

CIRCA Oct 2, 1972

Thornburgh's agenda 39 JJ - 7-1

GENERAL CREAMER: I would also like to call the Commission's attention, and perhaps Dr. Horman's attention, if he hasn't seen it -- in yesterday's Washington Post there was a mind-expanding article with regard to drug abuse in which the author, among other things, indicated that he felt that the drive in humans to alter their state of consciousness was almost as strong as the hunger drive and the sex drive, and that we should be looking at the whole problem of drug abuse through other focuses or other screens than attempting to try and eliminate it entirely. It is an article that I would recommend to everyone who has an interest in this field, because it has some thoughts in it that I had never seen before. It is really worth while.

p.45.

The next item of business on our agenda will be to hear from Dick Thornburgh, the United States Attorney from the Western District of Pennsylvania. And the chairman of the Allegheny County Regional Commission, Governor's Justice Commission.

Mr. Thornburgh.

MR. THORNBURGH: General Creamer and members of the Commission.

I thought when I first requested an opportunity to speak to this Commission this morning that I would begin by

apologizing for bringing to this group what is basically a problem of regional concern. But having sat through a meeting of our regional council last Friday with an attendance of almost 80 percent of the men who are involved in their daily efforts as well, and having received the letter from the chairman of this Commission respecting the planning of the 1973 input from our regional planning council, I realize there was no need to apologize; that actually, the matters that I wanted to address myself to this morning are of considerable importance to this Commission.

I think at the outset I have to state the real reason I bring these matters up is that I am not sure that the regional planning council's day-to-day process is actually appreciated and understood by the Governor's Justice Commission. I say that only because of the observance that no member of the Commission has ever served on a regional planning council. And there are peculiar problems that we have that I think need to be considered from time to time by this Commission.

I understand and appreciate the fact that we have scheduled a meeting next month with the Commission. And perhaps some of the things that I mention today will provide food for thought in connection with that commendable exercise next month.

The problems that I mention we have tried to resolve at the staff level. And only after exhausting that do I appear here today.

The basic thing I am concerned about, members of the Commission, is that at the regional planning council level we have a considerable problem in dealing with the multitude of agencies and local government authorities to get them to plan. And the basic ingredient that we have to build and merchandise is credibility. If we are not credible at the regional planning council level, we are not going to share in the process that is carried out by local government. We are not going to be apprised of what their plans are. We are not going to have notice of eminent decisions, which may well affect what the regional planning council does and, in turn, what the Governor's Justice Commission does.

I needn't reiterate in this day and age; I am sure, the fact that credibility is a very fragile concept. It needs to be earned by constant reaffirmation. And it can be dissolved and broken like an egg shell when actions conflict with undertakings and promises.

We have been beset in Allegheny County Region by a succession of arbitrary, conflicting and confusing directives from the staff of this Commission which have severely affected

the credibility of our regional planning council and have severely inhibited us in attempting to coax local government agencies and units of local government in undertaking the kind of intensive planning that we need to effect with them in order to serve this Commission, which is our ultimate master at the regional level.

At bottom I am speaking today about the problem of our 1971 funds. We were allocated in round numbers originally about 3.6 million dollars in the Allegheny County Region. At the time of the June 30 cut-off, we had only expended about 1.4 million dollars due to difficulty in this process of coaxing out of local government units and departments of county government the needs we have planned for in detail and submitted to this Commission at this time last year.

We expected under the terms of -- however, temporarily obviating they may seem from time to time -- the Sennett Resolution, that we would have available most, if not all, of this 1.4 million dollars if we were to act expeditiously after the end of the fiscal year, June 30, 1972. At least that was the import of the Sennett Resolution that had been transmitted to me and had been transmitted to our staff.

Accordingly, on July 28 at a council meeting, we

approved \$1,125,000 in grants that we sought to have funded out of the 1971 appropriations, the unexpended portion of the \$1,400,000.

