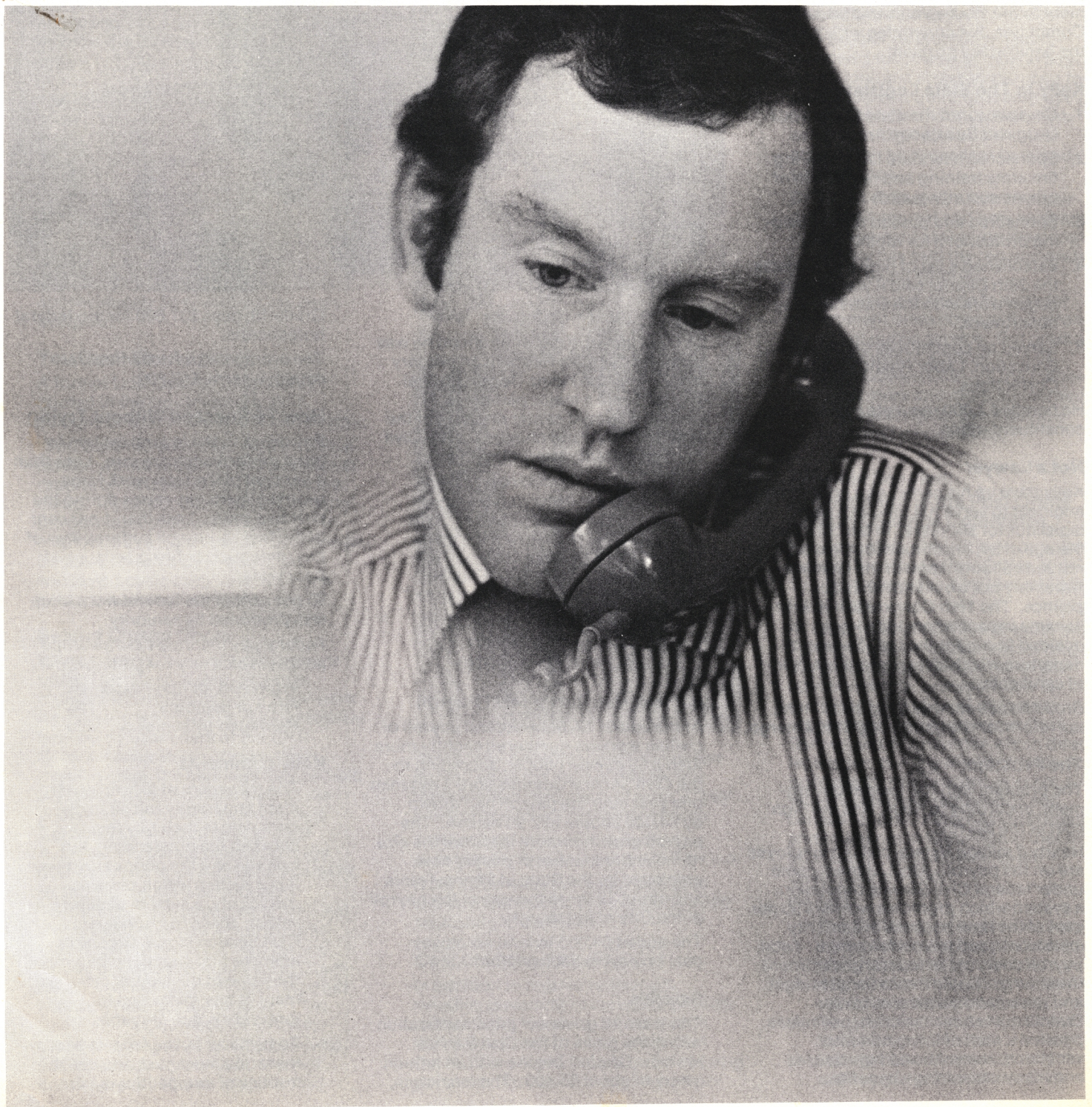


# Jim Kelly on the Issues

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*“... after six years in public office, I realize we are overwhelmed by public payrollers doing jobs that don't need to be done—paid for by our taxes. We can change that ...”*

REP. JIM KELLY, March 1976



Jim Kelly won political office in 1970 on his first try. In defeating an incumbent, he won a four-way nomination battle and a three-way general election.

His campaign was waged on three issues: Pennsylvania's bankruptcy, ineffective state narcotics laws and new roads for his district.

Kelly, then 28, became the first freshman minority representative to win appointment to the House Ways and Means Committee, the committee which solved the bankruptcy problem.

### Kelly In The State Legislature

1. Co-sponsored the state Dangerous Drug and Substance Act.
2. Sponsored new state law requiring fire arms training and regulation of private security guards.
3. Sponsored and passed laws providing protections for rape victims.
4. Established a list of highway projects the 28th District said it wanted and began work with the state highway department.
5. Served on committees of Finance, Education, Labor Relations and Corrections.

He handled 1,000 requests a year in his constituent office.

### Not a Lawyer

Kelly gave up his career as a contracting engineer to serve full time as a state legislator for six years. In late 1975, at the age of 34, he announced he would not seek a fourth term in the General Assembly but would not abandon politics. The 18th Congressional seat became vacant when John Heinz decided to run for the U.S. Senate, a departure which attracted a large field of candidates.

*Broad issues* such as big government, tax reform and inflation began to emerge.

### The Problem:

The problem with the federal government, according to Kelly, was the *high cost of the payroll*.

Nearly 3 million federal civilian employees are on the payroll. Most of them come under federal Civil Service regulation, a system which promotes workers 95 per cent of the time because of seniority *instead of* good job performance. Total payroll costs of the federal government threaten to cripple the national budget and raise national income taxes. Overall costs cover salaries, pay raises, pensions, cost of living benefits, vacations, automatic add on clauses and many other fringe benefits.



