

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 2, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 6

SENATE

MONDAY, February 2, 1987.

The Senate met at 2:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

PRAYER

The Chaplain, the Reverend Mr. WILLIAM J. LaSALLE, Pastor of the Faith United Church of Christ, Grantville, offered the following prayer:

Please join with me in prayer.

Almighty and merciful God, whose Spirit moved over the face of the waters at creation, we call upon Your creative Spirit to be with us today.

The problems are many, O Lord. Yet, You have given us resources in which to meet human need. We pray that Your creative Spirit will be with this Body of lawmakers.

Lead them, O God. Lead them with Your Spirit of wisdom and courage. Lead them with Your Spirit of justice and reconciliation. Lead them in their process of deliberation and debate and decision, that through their efforts, Your people in this Commonwealth may be a step closer to realizing that vision of peace and harmony expressed by Isaiah, that vision of hope where:

“The wolf shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the lion and the fatling together....”

All praise and honor be to You, O God. Amen.

The PRESIDENT. The Chair thanks Reverend LaSalle who is the guest this week of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 28, 1987.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator STAUFFER, further reading was dispensed with, and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

COMMISSIONER OF THE PENNSYLVANIA STATE POLICE

January 30, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Major John K. Schafer, 18 Windswept Road, Breinigsville 18031, Lehigh County, Forty-eighth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified, vice The Honorable Jay Cochran, Jr., Marysville, whose term expired.

ROBERT P. CASEY.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

January 28, 1987

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN and WILT presented to the Chair SB 190, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for prohibited martial arts weapons.

Which was committed to the Committee on JUDICIARY, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN and AFFLERBACH presented to the Chair SB 191, entitled:

An Act requiring specific patient authorization of medical care in order for medical insurance to reimburse for medical care provided.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, WILT, ANDREZESKI, KELLEY and AFFLERBACH presented to the Chair **SB 192**, entitled:

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for the establishment of insurance rates for certain insureds.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, WILT, ANDREZESKI, KELLEY and AFFLERBACH presented to the Chair **SB 193**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring certain insurance companies to record and report their losses, expenses and other data with respect to liability insurance; and further providing for penalties.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, WILT, ANDREZESKI, KELLEY, AFFLERBACH and GREENWOOD presented to the Chair **SB 194**, entitled:

An Act making an appropriation to the Insurance Department to retain additional actuaries.

Which was committed to the Committee on APPROPRIATIONS, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, ANDREZESKI, KELLEY and AFFLERBACH presented to the Chair **SB 195**, entitled:

An Act providing for liability insurance in areas where liability insurance is difficult to obtain; creating the Property and Casualty Insurance Joint Underwriting Association as a legal entity and conferring upon it rights, obligations, powers and duties; and imposing additional powers and duties on the Insurance Department.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, ANDREZESKI, AFFLERBACH and GREENWOOD presented to the Chair **SB 196**, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," further providing for civil penalties.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, PETERSON, WILT, ANDREZESKI, KELLEY, AFFLERBACH and GREENWOOD presented to the Chair **SB 197**, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," requiring that complete copies of insurance policies be provided to policyholders upon request.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators GREENLEAF, SHAFFER, SALVATORE, REIBMAN, WILT, ANDREZESKI, KELLEY and AFFLERBACH presented to the Chair **SB 198**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," prohibiting cancellation of household policies in certain cases.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1987.

Senators JONES, LYNCH, WILLIAMS, HANKINS, ZEMPRELLI, FUMO, STAPLETON and MUSTO presented to the Chair **SB 199**, entitled:

An Act making an appropriation to the Department of Community Affairs for the reimbursement of cities of the first class for expenses incurred by reason of subsidence.

Which was committed to the Committee on APPROPRIATIONS, January 28, 1987.

Senators LOEPER, FISHER, STAUFFER, GREENWOOD, JUBELIRER, SHUMAKER, SHAFFER, O'PAKE, REIBMAN, PECORA, HELFRICK, KELLEY and SALVATORE presented to the Chair **SB 200**, entitled:

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), entitled "Recreational Improvement and Rehabilitation Act," providing additional funds to the Department of Community Affairs and extending the provisions of the law for an additional three years.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 28, 1987.

Senators PECORA, RHOADES, SALVATORE, CORMAN, SHUMAKER, MADIGAN, MOORE and HELFRICK presented to the Chair **SB 201**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, eliminating plea bargaining in connection with sentencing.

Which was committed to the Committee on JUDICIARY, January 28, 1987.

Senators WENGER, STAUFFER, KELLEY, SHAFFER, BELL, GREENWOOD, ANDREZESKI, SHUMAKER, PECORA and SALVATORE presented to the Chair **SB 202**, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted and amended, "Regulatory Review Act," further providing for the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; changing the termination date for the commission; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1987.

Senator CORMAN presented to the Chair **SB 203**, entitled:

An Act amending the act of December 15, 1971 (P. L. 596, No. 160), entitled "Outdoor Advertising Control Act of 1971," establishing a three-year permit and fees for directional signs and directional information signs.

Which was committed to the Committee on TRANSPORTATION, January 28, 1987.

Senator CORMAN presented to the Chair **SB 204**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for illuminated signs in passenger cars.

Which was committed to the Committee on TRANSPORTATION, January 28, 1987.

Senators BELL and LEMMOND presented to the Chair **SB 205**, entitled:

An Act authorizing the Department of Military Affairs to establish and maintain an additional home for military veterans.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 28, 1987.

Senators REIBMAN, MADIGAN, ZEMPRELLI, JUBELIRER, LINCOLN, HESS, LEWIS, RHOADES, ROCKS, FISHER, JONES, GREENWOOD, AFFLERBACH, LEMMOND, WILLIAMS, SALVATORE, STAPLETON, CORMAN, MUSTO, PETERSON, ANDREZESKI, ARMSTRONG, STOUT, KELLEY, ROMANELLI and ROSS presented to the Chair **SB 206**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," increasing reimbursement for school building construction; and making editorial changes.

Which was committed to the Committee on EDUCATION, January 28, 1987.

Senators O'PAKE, SCANLON, ZEMPRELLI, ROMANELLI and MUSTO presented to the Chair **SB 207**, entitled:

An Act requiring the Secretary of the Department of Corrections to hire 276 additional personnel as correctional officers.

Which was committed to the Committee on LAW AND JUSTICE, January 28, 1987.

Senator CORMAN presented to the Chair **SB 208**, entitled:

An Act amending the act of July 7, 1980, (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for Commonwealth liability for damages resulting from the disposal of municipal waste in certain cases; and making a repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 28, 1987.

Senators GREENLEAF, HELFRICK, BELL, FUMO and ANDREZESKI presented to the Chair **SB 209**, entitled:

An Act amending the act of March 30, 1811 (P. L. 145, No. 99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing deferred compensation programs for officers and employees of the Commonwealth and its political subdivisions; and providing procedures for the establishment and administration of these programs.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1987.

Senators STAUFFER, HESS, PETERSON, WILT, MELLOW, GREENWOOD, CORMAN, SHUMAKER, PECORA, LEMMOND, STOUT, SHAFFER, RHOADES, KELLEY, GREENLEAF, MADIGAN, AFFLERBACH and BRIGHTBILL presented to the Chair **SB 210**, entitled:

An Act facilitating medical treatment decisionmaking by establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain medical treatment in the event the person suffers a terminal illness or injury and is incompetent; requiring in certain cases the provision of nutrition and hydration; and providing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 28, 1987.

Senators GREENLEAF, PECORA, KELLEY, ANDREZESKI and SALVATORE presented to the Chair **SB 211**, entitled:

An Act providing for a voluntary contribution system to aid indigent persons; establishing a special fund; imposing duties on the Department of Public Welfare; and making a repeal.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 28, 1987.

Senators GREENLEAF, GREENWOOD, REIBMAN, BELL, HELFRICK, STAPLETON, ANDREZESKI, O'PAKE and FISHER presented to the Chair **SB 212**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the admissibility of certain out-of-court statements.

Which was committed to the Committee on JUDICIARY, January 28, 1987.

Senators GREENLEAF, REIBMAN, CORMAN, HELFRICK, O'PAKE, ANDREZESKI, GREENWOOD, STAPLETON and KELLEY presented to the Chair **SB 213**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

Which was committed to the Committee on JUDICIARY, January 28, 1987.

January 29, 1987

Senator GREENLEAF presented to the Chair **SB 214**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for tax levy.

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1987.

Senator GREENLEAF presented to the Chair **SB 215**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1987.

Senator GREENLEAF presented to the Chair **SB 216**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for township tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1987.

February 2, 1987

Senators SALVATORE and ANDREZESKI presented to the Chair **SB 217**, entitled:

An Act providing for licensing and placement of video gaming machines in this Commonwealth, for powers and duties of the Department of Revenue, for local option and for distribution of revenues.

Which was committed to the Committee on FINANCE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 218**, entitled:

An Act amending the act of June 8, 1891 (P. L. 212, No. 184), entitled "An act in relation to cremation of human bodies in this Commonwealth," providing for agreements guaranteeing remains.

Which was committed to the Committee on STATE GOVERNMENT, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 219**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for restrictions on board members.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 220**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for the reporting of the offer of certain gifts.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 221**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for revocation of license due to tax delinquency.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 222**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing penalties, revocations and suspensions for violations relating to prostitution; and making editorial changes.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 223**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," removing limitations from certain participants at public hearings; and making editorial changes.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 224**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for board meetings and hearings conducted by the Pennsylvania Liquor Control Board.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 225**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing that all records and files of the board shall be available to all members of the board.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 226**, entitled:

An Act prohibiting psychological abuse in the workplace; imposing duties upon the Pennsylvania Labor Relations Board; and providing a penalty.

Which was committed to the Committee on LABOR AND INDUSTRY, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 227**, entitled:

An Act establishing a Missing Children Information Clearinghouse; providing for powers and duties of the clearinghouse; establishing the Missing Children Clearinghouse Advisory Board; providing for powers and duties of the advisory board; and making an appropriation.

Which was committed to the Committee on AGING AND YOUTH, February 2, 1987.

Senator GREENLEAF presented to the Chair **SB 228**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," authorizing the opening of vital statistics records to certified genealogists.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 2, 1987.

Senators GREENLEAF and SALVATORE presented to the Chair **SB 229**, entitled:

An Act regulating private prisons; providing for contracts with, licensing of and employee status for private prisons; and imposing powers and duties on the Department of Corrections.

Which was committed to the Committee on JUDICIARY, February 2, 1987.

Senators GREENLEAF, SALVATORE, ANDREZESKI, RHOADES and GREENWOOD presented to the Chair **SB 230**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain medical assistance payments.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 2, 1987.

Senators GREENLEAF, SALVATORE, PECORA, ANDREZESKI, RHOADES, GREENWOOD and KELLEY presented to the Chair **SB 231**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties in general of the Department of Aging.

Which was committed to the Committee on AGING AND YOUTH, February 2, 1987.

Senators GREENLEAF, SALVATORE and ANDREZESKI presented to the Chair **SB 232**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," providing for certification of professional genealogists.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 2, 1987.

Senators GREENLEAF, SALVATORE, ANDREZESKI and O'PAKE presented to the Chair **SB 233**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the limited right of jurors to take notes.

Which was committed to the Committee on JUDICIARY, February 2, 1987.

Senators GREENLEAF, STAUFFER, SALVATORE, PECORA and ANDREZESKI presented to the Chair **SB 234**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading of criminal attempt, solicitation and conspiracy.

Which was committed to the Committee on JUDICIARY, February 2, 1987.

Senators REIBMAN, O'PAKE, HESS, KELLEY, RHOADES, PETERSON, BELL, PECORA, MUSTO, HANKINS and STAPLETON presented to the Chair **SB 235**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for institutional vandalism.

Which was committed to the Committee on JUDICIARY, February 2, 1987.

Senators REIBMAN, SHUMAKER, KELLEY, PETERSON, GREENWOOD and SALVATORE presented to the Chair **SB 236**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for equal rights for males and females; and making editorial changes.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 2, 1987.

Senators REIBMAN, SHUMAKER, KELLEY, PETERSON, GREENWOOD and SALVATORE presented to the Chair **SB 237**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for equal rights between men and women by changing provisions relating to unemployment of females.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1987.

Senators REIBMAN, SHUMAKER, KELLEY, PETERSON, GREENWOOD and SALVATORE presented to the Chair **SB 238**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for equal rights between men and women; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, February 2, 1987.

Senators REIBMAN, STAPLETON, ROMANELLI, KELLEY and RHOADES presented to the Chair **SB 239**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the sale of unused and unnecessary lands and buildings.

Which was committed to the Committee on EDUCATION, February 2, 1987.

## GENERAL COMMUNICATION

### MINUTES OF SUNSET LEADERSHIP COMMITTEE MEETING

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

#### MINUTES OF SUNSET LEADERSHIP COMMITTEE MEETING

January 28, 1987 - 10:00 a.m.

Speaker K. Leroy Irvis, Chairman of the Leadership Committee, created pursuant to Act 142 (1981), the Sunset Law, convened the first meeting of the Committee for the 1987-88 Session on Tuesday, January 28, 1987 at 10:00 a.m. in the House Majority Caucus Room.

Committee members attending in addition to Speaker Irvis were: President Pro Tempore Jubelirer, Senate Majority Leader Stauffer, House Minority Leader Ryan, Senate Minority Leader Zemprelli and House Majority Whip O'Donnell, who attended in the place of House Majority Leader Manderino.

Speaker Irvis was again, without objection, selected Chairman of the Leadership Committee for the 1987-88 Session. Speaker Irvis recommended a suggested list of assignments of the agencies scheduled for sunset in 1987, and asked for a motion regarding the same. President Pro Tempore Jubelirer moved that this list (see attachment I) be approved as recommended by staff. The motion was unanimously agreed to.

A short discussion then ensued regarding assignment of the agencies to the appropriate committees. Again a motion was requested to accept the assignments as enumerated in Attachment II, and Senator Jubelirer made said motion. This motion also was adopted unanimously.

A motion was then made and adopted to adjourn the meeting.

