

INTRODUCTION

At the direction of its Chairman and with the approval of ranking Republicans statewide, and for a period of fifteen months the Select Committee on State Contract Practices used the prestige and power of the General Assembly to trample the Constitutional rights of individual citizens and raid the public treasury in an effort to further the partisan political goals of the Republican Party. The Committee will be remembered for the abuses it perpetrated rather than any abuses it may have uncovered. Instead of pursuing legitimate legislative goals, the Republican Committee members and their staff used innuendo, smear, and half truths in an effort to destroy the careers and reputations of individual witnesses. The record of the Committee is littered with broken agreements and outright deceptions. We regretfully conclude that by their actions the Republican majority has brought disrespect and disgrace to the House of Representatives.

In issuing this minority report, we do not intend to answer or refute on a point by point basis the allegations and recommendations made by the majority. We are of the opinion that the manner in which the Committee was organized and conducted irreparably taints any legislative proposals based solely on its efforts. While we strenuously uphold and support the

legislative committee system and the right of the Legislature to conduct investigations into governmental practices, under no circumstances can we endorse the work-product of the majority members of a committee whose sole purpose and motivation was to gain political advantage for their party. This report will document the many abuses of power perpetrated by the Republican majority and will demonstrate the bias with which the Committee operated.

Had any evidence of systematic state contract abuses been sustainable, there would have been no necessity for the majority to consistently and purposefully exclude the minority from active participation in the Committee work. The actions of the majority so polluted the political process and did such violence to the due process and equal protection rights of those who stood accused before the Committee that it would be impossible to make any fair, rational judgments based on the public testimony taken by the Committee. Accurate findings on issues cannot be based entirely on the pejorative testimony of hand-picked witnesses who were coached by one side, when the opportunity for full, complete, and reasoned rebuttal was denied other interested and affected parties.

To paraphrase an old expression, never has so much gone for so little. Approximately \$400,000 of public monies spent on this project by the Republicans could have been better

expended to fulfill the legitimate needs of the citizens of the Commonwealth rather than to finance a good part of the Republican gubernatorial campaign. Although the only legitimate purpose of a House committee is to hold hearings for the purpose of recommending remedial legislation, it should be noted that the Select Committee on State Contract Practices spent not one day analyzing or discussing possible legislation. This Committee never scheduled one day of public hearings whose major purpose was to focus on a particular bill before the Committee.

The Select Committee on State Contract Practices was formed pursuant to House Resolution 98 on July 25, 1973. No appropriation was contained in the measure. Committee membership consisted of seven legislators, three of whom represented the minority party. As expressed in the Resolution, the purpose of the Committee was to inquire into those state agencies and personnel responsible for the "purchasing, leasing, construction and disposal of Commonwealth supplies, properties, and services" (See HR 98). Pursuant to that language, the Committee began its investigations into what were charged to be "sweetheart" leases entered into between the Department of Property and Supplies and individuals owning or managing the Evangelical Press Building, the Harrisburger Hotel, and the GEM Building.

It was obvious from the inception of these investigations that the Republican majority was attempting to raise policy disputes to the level of criminal activities for purely political purposes. Words like "cronyism", "favoritism", and "kickback" were bandied about in an effort to link the incumbent Democratic Administration with corruption in an election year. In their PR effort the majority even went so far as to have the files of the Department of Property and Supplies secured by the State Police in August of 1973, so as to create the public impression that the Administration was about to destroy those records.

Even as the sweetheart lease theory was proving to be a failure, the Republicans were planning their first major assault on the Constitutional prerogatives of the General Assembly. On March 20, 1974, Senator Richard Tilghman, Minority Chairman of the Senate Appropriations Committee, who had recently "retained on a consultant basis three special counsel," designated those counsel to work for the Select Committee because in Senator Tilghman's words, "your (Gleason) Committee has the all-important subpoena power which the Senate Minority Appropriations Committee lacks" and "counsel will be able to initiate an inquiry into the circumstances surrounding the appointment of Egidio Cerilli to a position on the Turnpike Commission." The fact that such an arrangement was unprecedented in Pennsylvania history and in direct

violation of the appropriation to the Senate Minority Appropriations Committee (HB 1746) did not seem to phase the House majority.

When these three special counsel joined the Select House Committee the tone of the hearings immediately changed; the partisanship intensified. As early as April 3, 1974 when majority counsel began writing the Chairman's correspondence, majority counsel took away control of the Committee from the elected members. Over the next few months, they recommended more than three hundred subpoenas (over 50 of which were issued to the Governor, his family, and his staff) which the Committee always approved without seeing the documents in advance of its vote. In thirty-seven days of public testimony recorded on more than one hundred and twenty (120) miles of tape, the majority called ninety-seven (97) witnesses and entered at least two hundred and twenty-two (222) exhibits into the record.

Investigative files filled with second and third hand information from unreliable witnesses were compiled by approximately fifty-nine majority investigators who asked questions only when Democratic officials or appointees were involved. No county controlled by the Republicans was the subject of an investigation by the majority even though the minority members offered prima facie evidence that corruption existed in at least two such counties.

Greene, Mercer, Westmoreland, Montour, Indiana and Erie Counties were combed to find evidence or rumors of corruption. Majority counsel traveled around the State carrying guns when interviewing state employees and other witnesses and told the media that they were indictment-oriented. Illegal liaisons were established between majority Committee counsel and offices of the United States Attorneys all over Pennsylvania. Confidential FBI field reports were obtained by the Committee in direct violation of Federal regulations and law and then released in public session.

The minority was effectively excluded from any meaningful participation in the committee process. Only one witness requested by the minority was ever called. Minority requests were consistently defeated four-three. There was never any effort at compromise by the majority. Anything that might contradict the majority thesis that widespread and systematic corruption existed was totally ignored. Unsworn testimony was leaked to the press and stories based on their leaks were used to bootstrap the majority's allegations. Even as the majority attempted to choreograph each bit of testimony, witness after witness recanted statements written for them by majority investigators when they took the stand under oath. The preliminary report endorsed by the majority concerning Westmoreland County evidenced, among other things, the majority's inability and/or refusal to deal with and reconcile conflicting testimony.

No evidence of any alleged wrongdoing was ever willingly turned over to the appropriate state criminal justice agency during the course of the investigations. The Committee completely ignored the State Justice Department. The majority of the Committee thought they could function as prosecutor, judge, and jury of the Pennsylvania political system. Illustrative of this was Chairman Gleason's statement of October 7, 1974 in which he stated that "Rule 51 gives to the Chairman the exclusive power to determine the relevance and pertinence of all evidence and testimony before the Committee;" and that:

"you are quite correct in stating that we are not a law enforcement agency. The inaction of your Attorney General, however, has in many cases forced us to function as one."