On September 11 -- that is, just less than a month ago -- we received all of these applications -- four in number -- back, together with a terse commentary from a member of the staff that these did not comply with the guide lines of the IEAA or the Governor's Justice Commission and that they should be "pro-rated" and resubmitted. To this date our staff has been unable to determine what "proration" would have to do with the process we are engaged in in attempting to recoup some of this Sennett Resolution money.

That, however, would not have occasioned my visit here today, if the turnback of those proposals were not shortly followed by letters seeking a downward adjustment in over \$400,000 in other projects that had already been approved out of 1971 monies allocated to the Allegheny Region, and including, in some cases, a claim for a refund of monies that had already been paid to some agencies in Allegheny County.

The letters, which were sent not to our staff -- which was covered by copy -- but which were sent to the recipients of these grants, were totally incomprehensible to me. They were accusatory in tone, almost to the point of charging

the local government official or agency official of being derelict in his or her duties in seeing that these funds had been properly dealt with.

Finally -- and what caused my appearance here today on the eve of beginning the planning process for 1973 -- was the discovery by our staff that after having been admonished about a year ago to carefully plan their inputs into the Commission's staff with respect to the 1972 plan, that a number of the programs that had been granted specific amounts or allocated specific amounts by our staff had been changed somehow over the year by the Commission's staff. Close to \$2 million had been shoved around from one cubbyhole to another without any consultation with our regional council staff or, indeed, any notice that the changes had been effected.

Apparently, <sup>this was</sup> in pursuance of some master plan to balance out the amounts that were available with the amounts that had been expended. For this reason, it is difficult to muster the enthusiasm necessary for our council to meet especially within the next few weeks in order to provide our staff with guidance to submit to the Governor's Justice Commission the input sheets for the 1973 plan, which they were told last year that they would be held accountable to the penny for, when we find that not only were those inputs

arbitrarily and frequently changed during the course of the year, but we have had the financial experience that I have recounted here this morning in dealing with sums that were allocated to our region or, indeed in many cases were paid out to our region and have been arbitrarily and downwardly adjusted and claims for refund have been submitted.

All of these things I think can be worked out. I have no pretensions to infallibility on the part of the regional planning council itself nor its staff. But I do think there is more candor and more courtesy due to our staff and council by the staff of this Commission because of the fact that we, in turn, must be able to market a credible product to local government units.

I cannot overestimate the effect that this action taken within the last three months with respect to (1973) <sup>(SIC)</sup> funds has had on our county governments, our courts, our civic agencies, and individual citizens who participated in projects to the betterment of their community. We have lost, I am afraid, a good deal of the credibility that has been built up over the years.

I asked myself why this happened. And I raise this question this morning with the Commission.

I note that in the March meeting of the Commission

there were undertakings made on the basis of representations of the staff of this Commission to expend over \$800,000 in funds that were not included in the plan for 1972. These included \$350,000 for the Philadelphia Family Court, \$492,000 for the Department of Welfare. Neither of those proposals do I have any quarrel with. But at the time the staff advised the Commission in what they styled the "purification" process; that these funds would be available when there was a shake-out of monies that had been originally allocated to the regional planning councils. I think the shake-out turned into kind of a shakedown as far as the Allegheny Regional Planning Council was concerned. We find ourselves losing a substantial amount apparently -- although we have never been advised that that \$1.4 million has been reallocated in toto -- but we find ourselves on the short end of the stick with respect to commitments that we made in good faith of monies we thought were available.

I think that the problem is one of communication, one of, as I indicated, candor, and most of all, courtesy in dealing with the regional planning council and its staff. Too often we have found the staff of this Commission to take its "it's us against them" attitude. And it has been a very disheartening experience. I raised this with Mr. Godfrey



before. I raise it today with the Commission strictly to apprise all of those members present in almost a full turnout here today of the fact that there is a considerable problem that is hurting the efforts of this Commission, I think -- although I can only attest to what it is doing to the regional effort.