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HOUSE

- The State Board of Education
- The State Civil Service Commission
- The Industrial Board
- The State Board for Certification of Sewage Treatment Plant and Waterworks Operators
- The Pennsylvania Industrial Development Authority
- Certification Board for Sewage Enforcement Officers
- The State Ethics Commission
- The Pennsylvania Historical and Museum Commission
- The Pennsylvania Parkway Commission
- The Department of Aging
- The State Athletic Commission

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SENATE

- The State Board of Private Academic Schools
- The State Board of Vocational Rehabilitation
- The Pennsylvania Minority Business Development Authority
- The Professional Standards and Practices Commission
- The State Veterans Commission
- The State Art Commission
- The State Planning Board
- The Pennsylvania Turnpike Commission
- The Municipal Police Officer's Education and Training Commission
- The Pennsylvania Emergency Management Agency

25 agencies scheduled  
11 split      4 repealed or altered  
10              1 non-functioning

AUDIT  
COMPLETE

AGENCY

- |  |     |                           |
|--|-----|---------------------------|
| 1. The State Board of Private Academic Schools         | Yes | Senate Education          |
| Department of Education license and regulation         |     |                           |
| 2. The State Board of Private Business Schools         | Yes | Repealed by Act 174, 1986 |
| 3. The State Board of Private Correspondence Schools   | Yes | Repealed by Act 174, 1986 |
| 4. The State Board of Education                        | Yes | House Education           |
| Departmental Administration Board within Education     |     |                           |
| 5. The Professional Standards and Practices Commission | Yes | Senate Education          |
| Department of Education functions with a Bureau        |     |                           |

- |   |                 |   |
|---|-----------------|---|
| 6. The State Civil Service Commission Independent   | Yes             | House State Government                  |
| 7. The Board of State College and University Directors  | No              | Repealed by Act                         |
| 8. The Industrial Board Administrative Quasi-judicial   | Yes             | House Labor                             |
| 9. The State Board for Certification of Sewage Treatment Plant and Waterworks Operators (DER) | 2/24/87         | House Conservation                      |
| 10. The State Athletic Commission   | 2/25/87         | House State Government                  |
| Affiliated with Department of State   |                 |   |
| 11. The State Board of Vocational Rehabilitation  | Yes             | Senate Labor & Industry                 |
| 7 Member Policy Board - Administrative Agent  |                 |   |
| 12. The Pennsylvania Industrial Development Authority   | Yes             | House Business and Commerce             |
| Commerce - financial assistance entity  |                 |   |
| 13. Certification Board for Sewage Enforcement Officers                                       | 2/24/87         | House Conservation                      |
| 14. The Pennsylvania Minority Business Development Authority                                  | Yes             | Senate Community & Economic Development |
| Within Department of Commerce   |                 |   |
| 15. The State Veteran's Commission  | Yes             | Senate Military & Veterans Affairs      |
| Military Affairs  |                 |   |
| 16. The State Ethics Commission   | Yes             | House Judiciary                         |
| 17. The Pennsylvania Historical & Museum Commission   | Yes             | House State Government                  |
| 18. The State Art Commission  | 2/25/87         | Senate State Government                 |
| 19. The State Planning Board (Governor's Office)  | 2/25/87         | Senate State Government                 |
| 20. The Pennsylvania Turnpike Commission  | 2/24/87         | Senate Transportation                   |
| Independent Agency  |                 |   |
| 21. The Pennsylvania Parkway Commission   | Yes (terminate) | House Transportation                    |

|   |         |  |
|---|---------|--|
| Independent -<br>nonfunctioning   |         |  |
| 22. Municipal Police<br>Officer's Education<br>and Training<br>Commission | 2/11/87 | Senate Law<br>and Justice                                      |
| 23. The Pennsylvania<br>Emergency Manage-<br>ment Agency                  | Yes     | Senate Consumer<br>Protection and<br>Professional<br>Licensure |
| Independent Agency  |         |  |
| 24. The State Lottery<br>Commission                                       | No      | Repealed by Act  |
| 25. The Department<br>of Aging  | 2/25/87 | House Health<br>& Welfare                                      |
| The PRESIDENT. This will be filed in the Secretary's<br>office.           |         |  |

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the Presi-  
dent pro tempore has made the following appointments:

Senator John E. Peterson reappointed as a member of the  
Joint Legislative Air and Water Pollution Control and Con-  
servation Committee.

Senator Michael A. O'Pake as a member of the Ben Frank-  
lin Partnership Fund Board.

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request tempo-  
rary legislative leaves on behalf of Senator Lemmond,  
Senator Fisher and Senator Holl.

Senator LINCOLN. Mr. President, I would request tempo-  
rary Capitol leaves for Senator Fumo and Senator Rocks.

The PRESIDENT. Senator Loeper requests temporary  
Capitol leaves for Senator Lemmond, Senator Fisher and  
Senator Holl. Senator Lincoln requests temporary Capitol  
leaves for Senator Fumo and Senator Rocks. Are there objec-  
tions? The Chair hears none. The leaves are granted.

### LEAVE OF ABSENCE

Senator LINCOLN asked and obtained leave of absence for  
Senator STOUT, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator STAUFFER offered the following resolution,  
which was read as follows:

In the Senate, February 2, 1987.

RESOLVED, (the House of Representatives concurring), That  
when the Senate adjourns this week it reconvene on Monday,  
February 9, 1987, unless sooner recalled by the President Pro  
Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives  
adjourns this week it reconvene on Monday, February 9, 1987,  
unless sooner recalled by the Speaker of the House of Representa-  
tives.

Senator STAUFFER asked and obtained unanimous  
consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator STAUFFER. Mr. President, I move that the Senate  
do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator STAUFFER  
and were as follows, viz:

#### YEAS—47

|            |           |           |           |
|------------|-----------|-----------|-----------|
| Afflerbach | Helfrick  | Mellow    | Salvatore |
| Andrezski  | Hess      | Moore     | Scanlon   |
| Armstrong  | Holl      | Musto     | Shaffer   |
| Bell       | Hopper    | O'Pake    | Shumaker  |
| Bodack     | Jones     | Pecora    | Stapleton |
| Brightbill | Jubelirer | Peterson  | Stauffer  |
| Corman     | Lemmond   | Regoli    | Tilghman  |
| Fisher     | Lewis     | Reibman   | Wenger    |
| Fumo       | Lincoln   | Rhoades   | Williams  |
| Greenleaf  | Loeper    | Rocks     | Wilt      |
| Greenwood  | Lynch     | Romanelli | Zemprelli |
| Hankins    | Madigan   | Ross      |           |

#### NAYS—1

Kelley

A majority of the Senators having voted "aye," the ques-  
tion was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same  
to the House of Representatives for concurrence.

### SENATE RESOLUTION

#### OFFERING CONDOLENCES ON THE DEATH OF R. BUDD DWYER

Senators WILT, JUBELIRER, STAUFFER,  
ZEMPRELLI, MELLOW, ROCKS, LOEPER, BELL,  
HOPPER, RHOADES, ROMANELLI, HOLL,  
MADIGAN, HANKINS, CORMAN, GREENWOOD,  
HELFRICK, MUSTO, ARMSTRONG, PECORA,  
TILGHMAN, STAPLETON, REIBMAN, SHUMAKER,  
SALVATORE, HESS, REGOLI, WENGER, SHAFFER,  
SCANLON and FISHER offered the following resolution  
(Senate Resolution No. 9), which was read as follows:

In the Senate, February 2, 1987.

#### A RESOLUTION

Offering condolences on the death of R. Budd Dwyer.

WHEREAS, R. Budd Dwyer, Treasurer of Pennsylvania, died  
on January 22, 1987; and

WHEREAS, His life was dedicated to public service; and

WHEREAS, Although born in Missouri on November 21,  
1939, his roots were deep in Crawford County in Blooming

Valley near Meadville, an area which he ably represented in the General Assembly and to which he always remained close; and

WHEREAS, He was graduated from Allegheny College in Meadville, went on to get his Master's Degree in Education and taught social studies and coached football at Cambridge Springs High School, a background which served him and the people of Pennsylvania well on the Senate Education Committee; and

WHEREAS, On a trip as Community Ambassador to Poland, he came to appreciate the differences between the American and Communist systems of government and was moved to become involved in the democratic process, thereby beginning a long political career in which he never lost an election; and

WHEREAS, He served in the House of Representatives beginning in 1965 as its youngest member to 1970 when he was elected to the State Senate; and

WHEREAS, He served here in the Senate until his election as State Treasurer in 1980; and

WHEREAS, During his tenure in the Senate, he was elected Republican Caucus Policy Chairman; and

WHEREAS, While still in the Senate, he attended the Dickinson School of Law where he earned his degree in 1978; and

WHEREAS, R. Budd Dwyer is remembered by his friends and colleagues in the Senate as a kind, decent, caring, trusting, bear of a man with an infectious laugh as big as all outdoors, as a hard working Senator who worked hard for his district, as a man with a kind word for everyone, a man who cared deeply about people and who was never too busy to talk to anyone; and

WHEREAS, During his tenure as Treasurer, he updated and modernized the office, streamlined procedures, skillfully invested the State's money and brought the same dedication and hard work to the office as he did to the Senate; and

WHEREAS, He was a loving husband to his wife, Joanne, who campaigned by his side; and

WHEREAS, He was a loving father to his children, Robert and Dyan, children that many in the Senate watched grow up into fine and intelligent young adults who are a credit to their father; and

WHEREAS, His tragic death affects us all deeply and leaves a big void in the lives of his friends here in the Senate; therefore be it

RESOLVED, That the Senate express its grief at the death of R. Budd Dwyer and direct that copies of this resolution sponsored by Senators Wilt, Jubelirer, Stauffer, and Zemprelli on behalf of the Senate be sent to his wife, Joanne, and children, Robert and Dyan.

Senator WILT asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 9, ADOPTED

Senator WILT. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

Senator WILT. Mr. President, all of you know what a difficult task it is to speak on behalf of a friend's death. Certainly, the example which Budd's wife set for us at the memorial and funeral service makes it all the more difficult by virtue of the model which she set forth for us in strength. I would invite any Member who would choose to, to go to the Secretary's desk and sign the resolution along with those of us who have already been named.

My recollection and involvement with Budd Dwyer goes back to shortly after he was elected to the House of Representatives. We came from adjoining districts, we came from similar backgrounds, he from secondary education and I from higher education, and we shared a lot of mutual interests, particularly those in the environment. It was no surprise that when I came to Harrisburg, because of our proximity and my formerly knowing him, that it was easy for us to develop and to maintain a personal friendship. Those friendships were permitted to grow by the amount of time we spent together.

When we were first elected, Interstate 80 was not yet completed and we could not make it here in five hours if we stayed within the speed limit, so we had to leave home oftentimes between 5:00 o'clock and 6:00 o'clock in the morning. Both being family men, we wanted to spend as much time with our families as we could, so usually Sunday nights were rather short. It was not uncommon that we would stop in Meadville and buy a newspaper—the paper that was published in the morning—and we would read that. When we got that done we would find somewhere along the road to stop and have a cup of coffee. Usually by then we were far enough through the detours of the uncompleted sections of Interstate 80 that we would be back on Route 80, and at that time usually the sun was just about coming up. All of you who do much driving know that is the most impossible time to stay awake if you have been driving for any length of time. I, being an old truck driver, was not quite as bothered by it as Budd was. But you all know they used to have those little cherry flavored, plastic tipped cigars which he loved to play with and roll around in his mouth and oftentimes wedge in between his front teeth. There were certain telltale signs that would develop that all of us pick up about our friends, but you could tell that whenever he did that with that cigar, which was to wedge that plastic tip in his teeth and pull the sun visor down because we were driving into the sun, that was the time that whomever was not driving had better be alert, because whether he was driving or not, it was Budd's nap time. If you by chance happen to be napping and he decided to take his after you had already started, you would be awakened by the gravel hitting the underside of the car, only to look over to Budd and find out he also was waking up from his nap.

I would say, "Look, we have to redefine this truce that you and I have, and that is that so long as we travel together, only one of us can sleep at a time and, hopefully, it will not be the driver."

Then we would have our good laugh and by that time we both would be awake again and off and running. But that happened on more than a number of occasions, maybe more than I would like to admit.

There was another time when we traveled together that has always been a Budd Dwyer/Roy Wilt story. We left here one late afternoon to go home and it was snowing pretty badly and when we hit Interstate 80, it was all the worse. But, for those of us who live in the west, we know that if you clear Snowshoe Mountain and then ultimately clear Clearfield Mountain and drop down over the other side to Du Bois, if



the weather is going to get better it will be better there. Well, this particular night it did not. In fact, it was worse because it had been snowing there longer. It was obvious that the Interstate would be closed shortly, so we started at Du Bois looking for a place to stay. Well, because others had been on the road before us and, obviously, had better brains than we did about driving, they got off the road sooner, which prohibited us from getting a motel room because the motels were all filled. We talked about our alternatives, one of which was not to proceed home. I said, "Well, let us make it to our place up along the river. My family owns a place in Jefferson County up there." We first tried to go in from Du Bois. Senator Stapleton would know this road is in past the Game Commission training center. We tried to get in off Route 28 and if you did not know the road was there, you would never know. There was not any indication there was one because it was just shut with snow. So, we went back to Interstate 80, went a little farther west and up Route 36. Route 36 is one of the more prominent county roads out there so it had been plowed. We got to Route 949, which is not a prominent county road in the county, but fortunately the snowplow had started back through there. Now, we are talking about snowflakes, as I remember them, similar to the size we used to cut out when we were in grade school and put in the window—you know, ones like that. Finally we did catch up to the snowplow, but we stayed behind it and it took us virtually to our place. Well, we arrived, we settled in and got the place open and kicked the thermostat up, because usually when we leave we set it down to fifty-five. I relegated Budd to building the fire in the fireplace and I headed to the freezer. No, that is not true. There was a step in between. We had a little fruit of the nectar from Canada to take the edge off, but then I headed to the freezer and he headed to the phone to call Joanne to tell her that we were not coming home. As you can imagine, after being through this experience, as close as he and Jo were, as the story went on it became more embellished. He told her all we were doing and how we were in front of the fire, but we definitely were snowed in, that it was not a matter of choice, et cetera, et cetera.