Chairman Gleason then had the audacity to say to the Governor, "I am a bit surprised that you feel the need for legal counsel" (Statement, Patrick Gleason, October 7, 1974).

Abuse of the Power of the House of Representatives

A. House Resolution 1746, Printer's No. 3444 provides in pertinent part for an appropriation to the Senate Minority Appropriations Committee for:

"the payment of the expenses of one minority party member of the Committee on Appropriations of the Senate designated by a majority vote of the minority party Senate Caucus for investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes, and other institutions and agencies supported in whole or in part by appropriations from the State Treasury in analyzing reports, expenditures, and the general operation and administration of said institutions and agencies in examining and analyzing requests of the same and of the various departments, boards and commissions of the Commonwealth, and for the collection of data from other states, attending seminars, conferences, and in cooperating and exchanging information with legislative budget and financial committees of other states, and for the necessary clerical assistance and all other expenses in compiling data and information connected with the work of said committee in compiling comparative cost and other fiscal data and information for the use of said committee and the Senate during Legislative sessions and during the interim between Legislative Sessions to discharge of such duties."

It is generally accepted that each house of the Legislature shall determine its own rules, and that these rules must conform to Constitutional or statutory mandates in so far as they are applicable.

Section 21 of Mason's Manual (Pages 40-41) provides:

2. A legislative body cannot make a rule which evades or avoids the effect of a rule prescribed by the Constitution or statutes governing it, and it cannot do by indirection what it cannot do directly.

It is patently obvious that the actions of Senator Tilghman and Rep. Gleason, and by inference the ranking Republicans in both Houses of the Legislature, violate the letter and spirit of the laws of the Commonwealth. Nowhere in the Rules of either House or the statutes governing appropriations to the legislative committees does it provide for a committee of one body to lend staff to a committee of another body. The fact that the Senate Minority Appropriations Committee hired these staff persons and has steadfastly refused to open to public scrutiny the expense figures only serves to demonstrate the disrespect the House majority holds for the law of the Commonwealth. We only note in passing that some of this hidden expense has gone to pay for unauthorized lie detector tests whose final results have been withheld from majority and minority members by majority staff.

- B. The Legislature has no right to conduct an investigation for the purpose of laying a foundation for the institution of criminal proceedings, for the aid and benefit of grand juries in planning indictments, or for the purpose of intentionally injuring such persons or for any ulterior purpose.

Although the law on this point is absolutely clear the House Republicans chose to disregard this limitation on legislative power. Majority counsel traveled around the State stating that they were indictment-oriented and predicting that there would be a large number of criminal indictments resulting from their work (Philadelphia Inquirer 8/19/74). This cops and robbers mentality was further evidenced when one Republican staff person was quoted as saying even before sworn testimony was taken in public:

"We're attempting not to indict any individuals in the committee hearings, but if the facts warrant it, we'd be happy to recommend indictments which we intend to do eventually." (emphasis added, Pittsburgh Press 8/30/74)

Committee files were given names such as Westvest, Greenescan and Bankum. They were distributed to the Committee in the form of "presentments". One of the Special Counsel said in an appearance before another House committee that "the only way to wipe out 'white collar' corruption in government is by an investigation of an indicting grand jury." (Pittsburgh Press 7/26/74) Evidence that could prove incriminating was filed in evidence envelopes to preserve the "integrity" of the files and the "chain of custody."

To further emphasize the extraordinary procedures of the majority, staff attorneys for the majority began to develop liaisons with United State Attorneys as early as April, 1974.

U.S. Attorney Richard Thornburgh. This relationship later resulted in illegal exchanges of confidential FBI material between the U.S. Attorney and the Committee. On April 19, 1974, majority counsel met with United States Attorney Robert Curran. In correspondence with that office, the majority staff wrote to Mr. Curran on April 29, 1974:

"We know you will feel free to be in touch with us if you feel we can be of any assistance with respect to any of the matters we discussed and we shall feel free to do the same."

A letter to the U.S. Attorney, John Cottone, on the same day echoed those same sentiments and on August 9, 1974, a letter to Assistant U.S. Attorney Paul Killion stated:

"This letter will confirm our telephone request to you of August 2, 1974, for a copy of pages 57-61 of Special Agent Walsh's report of May 22, 1973."

This correspondence indicated that the illegal interchanges between the Committee and the various U.S. Attorneys was going forward on a continuing basis.

Whereas these activities on the part of majority and their staff showed an awareness of the differences between a House committee and a regularly constituted law enforcement agency, the majority nevertheless in violation of parliamentary law continued to act as surrogate for a grand jury. We note in passing that majority's cooperation with Republican United States Attorneys stands in marked contrast to the total lack of

cooperation the Committee evidenced with regard to the Office of the State Attorney General.

One of the most glaring violations of the rules of conduct for legislative committees occurred when the majority approved a preliminary staff report dealing with the Westmoreland County investigation. Fully seventeen of the twenty-six pages were devoted exclusively to recommendations for indictments and prosecutions. The other nine pages were devoted to self serving declarations such as:

"It must be the work of this Committee and those who follow after it to uncover and combat corruption wherever it is found."

(Preliminary Report on Westmoreland County, Page 8)

Misstatements of law such as:

"Accusations which are uttered against the economic interest of the accuser are uniquely trustworthy and deserving of the most serious consideration."

(Ibid. Page 10)

and irrational statements such as:

"The true danger of corruption to our society is not corruption itself."

The fact that the Committee tacitly accepted the proposition that it was going beyond its authorization did not deter them. Although the Committee was given a day or two

to review this preliminary study, and even though its inadequacy and illegality were obvious, the majority adopted the report without debate. The minority members, who were prepared to debate the staff report line by line, were unceremoniously denied the right to discuss the report at the Committee meeting. The Chair considered any discussion of the report to be "stonewalling." No questions were raised concerning conflicting statements. No mention was made concerning the propriety of such a report.

The majority also chose to ignore the fact that legislative committees are limited in their authority to issue any type of report. Mason's Manual points out that "Committees are but instruments or agencies of the body appointing them and their function is to carry out the will of that body." (Mason's Manual, Sec. 615 (2), pg. 439). The Legislature has never approved of a legislative committee recommending indictments and the House as a whole has never approved the Westmoreland County report. Furthermore, the Legislature is a law making body, not a law enforcement agency. That the legislative branch should intrude on executive and judicial functions by recommending specific individuals for indictment clearly violates the separation of powers doctrine.