I thank you for the courtesy of extending me the time to appear here this morning. I hope that I haven't taken too much of your time. And I hope that my feeling that this is not just a special pleading on the part of Allegheny County is a correct one; that you will recognize that the importance of the message I am trying to convey to you transcends the regional boundaries of our county and the particular applications I am speaking about. Thank you.

GENERAL CREAMER: Mr. Thornburgh, if you could wait just a minute. We appreciate your coming here before us. This is a case of first impression for me, and I guess for all members of the Commission. We didn't realize there was a serious problem. And, of course, it is our point of view that we agree with you completely that the credibility of the council is really the most important product that -- that the minimum we can do is have a staff that cooperates with you with courtesy and candor.

I wonder if we have anything we want to say this morning, or do we want to regroup our scattered forces and present an answer at a later date.

Do you have anything you would like to say, Dr. Godfrey?

DR. GODFREY: I have a couple of things.

I must say I didn't know what was coming up. I will say this: perhaps we haven't been as clear as we should in terms of the obligations of the regional planning councils and the regional staff on this. But once the Sennett Amendment goes into effect -- that is to say, once the cut-off date for the use of funds, which was May 14 -- once that happens, then it is not open book thereafter; that is to say, that the applications which come in from the field must be based -- and if it is not based, other arrangements have to be made -- must be based in terms of what the original input to the 1971 plan stated for the particular region that made the application.

It is also vying for that available pool of money with other applications and other priorities.

Now, I think that in terms of the specific projects that Dick Thornburgh has mentioned here, one of the problems has been that in terms of those categories -- and each one of the projects, as you know, comes from a specific pocket, with

its own title and own symbol -- those categories in the region -- that is, what the region has allocated in those categories -- must have sufficient funds in them before that can be funded. If they do not, then the region is responsible for preparing a very detailed and exacting document called a plan amendment, which in turn goes to the Federal authorities.

Now, I believe this is where the problem has been. I am not sure. I am going to have to look more into it. I believe this is where the difficulty has been. It is awfully difficult to tell someone that, indeed, he must look back on his previous plan and not only provide the Federal authorities with the rationale for why he wants to move from one category to another, but also what he is going to eliminate to make up for this particular change, what thing he has planned for which he no longer needs and why.

Now, we have had a number of these problems. And they represent, you know, a bureaucratic dimension in one way. And in another way, they represent a kind of conscience which says, "If your plan has meaning, then your change must also have meaning." So it is just not an easy process of saying we are not going to do this, we are going to do something else. It is rather a calculated program change which must be justified substantively.

Now, as far as communications go, perhaps our communications haven't been the best. I am not so sure. I think communications is a two-way thing, by the way. But if it hasn't been, I will have to take the blame for that myself. I have not had the opportunity to get out as much as I wanted to. Perhaps now as our staff is coming on board on a fuller basis I will be able to do this more and to perhaps meet head-on some of these problems before they come to the point where they obviously create as much irritation as this one has. I will be seeing more of you in the field, I know that.

But I think the best bet at this point is to retire and examine Dick's charges and to come up with a statement that makes some sort of sense or with an adjustment to policy or an explanation or whatever is required. I think that is the first priority.

MR. THORNBURGH: I don't expect you to debate the validity of what I have said this morning. But I do represent to you that this is not something undertaken in a fit of pique or on the spur of the moment. It arises out of a long-standing problem that has come to a considerable head in the last three months, which is really detrimental to our process at the regional level which makes it, I think, of considerable concern to the members of this Commission. I don't propose to engage

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in any further discussion from our side. I do appreciate your giving me the time to raise it. And I do urge you -- and perhaps in advance of the meeting in November -- our staff and myself will make ourselves available to deal specifically with those problems. Because I think they, in microcosm, based on my touching them with other regional council chairmen, represent an abiding problem which all of us ought to deal with in the process of improving the criminal justice system.