### Kelly Runs for Congress

On February 8, Kelly announced he was a candidate in the Republican primary election for the Heinz Congressional seat and said a major part of his campaign would center on costs of the federal payroll and changes in the Civil Service system. According to Kelly:

*"The federal Civil Service payroll will cost the American taxpayer almost \$43 billion this year. That total cost does not even include salaries of postal workers. Only two years ago the payroll cost was \$35 billion, or \$8 billion less."*

Federal payroll  
\$35 billion in 1974  
\$43 billion in 1976

### Facts About the Federal Payroll

At the end of 1974 the federal payroll of civilian workers numbered slightly more than 2.86 million people, according to the Civil Service Commission. Less than one year later the payroll had grown by 64,000 people to 2.93 million. The payroll growth is more than half the size of the entire number of people now employed by the State of Pennsylvania and about 12 times the size of the payroll of the City of Pittsburgh.

The added 64,000 federal employees cost taxpayers \$500 million.

### Salaries

There are 18 grades of job classification within the ranks of the Civil Service system. Grade 1 begins with an annual salary of about \$5,400. The maximum,

Grade 18, pays \$37,800 for top federal bureaucrats.

*The average white collar federal employe earns \$13,200.*

### How To Succeed Without Trying

Pay raises in the federal system for good performance are rare. Less than 4 per cent of the total work force received merit pay raises during the past two years. Less than 1 per cent of the federal payroll suffered loss of pay, demotion or firing because of poor work.

95 per cent of the federal work force was promoted by seniority.

*Federal pay increases are awarded almost exclusively for getting older.*

Promoted for good work: 4%  
Fired or demoted: 1%  
Promoted by seniority: 95%

### Kelly comments:

*"The managers of federal government apparently refuse to discriminate in their pay raises between the outstanding, the average and the poor performer. It is a system which rewards mediocrity, a system of demotivation. Since the turn over in Civil Service jobs is negligible after the first year of employment, the value to the federal government of pay raises just for longevity is questionable.*

*To be hired by the federal government one must pass and excell in a series of competitive merit*

examinations. But once on the payroll, the reward seems to be just for hanging on."

### Every Fourth Case An Error

That kind of management system can produce the present situation in the new Supplemental Security Income Program of the Social Security Administration. Administration Commissioner James B. Cardwell told a special Congressional subcommittee that his agency had an *error rate of 24.4 per cent*, or just about one out of every four cases it handled.

The error rate could be reduced, Cardwell told the subcommittee. He said if Congress would give him another *8,000 employes he could reduce the error rate to 15 per cent*.

The error rate *could never be less than 15 per cent*, Cardwell testified. The new program pays federal welfare payments to more than 4 million blind, disabled or elderly Americans who had been on welfare roles of various states. So far, approximately *\$547 million has been overpaid*.

### You Can't Fire Anybody . . .

A former U.S. Cabinet official was quoted in the November 24, 1975, editions of *U.S. News and World Report*: "You can't fire anybody. As a practical matter, we are required to make annual reports on what kind of a job they are doing. If you put down 'unsatisfactory' the dismissal proceedings begin. An employe has a right to endless hearings. So you avoid this by marking the employe 'satisfactory' and he or she gets a scheduled increase in pay."

### Behind Closed Doors

When a federal government employe under Civil Service jurisdiction is charged with misconduct or poor work, he or she is faced with an administrative hearing by examiners of the Civil Service Commission. Under Commission rules, the hearings may be held in private, away from the view of the press and the public. When former Defense Department cost analyst A. Ernest Fitzgerald disclosed huge cost overruns in an Air Force transport jet project his job was suddenly "eliminated". He appealed to the Civil Service Commission which ordered the Fitzgerald hearings held behind locked doors, despite a Federal Court decision which ordered the Fitzgerald hearings held out in the open. The Civil Service Commission tends to *avoid action against an employe who may not be doing the job but is not controversial*. "Generally, the Civil

Service Commission will protect someone who is incompetent as long as he (or she) is not hot," was how authors Charles Peters and Taylor Branch stated it in their 1973 book, *Blowing the Whistle*.

### Government Pensions Are Better Than Social Security

A federal civil servant earning an annual salary of \$15,000 can now retire after 25 years on the job, at any age, with a pension of \$6,937.50.

Maximum social security benefits for those in private industry would be \$5,488.80 for the same number of years on the job but at age 65.

Federal employes are covered by their own pension program and do not pay into the Social Security program.



Retirement benefits for some now run as high as 56 per cent of pay for the three highest paid years of work if they retire at age 55 with 30 years service.

*Total cost of federal government pensions for this year will be \$17 billion.*

If the same rates continue, pensions will cost the budget *\$45 billion by 1985*, according to estimates.

### Cost of Living Plus 1%

In addition to regular retirement benefits, government pensions provide cost of living increases which match the national cost of living, a fair plan. But federal pensions go beyond keeping pace with the cost of living. A one per

cent "kicker" clause has been awarded to pensioners. This plan provides increases to match the cost of living plus an extra one per cent added on.

*Every time the cost of living goes up by one per cent, federal pensions go up by two per cent.*

Kelly has stated he is against the one per cent add on.

### Public Service or Self Service

The Brookings Institution recommended a full review of federal payroll operations and stressed the need for more inservice training of employes, a de-emphasis of occupational job security and greater attention to stimulation by reward for outstanding performance.

Dr. David S. Brown, a former super-grade civil servant and now professor of management at George Washington University has said the recommendations are being ignored.

"Those who initially go to work for government often do so with a strong feeling of public service. But gradually this gives way to another kind of service—self-service—as the jobholder becomes more and more concerned with benefits, rights, prerogatives, seniority and *emoluments*."