A government "fishing expedition" into the papers of a private corporation on the possibility that they may disclose evidence of a crime is contrary to the first principles of justice and an intention to grant the power must be expressed in most explicit language.

As previously noted, the House Committee on State Contract Practices issued over 300 subpoenas during the course of its existence. Although the issuance of such a large amount of subpoenas was unprecedented in Pennsylvania history, majority staff contended that subpoenas were necessary to get exactly what the Committee investigators wanted. The fact that the majority members of the Committee didn't know what they wanted was obvious (from a review of the Committee's transcripts). Subpoenas were issued by the Committee even though the Committee members never saw in advance the language on the face of the subpoena. The majority went so far as to ask the full House to give the Chairman the authority to issue subpoenas without a Committee vote. This motion was defeated, perhaps because, among other things, the Republican Chairman of Allegheny County complained that the Committee was using the subpoenas to "achieve some temporary notoriety." He went on to add:

"The course chosen by you is--to say the least--crude and insensitive. A question surely arises in my mind relative to your (Gleason's) sincerity and/or your maturity."
Pittsburgh Press 6/6/74

It is interesting to note that the majority members approved every majority staff request for a subpoena without debate. Democratic requests for subpoenas were denied in every instance save one (testimony of Norman Sheridan). Over fifty subpoenas were issued to the Governor, his staff and his family in the months immediately preceding the election

No effort was made to limit the overly broad language on the face of the subpoenas and the Democratic State Chairman was cited for contempt because he sought to comply with the subpoena within constitutionally permissible grounds. The Gleason Committee later adopted the position of the Democratic State Chairman by reference but did not withdraw the contempt citation.

Almost every agency of state government received subpoenas demanding information concerning who had received non-bid contracts from that agency since 1966. These lists were to be correlated with data subpoenaed from state and county political committees concerning contribution lists. The justification for these subpoenas was a much heralded computer project which was to correlate the recipients of non-bid contracts with political contributors and contributions.

Valuable time, energy, and public money was spent by agencies of state government in complying with the subpoenas issued by the majority. Yet no such report or analysis was ever produced for use during the working life of the Committee. The obvious purpose, then, was to harass the incumbent Governor by making it more difficult to run the government. The most obvious and malicious abuse of the subpoena power of the House occurred when the Committee subpoenaed the Governor's tax records. The majority members had no idea what relevance

these records had to their probe. The majority staff could present no legal justification for the records. Nevertheless, the subpoena was issued.

As if that were not sufficient, the Governor offered to let the Committee review his tax records. But in order to preserve his acknowledged right of privacy, he stipulated that the returns could be inspected in their entirety but that no copies could be made. The majority staff acquiesced, but on the day agreed upon for inspection, they entered the meeting with blank IRS forms intent on copying the Governor's returns in their entirety. Majority staff had the audacity to say that it was their understanding that the copying limitation applied to only xerography and nothing more.

There can be no doubt that this plan of harassment was organized and orchestrated by the House Republican Leadership. As early as June, 1974, House Majority Leader Bob Butera felt it necessary to say that Republicans:

"as the out party, have an obligation to oversee the in party -- a serious obligation.

And Butera said the investigations will continue with many more subpoenas to come.

(Pittsburgh Press 6/6/74)

The predictions of the majority leader were accurate. Hundreds of subpoenas were issued. Thousands of documents were procured and locked up in a room in the Capitol under the supervision of the majority staff. The entire purpose of the issuance of the subpoenas was a charade. The records were never used.

An investigation instituted for political purposes and not connected with intended legislation or with any of the matters upon which a House should act, is not a proper legislative proceeding and is beyond the authority of the House or Legislature.

(Mason's Manual Sec. 797 [4])

The legislative work-product of the Select Committee resulted in a package of fifteen bills presented to the House of Representatives. While some of the legislation may be meritorious, their origin is of a highly extraordinary nature.

Contrary to common practice, the Gleason Committee spent not even one day discussing the legislation. It is beyond dispute that the package was introduced in an effort to justify the Committee's existence. Minority staff were excluded from the drafting of the legislative package and Committee members were not even briefed as to the nature of any of the bills which were later introduced.

Another indication of the political nature of the inquiry is the fact that some of the proposals which emanated from

the Committee bore no rational relationship to any of the testimony taken before the Committee. There was never any testimony on point relative to House Bill 2631, Printer's No. 3692, establishing a bond counsel within the Treasury Department, nor did the Committee ever hear any testimony which could possibly justify House Bill 2627, Printer's No. 3688, which would designate a senator from the party opposite that of the Governor to sit on the Board of Commissioners of Public Grounds and Buildings.

The purpose of the Committee was purely political. Majority Leader Butera in replying to a reporter's question stated, "of course (the Committee's work) is political." Knowledgeable commentators across the State accepted that assessment. In an article in the Harrisburg Patriot, Carmen Brutto wrote:

"The cause of legislative investigations must suffer from the long charade.from the defenders of the system must come a deliniation of the fruits of the work But with all the power the legislative committees' have, there was precious little developed."

Harrisburg Patriot 11/18/74

Evidence of the political nature of the Committee's work is abundantly clear. Although countless reports of political corruption in Delaware County were being printed in the news media, the Committee refused to send investigators to Delaware

County. While the Committee was expending much energy in examining the status of the bank loans made to Governor Shapp's political committees, the Chairman was at the same time withholding information from the Committee that the Republican candidate for Congress in Delaware County had made the same type of financial arrangements.

"Rep. Patrick A. Gleason -- says he suppressed information about a \$25,000 bank loan to a Delaware County GOP congressional candidate because it was irrelevant.

The Cambria County legislator said during the weekend that he withheld data (emphasis added) pertaining to the loan to Stephen J. McEwen.

Harrisburg Evening News 8/26/74

Earlier when the public hearings began the Republicans tried to use the authority and power of the General Assembly in a blatant attempt to mislead the public.

"The Republican Information Office was offering to broadcasters a 60-second tape which resembled a newsman's report on the testimony.

The announcer merely identified himself as being from the House Public Information Office, giving no hint that Republicans had produced the tape."

Harrisburg Evening News 8/23/74

This use of the House facilities for the political advantage of the Republican Party is repugnant to the traditions of Pennsylvania government. Chairman Gleason, however, could only comment, "I don't condone it, I don't condemn it." (Ibid.)