GENERAL CREAMER: Let me just add for the Commission that it has always been the principle of this Commission that we deal fully with the regional planning councils, that we backed them all the way -- I think you know that.---

MR. THORNEBURGH: Yes.

GENERAL CREAMER: -- from the inception of the Commission as General Sennett organized it.

These programs are difficult. The expansion has been quick and fast in terms of money growth and project growth. We appreciate your candor in coming here today and telling us about these problems. As Chairman of the Commission I will appoint a committee of the Commission members to look specifically into the problems that you have discussed with us this morning. And we are pledged to fully support every

regional planning council in the state. And we are fully pledged to support a fair share -- or every county in the state of these IEAA funds. And we want -- and we will see that we have it -- the full cooperation and candor and courtesy of our staff.

Thank you.

MR. THORNBURGH: Thank you, General.

COMMISSIONER SENNETT: I think it should be pointed out that the purpose of the so-called Sennett Resolution, which was adopted by the Commission was not to deprive any region of the funds, but rather to save money for the Commission which otherwise was in grave danger of lapsing and being returned to Washington. And also, a secondary purpose was to provide perhaps more motivation or inspiration to do the type of planning that the staff here seemed to expect that they should be doing and perhaps in some areas -- and I am not being critical of yours -- was not being done. I think that should be stated.

GENERAL CREAMER: Yes. And for clarification, that is not a Senate resolution from across the way, that refers to Attorney General Sennett's Resolution. So if anyone is to be hung here, let's hang him.

(Laughter)

MR. BERARD: Mr. Chairman.

GENERAL CREAMER: Mr. Berard.

MR. BERARD: The Sennett Resolution had to happen due to the fact that the Regions were not effectively coming up with applications to award 1970 and 1971 funds as regards their input. It was necessary in order to prevent \$8,000,000 from lapsing to the Federal government. The true intent of the Sennett Resolution has not been violated and has continued to provide benefits to municipalities and units of local government. As of this time, 78% of those funds available to Pennsylvania have gone through various Regional sub-awards to units of local government.

You mention that proper recognition will be given to the Councils, and I would request that if the findings of the Commission you appoint to review Mr. Thornburgh's charges reflect credit on the Staff, that this also be reported out of committee, since various members of the Governor's Justice Commission are mandated by law as liable and responsible for all State and Federal funds handled by the Commission and the lapse dates are bureaucratically imposed by LEAA as regards 70, 71 and 72 funds. Please take this into the total picture for consideration and have the Councils understand that this is taxpayers' money received, allocated, and awarded by a State agency but the final governing body and the actual entity held liable to the State and Federal government for those tax dollars is our Commission and we have no recourse in escaping our liability in this regard.

GENERAL CREAMER: Thank you, Mr. Berard.

I think we do have to keep in mind the fact that one of the responsibilities of the statewide commission is to make sure the Federal

money here to build the justice system in Pennsylvania. And we had to make an all out effort through the Sennett Resolution to save those funds so that we could allocate them throughout the state and keep the Federal money flowing.



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JANUARY 5, 1973

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MANAGER PUBLIC AFFAIRS

STATEMENT OF RICHARD L. THORNBURGH

JAN 5 1973

Pittsburgh, Pennsylvania

L. K. GREAN

I have today submitted my resignation, effective immediately, as Chairman and as a member of the Allegheny Regional Planning Council for the Governor's Justice Commission.

I do so because of my feeling that it will be extremely difficult for the Council to continue to work for much-needed reforms in the Allegheny County criminal justice system within the partisan political atmosphere presently being fostered by the Governor and his patronage boss in cooperation locally with the Democratic Party Chairman of Allegheny County.

I am proud of the fact that my service as Chairman of this Council since its creation in May of 1969 has been without regard to partisan political considerations. Men and women of good will -- Democrats, Republicans and Independents alike -- have worked together in the effort to provide our citizens with a safer community and a more just system of police, courts and corrections.