### Possible Solution:

#### Appointment to the Post Office and Civil Service Committee

Kelly has stated he will seek appointment to the House Post Office and Civil Service Committee if he is elected to Congress.

At the present time there are just two Pennsylvania congressmen serving on the committee, a committee of 28 members which is responsible for the complete job review of all federal officers and employes under Civil Service and a committee which directs legislation dealing with the Hatch Act, holidays for government workers, Civil Service rules and regulations and census reports. Kelly has investigated and found out in Washington that *his chances for appointment to the committee are good*.

He said:

"The Civil Service committee may not have the glamour associated with the popular committee assignments in Washington, but it is a committee a freshman Congressman can be appointed to and it is a committee where I can get to work immediately with my plans to examine Civil

Service procedures and operations. Since I am campaigning on the need for Congressional review of Civil Service, it is logical that I also seek appointment to the committee most responsible for the review.

Based on my six years of experience in the Pennsylvania Legislature and with my background in Washington, I think I can reasonably expect my request to be granted."

### Fight To Save The Hatch Act

The Post Office and Civil Service Committee was responsible for initial legislation to eliminate protections of the federal Hatch Act. Known as *H.B. 8617*, the committee approved in 1975 the bill which would allow federal government employees to collect and raise campaign funds for candidates for office, to serve as advisers and campaign leaders for candidates from any party, to solicit contributions from fellow workers, serve as local or national chairmen of partisan political parties and run themselves for public office.

### Spoils System

The Hatch Act was made national law in 1939 following a scandal involving several instances, many in Pennsylvania, where candidates for office coerced and corrupted employees of the Works Progress Administration (WPA) under threat of firing. WPA workers were forced to kick back part of their salaries to specific candidates or face the loss of their jobs. Others were forced to collect "donation" money from friends or businessmen who dealt with government contracts.

Until the Hatch Act was passed, whatever political party happened to be in office could force the federal payroll into becoming its own political machine.

From the days of Andrew Jackson it had been known as the "spoils system" because to the political victors went the spoils of public office and the payroll. The Hatch Act stopped that.

### Nonpartisan Now

The Hatch Act required that federal employees could not be forced to pay tribute to any political officeholder or party and could not be forced into joining committees supporting candidates. Federal government workers were not allowed to run for office, to use their influence in an election, to serve as a party official or campaign manager, to solicit funds, to sell tickets, to circulate petitions or to take part in any partisan political activity.

No prohibitions were made in the law to prevent federal employees from their rights to register and vote as they pleased, from expressing their opinions in public, from making their own personal financial contributions to a candidate or from participation in non-partisan, independent elections.

The U.S. Supreme Court has upheld the law on many occasions, the most recent ruling handed down in 1973.

### Civil Service Committee Moves To Eliminate Hatch Act Laws

H.B. 8617, the removal of all Hatch Act protections, was first approved by the House Committee Kelly stated he hopes to be appointed to. The vote to remove Hatch Act restrictions was taken because many committee members said the law made federal government employees *second class citizens*.

But Kelly has noted that under the proposed changes an agent of the Internal Revenue Service (IRS) could be used by one party to audit taxes and records of an opposition party or could become a campaign worker for a candidate and examine the records of an opponent. FBI agents investigating crimes during the day while on the job could use the information they collected to help certain candidates for office at night.

### 3 Million Lobbyists

More importantly for the nation, the removal of protections and prohibitions of the Hatch Act would allow federal workers to form their own political committee to work against candidates who did not promise them big pay raises and other fringe benefits. The workforce would be unleashed to raise money and support only for candidates who would turn around and pay off after election. Removal of protections of the Hatch Act could insure that efforts to contain the growth and limit the payroll would be doomed forever.

According to Kelly:

"The Hatch Act is a two-way street. It offers mutual protections both to the public and to federal employees. There are protections for the federal government employe who does not want to be pressured into support for political officeholders who may threaten and there are protections for the American public which must be safeguarded from political manipulation by federal bureaucrats. We must have confidence in the impartial nature of our government. We have just gone through a period of national

distrust. Let's not step back.

After the Post Office and Civil Service Committee approved H.B. 8167 it was sent to the floor of the House where it again was passed. In March, 1976, the U.S. Senate passed a similar bill and a House/Senate conference committee began work on a compromise bill.

"It is absolutely essential to have a Congressman who knows something about the Civil Service system involved in the compromise plan. Specific safeguards can be written in to the legislation to satisfy all sides. If the bill comes out of the committee unchanged from the House version, I would urge President Ford to veto it and would vote to sustain his veto.", Kelly stated.

### Summary

1. After serving as an elected legislator for six years, Jim Kelly now understands and can deal directly with the overlapping layers of government.
2. Higher taxes, inflated dollars and the monthly costs of living are direct results of a federal payroll system which has grown out of control, a system of uncompetitive work practices, a silent, mysterious system no one seems willing to prod.
3. A starting point could be appointment to the House Post Office and Civil Service Committee, the committee responsible for complete review of all federal jobs and employment practices. To some it would seem to be a dull, lackluster committee but it is a point where one man can get to work at what needs to be done.



# the **JIM KELLY** report

State Representative

PUBLISHED AS A SERVICE TO THE CITIZENS OF THE 28th LEGISLATIVE DISTRICT

OCTOBER 1972



**REPRESENTATIVE JAMES B. KELLY, 31, Republican member of the Pennsylvania House. A graduate of Virginia Tech, Jim spent 5 years with a world-wide engineering firm before joining Senator Richard S. Schweiker's Washington staff. Elected in 1970 to his first term, Jim is a full-time member of the legislature. He and his wife Jeanne have one son, Jimmy, age 3.**

## WHY THIS REPORT IS SENT TO YOU . . .

Good communication between an elected official and his constituents is vital to effective government. This periodic legislative report serves as an important link between Representative Kelly and residents of the 28th District, some of whose contributions made it possible.