Throughout the course of the hearings, the majority heatedly protested that their inquiry was legitimate. This thin facade of credibility crumbled after the election was over. The Pittsburgh Press in an editorial entitled "So It Was Political" on 11/11/74 echoed the sentiments of the state-wide electorate.

The State House of Representatives' Gleason Committee -- more formally known as the House Select Committee on Contract Practices -- voted unanimously just two days after the election to end its investigations and often sensational public hearings.

In doing so, the Committee appeared to support the heated protestations of Democratic Governor Milton J. Shapp that the pre-election public hearings by a Republican-controlled committee were part of a campaign to defeat him.

After a defeat such as the the one suffered by the Republicans, even they could no longer continue their masquerade. The verdict on the activity was in.

Abuse of Members of the General Assembly

Patrick Gleason chaired the Select Committee on State Contract Practices in a manner unprecedented in the history of the Pennsylvania Legislature. By his direction and with his approval, minority members and their staff were denied any meaningful input into the Committee's work. Investigative information was withheld; simple requests were consistently ignored; majority staff were allowed to supercede members of the General Assembly and hold them up to public ridicule; majority staff were allowed to dictate policy to members of the General Assembly.

As previously mentioned in regard to the McEwen loan, the Chairman took it upon himself to withhold information from the minority. At his direction, majority staff withheld investigative files from the Committee members until they were "completed." The net effect of this action on the part of the Chairman was that the minority received "chronologies" scant days before witnesses were to be called. Such action was taken in order to intentionally hinder their preparation. Transcripts of the Committee's sessions are replete with the minority's requests for completed files. Even though the Committee ceased to hold regular meetings, all files of all investigations have still not been turned over to the full Committee by majority staff. The majority maintained such exclusive control over the evidence that the

withheld information led to report on July 28, 1974 that:

"The Democrats can see subpoenaed material on the campaign financing materials only under the supervision of a Republican staffer. Copies of those records cannot be made and have not been provided to Committee members."

The deceptions which were an everyday part in the life of the Gleason Committee were carefully planned. In an effort to gain media attention, the Chairman and majority counsel continually attempted to "surprise" the minority by promising one thing and doing another. An example of the majority's candor is best evidenced by an incident revolving around a polygraph test given to one witness.

"The polygraph testimony itself was relatively uncontroversial -- but its use produced a fierce debate after Democrats introduced a Republican pledge not to use electronic bugging equipment or lie detectors.

Quoting from the June 12 daily journal of the House, Rep. James Manderino D-Monessen, released a statement in which the Committee Chairman, Patrick A. Gleason, R-Johnstown, said: ". . . I have directed that no such equipment be used."

Pittsburgh Post Gazette 8/22/74

Nevertheless, the Chairman allowed the testimony to be introduced even though he had said that "I know their results are not admissable in a court of law." (Ibid.) As one might expect, the full report of the polygraph test has never been made available to the Committee members.

Minority members were never given the opportunity to affect either the scope or direction of the Committee's work. While we recognize that partisanship is an integral part of the

political process, so too, is compromise. The majority never intended to give the minority a voice in the Committee proceedings. The thin veil of non-partisanship that the Chairman attempted to portray was easily pierced by anyone who attended a Committee session. The Philadelphia Inquirer of August 18, 1974, reported:

"Officially, its membership is bi-partisan, but in fact the four Republican members rule with a Napoleonic hand over their minority Democrats whose ...protest(s) are dispatched with regularity by 4-3 roll call votes, with the members dividing along party lines.

Minority members regularly asked that their staff be allowed to accompany majority staff on field investigations and that they receive notice of where staff investigators would be and whom they would interview. To these requests, the Chairman replied:

". . .I say to you -- you waste your time by calling for notice of witnesses being interviewed -- because I REFUSE to give that notice. I am not going to play with words with you on this issue -- the answer will be perpetually NO.

(Statement of Chairman Gleason) Pg. 5

Perhaps the Chairman's obvious paranoia of minority participation was heightened by the fact that he knew that majority staff was writing statements for witnesses and sequestering and coaching them before they appeared in public session.

Another method utilized by the majority to stifle the

manner as to deny the minority (who collectively represented 180,000 Pennsylvanians) an effective voice in the operation of the Committee. While Majority Leader Butera thought that it was "silly" to have the full Committee vote subpoenas (Harrisburg Patriot 6/6/74), so too must have been Chairman Gleason's feelings about allowing the elected minority representatives to participate in interrogating the Governor when he appeared before the Committee for three days in October. Committee Rules 25, 26, and 27 were rammed down the minority's throat two days before the Governor's appearance. The net effect of these rule changes was that the legislators could not raise any substantive questions or objections during the Committee meeting until majority counsel were finished with their interrogation.

Of the three days of public testimony by the Governor, majority counsel monopolized two complete days. The seven legislators and two minority counsel were given the third day. Even if the majority legislators felt they were incapable of questioning the Governor as effectively as their counsel, the minority members felt no such inferiority. The fact that the reputation of the House suffered from this shameful display is well documented by a letter from the Rev. D. Zimmerman to the Governor and the Committee members:

" . . . after being witness to the childish conduct and obvious treachery of the chair and majority counsel (apparently condoned by the majority members) during those "hearings," we were extremely embarrassed,

both for ourselves and for other Republicans. The abuse and disrespect extended to the Office of the Governor of the Commonwealth of Pennsylvania, to you personally, and to the minority members of that Committee, was to us both a revelation and an outrage. We feel compelled to express our apologies to you.

Perhaps the most insidious activity participated in by the majority was the use of staff to harass, badger and ridicule the minority members. It is impossible to adequately describe the disrespect and contempt with which majority counsel treated the elected members of the General Assembly.

In one instance, when a minority member was giving a witness some advice, majority counsel turned to the witness and said that "we cited the last witness who listened to Mr. Manderino for contempt." In another instance, majority counsel placed slanderous material concerning a House member in a file memorandum. When questioned as to the authenticity of the remarks related in the memorandum, the majority counsel and majority members called a brief recess and went into Speaker Lee's office. When they returned, they voted to expunge all discussion of the memorandum from the record and to take back all copies of the memorandum from whomever they had been distributed to.

Majority counsel were never reprimanded by the Chairman.. Eventually the situation deteriorated to the point where one Republican legislator was compelled to say that:

"...he was tired of the 'ponny-ante name calling and snide remarks' by Freind (majority counsel) and that he was 'getting fed up' with the two chief attorneys 'dictating' to the 'elected House members.'"

