

When this committee began its public hearings, I had some pointed statements to make to this committee, and they are on record. I would like to repeat just some of the statements I made at that time.

I said, when we began public hearings, that unfortunately, we are going to begin to watch the last act in Pennsylvania's variation of the "Big Smear". I said that the public hearings that were going to begin that day would mark another very sad chapter in Pennsylvania politics, and that the House of Representatives Republican Majority had begun to write that story about two years ago.

I indicated that no one, the public, the members of this Committee, or the press should be surprised if they thought they had seen it all before, because the craze of the 70's is nostalgia for the 50's. I indicated that it was my opinion that my Republican colleagues had seen fit to join the trend of resurrecting Joe McCarthy, Roy Cohen, and G. David Schine.

At that time, I made the statement that some politicians would never tire of mud-slinging and witch-hunting.

I think what has occurred with this Committee since we began public hearings bears out the statement I made when we first opened those hearings.

I indicated my opinion that the Republican gubernatorial hopeful was watching from the sidelines, while others on this Committee, and behind the scenes on this Committee were trying to do for him what he could not do for himself.

Neither reason nor compassion, I stated, was going into that Committee room with us that day, which was the day we first opened hearings.

I indicated that the twin pillars of our Constitution - due process and equal protection under the

law - had been left shattered on the floor of our Executive Committee sessions.

I predicted that in the ensuing weeks we would all be forced to watch a mockery of our institutions and traditions, and I said that they would be played out against a background of self-serving allegations and twisted hypotheses.

Everything that has taken place at the public hearings of this Committee, in my opinion, and I only say it as my opinion, has borne out the predictions which I made.

Much of what has occurred, in my opinion, in these public hearings has occurred because of the tactics used by the Republican Majority of this Committee.

They first employed to staff two special counsel who were loaned to them by the Senate, which, in my opinion, was illegal; but these two special counsel had special qualifications. Both of them had been former District Attorney's for another Gubernatorial hopeful, Arlen Specter. One of them had been a special publicity man for the Pennsylvania Committee for the Reelection of the President. That was a Republican committee. Another had been a chief figure in the Philadelphia Grand Jury convened to prosecute prominent Philadelphia Democratic politicians.

I stated at that time that these gentlemen were steeped in the traditions of political indictment.

Nothing that has occurred at these public hearings has changed my mind.

I believe that the reasons this committee was formed, and I said so the day we opened public hearings, the reasons this committee was formed are laudatory. One of my goals as a Legislator, and I am sure of many other members of this panel, has been to find better and more efficient ways, methods, of state contracting. There is a great need for us to develop legislation to help us spend the public's money more efficiently, and there is a great need for us to take government contracting out of the realm of politics.

I am sure, Governor, you would not disagree with that.

If this Committee can achieve any of these purposes, I will be happy.

But, in this Committee's attempt to achieve those purposes, I think we have long since been side-tracked.

I want to make some personal observations that I made at that time, which bear making again.

I think these observations are shared by the other Minority members of this Committee.

The treatment that we, as members of the Legislature, Minority members of this committee, have received at the hands of the Majority has been shabby, unbelievably unfair, and partisan in the extreme.

I said that when we began public hearings and nothing that has occurred during these public hearings would change my opinion.

In all my years as a Legislator, I have never experienced such tactics.

The arrogance displayed by the Chairman, the Majority members, and especially by Special Counsel has created an atmosphere of rancor and distrust, and has been a terrible stain on the legislative process.

My opinion remains the same today at the conclusion of the Governor's testimony.

My requests on this Committee have been denied time and time again. Even the simplest, non-partisan requests -- agendas, staff lists, itineraries, payroll -- the least requests which a Committee member could expect to be filled -- have all been summarily denied.

The Majority has systematically and purposefully denied to the Minority members participation in the investigatory process.

The Majority has systematically and purposefully denied each and every Minority request and suggestion.

The Majority has systematically and purposefully given the Minority inadequate time to review, analyze, and digest hundreds of raw, unnumbered, unreferenced, and unrelated investigative files.

Many times these investigative files, and parts of files, were only given to the Minority members when we insisted, and insisted, and insisted.

We have systematically and purposefully had information withheld under the guise of confidentiality, and other similar terminology.

The Majority has systematically and purposefully refused to reconcile or explain many of the areas which we would be going into, or why we would be going into them, or given us full information.

I have faith that the people of Pennsylvania are going to reject the tactics employed by this Committee, and by the Republican Majority of this Committee.

Governor, just let me take this last 30 seconds to say to you, in view of the manner in which this committee operated, I appreciate the fact that you still came here, gave, in open public hearings, your testimony, and did give everyone an answer to the questions that were sought, even in face of the establishment of the Committee, and I thank you, personally, on behalf of myself and the Minority members of this Committee.