Much has been accomplished during these three-and-one-half years through the efforts of the good citizens of Allegheny County who have served on our Council. Among other things, the Council has provided Allegheny County with the first comprehensive in-depth look at its criminal justice system through extensive public hearings and the report "Toward a Safer Community." Federal funds have also provided

- A comprehensive drug treatment and rehabilitation "pilot program" devised in cooperation with the Allegheny County MH/MR Program and local foundations.
- The first full-time attorneys in both the prosecutor's and public defender's offices.
- The beginnings of a desperately-needed county-wide police communications system.
- A significant contribution to a new Juvenile Court detention home.
- The first anti-organized crime unit in the history of the City of Pittsburgh.
- A comprehensive reform of the pernicious bail-bond system which saw accused persons forced to "buy their way out" of jail before being convicted or even formally charged.

Much more remains to be accomplished, to be sure. But the nearly \$5 million in Federal funds distributed among communities and governmental departments of Allegheny County during this time has sown the seeds of an improved system.

My concerns about the future do not arise on the spur of the moment. In October of last year, after months of unsuccessful private talks, I was obliged to appeal publicly to the entire Governor's Justice Commission in Harrisburg over the diversion of nearly \$1.4 million originally earmarked for much-needed projects in Allegheny County to other areas of the state for what appeared to me to be political reasons. Although I was promised then that a special committee would investigate these grievances no such action has been taken in the intervening three months to date and these questions remain unresolved.

Instead within the last month, a series of actions have been undertaken which are clearly intended to silence this Council and its chairman and to, in effect, take over our operations.

Before I left the country for a two-week visit in Japan last month, I was strenuously advised to meet with Mr. Begler, the Governor's patronage boss, to "fix things up" !

so that, among other things, I might remain as Council Chairman. I declined to do so feeling that such a meeting would be inappropriate and unnecessary.

However, during my absence (and, incidentally, during the absence of the Governor himself from the country) the whole composition of the membership of our Council was suddenly and precipitously altered in a painfully obvious direction. This was done without prior notice to, or consultation with, either the Chairman of the Commission or myself as had been the practice in prior years under this Governor and his predecessor as well.

This move was so obviously a partisan political one designed to "pack" the Council and make it responsive to certain quarters in Harrisburg, that I feel the Council is no longer free to independently assess and express the needs of Allegheny County as was contemplated by the original framework of the Governor's Justice Commission and its regional planning councils.

In my view, there is simply no room for such partisan politics in programs dealing with the administration of justice. Not in this Commonwealth, nor in Allegheny County where the Chairman of one of the major political parties also

styles himself as the County's chief law enforcement official. As I have stated previously, it is my opinion that his holding these two positions at the same time creates utterly incompatible loyalties and should not be tolerated.

Because I choose not to be part of a "rubber stamp" council, because I believe that Allegheny County's problems can best be assessed by those who live and work here and not by bureaucrats in Harrisburg, and because of the obvious partisan attempt at takeover of this Council's functions, I can no longer serve as its Chairman.

I further suggest that the Governor, having abandoned the framework within which the regional planning councils were originally intended to operate, might well consider the abandonment of the councils themselves so that the entire program could be run from Harrisburg de jure as well as de facto.

It is obvious that a crisis exists within the law enforcement structure in Pennsylvania today. The latest purge in Harrisburg has cost us the services of an outstanding Attorney General who had the poor judgment to remain non-political within a political administration. This is regrettable and a blow to the effort to reform our system for the administration of justice.

The integrity of programs under the Safe Streets Act and their future in Allegheny County and throughout the state are matters of great concern. For this reason, I fully intend to discuss all of the foregoing with the appropriate officials of the Law Enforcement Assistance Administration within the United States Department of Justice at their earliest convenience.

I have pursued these matters to date and shall do so hereafter in my belief that improvement of our criminal justice system is simply too important to be compromised by the patronage grabs and political empire building which regrettably seem today to be the norm in Pennsylvania government.

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