The enclosed card is provided as a convenience for registering a few of your views on important issues. It will be appreciated if you will kindly complete the card, stamp it, and drop it in the mail at your earliest opportunity. Your response will be carefully considered by Representative Kelly.

## EAST STREET—SLOW GOING

North Hills residents, tiring of the bumpy, traffic-jammed ride to and from town each day through the East Street Valley are asking authorities to get a move on in bringing the Interstate to completion.

Representative Jim Kelly, for a different reason, is asking the same thing. He believes completing the expressway is critical to the future economic growth of the city and the county. He said, "I have seen what a circumferential highway can do to a city. The beltways around Boston and Baltimore have attracted business and industry from the city core, and they have all but made the inner city obsolete.

Nearly one third of the available office space in the Pittsburgh downtown area is unoccupied, and Representative Kelly believes the situation would get worse if the cross-town expressway network were not completed and businesses continue to develop store and office space beyond the suburbs.

Actually, the problems began over a decade ago when the city gave its approval to the location of the East Street Expressway. Today, most highway planners admit the roadway should never have been located in the valley. Apparently at that time someone was using the Interstate as an excuse for removing substandard housing at the expense of the Federal Government.

Unfortunately, the city, the state, and the Federal Government have run out of time to change the location. Private dwelling acquisition has commenced, and if the Federal funds are not put to work soon, they will lapse in 1975.

To make matters worse, over the past years the State pursued an indiscriminate policy of acquiring property. Some people are still living in the valley, and the citizens living on the slopes have not given a clear indication whether they want to stay there without access to the new interstate. Federal regulations prohibit the acquisition of the slope property with Federal funds, even if the residents decide they do not like the idea of an expressway in their front yard.

Before proceeding with construction of a highway that should not have been, authorities must purchase the remaining property on the valley floor while arriving at some conclusion with the people living on the slope. Unfortunately, if acquisition of the slope property is agreed to by all parties, there is still the matter of who will pay the \$25 million tab.

"What irks me," Kelly said, "is that very little is being done by the city or the state to resolve these problems. The mayor proposed a limited access highway, and the state said it would not work."

The county is in the process of polling slope residents to determine whether they desire to have their property acquired. However, most city and state officials will agree they can forecast the approximate results of the poll—a majority will want to move.

(Continued on page 2)



**AN ELECTION PROMISE COME TRUE.** In the last campaign, Rep. Kelly indicated Sloop Road would be repaired. Here, he checks to make sure water from a heavy rainfall does not cover the road as it did before the repairs were made by the Transportation Department.

## THE LEGISLATOR'S JOURNAL

a candid assessment

In the last REPORT, I tried to give you an idea of how I weigh the various issues. In this edition, I would like to give you my impressions of the job the media does in reporting the legislative decision making process.

In the event I play an important role in introducing or debating a meaningful bill, I will generally issue a press release to the two local papers in my district and to the three members of the Harrisburg press corps representing the downtown papers.

In the case of the local papers, my remarks are usually printed verbatim although one paper has nearly always relegated them to the obituary page, such as when Governor Shapp announced he would sign my bill providing for the bipartisan election of school directors, thereby removing patronage politics from the schools—a major change in the state's election laws.

The legislature is no longer a biannual circus of one month duration; neither are its members the conventional political hacks drinking at the trough. In fact, the legislature now meets throughout the year, considers over 4,000 separate pieces of legislation, and is comprised of a **near majority** of members who weekly try to resolve over 100 constituent requests—with little staff help.

For some of us, the objective is to attract more, qualified full-time members to the legislature willing to spend ALL their time in public service. The point is, that by emphasizing the worst aspects of the legislature, the press is not helping to achieve that objective. What they print hardly makes legislative service sound inviting. Why?

Perhaps they have too much to do; or perhaps they are dissatisfied with a salary which is a bit less than that of the legislators they cover. For whatever reason, the clear misstatements of fact over the past few years are not justified—and, they do little to improve the system. Their comments are no more justified than the gripes of those few legislators who becried the press during the salary debate.

In the final analysis, this is what can be said about the past year. The busing bill would have accomplished nothing; the death penalty would have been unconstitutional, and the purported pay increase really amounted to a \$480 salary decrease since the unaccountable expense allowance was eliminated and the entire amount of legislative remuneration now becomes subject to state and local taxes. As I saw it, it was my duty to vote on the basis of facts, not on the basis of how the press would report my vote the next day.

*Jim Kelly*  
James B. Kelly

## No-Fault Debate Ends Two Year Session

In an effort to make this the 'year of the consumer,' Governor Milton Shapp has pushed the legislature to the brink of enacting a no-fault auto insurance bill.

In so doing, he accepted the essence of a proposal developed in the last KELLY REPORT whereby an individual injured in an automobile accident would not be able to sue for pain and suffering unless his medical bills exceeded \$1,000. Previously, the administration had attempted to restrict the right to sue to individuals who had suffered more than 70% incapacitation.

The compromise measure sent to the House by the Senate provides that an accident victim can collect up to \$10,000 in medical expenses and lost wages from his own insurance company. Every driver would be compelled to carry the basic no-fault coverage pertaining to personal injury. Property damage would be covered as in the past.

In the house, a bevy of amendments were proposed on both sides of the aisle, most of them by attorneys opposed to no-fault. The most critical vote came on a proposed amendment to the section of the bill prohibiting suits unless medical expenses exceed \$1,000.