REMARKS OF REPRESENTATIVE JAMES MANDERINO BEFORE THE GLEASON COMMITTEE,
AUGUST 20, 1974.

Thank you, Mr. Chairman:

Mr. Chairman, fellow Committee members and Ladies and Gentlemen. Thank you for allowing me the opportunity to express my personal impressions on the history of this Committee and my hopes for its future. Let me state at the outset that despite the unfortunate irregularities which I will chronicle in the next few minutes, I begin these hearings with an open mind.

I hope that we might finally engage in an open inquiry into the facts. I will be the first to recognize and pursue any and all areas of contractual malpractice. That is our purpose. That is the path that we should follow.

Unfortunately, today we will begin to watch the last act of the Pennsylvania variation of the "big smear". The public hearings that begin today mark another very sad chapter in the story of Pennsylvania politics that the House Republican majority began to write almost two years ago.

Don't be surprised if you think you have seen it all before. The craze of the 70's is nostalgia for the 50's, and my Republican colleagues have seen fit to join the trend by resurrecting Joe McCarthy, Roy Cohen, and G. David Schine. Some politicians never tire of mud slinging and witchhunting.

As the Republican Governatorial hopeful watches from the sidelines, others try to do for him what he cannot do for himself. Neither reason nor compassion accompany us into this hearing room today. The twin pillars of our Constitution, due process and equal protection, have been left shattered on the floor of our executive committee sessions. In the ensuing weeks we will all be forced to watch as a mockery of our institutions and traditions is played out against a background of

self-serving allegations and twisted hypotheses.

Allow me to try to put today's hearings into their historical perspective context. On July 25, 1973, the House of Representatives passed House Resolution 98 which gave birth to the Select Committee on State Contract Practices. This Committee's first fishing expedition was an investigation into what were termed "sweetheart" leases entered into between the Department of Property and Supplies and private lessors. Although our Honorable Chairman made many public allegations against Secretary Hilton, the Republican majority never allowed the Secretary to publicly testify and vindicate himself when the allegations proved false and the investigations proved futile. But as I said, don't be surprised if you think you've seen it all before.

After the Hilton fiiasco, the majority members of the Committee didn't really know where to turn next. Then in a manner unprecedented in anyone's memory, Senator Tilghman, Chairman of the Senate Minority Appropriations Committee, "loaned" to the Select House Committee three recently hired "special counsel" because, in the Senator's words, the House committee "has the all important subpoena power the Senate Minority Appropriations Committee lacks."

② [These special counsel indeed had special qualifications. They had been members of former Philadelphia District Attorney and gubernatorial hopeful, Arlen Specter's staff. [One of the Special Counsel was a publicity man for Pennsylvania CREEP. Another had been a chief figure in the Philadelphia Grand Jury convened to persecute prominent Philadelphia Democratic politicians. All three were steeped in the tradition of the political indictment] - ~~big headlines, screaming allegations, no facts, no prosecutions.~~ Although District Attorney Specter's tactics

and candidacy were soundly repudiated by the voters of Philadelphia, his legacy remains alive and well in the tactics of his former assistants now working for the Chairman of this Committee.

Flushed with new hope, the Chairman, under the direction of Special Counsel, decided to subpoena the records of primarily Democratic counties in order to find some evidence -- any evidence -- of wrongdoing. It is no coincidence that when Democratic committee members offered suggestions for investigations into Republican controlled counties, based on substantial evidence that had already been made public, the Republican majority summarily rejected our requests. But as I said before, you've probably seen all this before.

Tomorrow will begin consideration of evidence gathered from a county recently visited by the U. S. Attorney, the Auditor General, the State Attorney General, and the District Attorney of Westmoreland County. The fact that four separate investigations failed to support any allegations of wide-spread misconduct did not deter the majority members of this Committee. After all, a headline is a headline.

To have listened to our Chairman and Special Counsel or to have read about our investigations in the media one might conclude that we sit here as a criminal justice agency or that Bills of Attainder are Constitutionally permissible. But Special Counsel are on loan. They don't understand the legislative process. They only understand headlines. After all, they must have some justification to use 59 staff persons and over one-half million dollars to do what other, more competent, agencies have already done.

I believe these hearings will produce nothing new by way of evidence or fact. All the agencies previously involved have placed

their findings on the public record. Sufficient information exists now to enact remedial legislation if that was the majority's purpose.

There is already sufficient statutory authority to deal with any alleged misconduct which might have occurred. Yet, the Republican majority presses forward, grabbing headline after headline. Still they insist on public hearings when the rules of the House specifically state that we must hear all testimony which might tend to defame, degrade, or incriminate an individual in executive session, so that we might judge its veracity for ourselves before we ruin the reputations of citizens by publicly airing private vendettas.