(Philadelphia Inquirer 10/25/74)

Abuse of Individual Rights

Rule 51 of the House of Representatives reads in pertinent part as follows:

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

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

- a. receive such evidence or testimony in executive session;
- b. afford such person an opportunity voluntarily to appear as a witness; and
- c. receive and dispose of requests from such person to subpoena additional witnesses.

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

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

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.

The intent of the Rule is obviously prophylactic in that it contemplates giving an individual the opportunity to respond to testimony which might prove degrading, defamatory or incriminating in executive session before it is received in

potentially injurious testimony was false, the Committee could then dispense with hearing it in public. This procedure would protect individual reputations and would conform with House rules.

The reason for the rule is firmly rooted in parliamentary law. Mason's Manual says:

"It is a general rule that the legislature has no power through itself or any committee or any agency to make inquiry into the private affairs of a citizen except to accomplish some authorized end." Sec. 797 (1)

The Gleason Committee did not adhere to either the letter or spirit of these limitations on the investigative power of the Legislature and in its desire to accomplish its own political ends it did grave damage to the rights of individual citizens of the Commonwealth.

As early as March 6, 1974 Chairman Gleason wrote to Grace Sloan, State Treasurer, that:

My Committee is quite concerned with the type of person the Commonwealth is dealing with in connection with state leases, purchasing and building practices.
(emphasis added)

Majority counsel was to say as early as June 3 before public hearings were to start that:

He (Willmann) said he was confident the investigators will complete the highway contract phase of their probe by converting widespread

Clearly, the majority was using the hearings to bolster their own speculations, regardless of the evidence to the contrary. Every phase of the public hearings were carefully controlled to accomplish this end.

The investigative files of the Committee provide insight into how the hearings were operated. Almost every witness called (except for the "accused") testified to alleged corruption activities on the part of Democratic officials or appointees. The files disclose that in Westmoreland County alone approximately sixteen individuals could testify that, to the best of their knowledge, no corrupt or illegal activities were taking place. None were called. Significant also is an interview conducted by majority staff in which Laura Harris is reported to have said:

"Under the Republicans at PennDOT, before the union came in Ed Overly would give my husband an envelope twice a year which contained tickets and Arthur (my husband Arthur E. Harris) knew we had to pay for them to keep his job. Under the Democrats, there is no requirement, nor are we under any apprehension, threat, or fear, that if we didn't buy, Arthur would have lost his job."

(Westvest File)

Mrs. Harris was never called to discuss her statement in public or executive session. The reason is clear. Her testimony would have tended to corroborate the testimony of a PennDOT superintendent who was the focus of the hearings and would have damaged the Republicans' case. It was as if truth were

In Monroe County, approximately nine witnesses were not called who would have given testimony contrary to the majority's thesis. In a revealing memorandum to the file dated August 8, 1974, investigator Burfete wrote:

Burfete received a call yesterday from Stephen Freund informing him that Robert Schiepe, Chief Clerk of the House of Representatives, had a very close friend in Monroe who should be able to provide some information.

Burfete explained to Miller, in order for the Committee to maintain its integrity and credibility there must be no indication of an attitude to get democrats, but to leave Republicans alone.

Subject gave us a general indication that he had grave doubts that any of these allegations in the paper were true and that the rest of these lessors were just out to get Heller.

The individuals discussed in the memorandum were called to discredit Mr. Heller in public session. The gentleman who was the friend of the Chief Clerk of the House was not.

The situation was the same in county after county. Evidence of alleged corruption by Republicans was totally ignored and evidence of alleged corruption by Democrats was often based on unreliable witnesses who seemed to be trying to air private grievances in a public forum.

The refusal of the majority to give individuals more accurate notice of the charges against them directly violates the thrust of House and Committee rules. This situation was

exacerbated further by the fact that the majority took the position that for the purposes of the rule the investigative files alone were testimony taken in executive session. The effect of this was that no witness who made degrading, defamatory or incriminating statements against any individual was called before the Committee in executive session so that the members could judge the witness's credibility before publicly disseminating the testimony. The fact that witness after witness recanted the statements written for them by the majority leaves no doubt as to the real motivations of the majority.

Once the offending testimony was received, Rules 6, 11, 19, 20 and 21 of the Committee Rules were used to limit the rights of private counsel appearing with their clients. The Committee showed such basic disrespect for the attorney-client privilege that it even subpoenaed an attorney to ask him why he advised his client not to sign a statement. Committee tactics were so odious that AFSCME was forced to ask their members not to consult with staff investigators unless an attorney from the union was present.

The misconstruction of Rule 51 by the majority was an obvious attempt to injure specific individuals. Under the majority's interpretation, the sole safeguard required by Rule 51 was to inform an individual that statements which might tend to defame or degrade him were to be given in public session.

...ally given at the 11th hour so that the

accused individuals would not have time to adequately prepare themselves. Incredibly enough, they were not given copies of the offending testimony. The illegitimacy of this position was further demonstrated by their interpretation of Committee Rule 23.

23. In fulfillment of the requirements of Rule 51, of the Rules of the House of Representatives, the Committee shall notify any person who in the opinion of the Committee, has been defamed, degraded or incriminated by any evidence or testimony received by the Committee, of the substance of the accusation.

In most cases such "defamed" individuals were given only the name of the witness and not the substance of the testimony against them.

Another attorney felt that his client's rights were being so seriously jeopardized by the nature of the hearings and the conduct of the majority that he advised him to plead the fifth amendment rather than be subjected to an unfair proceeding.

Irving Green of Greensburg, Hall's attorney, said Hall's position was taken because the hearings "have become an inquisitorial type of proceeding" with talk of extortion and conspiracy.

"Anyone who is in any jeopardy has to be a fool to testify under these conditions," Green said. "There is no cross examination; he is at the mercy of (committee) counsel. I don't feel he should be put in an unfavorable light. He can't properly defend himself against high priced lawyers."

(Harrisburg Patriot 8/28/74)

Rules 13 and 14 of the Committee prohibiting the release of testimony without prior Committee approval were also violated with regularity by the majority. One of their favorite tactics was to release statements of friendly witnesses to the press and then use the news accounts of such unsworn statements to discredit different persons appearing before the Committee. The testimony of James Poole was released by a Committee source days before he testified before the Committee. Significantly, Mr. Poole, when appearing in public and being sworn to tell the truth, recanted much of the allegations in the leaked statement.