As drafted by the Senate, if this provision were found unconstitutional, then the whole bill would be declared unconstitutional. The amendment provided that if that section of the bill were found unconstitutional, the remainder of the bill would continue as law.

In opposing the amendment, Kelly said, "When you consider we now must provide for the immediate payment of additional benefits, and for the insurance of 20% more motorists some of whom are considered uninsurable, we need to provide for these added expenses. To do that, you must limit law suits. It is a clear cut case of some people trying to have their cake and eat it."

The amendment was accepted in a move to destroy the bill, but Representative Kelly said he was disappointed that the conference committee assigned to iron out the differences between the House and Senate failed to agree on a compromise.

"I see no reason why we can not pass an equitable no-fault bill," Kelly said. "I resolve to pursue that goal just as soon as possible," he concluded.

## EAST STREET—SLOW GOING

(Continued from page 1)

Rep. Kelly, in meetings with Transportation Secretary Kassab and members of the mayor's staff, said, "Regardless of the outcome of the poll, we ought to be developing alternatives so as to take maximum advantage of the Federal funds being made available to us. It makes no sense to continue with East Street in its present condition.

"From my point of view," Kelly said, "Our only hope is to get Flaherty and Kassab together and stop the business of using East Street as a political football. After all, the people who live there without adequate fire protection, transportation, or municipal services shouldn't expect less."



**WHAT'S ON YOUR MIND?** Representative Kelly stops to chat with a McCandless resident regarding the need for local road repairs coming under the state's jurisdiction.

## Be Sure to Vote November 7th, But Be Careful

Residents of the 28th District are being urged by Representative Kelly to vote carefully in this November election.

In addition to choosing a President, Auditor General, State Treasurer, Congressman, and State Representative, voters will be asked to decide on the question of a home rule or optional form of government study for the county and some of the local government units. An emergency constitutional amendment permitting the state greater latitude in providing for flood victims will also be on the ballot for the approval of the electorate.

Kelly said he felt the most confusing aspect of the ballot covers the two home rule questions. In the case of both the county and the local unit of government, voters will be asked first whether a commission should be formed to determine if the existing form of government should be examined for potential improvements. Whether voters agree or disagree, they still must choose from a lengthy list of candidates those best qualified to recommend such changes. If the questions carry; seven, nine, or eleven members will be elected to the commissions. Should the questions be defeated, no one would be selected.

### KELLY OPINION POLL RESULTS

*Some 815 opinion poll cards, enclosed in the last JIM KELLY REPORT, were returned and reflected the following results:*

- 99 individuals favored the original Shapp No-Fault proposal, while 595 approved of a change recommended by Representative Kelly and later inserted by the Senate. A person injured in an auto accident would be permitted to sue when his medical expenses exceed \$1,000, instead of when he becomes more than 70% incapacitated as first suggested by Dennenberg and Shapp. 73 preferring no change in the present insurance system.
- 470 cards reflected sentiment in favor of a change in the structure of local governments, while 174 opposed change. 271 individuals preferred their present form of local government, whereas 218 felt it was not performing satisfactorily.
- Two other issues were apparent easy decisions for many returning the cards. 678 people favored the retention of capital punishment; 125 opposed it. 730 individuals opposed busing students to achieve integration while only 66 favored it.

### Unfinished Business

Several important bills co-sponsored by Representative Kelly appear to have been blocked in this session of the General Assembly.

"Of prime importance to me and apparently a minority of other legislators," Kelly said, "is the passage of legislation restricting the powers of the Milk Marketing Board, and a constitutional amendment providing for a reduction in the size of the House of Representatives.

"I thought we had something when Representative Bonnetto and I succeeded in moving through the House a bill identical to a Senate approved measure reducing the size of the legislature. The Attorney General indicated the Senate still had time, in the special session, to consider the bill and have it advertised according to the Constitution," Kelly said, adding "The Attorney General must have changed his mind because pretty soon some Senators were saying they had run out of time, so the bill was not called up."

Concerning milk price controls, Kelly said, "When the Governor announced his intention last month to submit new legislation to restrict the Milk Board, I was glad to see that after

(Continued on page 4)

## House Considers Bills on Death Penalty, Busing

Although the Senate has not acted on either measure, the House has passed two bills, one concerning busing and the other providing for the imposition of a mandatory death sentence.

"It was the intent of the sponsors of the anti-busing measure to stop the Human Relations Commission from enforcing integration orders prescribing busing," Kelly said, adding, "But I do not believe that is what the bill actually specified, and that is why I opposed it."

In effect, HB 1717 removed the Commission from its role of mediating discrimination cases in the public schools. Thereby the Commission could no longer consider even those cases not involving the busing question. Furthermore, the legal requirements for busing would still be in effect and it would simply be a matter for the courts or the Attorney General to enforce.

"Instead of going to the heart of the busing problem as proposed by Federal legislation, this bill was a sham and it was probably proposed for the public image of the sponsor," Kelly said.

In another action, the State House passed legislation mandating the death penalty for seven specific crimes including assassination of a public official, hijacking, and various degrees of murder. Should the bill be passed in its present form by the Senate, and that appears unlikely, the gas chamber would be substituted for the electric chair since, according to the sponsors, that is a more humane way of executing human beings.

In opposing the bill, Representative Kelly said he noted several serious flaws, "The Supreme Court has decided this issue, so I have no idea how one can design a bill at this time and proclaim it constitutional."

Kelly added, "We may even be creating another constitutional issue by mandating the death penalty for certain crimes and thereby placing the jury in the position of finding the defendant guilty of a lesser crime because of an objection to the death penalty on the part of one juror.

"From my point of view," Kelly said, "It would have been better to settle the matter once and for all by providing for solitary life imprisonment at hard labor without eligibility for parole. That is the essence of the amendment I offered.

