

Statement of John C. Wagner, Chief Clerk, Erie County

Mr. Chairman and members of this Committee:

My name is John C. Wagner. I reside at 2226 Myrtle Street in the City of Erie. I am presently employed as Chief Clerk to the Board of County Commissioners of Erie County and also function as Chief Clerk to the County Board of Elections. I am authorized to be here this morning by virtue of formal action taken by the Board of Commissioners at their meeting of July 9, 1974.

The Commissioners are aware, as am I, that this Committee recently issued a subpoena to Mr. Rzymek, one of the members of the Board of Commissioners and serving this year as Chairman of the Board of Elections. However, as your return of service of this subpoena should indicate, the subpoena was not personally served on Commissioner Rzymek but was instead served on me under date of July 8, 1974. This is a technical point, we agree, but in view of the gravity of your apparent inquiry, the Commissioners have asked me to make this technical position known to you.

By virtue of their formal action of July 9, 1974, already referred to, the Commissioners desire to manifest their intent and their willingness to cooperate with the proper objectives of this Committee. Accordingly, they have instructed me as already indicated. We ask you to view my appearance before you today as a voluntary effort on their part so as to meet your legitimate needs.

The subpoena served on July 8, 1974, commands the production of those filings, pursuant to Section 1607 of the Pennsylvania Election Code made with the Erie County Board of Elections between the dates January 1, 1966 and June 26, 1974, by "The Erie County Republican Committee" and "The Erie County Democratic Committee". Before addressing myself specifically to the mandates of this subpoena, let me make a brief explanation of what we have ascertained to be the practice of the major political parties in Erie County.

It is not at all unusual for these parties to function through the medium of finance and campaign committees constituted by the parent party for particular elections or primaries. Moreover, it is not at all unusual for the major political parties in Erie County to assert that they have filed any required expense account with the Bureau of Elections in Harrisburg covering those elections or primaries in which there are candidates for statewide office. As I shall attempt to further explain, these conditions produce the results which I will make testimony to.

I have with me, as being specifically within the mandate of this subpoena, the following accounts heretofore filed with the Erie County Board of Elections:

1. Account of Erie County Republican Committee for the "General Election 11/7/72".
2. Account of Erie County Republican Committee for the "Primary Election of May 15, 1973".
3. Account of the Erie County Republican Committee for the "Election date of November 6, 1973".

I am authorized to deliver the originals of these accounts to you, but have true and correct copies of them, and if it meets with your approval, would prefer to leave these copies as opposed to these original accounts. The originals will remain, of course, on file in Erie County. ✓

I also have with me copies of certain accounts from filing political committees whose identity was not specified in the subpoena served. I am authorized to leave these copies with you, but we would respectfully suggest that in the event you want the originals of these accounts, you re-issue subpoenas accordingly, specifying the exact records as we identify them to you. The copies I have with me are as follows:

1. Account of the "Erie County Democratic Campaign Fund of 1966" for the "Election - November 8, 1966".

2. The account of the "1967 Republican Fund Raising Committee of Erie County" for the "General Election - November 7, 1967".

3. Account of the "1967 Republican Campaign Committee" for the "General Election - November 7, 1967".

4. Account of "The 1967 Democratic Campaign Fund" for the "Election of November 7, 1967".

5. Account of "Erie City Primary Campaign Committee" (believed to be an arm of the Republican County Committee), for the "Primary Election May 16, 1967".

6. Account of "The 1968 Erie County Democratic Committee" for the "Election of November 5, 1968".

This is the extent of records available to me. I have served in my present capacity since January of 1972. Upon receipt of this subpoena, I personally made an examination of our records and files. I am authorized to assure you of the continuing desire of the Erie County Board of Commissioners to cooperate with you.

This concludes my statement.