When he got all done, she said, "Now that you are having such a good time, the two of you, I just walked back from the store, fell and nearly broke my arm, and I am sitting here with it packed in ice." She had walked two blocks and we had driven several hours. That is one which is oftentimes re-told about how if you are going to get hung up and snowed in, there are certain ways to do it, and some people do it with class and other people do not. That is one of the favorite Budd Dwyer stories.

The other place where I got to know Budd pretty well is when we roomed together for several years. As a matter of fact, we roomed in one of Senator Early's hovels across the street. To say we shared an apartment would be an exaggeration of the truth to be sure, since it, at best, was an efficiency. We were on the third floor, and Jimmy Ross lived downstairs for a while, so he knows well of what I am speaking. The further up you went, the narrower the stairs got. As you all

know, Budd, when he came here, was a pretty trim guy, always big, but a little more trim then. But the longer he was here, like some of us, he had the propensity to grow, so that you could see the rub marks from us going up the steps on a regular basis. We always blamed that on our luggage and our clothes, but the truth of the matter was, we knew who was doing it.

The thing I remember most about that and the most vivid memory I have is when Budd decided to go to law school and the commitment he made to that. It was a common practice that when I went to bed at night, Budd Dwyer would still be there studying, and when I got up in the morning, he would already be up and be gone to his classes. But that was the way in which he approached life. He did it with all the thrust that he had and, certainly, his going to school was one of them.

Then there was Budd Dwyer the conservationist. A lot of us knew him in that respect. That was back in the early 1970's when we were doing the mine reclamation work, the Surface Mining Act, the Clean Streams Act. There was at least one weekend a month when we were going over Pennsylvania looking at some of its scars and trying to formulate the policies by which we could correct them.

This one is kind of a hurtful story, but in time it healed and it became kind of a fun thing to tell on Budd. We were checking streams for the PH level one day, and someone had foretold us of the bad PH in a particular stream that was coming out of a cut that a miner had made and was working. We went to inspect it, but when we stopped at the bridge crossing and took the water sample and tested the PH, we found out that the stream was in good shape. That was kind of baffling since three days before it was very acidic. So, we went up closer to the cut, got out of the bus and walked down over a bank and here stood at the edge of the bank three employees of the mining company with a huge stack of lime in sacks cutting them with a pocket knife and dumping them into the stream to neutralize the stream. Obviously, they knew we were coming. When they were done with the empty bags, they had a fire going beside them. But we got there at a point in time where the fire had kind of crusted over. If you have ever burned papers with anything else, you know how flaky and gray it gets. As it turned out, the color of the lime and the burnt bags was very similar, and Budd, in his anxiousness to be up front and to see what was going on firsthand, put his big foot right smack in the middle of those hot ashes, which immediately fell down around his shoes, burned the sock off his foot and gave him a blister like none of us would like to ever see again. As I said, it was rather painful at the time, but it too became a very good Budd Dwyer story so far as recalling and reflecting how it was that he needed to be there. He needed to see firsthand what was happening and what was coming down and to be in the forefront. That was one time when he did pay a price, totally unknowing that it was a fire rather than lime which inadvertently had been spilled.

This last one is one of my favorite Budd Dwyer stories in that frankly you really had to be there to appreciate this one. It happened on the Youghiogheny River. The Joint Legisla-

tive Air and Water Pollution Control and Conservation Committee took a trip on the Youghiogheny River. We had several rafts, ten maybe. Each of them had six, seven, whatever you are allowed to have in them, passengers. For any of you who have taken the trip, you know that before you go the guides give you specific instructions on what to do, how to behave and how to act in relationship to when a raft does such and such, this is how you respond and it keeps it upright, et cetera. We hit early in the year when the water was high and it was quite fast, but we had a lot of gals with us from the staff as well and they were into it, so we really had a good time and were anticipating an excellent time, which we did have. Needless to say, I think out of the ten rafts one upset, the one I was in, and we got down in this swirl and went backwards and hit a stone wall in front of us and did everything exactly opposite from what we had been told about which side of the raft to go to to maintain stability. Instead of going up, we went down and we went off. So we had people all over the river out of our raft, and everybody was trying to look after us. We were all collected except one friend I had taken along who was out in the middle of the river standing on a boulder about calf high in very swift water, and he kind of looked like George Washington in the pictures we see whenever he is dealing with the Delaware in front of the boat, but this fellow was standing on a rock trying to maintain his balance against the current. The raft Budd was in was still upstream and they spotted this fellow over there, and so they guided it to get over so they could drift into him. As we stood on the shore and watched, we were not really sure whether the raft would really be able to swoop them up or whether the current and the raft would hit the fellow at the knees and drive him off the rock and then run over him with the raft. We really were not sure how this scenario was going to play out, except Budd was out in the bow of the raft paddling away. It looked like a maneuver that had been practiced a hundred times. When they approached the fellow on the rock, Budd took that big forearm of his and laid it out on the front of that raft and depressed the whole front of the raft, so that by the time the raft got to the fellow standing on the rock, all he had to do is take one small step and he walked right into the raft and they floated very nicely off down the river. All of us on the shore gave him a big hoo haw and a big applause about his navigational ability and his rescue efforts.

There is a little aside to that story that some of you might enjoy. It is not related to Budd, but we had a gal with us, and I think under the circumstances she will not feel too badly about me telling this either. For those of us who are less sensitive to women's style, model and appearances on some occasions, one of the gals in our boat upset like the rest of us. While we were collecting bodies and counting everybody and after we knew they were all there, we saw a hairpiece going down the river, and we were all frightened that possibly someone was under it, only to look beside us to see that the gal was standing there, so we knew she was safe. But when I looked at her the second time, I could see conspicuously that her hairstyle was significantly different than before we had

flipped out of the raft. So that also became part of the storytelling about this particular incident.

Of course, besides knowing Budd Dwyer as a friend, I knew him as a public servant. We served in the House together and we sat one in front of the other. You all know that when he left the Senate, I came and he was unequivocally one of my biggest supporters and was out in front from the outset even though he came from a different county than my own and took some political risk to do that, for which I have been eternally grateful.

I also know him as a public servant who was totally committed. He would make the decision to travel across the state if two or three were gathered together as quickly as some of us would decide to walk two blocks to the grocery store. It was the nature of the beast. He was committed, he was compelled, but that is the way he was. What he did was who he was, and that ultimately put him in a position in his own mind that left him no place to retreat.

I knew Budd Dwyer as a friend. I knew him as a public figure. I respected the public figure, I admired the public figure, and I was often supportive, but the Budd Dwyer I knew as a friend I knew as a person who I deeply loved.

Senator STAUFFER. Mr. President, the duty that we have today is a sad one as we remember our friend and former colleague, Budd Dwyer. There is much remorse connected with his death, but I would like to speak today about the Budd Dwyer I wish to remember.

I first met Budd in the spring of 1964. We at that time were both candidates for the State House of Representatives and, as anyone who has any sense of history at all can recognize, 1964 was not the best year to be running as a Republican candidate. It was a year in which our party had a great deal of difficulty, but some of us were successful and did win and in the fall of 1964 Budd and I were among that small group of successful Republican freshmen who would be coming to the General Assembly of Pennsylvania. I cannot think of two people who had more diverse backgrounds. Here I was from the suburban southeast, Budd from what seemed to me at that time in my life the very distant northwest where I used to kid him and tell him that he had more deer to represent than people, but we quickly became fond of each other and did a lot of work together. As I think about the situation that we faced in 1965 as we were sworn in—things were so different than they are here in the General Assembly today—and when I think about those of you, for example, who indicate that your office space is not large enough or the staffing complement is not sufficient, and so forth, I think of the situation that we faced in those days. We managed to get six of us cramped into one small office in the House, and they assigned one girl to take our dictation. So this meant that you literally had to make an appointment to take care of the matters that needed secretarial help here in the Commonwealth. Budd was a very prolific representative of his people, he did a great amount of constituent service. In fact, I never knew a Legislator who more embodied the characteristic of giving constituent service than Budd Dwyer and, as a result, he had a great

deal of correspondence, and so forth. I quickly learned that if I was in line after him, I was going to write very few short letters that day.

An event took place a little later that Budd never let me forget, and I guess right to the end it was kind of a little parting of the ways that he and I had. He always chided me about it, and that was the fact that we both came to the Senate in the election of 1970, but I came in a special election and was sworn in in November of 1970. Budd was not able to be sworn in until January of 1971, which meant that I outranked him in seniority, and he told me about that day after day, literally every time we met after that. That was a great joke we had between us.

As Roy indicated that he and Budd shared a spot on the House floor together, the same situation was true here in the Senate. When I was first elected Republican Whip, I sat in the seat that is now occupied by the gentleman from Delaware, Senator Loeper, and Budd Dwyer sat in the seat right behind him which is now occupied by the gentleman from Perry, Senator Moore. Budd was a person who prided himself in knowing what was going on around the Capitol. If there was a rumor, Budd heard that rumor. So if you wanted to know what was being said around the Capitol—you know, we often joke that you can say something at one end of the building and if you run to the other end you can hear the translation as it moves across the building. I used to rely on Budd to tell me what the rumors were and what was going on, and there was not a day that he failed to have the stories to tell me about who was doing what and what events were happening, and so forth.

From a legislative standpoint, I remember him very well as being an ardent sportsman. He was very, very interested in the issues that pertained to the sportsmen's movement, as I suppose you would expect of one who came from the northwest, but he was not only interested in them because he represented those interests, he was active in them and, being an active sportsman, it led him in the direction of becoming very deeply interested in the conservation movement. I shall always remember the fact that although it is popular to be a conservationist today, Budd was one of that small group who were conservationists when it was not necessarily the popular thing to do, and was in the forefront of trying to move some of the clean streams legislation, and things like that, which met a great deal of special interest opposition. But he was undeterred and stuck to his guns and had a great many successes in that regard in joining with others in the coalition that was put together to accomplish those things.

He did make an important impact on the Senate of Pennsylvania and the General Assembly of Pennsylvania, and those of us who served with him know that and will always remember that.

In my heart, Mr. President, I will always mourn his passing. My heart goes out to his family and the great difficulty of the situation that they have to carry. I hope God will strengthen them to be able to look to the future and carry that burden. As far as we in the Senate are concerned, I know that all who knew him will retain many fond memories.

Senator ZEMPRELLI. Mr. President, I rise to say a few words in memory of a departed, dear, and close friend of mine. By now circumstances are all too painful and many of us are aware of circumstances that we would much rather not be aware of in connection with this tragedy. What grieves me, perhaps, most about all of it, having known Budd, is that I had a very remarkable admiration for him up until very recently, and it has not changed, in the sense of his demeanor when he was in society in the manner in which he conducted himself. I saw him at a Penn State game. He was with his wife. I chatted with him and he was the same jovial, same friendly Budd Dwyer that I had known since the House days. The grief that I sustain is that having known the torment that this man apparently had for the last two years, in reflection, we ask one another, was there not something that I could have said or I could have done that might have influenced him not to do what he did? I say that many of us in this Senate Chamber were especially touched by Budd because we knew him as a fellow state Senator. Some of us had the privilege of knowing him as a House Member as the gentleman from Chester, Senator Stauffer, has suggested. For a decade he was the Senator from Meadville, cherished and respected by his constituents and by Members from both sides of the aisle. I have never heard a person say a bad word about Budd Dwyer—characteristics of being a compassionate man, characteristics of being a jovial person that you are always pleased to be about because he made some contribution of enhancement to your life, a sincere man whose purpose was conservatism was unquestioned, unexcelled. When he was engaged in a legislative endeavor, there was never a doubt in anybody's mind that it was his genuine belief that that which he was about was either in the best interest of his constituents or this Commonwealth. He was from rural Pennsylvania, and though many of his legislative accomplishments responded to the rural community, when you reflect upon the subject matter of those things that he was engaged with, they were good for all of us. He earned the highest respect of the Pennsylvania conservationists with the Conservationist of the Year Award in 1972 and 1978. He was also highly esteemed by the Pennsylvania Rural Electric Association which awarded him the Miracle Mile Award. Is it not a shame that the list of twenty-two years of public service and the accomplishments that were his through his days as a Member of the House and the Senate are washed down the tubes? I read most of the news accounts, and I am not speaking with a broad brush, but I read some that were so calloused that they were unbelievable. The tragedy of what I read in some instances was that never once was there a recitation of these accomplishments when there should have been a litany of the things that Budd Dwyer did that were good for the State of Pennsylvania. There is not much that I can do as a Member of the Senate, but I want to assure his dear wife Joanne, and his two children, Robert and Dyan, that I will, in fact, spend the rest of my days or years as a Member of this Senate with the purpose in mind that those things that Budd Dwyer has accomplished in the interest of his constituents in the Commonwealth shall not be forgotten in spite of the tragedy.

Senator JUBELIRER. Mr. President, I want to commend the maker of the resolution. I thought it touched all parts of Budd Dwyer's life. As I listened to the Clerk read the resolution, I could not help but think what a magnificent job was done by the gentleman from Mercer, Senator Wilt, who was his dear friend. I share those thoughts and the thoughts of others here today. The wound which fatally took the life of our beloved former colleague is a wound that all of us will bear for the rest of our lives. I know in talking with many of you as we walked around in a daze last week how it affected each of you as it did me. To say it was tragic really does not tell the tale. To listen to others ask in wonderment, why does somebody do that? There really is no answer.