During the debate in which Kelly's amendment was defeated, he said, "I just do not believe the Commonwealth should be in the business of exterminating people—particularly when our system of justice has been known to sentence the wrong man. Also, no one has yet been able to show that the existence of the death penalty has resulted in fewer serious crimes."

Kelly noted several instances in the past year when the legislature has been called upon to compensate individuals wrongly sentenced to prison. He said, "Had these individuals been executed, and they could have been, the state would have been a party to murder. Rather than attempt to 'get even' with criminals, we ought to concern ourselves with the victims of crime and substantive methods of preventing future acts of violence."

## UNFINISHED BUSINESS

(Continued from page 3)

two years in office and the naming of an unusually poor appointment to the Board, the Governor was preparing to join some of us in reforming it. Unfortunately, he was not, and the bill is apparently dead in the Agriculture Committee."

Kelly said he intends to continue to work for both measures which he termed "more than acceptable to a majority of Pennsylvanians—even dairy farmers."

If both of the bills fail consideration this year, Kelly said he would reintroduce them next year. Additionally, he said he would attempt to amend them into legislation being considered on the House floor thereby bypassing the Committees.



During a lull in activity on the House floor, Representative Kelly confers with several of his colleagues.

### THE KELLY REPORT

OCTOBER 1972

PUBLISHED AS A  
SERVICE TO THE  
CITIZENS OF THE  
28TH LEGISLATIVE  
DISTRICT

9748 Bellcrest Road  
Ingomar, Pennsylvania 15127



REPRESENTATIVE JIM KELLY AND MEMBERS OF WEXFORD GIRL SCOUT TROOP 239 pause on the steps in the Capitol rotunda following a week-end tour of the Capitol complex. During the past year numerous other youth groups have been escorted on personal tours by Representative Kelly.

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Ingomar, Pennsylvania 15127

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# Jim Kelly for Congress

3371 BABCOCK BOULEVARD, PITTSBURGH, PA 15237 (412) 366-7971

18TH DISTRICT

Six years ago Jim Kelly came back from Washington and told voters it was time to get Pennsylvania moving again. They must have heard the message because he won a hard fought, four-way primary race. He won again in the general election, in a three-way battle, and has been victorious ever since.

There is a quality about Jim Kelly which sets him immediately apart from the rest. He listens. He has been an effective State Representative for three terms in Harrisburg. He has handled more than 5,000 constituent service cases. His record is clear. He worked full time and gave us 100 per cent.

Jim Kelly is running for Congress now, trying to fill the Heinz seat in the 18th Congressional District. He says that Congress is too quick to delegate its responsibilities to the regulatory agencies who often make laws rather than enforce them. He is talking about Congressional review of the federal employment and promotion system. He is supporting the Hatch Act.

He has a strong, firm message. But to get it across to the 95,000 Republicans living in the 18th District it takes a lot of money. And Jim Kelly is not a rich man. He has disclosed his net worth and it is less than \$10,000.

Jim needs your financial support as well as your vote on April 27th. Politics cannot afford to lose a man like Jim Kelly. Jim Kelly cannot afford politics without your help. I am asking you to make a contribution to help get the Kelly message out to the voters. When you do, please pass this letter on to a friend so he or she can help too. Thank you.

Sincerely,

Evans Rose, Jr.  
Treasurer

# Jim Kelly for Congress

3371 BABCOCK BOULEVARD, PITTSBURGH, PA 15237 (412) 366-7971

18TH DISTRICT

February 5, 1976

Mr. and Mrs. Erwin Schuette  
Season Hill Farm-RD#1  
Sewickley, PA 15143

Dear Mom and Erwin:

This week I am announcing my campaign for the Republican nomination for our Congressional seat being vacated by John Heinz. I ask for your approval and support. I intend to win as a Republican.

Six years ago, when I first sought public office, I promised to:

1. WORK to solve Pennsylvania's financial crisis.
2. FIGHT for top priority highway reconstruction in my district.
3. SPONSOR legislation to help end the drug abuse epidemic.

I have been reasonably successful in all three areas, and others, through my committee assignments, the legislation I sponsored, and the relationships I developed.

I have been available to my Republican Committee people to help expand our base of support and I was the first from my district to open and maintain a full time constituent service office where we resolved more than 5,000 requests. I work full time at my job, with a 95 per cent attendance record. My performance stands for the public to examine; so do my federal income tax and campaign records.

Now, I have announced my retirement from the Legislature to use my experience in the Congress. We must have a proven, elected winner who has been tested in the daily grind of preparing and passing legislation, solving constituent demands, and just being a good listener.

(more)

Page Two

I want to be a visible, positive example of what we must stand for, so I am committing myself to these objectives:

1. TAX REFORM is a fundamental national goal. But it can never be realized without reduced government spending.
2. REDUCED GOVERNMENT SPENDING requires eliminating programs structured for self-survival by over-protected civil servants.
3. MASS TRANSPORTATION is desperately needed. I helped end argument over the East Street Valley Expressway and I believe I can do the same for a county-wide mass transit system.

I promise no more than I can reasonably expect to deliver.

A personal resume is enclosed. I am neither for nor against an endorsement---that is a matter for your committee to decide. During the next few weeks I would like to meet you and your neighbors to talk about our campaign and to listen to your advice. If we can serve you with more information or assistance, please contact our headquarters.

Sincerely,



# Jim Kelly for Congress

3371 BABCOCK BOULEVARD, PITTSBURGH, PA 15237 (412) 366-7971

18TH DISTRICT

April 21, 1976

## MAJOR ISSUE RELEASE

The Congress is violating its legislative responsibilities by continually delegating its law-making authority to powerful regulatory agencies, Rep. Jim Kelly charged today.