More recently, stories dealing with the content of the final majority report have found their way into the newspapers while Committee members have not even seen a preliminary draft. The fact that the report proports to recommend indictments in direct contradiction to established parliamentary authority is still more evidence of the majority's total disregard for individual rights. The prejudicial effect that a recommendation for indictment by a committee of the House of Representatives would have on legal proceedings is enormous. Any future legal action based on evidence uncovered by the Committee will be seriously jeopardized.

Individual rights were jeopardized not only by the Committee's disregard for House rules and basic legal principles, but also by the way in which individual witnesses were treated by the majority in public session. These separate incidents

are indicative of the manner in which the majority treated citizens of the Commonwealth.

James Poole was one of the Committee's chief witnesses in its case against Gene Cerilli. Despite the fact that majority counsel had sequestered Mr. Poole and coached him for hours before his public testimony, he was obviously confused on the witness stand. He had good reason to be confused. Norman Sheridan, who incidentally was the only witness called at the request of the minority, testified after Mr. Poole that:

....Poole told him that Committee counsels said Poole "would go to jail for up to seven years if I didn't go along with them." Committee sources identified the "them" as Stephen Freind and J. Michael Willmann who interviewed Poole prior to his testimony before the panel.

Harrisburg Evening News 9/10/74

In another incident relating to the Cerilli matter, majority counsel again showed their lack of regard for individual rights and their ends-means mentality. Joseph Sosko, a contractor, was supposed to testify that Gene Cerilli had asked him for a kickback. In fact, however, quite a different series of events had taken place.

While he was reciting this version of his dealings with Cerilli, Sosko was treated courteously by GOP attorneys John M. Willmann and Stephen Freind, both former assistant district attorneys in Philadelphia. Freind is also an ex-FBI agent who carries a handgun on duty because, he says, he "feels naked without one."

The change came after Democratic Rep. James Manderino of Monessen said he had been advised by Cerilli that the latter had, indeed, met with Sosko, but the subject was Sosko's request for a state job. He quoted Cerilli as saying that political contributions were not discussed.

Sosko, to the consternation of the Republicans whose principal target is Cerilli, and to the apparent surprise of everyone else, readily admitted that was the purpose of the visit "in the spring of 1971."

He said he had forgotten it entirely, and went on to say he didn't think the kickback was requested by Cerilli and that, in fact, he wasn't sure whether the request came "from a man or a woman."

Manderino and the other two minority Democrats, Harry Comer of Philadelphia and Harry A. Englehart, Jr., of Cambria, not surprisingly let the matter rest there.

But the Republican attorneys, taking advantage of Sosko's subsequent admission to many confusions about events which, he said, "took place three years ago," the Republicans in variations of the same question, sought to obtain agreement that Cerilli might have discussed the contributions in conjunction with state work.

"It could be," said a visibly exhausted Sosko, "but I doubt it."

Willmann demanded:

"Will you take a lie detector test?"

"Why should I take a lie detector test?" asked Sosko, "I've answered the same question 50 times."

His trembling wife, Judith, rose from her seat in the hearing room, and wiping tears from her eyes said, "It's the same thing over and over again. This has gone too far."

Rep. Comer, pointing out that other witnesses whose testimony conflicted with their initial statements had not been threatened with a lie detector, said:

"This witness has been harassed enough....If I were him, I'd walk out."

But that didn't happen because Willmann, who later defended what one Democrat called savagery, ended his questioning.

Post Gazette 8/24/74

The Gleason Committee reached a new low in its dealings with individual citizens in this shocking incident concerning William Heller, PennDot Superintendent for Monroe County. While Mr. Heller was on the stand, he suddenly became ill. The following exchanges took place:

Within minutes, Gleason dashed back to his chair, pounded the gavel and announced, "The Committee dismisses the witness from any further testimony."

The hearing room was by this time nearly empty. Majority Counsel Stephen Freind, standing beside Gleason screamed, "What?"

Gleason leaned toward Freind and said, "They guy's having a heart attack."

I don't care," said Freind.

"Well, I do," was Gleason's response.

Angered, Freind walked away from the chair complaining about a "convenient coronary." Committee Minority Chairman, Harry R. J. Comer, D-Philadelphia, advised Freind to keep a "cool head" but the attorney stomped out of the hearing room slamming the door against a chair as he went.

Meanwhile, Heller was taken to the Capitol nurse's office in the building's basement. Mrs. Alice Wagner, RN, later told The Evening News that she took his blood pressure, which she said was "unusually high," and called for an ambulance.

Kusic says Heller has a history of coronary problems. He was admitted to the hospital's coronary unit, where all patients are listed as "unsatisfactory" or worse, according to a hospital spokesman.

Friend talked with a reporter after his outburst and said, "I didn't mean to say that I didn't care if he was having a heart attack." He added that he was "irritated" that Gleason took it upon himself to "gratuitously" dismiss the witness.

The Evening News 9/19/74

The above described incidents graphically portray the bullying, harassing, and intimidating tactics employed by the majority and their staff in their attempt to raise their allegations to the level of credible evidence.

CONCLUSION

Our deep concern about the grave abuses of individual rights that have been perpetrated by the legislative committee on which we have served has been amply documented in the body of this report. We also are concerned about the substantive problem--state contract practices--that this Committee was supposed to study in a responsible and bipartisan fashion. Each of us as individuals believe that some substantive reforms in the area of state contract practices probably are needed, and we regret that this Committee's work became so enmeshed in politics that no sound basis has been laid for a meaningful reform program. Indeed, it is our conviction that whatever reforms might be enacted in this area in the next session will be accomplished despite, and not because of, this Committee's work.

Because this Committee, from the beginning, lacked any direction toward a legitimate legislative end, our recommendations are brief and general in nature.

1. Legislation should be enacted which would preserve the legitimate investigatory powers of the General Assembly while protecting the rights of individual citizens who may be called to appear before a legislative committee.

2. Pending the adoption of such legislation, the House--through its rule-making powers--should take swift action to further protect the rights of individuals appearing before its committees.

3. Specific legislation should be enacted to clearly prohibit legislative aides from being paid by one chamber while working for the other chamber. This practice thwarts the concept that there should be clear lines of accountability from staff members to the legislators for whom they work and ultimately to the public.

4. The House State Government Committee or another standing committee designated by the Speaker should be assigned to study and recommend possible reforms in state contract practices.

We conclude with the observation that our long and often frustrating service on this Committee has taught us many lessons, the most important of which may be that, in order for our form of government to function effectively, each branch of government must exercise good judgment and restraint in the use of its powers. If any one branch of government attempts to exceed its powers, the balance is upset and the system is jeopardized.