I know the man as a man who had an absolute zest for life, a man who loved his family far beyond anything he ever did in his life, and that is the sharing that he and I had. I watched Robbie and Dee Dee grow up from an eight-year-old and a five-year-old to the young man and young woman that they are today, as he watched my three children grow up and as the gentleman from Allegheny, Senator Zemprelli, recalled, seeing him at the Pitt-Penn State game last fall when he saw my fifteen-year-old, Jeff, who had suddenly gone from a four-footer to a five-foot-seven inch stringbean, the fuss he made over him as he remembered him from 1974, when he and I first began to serve together, when that young man was only three years old. Those are the things that I have said on this floor are the things that really count. The things that we get involved in debate here certainly are important to the business of the Commonwealth and to our respective constituencies and to our party politics, but after we leave, after we walk out of here, it is the other things that we remember. It is the friendships. It is those special times. It was a special time in the mid-1970's when I was a freshman Member on E floor and Budd Dwyer and Tom Andrews used to come in my office at 11:00 o'clock at night after we would be working, and handling our mail, and doing the things we could not get done during the day. We would sit around and talk, talk about a lot of personal things. It was there that I guess I learned that a very beloved colleague had multiple sclerosis. It was there that I listened to Budd Dwyer talk about his family and the difficult times he was spending away from his home as I was talking about the difficult times I was having. It was Budd Dwyer who was one of the first, when my son was struck by a car and was in a coma for five days, who offered his hand of friendship and Joanne, always by his side, always supportive but being Joanne, being strong, being a real partner in life.

There are so many things that each of us remembers about this giant of a man. I, too, shall remember the very positive things. The tremendous record he accomplished in this General Assembly in the environment and education and just taking the lead in trying to make things better, because at age twenty-four when you come to the General Assembly, you come with all the ideals and all the hopes and the fondest dreams of making a world better because you have a chance to serve and make a difference. You see, he had that chance to make a difference as all of us have had here. When he came

over from the House to the Senate and from the Senate to the Treasurer's Office with fond dreams of making even a bigger difference, this giant of a man who the gentleman from Mercer, Senator Wilt, very, very well put, had great pride, great dedication, and very deep feelings. It was all shattered, and only he and his Maker know the answer to that. But I know now that at least my friend, the friend that I laughed with, I cried with, would have dinner with and would watch him drink the pink squirrels and the green drinks and the red drinks, and we all used to wonder what he was going to have next. When he got in line ahead of me in a buffet I would say, oh my, there will be nothing left, as he had this tremendous appetite, not only for life but also for life's nourishments as well. I have cried a great deal. I have been in a lot of pain as you have. I only hope that as we go on, and we must go on, that he is at peace, that his family will find the strength to continue because, as I said, in the final analysis not only for him but for all of us, it was that family who he loved so very deeply, it was that family who gave him every ounce of support that a man could ever want, it was that family that he cared more about than anything else in this world.

Senator BELL. Mr. President, I have been in the Legislature for thirty-three years. I have sat in this House for twenty-seven years. I think that when one sits year after year with his or her colleagues, one can get a pretty good impression of the man or woman. I think especially in this Senate, as small as it is, nobody can fool anybody in this House.

I am going to say a few words about Budd Dwyer, not incidents or episodes. I can remember many of them. But I want to say that from my observation of ten years of close association and later in watching him as State Treasurer making contacts quite frequently, this was an honest man. He was an honorable man. He was a man whose word was good and, overall, although he was a giant of a man, he also was a gentle man.

Senator CORMAN. Mr. President, Budd Dwyer was a very special friend of mine. I think we became closer friends when he served as Treasurer than in the Senate—I suspect because we only served three years in the Senate—but I recall several things about Budd. I recall when we were there on the E floor and I would go over to seek some advice from Budd. Someone made reference to how hard he worked. Well, he worked at his desk with a headset on. He looked like a telephone operator and that way he would not have to hold on to the phone with either hand, but, in fact, the headset was affixed to his head and he could talk to people on the telephone and answer mail and discuss things with you. I was amazed at all the things he would do at one time when you were visiting with him in the office, and he seemed to be able to handle them all together.

I recall in caucus lots of times Henry Hager used to chide Budd that he was far too supportive of PSEA. Yet, Budd used to like to chide Henry later when the sheets would come out and it would show that Henry voted more times favorably for the things PSEA would want than Budd would, and Budd would be sure to share these things with Henry and make sure the rest of us saw it as well.

Someone said they did not like to get behind him in the serving line when Budd was in front of you. I will never forget the time we went to a \$100 a plate dinner in Hershey and they were rather slow in bringing the food. So Budd ducked out, went to the local McDonalds, got a McDonald burger and then came back and still devoured the dinner served. Budd did like good groceries.

Back when Budd was deciding to run for State Treasurer, I will never forget the visits we had in my office. It was more of a closet than it was an office on E floor, but that was my office and I had aspirations of running for Treasurer myself. Budd came over on several occasions and we would discuss the issue. Neither one of us wanted to have a primary opponent. We could not afford to both have a primary battle and a General Election battle, so we would discuss it. Needless to say, with his size he outwrestled me, and Budd became the candidate from our party and did a magnificent job of running and winning that election.

Budd became a very good friend of mine as he served as Treasurer. I sought his advice on various occasions, both for personal things that I had in mind and for legislative efforts. Budd was always very supportive of me and for that I am very, very thankful. I merely would like to say that I shall miss Budd. He was a good friend.

Senator KELLEY. Mr. President, I suppose it would be appropriate after those of us who shared their experiences with the late Budd Dwyer to call to mind just how fragile life is and how instantaneous and unexpected death can be. I think one of the most permanent impacts of Budd's life and death could be that each of us, whether we knew him and served with him as most of us did here, could be mindful, as the gentleman from Blair said, that we pass through and we have a duty to do things here and make things different, but at the same time we are going to pass and many people may not even know or remember what we did and other people will replace us and maybe do a better job, but mainly to remember how fragile life is and to appreciate what Budd Dwyer did in his life for us and his constituents, as an example, and pray that we can carry on as we should always carry on.

Senator SHAFFER. Mr. President, I will be brief. I did not realize, through my own shortcomings, that we were going to speak regarding Treasurer Dwyer today and, certainly, because Budd was such a jovial and friendly individual, these good-natured stories about him are legion. I would only briefly like to remind my colleagues that when Budd Dwyer passed out of this life, he left behind, among other things, a nineteen page document wherein he alleged very serious charges and, indeed, gross misconduct on the part of the criminal justice system, including the U.S. Attorney's Office and the federal court system here in central Pennsylvania. I would not like the record to be closed without a note that, at least in my humble opinion—for an individual who served a grand total of fifteen days in the General Assembly with Budd Dwyer—that nevertheless the central question for us here in this august Body, and, indeed, in our House of Representatives companion across the hall, is whether or not these

charges and really very grave, unresolved issues are going to be addressed by the proper authorities, and how we handle those questions and those issues will ultimately, in my view, determine how good a friend of Budd Dwyer's we really are.

(The following press statement by State Treasurer R. Budd Dwyer was made a part of the record at the request of the gentleman from Butler, Senator SHAFFER:)

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE STATE TREASURER  
Harrisburg  
17120

January 22, 1987—Press Statement by State Treasurer R. Budd Dwyer

"At long last I can speak out. I wanted to do this during the early stages of the CTA matter but I was told by advisers and attorneys to wait until the investigation was over. Then I was indicted and again wanted to speak out and was advised to wait until I was acquitted. But our legal system was orchestrated so that it did not work in my case and now more than ever my conscience dictates that I must speak out.

"Much of what I will say about certain persons and our legal system is not pleasant but it is all true, based on my own knowledge, based on official records or on what people I know and trust have told me. Much of what I say will be answered by howls of denial and derision but I urge you to look behind those howls to check out the validity of my statements.

"I apologize for the typing and punctuation and if my remarks seem disjointed it is because of time and logistics, I can cover only a few of the thousands of things I would like to say.

"First, I want to thank my loving family, my loyal friends, supporters and employees and all those who have stood by me during this terrible 2-1/2 year ordeal. I thank them for their support, their encouragement and their prayers. I have not let them down or violated my oath of office. Our current legal system has let me down and cries out for reform so that other innocent people do not have to go through what my family and I have been through and will go through for the rest of their lives. I hope and pray that after this press briefing is concluded you'll want to help create a Justice System here in the United States.

"The past 2-1/2 years have been like a nightmare or life in one's own twilight zone for my family and me. Even now, as I'm speaking to you, it would not surprise me to wake up at home in my bed and learn that the entire matter was just a horrible nightmare, and really didn't happen.

"I'm very proud of the job I've done during my six years as Treasurer of Pennsylvania. It is ironic that although my staff and I have transformed the Department from a financial antique into one of the most modern in the nation, earning and saving hundreds of millions of dollars each year, most of the publicity we've received and what I'll be remembered for is in regard to CTA.

"I once again declare to you that I am totally innocent. I have served in public office for over 22 years and it is my observation that nearly all public officials are honest, sincere and trustworthy. I state with pride and a clear conscience that I am one of the most honest public officials to ever hold office in this Commonwealth. I invite you, challenge you and beg you to talk with my Treasury Department employees, the commercial bankers and investment bankers with whom we do business, my former colleagues from both parties in the House of Representatives and the Senate and their staff, members of the Harrisburg lobby corps since I've been in politics, my high school, college and law school classmates and professors, my former constituents in Crawford, Mercer and eastern Erie counties or anyone else who knows me. Ask them about my honesty and integrity.

"If anyone thinks I would jeopardize my good name and reputation, damage my family and risk all we've worked for and stood for over the years for \$300,000,000, let alone \$300,000, \$200,000 or \$100,000 they are crazy. I started my professional career as a school teacher but a significant event occurred in my life in 1963 when I was selected as western Crawford County's Community Ambassador to Poland. Living under a Communist government made me realize for the first time the full extent of the freedoms and opportunities we have here in the United States. I resolved that I would work to preserve and improve our system and that is why I entered politics in 1964 and have spent the last 22 years fulfilling my resolve.

"My wife and I have never aspired to be wealthy. We only wanted to do meaningful and enjoyable work, serve our fellow man and provide a secure lifestyle for our children. I've had many opportunities to make big money in the private sector or run for higher paying Federal office and I've turned them all down because I enjoyed my work in State Government.

"On January 20, 1981 I proudly took my oath of office as Pennsylvanias' 69th State Treasurer and in my first remarks as Treasurer, entitled 'Only in America', I joyfully marveled that only in America could a kid from Blooming Valley with no political legacy and no political base be elected to statewide office in this Commonwealth of almost 12 million people. Now, six years and two days later, the joy has turned to pain and sorrow and the marvel to disillusionment and disgust.

"I was able to be elected Treasurer because the political system that was our forefathers goal 210 years ago has developed and matured and continues to improve with virtually every election as a wider cross section of society is elected to public office. For example when I was first elected in 1964 there was only one other member of The General Assembly in his twenties and only one member of the Senate in his thirties.

"But I am here in this situation today because the Justice System that was also our forefathers goal has eluded development during the past 210 years and the citizens of the United States have, instead of a justice system, a legal system that is very similar to the legal systems in nations around the world that our national leaders are fond of criticizing for denying human rights, legal process and justice.

"I stand before you today as an absolute example that in 1987 in the United States of America our legal system can be used for political persecution and that innocent people are found guilty. Words do not exist to express the feeling of disbelief, shock, numbness, illness, dismay and sadness for my family and me when the Judge read the first 'guilty'. No one could possibly imagine that feeling except other innocent persons who have been convicted of crimes they did not commit. That moment, and the days that follow as friends and family make calls, send notes or come to visit to express disbelief and sympathy is as close as one can come to dying and attending their own funeral. In my case, it was not only the destruction of my life but the destruction of everything I believed, and taught my students and family about regarding this country. I had been very naive. I had been raised to believe that if I obeyed the law and was a good citizen that I would never become entangled with our legal system.

"Then in February of 1984, another significant event occurred in my life. In conformity with Pennsylvania law, I refused to pay the travel voucher for Mrs. Dick Thornburghs' trip to Europe and Governor Thornburgh told Bob Asher and others that he would 'get Dwyer'. Thanks to you, the media, Governor Thornburgh has a very positive image but if his staff had ever let you get close to him you would have found a short temper and a vicious, vindictive personality. Governor Thornburghs' resolve to get me increased when 'Ginnygate' was followed by 'Chauffergate' in March, April and May of 1984 which was properly brought to my attention by reporter Wally Roche of the Philadelphia Inquirer. Then our recent Governor began referring

to me as 'The Fat F\_\_k', which can be attested to by several people.

"Some of you may recall that Governor Thornburghs' first attempt to get me was a misleading memo from Secretary of Revenue Scheiner to Secretary of Administration Dickman in late April of 1984 criticizing my departments' short term investment of the State Employees Retirement System funds, which was leaked to the media in 'white envelopes'. When that backfired, the second attempt was the so-called 'Bittenbender letter' sent to me on May 24, 1984, seven weeks after the FICA Recovery legislation was signed into law and two weeks after the contract was signed. The letter contained distorted financial information, which was brought out at the trial and copies of that letter were also given to favored members of the Capitol Press Corps. And then the CTA investigation by the U.S. Attorney fell into their laps and they had the vehicle, that if steered skillfully would really 'get me'. As a Thornburgh friend and Cabinet member said to his, then, Press Secretary, '...the Fat F\_\_k is going to get it now.'

"My major criticism of you and your colleagues in the Pennsylvania news media in regard to CTA, has been your failure through fear, intimidation or perhaps one of the reasons discussed in the chapter entitled 'Journalists for the Prosecution' in the book, *The News At Any Cost*, to expose the close connection between Governor Thornburgh and Acting U.S. Attorney James 'Jimmy' West. It is a matter of public record that Wests first job after his judicial clerkship was to be hired by then U.S. Attorney Dick Thornburgh as an Assistant U.S. Attorney in the Western District of Pennsylvania in August of 1974. It is also public information that Wests' second job was to be hired by then Governor Thornburgh as a Pennsylvania Deputy Attorney General on April 2, 1979.

"Then after President Reagan took office in 1981, the Thornburgh group tried to take over the U.S. Attorneys office for the Middle District of Pennsylvania by having another two time Thornburgh appointee, Henry Barr, appointed as U.S. Attorney. However, Barr was not recommended by the Merit Selection Committee and David Dart Queen was nominated and confirmed as the U.S. Attorney.

"But Assistant U.S. Attorneys do not have to go through the Merit Selection Committee Process and in July of 1982 the Thornburgh group succeeded in having none other than James 'Jimmy' West named First Assistant U.S. Attorney for the Middle District of Pennsylvania with his office right across Capitol Park from Governor Thornburghs office.