In a major position paper, subtitled "Stop Passing The Buck," Kelly disclosed that so far in 1976 the Congress has not passed one single public law while the regulatory agencies have been actively passing new or amended rules and regulations.

In 1974 the Congress passed a total of 404 laws while federal regulatory agencies passed 7,496 regulations which have the effect of laws, he charged.

"Congress has got to accept responsibility for regulation and not permit unelected administrators and bureaucrats to take over that power," Kelly stated, adding that Congressmen are accountable for their actions while oftentimes agencies are insulated from public pressure.

Kelly proposed two major changes in Congress in order to better regulate the regulators. They are:

- Adoption of new Congressional procedures requiring the Congress to review and evaluate all new or proposed changes in agency regulations. Congress would have an enforced 60 day delay for review and examination before regulations would become law. The measure would force Congress to be accountable for all agency regulations, according to Kelly.
- A SUNSET LAW requiring full review and performance evaluation of all federal agencies every four years before Congress could approve continued tax-supported funding for agencies.

"The ultimate responsibility for implementation of rules and regulations which affect the lives and livelihoods of our citizens must be held by our elected officials," Kelly concluded.

The position paper is the fifth in a series so far released by Kelly during this spring's campaign for the Republican nomination in the 18th Congressional District race for the U.S. House of Representatives. Kelly, 34, from McCandless, is now a third-term State Representative from Allegheny County's 28th Legislative District.

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The Kelly Campaign Committee: W. R. Jackson, Jr., Chairman; Evans Rose, Jr., Treasurer.

A copy of our Report is filed with the Federal Elections Commission, and is available for purchase from the Federal Elections Commission, Washington, D. C. 20463



# DICK SCHWEIKER FOR U. S. SENATOR

*A Strong New Voice  
for Pennsylvania*

**SAVE THIS CARD—CHECK YOUR  
CHANGE**

|                         |            |          |
|-------------------------|------------|----------|
| 1909 S (VDB) Penny      | .....Worth | \$125.00 |
| 1909 S Penny            | .....Worth | 24.00    |
| 1914 D Penny            | .....Worth | 42.50    |
| 1922 Penny (Plain)      | .....Worth | 40.00    |
| 1924 D Penny            | .....Worth | 12.00    |
| 1931 S Penny            | .....Worth | 30.00    |
| 1955 Double Die Penny   | ....Worth  | 185.00   |
| 1960 (Small Date) Penny | ..Worth    | 9.00     |
| 1939 D Nickel           | .....Worth | 6.50     |
| 1939 S Nickel           | .....Worth | 2.00     |
| 1950 D Nickel           | .....Worth | 18.00    |
| 1916 D Dime             | .....Worth | 90.00    |
| 1921 D Dime             | .....Worth | 14.50    |
| 1942 over 1941 Dime     | .....Worth | 70.00    |
| 1923 S Quarter          | .....Worth | 37.50    |
| 1932 D & S Quarter      | .....Worth | 30.00    |
| 1938 D Half Dollar      | .....Worth | 17.50    |
| 1949 Half Dollar        | .....Worth | 5.00     |
| 1953 Half Dollar        | .....Worth | 7.00     |
| 1955 Half Dollar        | .....Worth | 8.00     |

## 4 Terms in Congress

Dick Schweiker for U. S. Senator  
Committee





**Representative JAMES B. KELLY**  
**House of Representatives, Box 177**  
**Harrisburg, Pennsylvania 17120**

PLACE  
**6¢**  
POSTAGE  
HERE

When appropriating your state tax dollars, which should receive the highest priority? Please rank the following topics on a scale of 1 through 5, with 1 indicating top priority:

EDUCATION .....

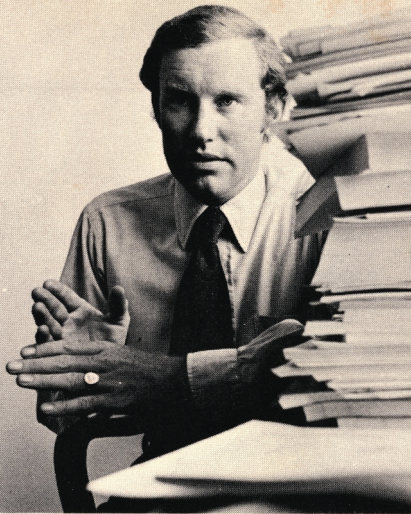
ENVIRONMENTAL PROTECTION .....

TRANSPORTATION (including road maintenance) .....

COMMUNITY DEVELOPMENT .....

AID TO HANDICAPPED CHILDREN .....





Yes, you can vote  
for **Jim Kelly** if  
Heinz was your  
Congressman.



# As your Congressman, Jim Kelly wants to:

- ★ *Challenge* the civil service system and unproductive payrollers.
- ★ *Work* for tax reform and reduced spending.
- ★ *Fight* for a decent mass transit system.

## Jim Kelly's Record

- ★ A McCandless resident, age 34.
- ★ A contracting engineer with international experience.
- ★ Served three terms in the Pennsylvania House of Representatives on four major committees: Education, Finance, Corrections, Labor Relations.
- ★ *Sponsored and passed:*
  1. *Bipartisan election of school boards*
  2. *Rape victim protections*
  3. *Security guard regulations*
  4. *Dangerous drug and substance act*

*Call or visit our headquarters*

KELLY FOR CONGRESS  
3371 BABCOCK BLVD.  
PITTSBURGH, PA. 15237  
366-7971

The Kelly Campaign Committee:  
W. R. Jackson, Jr., Chairman; Evans Rose, Jr., Treasurer.  
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JIM KELLY ON THE ISSUES

Kelly White Paper No. 5

Regulatory Agencies

"Congress must stop delegating its legislative powers to the regulatory agencies. Congressmen can't keep passing the buck."