Self restraint is part of the glue that holds the system together. The Legislature's function is lawmaking; it cannot and should not attempt to usurp executive and judicial functions. Nor should it use the power and funds of the General Assembly for narrow, political purposes.

While laws can limit the potential for abuses of the sort that were engaged in by this Committee, laws alone cannot--in a free society which allows wide latitude for political debate--eliminate them. In the long run, our only real protection is for the opposition party to resist such abuses vigorously, for an alert and fair-minded news media to be sensitive to the potential for abuses and guard against being taken in by them, and for an attentive, informed, and sufficiently concerned citizenry to be vigilant and vocal.

While the performance of the Select Committee on State Contract Practices has cast disgrace on the Pennsylvania House of Representatives, the fact that its abuses did not go uncondemned gives us reason to believe that our democratic system is continuing to function as it should.

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REMARKS OF DEMOCRATIC FLOOR LEADER, HERBERT FINEMAN, REGARDING
REPUBLICAN INVESTIGATING COMMITTEES, JUNE 5, 1974

It is now 15 months since House Republicans set in motion their well orchestrated plan to politically investigate the Shapp Administration and its officials -- all for the purpose of seeking to perform political mischief. It's time to take a look at what these committees have done and I would like to make some observations on this point at this time.

I have noticed that Republican press releases have a habit of never letting the facts get in the way of a well-turned phrase or a headline-hunting charge; and I would like to place the facts on the record so that the public can get a more accurate view of the conduct and accomplishments of those investigating committees.

Here are the results of the Republican investigations ... here are the facts:

--cabinet members and high level officials of the Shapp Administration have been dragged through the mire of character assassination and condemnation by innuendo; and have not been given an opportunity to respond in the same public forum in which the charges were made;

--private citizens and legislators have been unjustifiably slandered, charged with illegalities through newspaper headlines, and held up to ridicule in their local communities;

--committees and their counsel have been allowed without restraint to exceed every standard of decency in questioning witnesses in classic Joe McCarthy style;

--information has been selectively released to the press accusing public officials of improprieties without any contact first being made with those officials to check the facts;

--committee activities have been pursued in secret with minority members being shut out from regular committee business;

--and there is an additional, usually unmentioned result, and that is the waste of taxpayer money. Extra staff, traveling expenses, stenographic expenses, legal counsel, investigators, and other items have all been chalked up to the taxpayer, and for what purposes?

Taxpayer money has been used to produce a shameful record of innuendo and unfounded charges. Taxpayer money has been used to drag the names of public officials unfairly into the headlines. Taxpayer money has been used to impugn individual reputations

and personal lives and to disrupt families.

Never, I would submit, has Pennsylvania taxpayer money been used for more scurrilous and demeaning tactics. Astute observers of politics can see the fact that the Republican Party has carefully orchestrated the entire investigating procedure of the last fifteen months. There should be no doubt on the part of the press and public that these investigations were aimed at producing headlines to provide the basis for the Republican Party platform for Governor.

Let us examine the kind of record they have developed ... let us look at some of the planks that can be included in their 1974 gubernatorial platform as a result of their investigating committees... let us look at the results of the Republican Party's systematic plan to investigate and embarrass nearly every high-ranking official of the Shapp Administration.

Shall we begin with Secretary of Welfare Helene Wohlgemuth. When Polk State Hospital head Dr. James McClelland was fired, the Republican Party made far-ranging remarks about incompetent management of the State program for the mentally ill and mentally retarded, and legislators even introduced a petition calling for the Secretary's removal from office on the grounds of incompetence.

The Republican Party then offered an investigating resolution. Some members from our side of the aisle supported the move because they were concerned about the serious charges that care was inadequate, and others supported the resolution because they were anxious to clear the name of Secretary Wohlgemuth. The resolution was adopted, and the Republican Party, according to the Majority Leader, purposely made the wording of that resolution broader, because, and I quote, "We will reach our goal much better with a broader look at the supervisory and professional personnel than we will if we just limit ourselves to the single event at the Polk Institution."

So what has the committee done to date? In the eight months since the resolution was adopted it has held but one hearing. That's it, one hearing after all that talk from the other side of the aisle about their concern for the rights of patients in our mental institutions.

Probably the biggest reason for their committee's inaction was the fact that the Civil Service Commission ruled the firing of Dr. McClelland to be proper, and the Republicans' initial investigation showed that Secretary Wohlgemuth had made substantial progress in

compassionately ending the use of wooden cages, confinement cells, dry scrubs, and punishment techniques at Polk State and other institutions.

While this probe has been bereft of any product, while it did not produce any new evidence or information, or even seek to educate the public about new policies in the mental health and mental retardation fields, at least it did not do the gross disservice to public officials and private citizens that later investigations did. This one simply fizzled; it quickly ran out of information that could be used to embarrass Governor Shapp.

Another quick fizzle was the much-headlined farm show probe. This was supposed to be the Republicans' big blow at Secretary of Agriculture, Jim McHale. A disgruntled exhibitor came forward with the charge that a State official was trying to force a "partner" on the Eastern Sports Camping and Outdoor Show, which rents the farm show building each year.

At the first semblance of an embarrassing headline, the Republicans, of course, rushed forward with another investigating committee. In the course of debate it was admitted that the probe could probably be handled by the permanent Agriculture Committee, and we again had supporters arguing the need for a wide-ranging probe because of the vast number of problems with the farm show operation. So what happened? We have another instant fizzle.

The Republicans' big, sure-fire witness who had made the initial charges backed down under oath; said his original story was not really the way things had happened, and the far-ranging probe that had been envisioned never materialized. Thus quickly ended another exciting, illuminating, constructive, and beneficial Republican hearing.

With a couple of such quick fizzles under their belt, the Republicans decided it would be foolish to depend on facts to support their claims or to win them any votes, so they moved to the use of innuendo, and the quick, sure-shot headline.

Selectively leaking unsubstantiated charges to various news people, the Republicans sprung Alexander Jaffurs into the headlines. Liquor Control Board members were cavalierly charged, investigating agents were called to task, legislators were dumped into a sea of

innuendo, and other government members were wickedly and blindly charged in a carefully prepared series of rehearsed and practiced testimony spread out over a number of days for maximum press exposure.

Presented to an all-too-eager press as the knight of honesty and virtue coming from the alleged Shapp den of iniquity, Jaffurs played his role to the hilt. He lacked just one important detail -- anyone who bothered to look closely noticed a disturbing lack of facts or documentation to substantiate his charges.