"It was well known in campaign circles in the fall of 1984 that Governor Thornburgh and his top staff members were desperately trying to have U.S. Attorney Queens' announcement of the first CTA indictments delayed until after the November 6, 1984 General Election. They knew, through West, that Zimmermans name would be prominently mentioned in the indictment for the first time. They were afraid a pre-election announcement would cause Zimmermans' defeat and that Allen Ertel as Attorney General would conduct an investigation of the Thornburgh Administrations' sweetheart, no-bid legal contracts. Queen went ahead with his announcement on October 23, 1984 and Zimmerman almost lost the election. The effort to remove Queen as U.S. Attorney began immediately because he could not be controlled. After a heavy political battle Queen was 'promoted' to a position in the U.S. Treasury Department. It was not the Solicitors position which he had sought. When Queen departed for Washington in January of 1985, James 'Jimmy' West was named as the Acting U.S. Attorney by a 4-2 vote of the Federal Judges in the Middle District and Governor Thornburgh had his lackey in charge of the CTA investigation and as we now know, my fate was sealed.

"Those of you who are politically astute are questioning me at this point because, while you realize why Dick Thornburgh

wanted me indicted and convicted, why would he want his friend and 1982 campaign chairman, Bob Asher, to suffer the same fate. The answer is that Bob Asher had also crossed Dick Thornburgh. In late 1983 and 1984 Thornburgh and some of his top staff members wanted Bob Asher, who by then was the Chairman of the Republican State Committee, to use Republican State Committee funds for them to travel around the country promoting Thornburgh for a spot on the 1988 Republican National ticket. Asher got independent and refused. Thornburgh responded by removing the Governors Club from the auspices of State Committee in order to raise his own funds. Bob Asher immediately replaced it with the new Commonwealth Club and used the Governors Club mailing list for it, thus partially foiling the Governors' effort to raise his own funds.

"Another Thornburgh-Asher battle occurred in the fall of 1984 when, as I've already indicated, Thornburgh and his cronies were panicked at the prospect of Allen Ertel being elected Attorney General. On the night of October 4, 1984, at a private meeting following the State Committee Fund Raiser honoring Drew Lewis at the Bellevue Stratford in Philadelphia, Governor Thornburgh and some of his key staff members and cronies, with some party leaders present, demanded that Bob Asher lay off most of the 25 or more staff members at Republican State Committee and give the money saved in payroll costs to the Roy Zimmerman campaign. They also wanted Asher to use the remainder of the money that had been budgeted for the three statewide campaigns used exclusively for Roy Zimmermans' campaign. Asher refused both requests.

"Thornburgh and his cronies mended their split with Asher briefly in the fall of 1985 when they used Asher to help them in their efforts to make Thornburgh a viable candidate against Senator Specter. When that effort failed they broke away from Asher again. (Incidentally, one of the major unpublished reasons Thornburgh did not run against Specter is that Thornburgh's key staffer was told by Specter's key staffer that if Thornburgh ran, his role in the CTA affair would be a major issue in the campaign. You now know, in case you've ever wondered, why, out of all the politicians names on Torquatos' spread sheets and other records and all the testimony about bribes, gifts, favors and contributions to politicians from Smith and Torquato, the only two politicians to be indicted and found guilty are Budd Dwyer and Bob Asher.

"The position of U.S. Attorney, even on an 'Acting' basis is one of the most powerful in our government. The U.S. Attorney is the sole determiner of what cases will be pursued and what cases will be dropped in his district. The quality of the 'Justice' system in each of the 94 Federal Districts depends upon, the honesty, objectivity, integrity and personal goals and interests the U.S. Attorney in each district. U.S. Attorneys love to selfrighteously proclaim that they will 'follow the evidence wherever it leads'. The fact is that it is the exact opposite that usually occurs. The U.S. Attorney and the involved law enforcement agents will determine early in a case who they want their 'targets' to be, and then develop or fabricate evidence to indict and convict them.

"If evidence can't be developed it is fabricated by using the currently legal techniques of lies, deals, leaks, threats, immunity, harrassment, rumors, abusing the plea bargain process and virtually every other technique used in authoritarian nations with the possible exception of physical torture. Another technique is to stretch out an investigation so long that legal fees financially bankrupt their 'target' or mentally break the 'target' or family members so that he has no alternative but to plead guilty to something and perhaps provide perjured testimony against other 'targets'. With unlimited taxpayer dollars and virtually unbridled power, is it any wonder that the U.S. Department of 'Justice' boasts a 95% conviction rate. Once the U.S. Attorney decides, regardless of his motivations, who his 'target' will be, the odds

are overwhelming that the prosecution will 'get' him, one way or the other, whether they are guilty or not. Of course, the appropriate action for West to have done, as I've described in Attachment 1 of my letter to the Judiciary Committees, would have been to recuse himself from the CTA investigation, but their goal had been just the opposite, to seize control of the investigation.

"The entire CTA case as it applies to me, hinges on one meeting in March of 1984 with Bill Smith about which he has told two versions, one truthful and the other in exchange for immunity for his wife and other considerations for himself. Following is Bill Smith's truthful story of what really happened, as he told it to my attorney, Bob Asher's attorney and Tom Carroll who is one of Smith's attorneys, on March 12, 1985. My attorney immediately taped the information provided by Smith and it was transcribed into a 5-1/2 page memo the following day. Since the memo is the property of my attorney and contains other information I regret that I cannot provide you with copies of it but I can relate to you the crucial information it contains in regard to me and Smith's meeting with me in March of 1984.

"Smith explained to the attorneys that it was constantly Torquatos' mindset to offer money to people in order to incur an obligation. As Smith testified at our trial, Torquato was very upset that a bribe was not offered to me at the March 2, 1984 meeting at the Marriott. Torquato kept pressuring Smith to meet with me again and offer a bribe in exchange for the contract. Smith did meet with me sometime later in March but did not offer any bribes. Smith told the attorneys that at no time did he raise the possibility of offering money to me because he knew it would be inappropriate and that I would have thrown him out of my office. (He testified at our trial that all along he felt CTA was good enough to get the contract without offering bribes.) However, after our meeting Smith led Torquato to believe that he had bribed me so that Torquato would stop pressuring him. Thus, when Torquato entered my 'code name' on his spread sheets and boasted to various people about campaign contributions to me, he really thought that Smith had bribed me and of course Smith continued to let Torquato think that I had been bribed.

"It is no wonder that testimony indicates that Torquato was perplexed, frustrated and furious when my Task Force wanted to do the project in-house, when I had them contact the Pennsylvania School Boards Association to see if they could do the project, and when they were in the process of recommending to me that Arthur Young do the project before Torquatos' last minute effort to get Dave Herbert to provide false information to the Task Force regarding immediate credit which impacted so heavily on the all-important time-value-of-money concept which resulted in the Task Force recommendation to me that CTA be awarded the project.

"Smith admitted this at our trial but apparently it went by the jury. His attorney, John Rogers Carroll testified at our trial that Bill Smith had 'solemnly' told he and Tom Carroll that he had lied in his 'offers of proof' and that when he testified at his own trial that he had not bribed me it was the truth. And John Rogers Carroll added, 'We had no evidence to the contrary.' (Some observers think that Smith and Torquato were creating phony records and making statements about several hundred thousand dollars in payoffs just as Torquato had successfully done in regard to the Allegheny County contract when he made statements and created phony records indicating he was paying \$102,000 in bribes to Allegheny County officials so he wouldn't have to pay his employees commissions on that amount. In reality he was misleading his employees, paid no bribes and put the \$102,000 in a Swiss Bank account as he has admitted. However, I think the foregoing Smith version is the accurate scheme in this case.

"Thus, although Smith never bribed me you can see how Smiths telling Torquato that he had bribed me, unforeseeably,

benefited both of them in their 'offers of proof' in the fall of 1984 and especially benefited Smith in his final 'deal' with Acting U.S. Attorney West in the fall of 1985.

"When the CTA investigation began in July of 1984 both Smith and Torquato knew they had legal problems for bribing Dave Herbert to provide false and incomplete information to my FICA Recovery Task Force. Smith knew from his limited criminal law practice and Torquato learned from his attorney (according to their Testimony, that U.S. Attorneys and FBI agents are interested in big pelts.

"And there I was, out on the end of the limb with my signature on a large, complex contract that I had signed in good faith based on the recommendation of my task force. In turn, the task force had made the recommendation to me in good faith. They did not know that John Torquato had lied directly to John Wellington regarding cost figures or that Smith and Torquato had bribed Herbert to lie to Wellington and Phenecie regarding immediate credit which impacted on the time value of money. But I was a 'Big Pelt,' Governor Thornburgh was out to 'get' me and his lackey, James West was heading up the CTA investigation.

"Moreover, Torquato really thought Smith had bribed me and had his spread sheets to prove it. Smith could slightly alter the true story of our March meeting and say he bribed me, since he had told Torquato that he had. Thus it was easy for them to separately fabricate 'offers of proof' even though the details conflicted. West ignored that fact and had his bottom line desire of having two people say I'd been bribed, despite all the evidence to the contrary.

"According to the search warrant for Torquatos' office, he had more legal exposure than Smith so he was willing to plead guilty to one count while Smith wanted complete immunity in exchange for his story. Thus Torquato got the initial deal. Bill Smith was slick though. He not only went to two attorneys with his 'offer of proof' but I understand he also told at least one member of the Capitol Press Corps in the event his trial went badly and he needed additional prior verification of his story to work out a future deal.

"Although I'd done nothing wrong I knew the deck had been stacked against me. Still I had faith, that since this is America, something would occur to save me from my persecutors. But it didn't happen and this is why our legal system desperately needs to be reformed into a justice system. It has happened to others and will happen to more innocent people until reforms are enacted. In fact the recent January 11, 1987, 'Sixty Minutes' program described the case of an innocent man in Philadelphia who had been convicted and sentenced to death. How many more will there be?

"In the following paragraphs I'll detail some of the things that occurred to fabricate testimony against me and otherwise manipulate the case against me. Please verify these yourselves and decide whether Acting U.S. Attorney James West was seeking truth and justice or seeking the indictment and conviction of an innocent person.

"1. The accuracy of polygraphs or lie detectors is a hotly debated issue. However the U.S. 'Justice' Department relies heavily on lie detectors in their investigations and maintains they are very accurate. On about July 22, 1985 my attorney asked James West to sign a letter stating that if I passed their lie detector test he would drop me as a 'target' of his investigation. Acting U.S. Attorney James West refused to enter into the agreement.

"2. Grand Juries were formed hundreds of years ago as a reform to protect innocent citizens from unethical and over-reaching prosecutors. In August of 1985, my attorney asked Acting U.S. Attorney James West if I could voluntarily appear before the Grand Jury to explain the entire CTA matter to them as I understood it and answer any and all questions they had. West refused saying he wouldn't permit me to make a 'speech' to the Grand Jury. Thus our legal system has deteriorated to the

extent that the very prosecutor who the Grand Jury is to protect citizens from, can in fact deny those citizens access to the Grand Jury. (See insert 4 regarding Grand Jury reforms in my letter to the Congressional Judiciary Committees.)

"3. Abuse of process. On November 27, 1984, a Treasury Department employee was subpoenaed to appear before the Grand Jury at the Harrisburg Federal Building. When he arrived the Grand Jury was not even in session that day. The subpoena had been a ruse to get him to the building so West and FBI agent Don Jordan could have a session with him. They proceeded to make accusations and threats in an effort to have him confirm false information. They goofed when they indicated they had evidence that Bill Smith had offered to pay off his mortgage if he helped them get the FICA recovery contract, because the Treasury Department employee was a renter and had never had a mortgage. He returned to the Treasury Department pale and physically ill as several Treasury Department staff members can attest.

"4. Leaks of Confidential Information. On Monday, July 30, 1984, FBI Agent Ronald Brinkley had a luncheon meeting at Casa Rillos with a member of the Capitol Press Corps. A few days later the reporter wrote a series of articles containing previously unknown information about the CTA investigation.

"On October 29, 1985, a Treasury employee was subpoenaed before the Grand Jury. When he left the Grand Jury he looked for a bathroom. He rounded a corner and there were FBI Agents Ronald Brinkley and Donald Jordan talking with a Capitol Press Corps reporter about the case.

"On November 12, 1985, my attorney had a confidential, private, meeting in Washington D.C. with Acting U.S. Attorney James West and Washington based 'Justice' Department personnel. Reports of the confidential, private meeting were carried in the Pennsylvania media on November 20 and 21, including information about the meeting that occurred after my attorney had left.

"Neither Bob Asher, I or our attorneys had any indication we were going to be indicted prior to May 13, 1986. I learned about it as a result of a telephone call from my Pittsburgh office that morning reporting that an article in the Greensburg Tribune Review indicated we were going to be indicted.

"In The News at Any Cost the author states, 'In most jurisdictions it is a crime for a prosecutor to leak grand jury information, but no one has ever been prosecuted for it since it would require prosecutors to investigate themselves.'

"5. The three way split. At our trial, Acting U.S. Attorney James West came up with a new theory that the mythical \$300,000 payment was going to Republican State Committee where it was to be divided equally between the campaigns of Roy Zimmermen, Sue Shanaman and me. Please check with Roy Zimmerman and Sue Shanaman to see if West ever checked with them to see if Bob Asher or I ever told them that they should add an extra \$100,000 into their campaign budgets.

"6. The Torquato-Ellis 'plea bargains.' John Torquato and Judy Ellis were each indicted on 15 counts with an exposure of 80 years in jail and \$106,000 in fines plus two of their corporations were indicted on 15 counts with an additional exposure of \$106,000 each. As a result of Torquatos' plea bargain West recommended a 2 year sentence but the Judge sentenced Torquato to 4 years and a \$10,000 fine which still saved Torquato up to 76 years in jail and \$96,000 in fines. His live-in girlfriend-partner Ellis was sentenced to 1 MONTH and a \$5,000 fine, saving her up to 79 years and 11 months in jail and \$101,000 in fines. But Acting U.S. Attorney James West was not finished with his favors to Torquato and Ellis. Just before the Smith-Stoneman trial, in which they were to be witnesses, West dropped all charges against their two corporations saving Torquato and Ellis another \$212,000 in fines despite the fact that they had at least \$450,000 in Swiss bank accounts.