That's what the Ervin Committee did. That's what the Rodino Committee did. But that is not what the Gleason Committee does. But you've seen it all before.

Let me say here and now that I firmly believe that any public employee who has been found guilty of misconduct in office or has violated his public trust should be removed from office and dealt with to the full extent of the law. Anyone who would use his public office for personal or political gain has no place in public life, not matter how lofty his professed goals or how worthy his ultimate purpose.

3 I believe that the reasons which led to the formation of this Committee are laudatory. One of my goals as a legislator has been to find better and more efficient methods of state contracting. There is a great need for us to develop legislation to help us spend the public's money more efficiently. There is a great need for us to take government contracting out of the realm of politics. If this Committee can achieve any of these purposes, I will be happy. If we can bring out valid legislative proposals, I am more than willing to be a sponsor of such

legislation. I only hope that we can accomplish these goals without trampling individual rights.

All of us have just borne witness to a profound event in the history of the Republic. We have learned that a system which allows adversaries equal access to information and participation at all levels of proceedings can and will find the truth. But this Committee has shown no willingness to engage in that kind of fair and open debate.

Before closing, let me make some very personal observations -- reactions which I believe are shared by the other two minority members of this Committee. The treatment that we have received at the hands of the majority has been shabby, unbelievably unfair, and partisan in the extreme.

In all my years as a legislator, I have never experienced such tactics. The arrogance displayed by the Chairman, the majority members, and especially by the Special Counsel has created an atmosphere of rancor and distrust, and has been a terrible stain on the legislative process. Minority requests have been denied time and time again. Even the simplest, non-partisan requests -- agendas, staff lists, itineraries, payroll -- the least requests which a committee member could expect to be filled -- have all been summarily denied.

The majority has systematically and purposefully denied to the minority members participation in the investigatory process.

The majority has systematically and purposefully denied each and every minority request and suggestion.

The majority has systematically and purposefully given the minority inadequate time to review, analyze, and digest hundreds of raw, unnumbered, unreferenced, and unrelated investigative files.

The majority has systematically and purposefully withheld information from the minority under the guise of confidentiality.

The majority even continues to systematically and purposefully deny to the minority the right to call even one witness.

The majority has systematically and purposefully refused to reconcile or explain conflicting testimony.

I have faith that the people of Pennsylvania will reject the tactics employed by the Republican majority. I am reminded of something Adlai Stevenson said in the Presidential race of 1952 concerning Richard Nixon and I would unhesitatingly apply those words to today's hearings.

"Nixon land is a land of slander and scare, of sly innuendo, of a poison pen and the anonymous phone call, and hustling, pushing and shoving -- the land of smash and grab, and anything to win."

The American people have rejected this strategy countless times before. I trust this will be no exception.

xxx

Wedge of Chairman - ✓ Robins Committee

Abuse

September 3, 1974

In this morning's public session, Chairman Gleason cavalierly brushed aside my questions as to when three persons who are to be called by this committee at the request of its Democratic members will appear. I want to call attention to his responses, because, together with news stories that appeared over the weekend, they suggest a continuing insensitivity on the part of the Republican majority to individual rights and reputations.

Last week, in executive session, the Republican majority--which has called 35 of its own witnesses in the Westmoreland county portion of this investigation and which had continually rejected Democratic requests for other witnesses--finally voted to call one person at our request.

This person is a steel shop foreman for ITE Imperial Corp. in Greensburg who will testify that in late July or early August, he was told by James C. Poole that he (Poole) was going to testify against Egidio Cerilli because Republican investigators had threatened him with prosecution leading to seven years in prison if he did not. The investigators who interviewed Poole, according to the file, were Stephen Friend and J. Michael Willmann.

Mr. Gleason also indicated he would call, at our request, two investigators for the Auditor General who were told by Poole that he had never been forced to give political contributions. Poole apparently gave Friend and Willman a contradictory statement, and we felt that the committee should attempt to resolve the conflicts.

Despite his assurance last week that these persons would be called "as soon as physically possible," Chairman Gleason indicated to me today that no groundwork has been laid for their appearance and that he has no immediate plans to call them.

The testimony of these witnesses will bear directly on the credibility of Poole, the key Republican witness against Egidio Cerilli, who is to appear tomorrow. In our judgement, it would only be fair to Mr. Cerilli, as well as sound investigative procedure, to call these witnesses first.

But fairness and sound procedure are not uppermost in the minds of the Republican majority, if Sunday's newspapers are any indication, for they have already decided to recommend Mr. Cerilli's indictment before hearing him testify.