Moreover, I found it odd that after all the days of testimony, there stood no clear, well-publicized series of recommendations by Jaffurs for reforming the practices he found so abhorrent. Either he or the puppeteers pulling the strings never bothered to stress such things.

But this did not deter the Republicans. They intended to play this one to the hilt. The Republican State Committee surreptitiously contracted with a New Jersey film company to make a movie of the hearings with Mr. Jaffurs being casted for the role of the star. When this nefarious plot was uncovered the Republican response was that the film was being made as a historical record for the archives. Can you believe such cynicism?

Now despite the best efforts of the Republicans to prolong the hearings and get all the news copy they possibly could, they ran into a major difficulty -- there seemed to be a distinct lack of people who had any evidence to support Jaffur's testimony, while searching for corroborating testimony, the Republicans were forced to put on the stand many of the people who had been smeared by Jaffurs, and there was a distinct lack of real evidence with which the committee could confront them.

I must add that legislation, some of it constructive, has been introduced supposedly as the result of these hearings. But if that was really the goal, such legislation could have been introduced after a careful screening of the liquor system in the State. The hearings, I submit, were not intended to provide important testimony to assist the legislative process, but to embarrass the Shapp Administration by whatever means necessary.

Then we certainly should not forget the high road approach taken by committee Chief Counsel Downey Rice in the questioning of Milk Marketing Board Chairman, Harry Kapleau. It was another brilliant example of the the Republicans' well orchestrated techniques. The subject was supposed to be wiretapping, but this was pushed into the background as Rice used innuendo and blatant demagogic tactics in an attempt to link Mr. Kapleau to alleged members of the Mafia.

Here was the basest of the Republican investigating techniques. A high-powered, high-priced committee counsel being allowed such latitude in questioning, exceeding any legal or non-legal standard of decency, in order to draw this individual through the mud, and, of course, through the headlines.

When questioned about the propriety of making such charges, Rice answered that he was attempting to prove a link between Kapleau, the wiretap found on Kapleau's phone, and the alleged Mafia member. Never let the fact get in the way that Kapleau had met the alleged Mafia member only once, and that was ten years ago -- because facts like that tend to spoil a good headline hunting expedition.

It is worth repeating what I said earlier this year on the Floor of the House. This action showed the Republican Party to be so hellbent upon political subversion in preparation for the gubernatorial election that the planning for such investigations consumed all their time and energy. And I also repeat that I am continually surprised that this lust for executive power has prompted members of the Republican Party to be willing parties to the destruction of reputations in the interest of partisan gain.

In many ways, the work of the Hepford Committee best sums up many of the distortions of the Republican super-sleuths. When an interim report was adopted by the committee it was done without the two Democratic members being present. Commenting on the report, one of the Democratic members complained not about what was in the report as much as what was not. He noted that the investigation had been much more thorough than the report, but that he could never get the Republican Party to go far enough to look into a few closets and find find a few real skeletons. The committee had no intention of doing that. They were too busy selectively choosing their facts in their attempt to embarrass

the Shapp Administration, in the headlines, of course.

Obvious party bias has always been present -- as has been manifested by at least three committees in their failure to investigate any circumstances that pre-date 1971.

But the Republican book of dirty tricks contains more than one way to hunt a headline, and on October 29, 1973, the Republican leadership sent Representative Wagner to the wolves with a prepared statement implying, insinuating, alleging, assuming, and charging that Secretary of Transportation, Jacob Kassab had sought political kickbacks for a favorable decision allowing wide trailers on Pennsylvania roads. This time they did not even have the courtesy to have the accused cabinet or administration member present to defend himself.

Mr. Wagner has now been contradicted by the State Justice Department, the former District Attorney of York County, and the FBI, none of whom can find any evidence of collusion or violation of the law.

When Secretary Kassab challenged Representative Wagner to make his charges in public, away from the immunity of speaking on the House Floor, he declined, saying that he had turned over all of his information and evidence to the legal authorities. I think the result of those legal probes shows why Mr. Wagner was reluctant to make the charges free of legal immunity. Some months ago when challenged on this Floor about the charges he had made, Mr. Wagner still produced no evidence.

But I am forced to admit that the Republicans do improve their tactics as they go along. Faced with investigating fizzles, they have decided -- interestingly enough as the election year starts into full swing -- to bring together all of the infamous techniques they tried separately in earlier hearings. The focus of their latest investigation: The Department of Property and Supplies.

The Republicans started by not telling the Democratic committee members of any plans for investigation, then came the individual charge, this time by Representative Noye that the Secretary of Property and Supplies, Frank Hilton, was engaged in "shady deals" and political kickbacks. Then we had some more of that wonderful, never fully-materializing

Republican evidence turned over to the committee chairman. Then the committee used the now famous "make your charge and run for cover" technique as they charged Deputy Secretary Adler and others with reaping financial profit from the sale of certain properties to the State without documenting any of their allegations of conflict of interest. And they did not forget the much used smear, either. This time they pulled their already pre-tested Mafia link technique against yet another member of the Shapp Administration.

Now, Mr. Speaker, I am only human and I may have missed a few examples of Republican investigating tactics, but I think I have covered most of their tricks. The record they have written is characterized by smear, innuendo, demagoguery, and simple ineptitude. The pattern is so clear that it has obviously been planned and timed not for finding informative facts, but for hitting either the A.M. or P.M. newspaper headlines. The Republicans have succeeded in getting some of those headlines, and if this is their idea of responsible, public service government, then I guess they feel they have succeeded. But I am confident that the verdict of the public will be that they have failed miserably and that the public does not want to see these tactics in the executive branch, much less in the House or Senate.

I believe, Mr. Speaker, that there was a very significant section in the report of York District Attorney Harold N. Fitzkee that cleared Secretary Kassab. Mr. Fitzkee wrote: "It is unfortunate that the allegations which gave rise to this investigation were made public before the facts were examined, thereby subjecting Secretary Kassab to public criticism without foundation. It is, however, a fact of contemporary politics that people who work in government can no longer exercise their responsibility without being exposed to this kind of accusation."

Mr. Speaker, that is a sad commentary on the State of politics in this Commonwealth. But I am afraid that for the time being it is true. And it is the legacy of the Republican Party of this House -- the legacy of their policy of investigating without facts or supportive material -- the legacy of the politics of headline hunting. But we say that this Commonwealth, the citizens of this Commonwealth, deserve better than the Republican Party of this House has given them.