"7. Acting U.S. Attorney James West's trip to the Boron Prison Camp. West and Torquato were upset that Torquato had been sentenced to 4 years instead of the 2 years West had recommended. In February 1985, West attempted to secretly go to the Boron Prison Camp in California where Torquato was located to put in a good word with Torquato's parole board. Pittsburgh Attorney Harold Gondelman found out about West's trip, as he said, through 'dumb luck.' West's trip was a success and he got Torquato's sentence reduced from 4 years to 22 months. Please check out what West did for Torquato with other criminal attorneys. It's virtually unheard of! Normally when a prosecutor appears before a parole board it is to urge that a felon serve their full term.

"8. The Bill Smith deal. This deal sets new records in the annals of our 'Justice' Department. After his sentencing, Bill Smith had legal bills of over \$200,000, a fine of \$63,000 and a jail sentence of 12 years. Acting U.S. Attorney James West told Smith's attorney that Smith's wife, who is also his law partner, would be indicted unless Smith 'cooperated.' Smith's wife is the mother of their 5 year old son and the step-mother of other Smith children. Smith is not a G. Gordon Liddy and faced with all of the foregoing he 'cooperated' in exchange for immunity for his wife and himself, a recommendation from West that his sentence be reduced to 22 months and a \$10,000 fine and if the judge doesn't agree, West will appear before Smith's parole board to have his sentence reduced. That wasn't even a plea bargain. It was just an outrageous deal that is legal under our current 'Justice' system. Smith's sobbing statement on the witness stand, 'I'd do anything to protect my wife.', and his near fatal heart attack and emergency surgery a few hours after he testified dramatized the weight of his guilty conscience better than anything you've seen on stage, in the movies or in a TV Soap Opera.

"9. The Williamsport trial. One of the most frequently asked questions before and during our trial was, 'Why is the trial up in Williamsport?' The answer is, because Acting U.S. Attorney James West wanted it in Williamsport, to help guarantee he could convict us.

"In addition to evidence obtained one way or the other, there are two other ingredients a prosecutor needs for a guaranteed conviction. One is a 'house judge' and the other is a favorable jury. Both exist in Williamsport. As one attorney familiar with the situation stated, 'Judge Muir gives new meaning to the term, house judge.' Judge Muir is clever though. A casual observer attending a trial or reading a transcript wouldn't perceive his pro-prosecution or personal bias, but a trained legal mind would realize that whenever a motion or ruling was crucial to the prosecution, such as our change of venue motion, Judge Muir invariably rules for the prosecution. In our case he sent subtle messages to the jury to convict us, such as referring to the 'record for the Appellate Court.'

"A few weeks before the beginning of our trial Judge Muir's pro-prosecution and personal bias resulted in the overturning of a guilty verdict in the Salamone Case by the Third U.S. Circuit Court of Appeals. The ruling has been publicized in national publications such as the January 1987 issue of the American Hunter.

"Our case was complex and technical and Acting U.S. Attorney West needed an unsophisticated, uneducated jury pool and demographics indicate that the Williamsport Federal jury pool is the most uneducated in the state. Even so, West used several pre-emptory challenges to eliminate educated people from the jury. There were two college educated jurors, one music major, and the other a psychologist who West had originally knocked off but who he permitted to serve after the defense and news media complained about his tactics.

"Logic and a U.S. Supreme Court decision indicate that the trial should have been held in Harrisburg. The alleged offenses occurred in Harrisburg, West's office and the FBI office is in Harrisburg, the defense attorneys' offices were in Harrisburg, the

defendants' offices were in Harrisburg, most of the witnesses were from Harrisburg and those that weren't had to be transported to Williamsport after flying to Harrisburg. It cost the taxpayers tens of thousands of dollars more to have the trial in Williamsport but of course Acting U.S. Attorney James West wanted us convicted regardless of the cost or tactics it required.

"If you check the defense motion to change venue to Harrisburg, which was opposed by West, it met all seven points of a U.S. Supreme Court decision that a Judge is to consider in making his ruling. The seven points don't include Judge Muir's convenience or his bias toward the prosecutions' opposition to our motion so he ruled the trial must be held in Williamsport. His official reason in his ruling was that there weren't enough courtrooms in Harrisburg despite the fact that with the state appellate courts, the county courts and the Federal courts in Harrisburg there are more courtrooms there than anywhere else in Pennsylvania except Pittsburgh and Philadelphia. (As an aside, check into the Berrigan trial of the 1970s. The Federal government had jurisdiction in dozens of Federal District Courts around the country but the trial was held in Harrisburg because computer runs indicated the Middle District of Pennsylvania has one of the most conservative, pro-prosecution jury pools in the country.)

"10. Rules of evidence. The jury received frequent messages to convict us because time after time during the trial Acting U.S. Attorney James West presented evidence or asked questions of witnesses about the CTA convictions of Smith and Stoneman and Torquato and others who were guilty of conspiring to bribe Herbert to mislead the Treasury Department Task Force. But whenever the defense planned to introduce evidence or call witnesses to testify about the acquittal of Pittsburgh City Councilman Robert Rade Stone in the other CTA trial Judge Muir ruled that Supreme Court case law prohibited the introduction of evidence of prior acquittals. The unfairness and injustice of that pro-prosecution decision is obvious.

"Prior to the trial several attorneys said that it was impossible for a public official to get a fair trial in Pennsylvania because people are so biased against politicians. However, the acquittal of Pittsburgh Councilman Robert Rade Stone in the other CTA trial indicates that when a U.S. Attorney seeks truth and justice rather than convictions, when the Judge is unbiased and when the jury is composed of a defendants' peers from the defendants' home area, even a public official can receive a fair trial.

"In our case the Acting U.S. Attorney, James West, went to the very limits of our very dubious laws to fabricate evidence and manipulated the trial arrangements so that he would have a biased 'House Judge' and a jury that was not familiar with accounting practices, state-of-the-art investment techniques, the value of computer software and the political and governmental processes, in other words, a jury that was not composed of our peers.

"According to articles in the news media the jury did not abide by their oath of office or follow the judges' most basic instruction, that all defendants are presumed to be innocent. Jurors were quoted as saying that they tried very hard to find me innocent, indicating they deliberated with a presumption of guilt, rather than the most basic principle of American jurisprudence, the presumption of innocence.

"On the third day of deliberations the jurors asked for a transcript of John Wellington's testimony. John Wellington, as the Treasury Department's Chief Counsel was the head of the Task Force that recommended CTA to me and was certainly the key witness as far as my case was concerned. The jurors were told that a transcript was not available but arrangements could be made to read Wellington's testimony to them. The jury never responded to the opportunity to have the testimony read to them or made any other request. They simply proceeded to find me guilty that very day. Perhaps they were in a hurry to get out for Christmas.

"The Judge had given almost three hours of complicated jury instructions but the jury did not ask one clarifying question. They merely rubber stamped all 11 counts against both Bob Asher and me. Contrast our jury with the jury in the Smith-Stoneman trial which involved 15 counts each. Even though that jury was also a Williamsport jury, they asked many questions and found guilt by Stoneman on one count and guilt by Smith on nine of the 15 counts. Perhaps the attorneys were right and our jury was biased against us because we were politicians.

"Regardless of their reason, our jury made a horrible mistake. They destroyed my 22 year career in public service and my life, and did indescribable damage to my family and many others. The jury delivered the final blow to what many have described as the greatest miscarriage of justice they have ever known.

"Many people who have visited, called or written to me since December 18, 1986 are confident that the horrible mistake made by the jury will be corrected by the appeals process. This is implied in the attached editorial from the Meadville Tribune. Unfortunately, most people, including me up to a few weeks ago, do not understand the appeals process. People generally think all mistakes regarding a trial are appealable but in fact only mistakes of law are appealable. In my case the major mistake was made by the jury which rendered a guilty verdict without having sufficient evidence beyond a reasonable doubt. Despite all their wheeling and dealing, the prosecutions case appeared to be so weak, so questionable and so contradictory that my attorney and many courtroom observers saw no reason to put in any defense.

"Unfortunately, under our system of law, the juries' mistakes are not appealable. As impossible as it is to believe there is no recourse from the mistakes of a jury. Only the mistakes of law made by the prosecutor and judge are appealable and as I've already described to you our statutory law and case law is currently so loose and so unjust that my chances of winning on appeal are very slim and even if I won I could not financially afford another trial.

"Bob Asher stands a better chance of winning on appeal because some case law indicates he was improperly tried as a public official.

"The bottom line is that governor Thornburgh, Acting U.S. Attorney James West, FBI Agents Donald Jordan and Ronald Brinkley, who 'worked' the case, Judge Malcolm Muir and the jury have together totally discredited the American legal system in the hearts and minds of thousands of people who know that I am innocent.

"Very few victims of our criminal legal system speak out publicly against it because when a person has been found guilty they are at the mercy of the system. The prosecutor recommends their sentence, the trial judge imposes their sentence and fine and then they enter the custody of the Bureau of Prisons where there is a wide variation in treatment and conditions. After serving at least one-third of their sentence they are at the mercy of the Parole Board for an early release. A person who makes waves will receive a longer sentence, higher fine, rougher treatment while imprisoned and stand less chance of being paroled. I've even been advised by people familiar with the 'system' that I now ought to say I did something wrong so things will be easier for me from here on out. Obviously, I refuse to compromise my principles.

"When you realize that only 5% of our population becomes entangled with our criminal legal system and that 95% of those are found guilty, it means that less than 1/4 of 1% of our population is ever acquitted. Those statistics alone demonstrate the sham of the system. The 1/4 of 1% is a tiny voice and only a few of them speak out, such John DeLorean and Governor Edwin Edwards, and they are so few and so tainted that no one pays any attention and the atrocities go on and on.

"Generally most people and specifically most elected officials do not like dealing with unpopular or unpleasant issues. They prefer to ignore problems that need to be addressed unless public

pressure demands a solution. Then, like water, they take the course of least resistance. I regret that many times during my legislative career I was an example of, rather than an exception to, that principle. Of course if I had followed that principle as Treasurer and paid Ginny Thornburghs European travel voucher and let the State Police continue to haul the Thornburghs graduate student to Massachusetts and the Thornburgh prep school student to Connecticut we wouldn't be here today. What has happened to me is an example of an unconscionable issue that most people would rather ignore than address. But fortunately their are exceptions in the private and public sectors.

"I realize that you are news reporters and that I am just another peice of meat to you. But I hope that something that I've revealed today penetrates through the cynicism and callousness that is the sterotype of you profession and that some of you will help because it is the media that creates the public pressure to address the unpopular issues.

"Many of you represent large media corporations such as the Philadelphia papers, the Pittsburgh papers, and Group A radio and television. Your employers possess the resources to carry on national crusades for reform. It is to late for me but certainly the current low level of our American legal system is ripe for their immediate attention. It is not as sexy or as exciting as the Iranian arms deal but it is long term and more important to the American people and the survival of our form of government.

"I would also urge you and your media employers to work for the repeal of the death penalty unless the test would be absolutely no doubt. I regret that on several occasions when I was a member of the legislature that I voted for the death penalty. As a result of what has happened to me in this case I am convinced that innocent people have been found guilty and have been executed. The Neil Ferber case that was discussed on 60 Minutes on Jan. 11, 1987 is proof that it can happen right here in Pennsylvania.

"Around the turn of the century the muckracking journalist Lincoln Steffens authored the book, The Shame of the Cities. His book was largely responsible for much needed improvement in the living conditions and working conditions of the slum dwellers in Americas' cities.

"Lincoln Steffens journalistic goal was '...to see if the shameful facts, spread out in all their shame, would not burn through our civic shamelessness and set fire to American pride.'

"Perhaps what America needs most now is another Lincoln Steffens, an author who will write a best selling book entitled 'THE SHAME OF OUR LAW'.

"As my political career draws to a close I want to thank the people who made it possible, beginning with the good people of Crawford County who in 1964, had the faith to elect a 24 year old as the youngest member of the General Assembly. And then the people of Crawford, Mercer and eastern Erie counties who in 1970, elected me to the State Senate. Thanks to the voters of Pennsylvania who elected me Treasurer in 1980 and in 1984 saw through the sham of the CTA allegations and re-elected me by a margin of 310,000 votes. In all I have participated successfully in 8 Primary elections, 8 General Elections and one election for Delegate to the Republican National Convention, which was my personal Bi-Centennial Project in 1976.

"(Contact Duke Hershock or Gregg Penny at the Treasury Press office for the last page, Dwyer Treasury accomplishments etc. 717-787-2991)

"I thank the good Lord for giving me 47 years of exciting challenges, stimulating experiences, many happy occasions and most of all, the finest wife and children any man could ever desire.

"Now my life has changed for no apparent reason. People who call and write are exasperated and feel helpless. They know I am innocent and want to help, but in this nation, the worlds greatest democracy, there is nothing they can do to prevent me from being punished for a crime they know I did not commit. Some who have called have said that I am a modern day Job.

"Judge Muir is also noted for his Medieval sentences. I face a maximum sentence of 55 years in prison and a \$305,000 fine for being innocent. Judge Muir has already told the press that he felt 'invigorated' when we were found guilty and that he plans to imprison me as a 'detrant' to other public officials. But it wouldn't be a detrant because every public official who knows me, knows that I am innocent. It wouldn't be legitimate punishment because I've done nothing wrong. Since I'm a victim of political persecution my prison would simply be an American Gulag.

"I ask those that believe in me to continue to extend friendship and prayer to my family, to work untiringly for the creation of a true Justice system here in the United States, and to press on with efforts to vindicate me, so that my family and their future families are not tainted by this injustice that has been perpetrated on me.

"We were confident that right and truth would prevail and I would be acquitted and we would devote the rest of our lives working to create a Justice system here in the United States. The guilty verdict has strengthened that resolve. But as we've discussed our plans to expose the warts of our legal system, people have said, 'Why bother, no one cares, you'll look foolish, 60 Minutes, 20-20, the American Civil Liberties Union, Jack Anderson and others have been publicizing cases like yours for years and it doesn't bother anyone.'