Rep. Jim Kelly  
April, 1976

So far in the anniversary year of 1976, the Congress of the United States has not passed one single public law. At the same time, there are 67 federal agencies and departments which daily make decisions regulating the lives of all American citizens, decisions often made by unelected bureaucrats in a vacuum, without public hearings. A Library of Congress study reveals that in 1974 the Congress passed 404 laws while federal agencies spat out 7,496 new or amended regulations.

The nation's 24 major regulatory agencies now employ more than 105,000 people and have a total budget of \$3.8 billion. Just a decade ago, there were only 12 major regulators with only 58,000 employees and budgets totaling \$860 million. The U.S. Department of Agriculture employs more than 25,000 regulators to handle animal and plant health inspections, the Forest Service and conservation and marketing services. There are more than 11,000 regulators in the relatively new Environmental Protection Agency and 9,000 in the Department of Health, Education and Welfare.

### The Taxpayers' Burden

In all, these agencies and these regulators are responsible for more than 9,800 federal forms. A company with 40,000 employes must maintain 125 file drawers of records just to meet federal reporting requirements for personnel.

A company in Oregon operating three small television stations filed 45 pounds of forms just to apply for a broadcast license renewal.

A contractor was ordered to install alarm signals on his construction vehicles at job sites in order to warn workers and avoid possible accidents. The Occupational Safety and Health Administration then ordered the workers to wear ear plugs for protection against excessive noise.

The financially troubled Rock Island Railroad asked permission 13 years ago from the Interstate Commerce Commission to merge with the Union Pacific Railroad. The application was never acted upon and the Rock Island line went bankrupt.

### The FEA

Examples of the regulatory problem are not hard to find. But one agency, the Federal Energy Administration, stands out above the rest.

The FEA has a budget of \$142 million and employs 3,400 people, paying an average annual salary of \$19,026.

There are 37 FEA "supercrats" on the payroll earning \$37,800 a year and there are 112 employes assigned to press and public relations posts within the FEA, costing an annual sum of \$3.5 million to distribute the nation's "energy message."

Standard Oil of Indiana officials claim FEA regulations cost them almost \$3 million a year and require an extra 100 employes. The company has a computer tape more than 600 miles long which stores information required by the FEA.

Yet with all these regulations, with the weight of the Federal Energy Administration, the nation's importation of foreign oil keeps going up, rising from 36 per cent of our total use in December to 39.1 per cent in March.

The Wall Street Journal has estimated FEA controls and regulations add three to five cents to each gallon of gasoline sold in the United States.

And Congress is now debating a plan to triple the FEA budget to \$440 million and add 700 more employes for the agency.

#### Kelly In Quotes

"The Congress has got to be more accountable for the regulators and the regulations. The political scandal of Watergate caused a public cry for election law reform. Rather than dealing with the issue by passing strict laws of its own, the Congress turned around and established the Federal Election Commission to deal with a hot potato. The Congress must stop delegating its constitutional legislative, rule-making powers to bureaucratic agencies, commission and boards. Congress has got to accept responsibility for regulation and not allow unelected administrators to take over that responsibility.

A Congressman is accountable to the people, to his constituents, every two years. He is available. Federal rule making agencies have the insulation to completely ignore citizen complaints. A Congressman cannot."

#### More Regulation; Not Less

But the trend is to have more regulatory agencies, rather than fewer. Pending in Congress now are two bills which would establish two new agencies. One, already passed by the House of Representatives and the Senate, would create a new agency, the Board of Political Activities of Federal Employes, to oversee the political influences of federal Civil Servants and regulate their participation in partisan political campaigning, activities which have been prevented since 1939.

The second new agency, the federal Voter Registration Administration, would regulate a federal program to register voters by use of post cards.

Kelly has stated his opposition to the creation of both agencies.

#### Kelly In Quotes

"But simply saying no to more regulatory agencies is not enough. The Congress must vote to establish its own rules on how to regulate the regulators. I favor two changes:

#### 60 Days

- 1) All agencies which approve any new regulations or changes in existing regulations should be requested to submit them

to Congress before they are implemented. I favor H.R. 9801 which gives the House of Representatives 60 days to consider any new regulation or proposed change. The regulations should be submitted to the appropriate Congressional committee where the agency involved must provide members of the committee with a detailed explanation of why the new or changed rule or regulation is necessary. This would cause two things to happen. Agencies would be forced to examine the effects of their rules and regulations before they were forced on the public. Federal agencies would be less apt to pass rules just for the sake of passing a rule, another regulation.

More importantly, the requirement would force members of Congress to accept responsibility for the actions of the regulatory agencies. When the American citizen wants to complain about government regulation, he or she will know where to take the complaint.

Regulatory agencies were first established to deal with specific rules and legal procedures which the Congress did not have the time nor the expertise to handle. But the rule making authority of the federal government is so awesome that the ultimate responsibility for the implementation of rules and regulations which affect the lives and livelihoods of our citizens must be held by our elected officials.

#### Sunset Law

- 2) I also favor the creation of SUNSET LAWS which force all federal agencies to justify their continued existence by



the taxpayers. There is a bill now before the United States Senate which would require all federal agencies, commissions and boards to come up for full review and evaluation every four years in order to justify their continued funding. I favor such legislation. Congress is far too anxious to keep approving and financing new agencies and commissions but never gets around to evaluating the effectiveness of their work.

This proposal would also enable the Congress to examine the work performed by agencies in related fields to determine if there is overlapping.

It has been said that the most creative, effective period of any federal agency is during its first 10 years of existence and that after that the agency becomes a prisoner of its own bureaucracy, more interested in self-preservation than accomplishing specific goals. If that is true, the Congress should have the power to evaluate as well as to create."