Leary

General Counsel-  
Wheeling-Pittsburgh Steel Corporation

William Frantz

Frantz Advertising Inc.

Donald M. Hopkins  
(accompanied by legal counsel)

Corning Glass Company

Thomas Connolly  
Robert E. Baker

Better Business Bureau  
Better Business Bureau

Lawrence Swartz

J. L. Swartz Associates

John R. O'Keefe  
(accompanied by legal counsel)

President  
Fraternal Order of Police Fort Pitt Lodge #1

Albert Yobbi

Secretary  
Fraternal Order of Police Fort Pitt Lodge #1

Lt. Colonel Joseph Dussia

President  
State Police Civic Association

11  
July 31, 1973

I. Todd Dobkins

President  
Allied Block Chemical Company

David Student

President  
Imperial Publishing Company

Herbert Halsband

President  
Hal-Fran Associates

July 31, 1973 continued

Michael McGurk

Treasurer - FOP Lodge #91

Charles Ford

Assistant Attorney General  
Department of State

Carol Cochran

Director  
Commission on Charitable Solicitations

12  
October 18, 1973

Daniel Gross  
Carl S. Teets  
Earle Sweikert  
Robert Bomboy .  
Gerald Webster

Chief of Police - Sharon  
General Claims & Security Supervisor - Bell  
Captain - Harrisburg Police Department  
Captain - Penna. State Police  
Corporal - Penna. State Police

2F  
November 8, 1973

Louis Packler  
Angelo Carcaci

Retired - PSP  
Lt. - PSP

3E  
November 14, 1973 (Executive)

Angelo Carcaci

4E  
November 28, 1973 (Executive)

Stephen Milak  
Mrs. Belle Tynon

The Fox Companies  
West Village Apartments

13  
December 5, 1973

Angelo Carcaci  
Catherine Carcaci  
Robert Zinsky

Fiscal Officer \_ PSP- Civic Association

5E  
January 15, 1974 (Executive)

John W. Shambach

Sgt. - Penna. State Police

14

January 25, 1974

Richard L. Thornburgh  
E. Drexel Godfrey

U. S. Attorney - Pittsburgh  
Director - Governor's Justice Commission

- ⑬ MARCH 14 - HBB.
- MARCH 15 - HBB - HOYLE & TITLER.
- ⑭ MARCH 29 - PHILA. - FOP - BIL.

MEMORANDUM

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TO: The Honorable H. Joseph Hepford, Chairman  
Committee to Investigate the Administration of Justice

FROM: Mr. Downey Rice, Counsel

DATE: March 12, 1973

SUBJECT: COMPENSATION OF COMMITTEE WITNESSES

The attached is a memorandum from Ed Hussie on the above subject. Additionally, Ed has ascertained that the current compensation for witnesses in federal court is \$20.00 a day and 10¢ a mile.

In discussing this with you today, it was recommended that the federal schedule be adopted for committee purposes by your authorization, agreement by a majority of the committee, and incorporation in the minutes and perhaps the committee procedural memo that we have available for witnesses and/or the counsel.

You raised the question of the possibility that a witness might demand compensation prior to appearance. In that case, we would be inclined to work that out at the time of service, either by delivering cash or check to the witness and obtaining a receipt or agreeing to forward a check prior to time of appearance.

DR:rf  
attachment

MEMORANDUM

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TO: Committee to Investigate the Administration of Justice

FROM: Edward Hussie

DATE: March 9, 1973

SUBJECT: COMPENSATION OF WITNESSES

- A. ( 1 ) The statutory witness fee for a person subpoenaed to testify before a legislative committee is \$5.00 per day and 7¢ per mile ( 28 P.S. 416.2, 416.4 ).
- ( 2 ) A witness, under the same act, may demand his fee for one day and for mileage at the time he is subpoenaed. Neither the language nor case law clarifies whether a witness, if he fails to demand compensation at the time of subpoena, may demand compensation at any time thereafter or must await reimbursement by the committee within a reasonable time thereafter. There are no cases determining whether failure by the committee to comply with a demand for compensation invalidates the subpoena or merely creates a cause of action in assumpsit.
- ( 3 ) The procedure for committee reimbursement of witnesses is as follows:

House Rule 50, governing public hearings by select committees, forbids the Chief Clerk to pay any expenses incurred as a result of a public hearing without the prior written approval of either the Speaker or the Majority Leader.

On February 5, an amendment was rejected by the House which would require approval by the Speaker of expenses incurred by the Committee.

House Resolution 21, P.N. 291, requires committee approval of necessary expenses, further providing that the expenses of the committee shall be paid upon vouchers approved by the chairman.

It would appear that the initial expense need not be approved by the Speaker but that the Speaker would be required to ratify in writing any expense for which the committee seeks reimbursement from the Chief Clerk, at the time such reimbursement is sought.

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Both the resolution and the committee rules ( rule 2 ) authorize the chairman to issue subpoenas. It would not be unreasonable to conclude that the authority to issue the subpoena implies a grant of authority by the committee to the chairman to incur expenses connected with the issuance of subpoenas in conformity with the mandatory statute rate. The safest course, however, would be for the committee to formally establish a rate of compensation for subpoenaed witnesses. ///

- B. The statutory evolution of the schedule of compensation for subpoenaed witnesses before legislative committees is not without ambiguity. 46 P.S. 62, enacted in 1859, provides that a witness subpoenaed by a legislative committee must receive the same fees and mileage as witnesses in the case of contested elections.

25 P.S. 3468, enacted in 1937, regulating contested elections, provides that "witnesses and officers shall be paid the same fees as are now or hereafter shall be fixed by law for similar services in the county in which the trial shall be held."

If the above statute were applicable, the witness fee for the committee would be \$5.00 per day and 10¢ per mile. The closest parallel in Dauphin County, where the committee is located, would be the Commonwealth Court with statewide jurisdiction, which, therefore, regularly calls witnesses to Harrisburg from throughout the state. According to Frank Barbush, the Chief Clerk of the Court, the court witness schedule is \$5.00 per day and 10¢ per mile. According to Barbush, Judge Bowman based this schedule upon that utilized by the Court of Common Pleas of Dauphin County.

If another conflicting statute were applicable, the witness fee would be \$5.00 per day and 7¢ per mile ( 28 P.S. 416.2, 416.4 ). These rates were established in 1959 through amendment to the Uniform Compensation of Witnesses Act of 1941.

The 1941 act, since it is later in time than 46 P.S. 62, would repeal that act insofar as there is a direct conflict between the two.



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The act of 1941 defines a witness as any person subpoenaed before any court of record, legislative body, or any committee appointed by a legislative body.

I have found no satisfactory explanation for the authority of the Commonwealth Court to establish a 10¢ mileage rate in lieu of the 7¢ rate provided for by statute. The courts in Pennsylvania have historically treated costs as a matter outside the scope of the common law.

In Steele v. Lineberger, 72 Pa. 239, involving an award of \$429.08 in final costs to a defendant, the court noted that at common law no final costs were recoverable. The court observed that the right to recover final costs depends entirely upon statute. In Walker v. Penna. R. R. Co., 151 Pa. Super. 80, this principle was specifically applied to the compensation of witnesses.

cc: The Honorable H. Joseph Hepford  
✓ Mr. Downey Rice  
Mr. James R. Malley

*Federal - witness fee \$20.  
Grand Jur 109*