"I've repeatedly said that I'm not going to resign as State Treasurer. After many hours of thought and meditation I've made a decision that should not be an example to anyone else because it is unique to my situation. Last May, I told you that after the trial, I would give you the story of the decade. To those of you who are shallow the events of this morning will be that story. But to those of you with depth and concern the real story will be what I hope and pray results from this morning—in the coming months and years, the development of a true Justice System here in the United States. I am going to die in office in an effort to '...see if the shameful facts, spread out in all their shame, will not burn through our civic shamelessness and set fire to American pride.' Please tell my story on every radio and television station and in every newspaper and magazine in the U.S. Please leave immediately if you have a weak stomach or mind since I don't want to cause physical or mental distress. Joanne, Rob, DeeDee—I love you! Thank you for making my life so happy. Good bye to all you on the count of 3.

"Please make sure that the sacrifice of my life is not in vain."

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE STATE TREASURER

Harrisburg  
17120

The Honorable Joseph Biden  
United States Senator  
Chairman, Senate Judiciary Committee  
Russell Bldg.  
Washington, DC 20510  
and

The Honorable Peter W. Rodino, Jr.  
United States Congressman  
Chairman, House Judiciary Committee  
Room 2462 Rayburn Office Bldg.  
Washington, DC 20515

Dear Senator Biden and Congressman Rodino:

The purpose of this letter is to respectfully request you in your capacity as Chairman of the Judiciary Committee to conduct a full-fledged investigation of what is known in Pennsylvania as the "CTA scandal". As a former high school teacher of Problems of

Democracy and an elected official for over 20 years, I was naive about our legal system. I thought it was ideal, and I did not realize it could be used for political persecution. I did not pay attention to the investigative reports, or the work of various organizations attempting to promote the creation of a justice system in fact as well as in name here in the United States because I was taught that if I obeyed the laws and was a good citizen, I would be one of the 95% of our population who never became involved with our criminal legal system.

Then my idealism was suddenly destroyed. I became a victim of political persecution right here in the United States, which I never thought could happen!

I know what happened to me and why it happened because many people from a variety of sources have provided me with various pieces of information which together tell the story. Unfortunately, I have only the oral word from many of these people. I have written out everything that has been told to me which tells the full story of why, how and by whom I was politically persecuted. This information can be made available to the proper legal authorities by certain people who have a copy of the story.

You are the only ones who can make positive changes and move our legal system closer to our ancestors' goal of having a true system of justice here in the United States. You have subpoena power and the important power to grant immunity to people who reveal the truth to you. Many of my staff, friends and family will be pleased to assist you and share my unpublished story with you.

In addition, based on my experiences with our legal system, I request you to enact legislation in the following areas:

1. The establishment of a Code of Ethics and Conduct for U.S. Attorneys, their assistants and members of the Federal Bureau of Investigation.
2. Halt abuses and excesses by U.S. Attorneys and their assistants in the utilization of plea bargains and various other types of legal "deals".
3. The restoration of Federal Grand Juries to their historic purpose of protecting citizens, thereby uplifting them from the prosecutor's "rubber stamp" function to which they have fallen.
4. The abolition of leaks and bonus payments to FBI agents.

Enclosed are four short papers regarding some of the above suggestions. They tell part of my story. (You have the power to develop the conclusion.) They are based on my personal experience.

Please investigate these matters and enact legislation to correct these problems.

It's too late to help me, but it is not too late to help others, perhaps including you. It is what our forefathers in 1776 and the delegates to our Constitutional Convention in 1787 in Independence Hall would want you to do.

If you do not do it now, someone will have to do it later if any semblance of a justice system is to survive in the United States and, in the meantime, many other innocent people like my family and me will have suffered unjustly. Until this occurs, I suggest that the word "Justice" be removed from the Department of "Justice" buildings, stationery, forms, I.D. Cards, badges, subpoenas, etc. and a blank left in place of the word "Justice" as a reminder to that Departments' staff members and the citizens of the United States that we do not have a true "Justice" system in the United States.

Thank you very much for your consideration.

Sincerely,

R. BUDD DWYER  
TREASURER OF  
PENNSYLVANIA

## Enclosures

cc: U.S. House Judiciary Committee and staff  
 U.S. Senate Judiciary Committee and staff  
 Pennsylvania Congressional Delegation

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ATTACHMENT #1

## REFORM THE "JUSTICE" SYSTEM - REFORMS FOR THE U.S. ATTORNEY'S OFFICE

Supreme Court Justice John Marshall once said in an opinion, "The power to tax involves the power to destroy." Justice Marshall would have been equally perceptive if he had said, "The power to unfairly prosecute involves the power to destroy."

The position of U.S. Attorney is one of the most powerful positions in the United States government because there is no check or balance for a U.S. Attorney who abuses his position, uses the position for political gain or uses the position for a personal vendetta against innocent citizens.

My personal experience as an innocent victim of our legal system leads me to recommend the following reforms to help convert our current legal system to a true system of Justice.

- I. A U.S. Attorney should be controlled by a Code of Conduct and Ethics. If a U.S. Attorney or a member of his family is a friend, former employee or has a personal relationship with a person under investigation or an attorney representing a person being investigated, the U.S. Attorney should completely remove himself or herself from the case. The case of the CTA investigation in the Middle District of Pennsylvania (1984-?) is an illustration of the need for a Code of Ethics and Conduct. The Acting U.S. Attorney, James West, was a former employee of Pennsylvania Governor Dick Thornburgh. West had been an Assistant U.S. Attorney when Thornburgh was U.S. Attorney for the Western District of Pennsylvania and had been appointed by Thornburgh to serve as a Pennsylvania Deputy Attorney General when Thornburgh became Pennsylvania's Governor in 1979. When Roy Zimmerman became Pennsylvania's first elected Attorney general in 1981, Zimmerman reappointed West as a Pennsylvania Deputy Attorney General.

The CTA case involved allegations of bribery to various Pennsylvania public officials. Allegations were made that bribes had been offered to Pennsylvania's Treasurer, Budd Dwyer; Attorney General, Roy Zimmerman and/or his staff members and members of Governor Thornburgh's staff. With West's two immediate former employers, Thornburgh and Zimmerman, or some of their staff members involved in the investigation, it was a situation which should have mandated that West remove himself from the investigation. Instead, he assumed full personal control of the investigation. Dwyer, although of the same political party as Thornburgh, had fulfilled his role as an independently elected official and had refused to pay various bills including some for the Governor's family. Whenever Dwyer or anyone associated with him was called before the Grand Jury, the media was somehow alerted and received leaks of the testimony as news media accounts indicate. In contrast, the appearances of Zimmerman's staff members before the Grand Jury were in secret and members of Thornburgh's staff were not even called before the Grand Jury as far as can be determined.

In contrast to James West's actions in the CTA investigation, during the same time frame in California, the

U.S. Attorney for Southern California, Robert C. Bonner, removed himself from the investigation of the California Assembly Democratic Leader simply because Bonner had been a law partner of the Attorney representing the Assembly Leader. Bonner's commendable self-removal was a matter of his personal ethics and had nothing to do with any requirement of the U.S. Department of "Justice".

Bonner's Chief Assistant pointed out, "Rob (Bonner) has no ethical or legal obligation to recuse himself..." Los Angeles Times, page 1 METRO, December 6, 1985. Clearly, Congress should enact legislation requiring recusal by U.S. Attorneys in investigations where they have conflicts of interest. Failure to recuse themselves should lead to dismissal and prosecution for Prosecutorial Misconduct.

- II. U.S. Attorneys and Deputies and FBI agents should be prohibited from running for public office or becoming criminal defense lawyers for clients being investigated by the Federal government for a minimum of five years after leaving their positions in the U.S. Attorney's Office.

A review of candidates for state and Federal office will indicate that many candidates have served in the U.S. Department of "Justice". For example, the 1978 gubernatorial primary in Pennsylvania had three candidates who had served with the "Justice" Department in U.S. Attorney's Offices and/or in the Washington office. Former "Justice" Department lawyers won both the major party nominations.

Some lawyers serving appointments in the U.S. Attorney's offices throughout the U.S. do not appear to be as interested in seeking truth or justice as they are interested in seeking publicity and "big pelts" in the form of public officials, successful businesspeople, sports figures and others who are of interest to the news media so that the particular U.S. Attorney can become better known for a future political campaign. Other U.S. Attorneys appear to be more interested in building a big resume of prosecutions so that they can command six figure incomes as criminal defense attorneys in criminal defense law firms.

Regardless of the motive, self-serving U.S. "Justice" Department attorneys are a disservice to the general public who think their tax dollars are paying for a Justice system and especially to the subjects and targets of their sensational publicity seeking investigations.

One of the most basic provisions of state and municipal Codes of Ethics is that former officials and management category public employees cannot do lobbying work, or practice law in connection with their former public employer for varying lengths of time. Why then, shouldn't the U.S. Department of "Justice" from which most U.S. citizens think they are receiving objective justice and truth have a similar Code of Ethics provision for U.S. Attorney's, their assistants and FBI agents?

- III. The legal costs of those under investigation should be paid by the government if there is no indictment or if there is an indictment or no conviction. This is an obvious reform. At current legal costs, it is unfair and unAmerican for the U.S. Government to financially ruin innocent businesses, families and individuals and then walk away from them. Volumes could be written on this topic. The government already provides legal

counsel for those unable to financially afford private counsel. Why then is it fair and legal to financially ruin innocent citizens who can initially afford the horrendous costs of private counsel but whose assets vanish during an investigation and trial. The costs of this gigantic step toward creating a Justice System in the United States would be comparatively minimal since the current "Justice" Department proudly boasts of a conviction rate of approximately 95%.

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#### ATTACHMENT #2

### REFORM THE JUSTICE SYSTEM-OUTLINE OF THE U.S. GOVERNMENT'S QUESTIONABLE USE OF PLEA BARGAINS

Certain very questionable activities are legal in the United States today if they are done by and for the Government. The root of this practice in the United States is in the dubious use of plea bargains by prosecutors. If these things were done by a private citizen they would probably be against the law.

Plea bargaining was originally created to save public funds and the resources of our legal system. If the evidence was overwhelming against a defendant, plea bargaining gave the prosecution and defendant's attorney the opportunity to "bargain" a recommendation to the court for a reduced sentence, and have dismissal of counts in exchange for the defendant's guilty plea to a reduced number of counts, substituted lesser counts, etc. This saved the legal system the time and financial expenditure involved with conducting a trial for a person who was guilty, but otherwise would have pursued a trial hoping that the "law of averages" or a legal technicality would result in eventual acquittal. Unfortunately, some U.S. Attorneys have abused the plea bargain process and used it in a manner far removed from the original purpose.

The following actual example from the so-called "CTA Case" in the U.S. Middle District of Pennsylvania (1984-?) is a good illustration.

John Torquato, Jr. had bribed David Herbert, then Pennsylvania's Director of Social Security for Public Employees, to provide incomplete and false information to the Pennsylvania Treasury Department FICA recovery task force in a successful effort to steer the contract to Torquato's company. Both Torquato and Herbert admitted this bribe. Torquato admitted he directly lied to members of the Task Force. However, the State Treasurer who had awarded the contract to Torquato based on the recommendation of his Task Force, was in prosecutorial terminology a "big pelt". Thus, a plea bargain induced Torquato to provide testimony against Dwyer. Torquato had originally been indicted on 16 counts with a maximum penalty of 80 years in prison and a \$106,000 fine. Torquato's business associate and live-in girlfriend was indicted on identical counts, as were two of Torquato's companies.

The plea bargain to Torquato consisted of the following:

Torquato's 16 counts were reduced to one count with a fine of \$10,000 and the prosecutors guarantee that he would recommend a two-year prison term, which meant that Torquato would only serve a few months at the Federal prison camp of his choice. This would save Torquato almost the entire 80-year prison exposure and \$96,000 in fines. In addition, 15 counts against Torquato's business associate-girlfriend were dropped in her plea bargain and she was given a one-month sentence, required to participate in an alcohol treatment program and pay a \$5,000 fine. Thus, another potential \$101,000 in fines and 79 years and 11 months incarceration exposure were dropped by the government.

But acting U.S. Attorney James West was not finished with his favors to Torquato. Shortly before the beginning of the Smith-Stoneman trial in which Torquato and Ellis were to be the key witnesses, the Acting U.S. Attorney dropped all 16 counts in the

indictment against both of Torquato's companies. The result—another potential savings to Torquato of \$212,000 in fines. Total—\$96,000, plus \$101,000 to his girlfriend, plus \$212,000 equals a \$409,000 plea bargain fine forgiveness the U.S. Government to admitted felons Torquato and Ellis plus the massive reduction in incarceration time. Torquato also was not prosecuted for the possession of an illegal machine gun or other possible federal offenses and another business partner, who was his father, was not prosecuted. In February of 1985, the Acting U.S. Attorney James West, appeared before Torquato's parole board to recommend further leniency for Torquato. This is unheard of while a case is still in progress.

West won the conviction of Smith and Stoneman to a great extent with Torquato's and Ellis' testimony. The Acting U.S. Attorney next turned his attention to the two "big pelts", the State Treasurer and the former Pennsylvania Republican Chairman. At his trial, Smith had truthfully testified that he and Torquato had never offered a bribe to Treasurer Dwyer in return for the personal services contract. Following his conviction, Smith was financially broke from the cost of his trial and was facing a 12-year prison sentence, but Smith stuck with his truthful testimony.

However, Smith's law partner was his wife Judy, who allegedly had heard some of the discussions when Torquato and Smith were alleged to have conspired to bribe public officials.

Four months after his conviction, Smith was told that his wife, Judy, the mother of their five-year old son and stepmother of their 13-year old child, would be indicted. Financially broke, sentenced to a 12-year prison term, and faced with the indictment of his wife and mother of his children, Bill Smith did what most men, other than G. Gordon Liddy, would do. He agreed to change his trial testimony and corroborated Torquato's testimony. To sweeten his deal with Smith, Acting U.S. Attorney James West also agreed that if Smith lost his appeal he would recommend to the Court that Smith serve no longer than the 22 months Torquato would serve and have his fine reduced to \$10,000. There was no plea involved. Smith had been convicted and his wife, Judy, was given immunity without admitting any wrongdoing. It was a simple case of the U.S. Attorney using such inducements to obtain wanted testimony.

There is no check and balance to the U.S. prosecutors utilizing such inducements to obtain desired testimony in pursuing an innocent victim. A review of the transcript of the Smith-Stoneman trial will show that at least a dozen people testified that Torquato had given untruthful testimony and at least five people testified that Torquato's live-in girlfriend-partner had given untruthful testimony. The State Treasurer tried to fight back against the use of the legal system to persecute him. He tried to bring a private perjury case against Torquato and Ellis, but he was stopped cold. Why? After extensive research, Dwyer's legal staff told him that only a prosecutor could bring perjury charges. Thus, if perjured testimony benefits the government the prosecutor can choose not to indict the individual for perjury as has happened in this case.

The ultimate irony! By now you won't be surprised to learn that it was the State Treasurer who was indicted for perjury. Research this case. The above review only scratches the surface.

The reforms are simple and obvious:

1. The U.S. Congress should enact a law providing that any prosecutor who abuses the true purpose of the plea bargain be dismissed from office and prosecuted for misconduct.
2. The U.S. Congress should enact a law providing that private perjury cases can be filed in a manner similar to other private criminal prosecutions.

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ATTACHMENT #3

REFORM THE "JUSTICE" SYSTEM - RESTORE THE GRAND JURY

The Grand Jury was created in England several centuries ago to protect innocent citizens from corrupt or overreaching prosecutors, and at that time was considered to be a great democratic legal reform. The Grand Jury was adopted in the U.S. upon the ratification of the 8th Amendment to our Constitution to continue this protection for U.S. citizens. Unfortunately, in recent decades the Grand Jury system in the U.S. has deteriorated to a point where it has become a rubber stamp choir for the prosecution, and instead of protecting citizens, the Grand Jury now aids the undermining of the original intent of the system and of overreaching by prosecutors against innocent citizens.

In many states and local jurisdictions, the Grand Jury has been recognized as the sham it has become, and has been abolished or modified. The Grand Jury cannot be abolished at the Federal level since the Grand Jury is required in the Bill of Rights of our Federal Constitution. Since Federal Grand Juries can't be abolished, the U.S. Congress should enact legislation providing that Grand Juries be modified from their current "choir" status to restore the historic protection for innocent citizens.

An analogy can be found in Pennsylvania government. Several decades ago, the Pennsylvania Public Utility Commission (PUC) was created to protect utility consumers from the monopolistic, self-serving and overreaching utilities. Over the years the utilities ingratiated themselves with the PUC. The consumers lost much of their protection and the PUC became known as simply the "Utility Commission".

The Pennsylvania legislature, responding to anguished pleas from consumer groups, restored a measure of protection by creating the office of Consumer Advocate whose attorneys now appear before the PUC Commissioners in opposition to the rate increase proposals being advocated by the attorneys for the utilities.

The implementation of the following similar recommendations would be a significant step to restoring the Federal Grand Jury's protection for innocent citizens.

- I. A Grand Jury "master" or some objective person should control the Grand Jury rather than the U.S. Attorney, from whom the Grand Jury was originally supposed to provide objective protection for the innocent citizens under investigation. Under the current operation of Federal Grand Juries, the U.S. Attorney essentially exercises totalitarian power over the Grand Jury system, determining who will appear, what questions will be asked, when the Grand Jury will meet, preparing the indictments for the Grand Jury to "rubber stamp" and generally using the Grand Jury to legitimize the dubious as well as the legitimate actions of the U.S. Attorney's Office.

For example, in July of 1985, the Pennsylvania State Treasurer through his attorney, asked to go before the Grand Jury under oath and explain the entire CTA matter under investigation as he knew it and answer any and all questions from the members of the Grand Jury. The Treasurer's request had to be made to the Acting Pennsylvania Middle District U.S. Attorney, James West, rather than the foreman of the Grand Jury. As a statewide elected public official, the State Treasurer was a "big pelt". Acting U.S. Attorney West, of course, denied the request. Thus, the prosecutors the Grand Jury historically was to protect innocent citizens from, can prevent them from appearing before the Grand Jury. The U.S. Attorneys must be

removed from their current personal "choir leader" relationship with Grand Juries as one aspect of creating a true system of Justice in the United States.

- II. Another reform for Federal Grand juries would be to adopt the modification many other entities now use by permitting the witnesses' attorney to sit in the Grand Jury Room. The current practice of requiring the witness to leave the Grand Jury Room to consult his or her attorney in the hallway outside the Grand Jury Room is inefficient, time-consuming and leads to disjointed testimony and proceedings.

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ATTACHMENT #4

REFORM THE "JUSTICE" SYSTEM - ABOLISH FBI BONUSES (Bounties) and "Leaks"

One of the most shocking things revealed during the "CTA" investigation is that "old West style bounty hunting" was not totally abolished in the 1800's. It has resurfaced in the 1900's in the form of bonuses paid to the already well-paid FBI agents when their investigations lead to indictments and/or convictions. Indications are that the "bounties" vary according to the type of case—whether a "big pelt" is involved, etc.

It is very difficult, if not impossible to obtain information regarding these payments, even of the most general type (such as the total amount paid the agents of a particular office over a 10-year period) even under the provisions of the Freedom of Information Act.

It's not surprising, since the publication of the "bounties" or bonus payments to FBI agents would create an uproar from the public who thinks the FBI seeks truth and justice rather than "big pelts" and bonuses.

- I. The recommendation is obvious. Abolish all bonus or "bounty" payments, rewards, awards or whatever to FBI agents other than their normal generous compensation. Until this happens, I suggest that the Federal Bureau of Investigation be renamed the Federal Bountyhunters Institute.

Another prevalent practice of some FBI agents is the "leaking" of secret Grand Jury material and investigative information. Practically anyone closely involved with the CTA case in Pennsylvania can identify the agents in the Harrisburg, Pennsylvania office of the FBI who are known to "leak" information.

During the CTA investigation, one FBI agent was observed having lunch with a member of the press. That member of the press then wrote a series of articles that contained information about the investigation that was unknown to anyone else at that time.

On another occasion, a Treasury Department employee who had just appeared before the Grand Jury was looking for a bathroom. He rounded a corner in a hallway and discovered two FBI agents associated with the investigation talking with another member of the news media.

On yet another occasion my attorney held a meeting in Washington with Department of "Justice" officials, including one from the Harrisburg office. The meeting was confidential. A few days later press reports appeared in Pennsylvania giving details of the meeting.

- II. Any FBI agents or other "Justice" Department staff members who leak secret grand jury information or any investigative information should be fired and prosecuted.

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE STATE TREASURER  
Harrisburg  
17120

R. Budd Dwyer  
Treasurer of Pennsylvania

From the time R. Budd Dwyer became State Treasurer in 1981 he has been responsible for transforming the antiquated, outmoded manual processes then employed by the State Treasury Department into a modern operation for cash management, investment and securities management and control. This has been accomplished through the selection of a highly competent professional staff, updating the Department's processes through the installation of 20th Century state-of-the-art equipment, and implementing new practices and procedures.

A brief reference to some of the major changes and innovations of the Dwyer administration are as follows:

1. **BALANCED THE STATE'S "CHECKBOOK"**

Dwyer's administration balanced the State's accounts with the 28 active State Depository Banks for the first time since 1935. This was accomplished in approximately the same manner as individuals usually balance their checking accounts.

2. **ELIMINATION OF \$119 MILLION DAILY IDLE BANK BALANCES**

In 1980 and prior years, the Treasury Department was never exactly certain how much money was needed in its various bank accounts to clear the state checks each day, nor how much money was available for investment. Such uncertainty resulted in excess balances with the Depository Banks and an average of \$119 million uninvested each day. The elimination of these idle balances through the use of new, computerized operations, brought in \$19.5 million in interest income to the Commonwealth in the first year.

3. **INSTALLATION OF A COMPUTERIZED INVESTMENT ACCOUNTING SYSTEM**

In 1982, Dwyer's administration replaced the Treasury Department's antiquated, almost completely manual investment operation with a computerized system to provide up to the minute access to the financial markets. The Bureau of Cash Management manages more than \$4 billion in short-term investments, with an average day's work involving transactions totalling from \$100 million to \$200 million. Under this new investment system, the Commonwealth has earned nearly \$3 billion in investment interest.

4. **DEVELOPMENT OF AN AUTOMATED SECURITIES MOVEMENT AND TRACKING SYSTEM**

The Treasury Department monitors and safeguards over \$16 billion in securities for the various retirement systems and state agencies. In 1981 and prior years, the movement and trading of these securities was restricted by the outdated, manual process in which they were handled. In 1983, Dwyer developed the Securities Movement and Control (SMAC) system which automated the transfer of securities through a book entry system, thereby eliminating the physical movement of the securities and enhancing the revenues. During the first year under the SMAC system, the Treasury Department processed over 13,000 trades as compared to only 2,200 in 1981.

5. **ESTABLISHED TOLL-FREE WASTE LINE**

Dwyer's administration established a toll-free WASTE LINE for citizens to report abuse, misuse, or fraud involving state funds or to make money-saving suggestions. The WASTE LINE has received nearly 4,000 calls and has resulted in the savings of millions of tax dollars and several arrests.

6. **PROFESSIONALIZED AND DE-POLITICIZED HIRING PRACTICES**

The previous Treasury Department administration's employment applications required political sponsorship of an applicant by the county or local party as a prerequisite for hiring. Dwyer instituted non-partisan hiring practices, which stressed the professional qualifications of the applicant and eliminated the requirement for political sponsorship on the employment application.

7. **CRACKDOWN ON WELFARE FRAUD**

Dwyer's administration actively worked for approval of Act 75 of 1982 (Welfare Reform Act), which authorized the Treasury Department's Bureau of Investigations to investigate and collect restitution from welfare recipients who fraudulently requested and received duplicate public assistance checks. Implemented in 1982, Dwyer's crackdown on welfare double-dippers has reduced welfare fraud by ninety percent and has saved the Commonwealth over a million dollars annually in erroneous payments. Additionally, the Bureau of Investigations has recovered over \$800,000 in restitution from people who took advantage of the welfare system.

8. **CREATED BUREAU OF CONTRACTS INFORMATION**

Dwyer's administration implemented Act 244 of 1980, which required Commonwealth departments and agencies to file a copy of all contracts involving an expenditure of \$5,000 or more with the Treasury Department. The Treasury's Bureau of Contracts Information has the sole responsibility of receiving and processing those contracts and making them available to the public.

9. **HIRED AND PROMOTED WOMEN AND MINORITIES TO TOP MANAGEMENT POSITIONS**

Dwyer's administration employment policies have hired and promoted women and minorities for top-level management positions for the first time ever at Treasury, to replace an inherited top management team which was exclusively a white, male entity. Female and minority employees now constitute six of the twelve bureau director positions.

10. **INSTITUTED ZIP CODE PRESORTING PROCEDURES TO REDUCE POSTAGE COSTS**

The Commonwealth has saved more than a half million dollars as a result of Dwyer's administration instituting zip code presorting procedures. The Treasury Department has been established as a clearing house for mass mailings by providing this service to other Commonwealth agencies, at a savings of four cents per document mailed.

11. **CONVERSION TO PAPER CHECKS**

In 1985, Dwyer's administration replaced the cardboard check system with a new state-of-the-art system of tamper proof paper checks that saves the Commonwealth over \$100,000 per year. This conversion to paper checks enables the Treasury Department to print 30,000 checks an hour, nearly twice the production of the old cardboard check system.

12. **REDUCED BORROWING COSTS BY ISSUING TAX-EXEMPT COMMERCIAL PAPER**

Dwyer's administration proposed legislation, (Act 83 of 1984), which authorized the issuance of tax exempt commercial paper, as a supplement to tax anticipation notes, starting with fiscal year 1985-86. The use of commercial paper saved the Commonwealth approximately \$1.4 million in fiscal year 1985-86 alone.

13. **CREATION OF A TREASURY INVESTMENT POOL**

Dwyer's administration consolidated the 91 separate investment portfolios into one actively managed pool, similar to a mutual fund. This \$4 billion pool enables the Treasury Depart-

ment to make larger investments at higher rates of return, generating additional interest income. Conservative estimates project an increase of \$10.4 million annually in investment income.

#### 14. INSTITUTED A QUANTITATIVE BANK MANAGEMENT SYSTEM

Dwyer's administration instituted a quantitative bank management system to assess the performance of each of the Commonwealth's 28 active depositories. The banks are ranked according to the quality of services provided and the costs of those services, so that the 600,000 checks written per month are assigned to those banks in the most cost effective way possible.

#### 15. ESTABLISHED A BUREAU OF INTERNAL AUDITS

Dwyer's administration established the Bureau of Internal Audits to inform management of the strengths, weaknesses or lack of various internal controls, to report on the economy and efficiency of Treasury operations, and to make any necessary recommendations to enhance these operations and their overall contribution to the effectiveness of state government.

#### OTHER ACCOMPLISHMENTS:

—developed a Treasury Department initiative, in conjunction with the National Center for Missing and Exploited Children, to help identify and locate missing children. Each month, the Treasury Department inserts photographs and descriptions of missing children in the paychecks of its employees and in the monthly annuity checks of the state retirement systems;

—reduced the backlog of outstanding unclaimed public assistance and unemployment compensation benefits from approximately eighteen months to about six months and fifteen days, or approximately two weeks after the benefits are available to be reclaimed. This has resulted in tighter accounting control and improved availability of funds for investment;

—designed and implemented "Operation Coffin Caper" in conjunctions with the Public School Employes' Retirement System and the State Employes' Retirement System to cover annuity benefits paid on deceased annuitant accounts. This novel program has recovered over \$200,000 in erroneous benefit payments;

—actively supported legislation and prepared for the electronic fund transfer (EFT) system of public assistance and food stamp benefit issuance. The EFT process maintains this Treasury Department in the vanguard of similar financial institutions in adopting technological innovations;

—developed a system for direct deposit for state employee paychecks and retirement system benefits.

—investigated over 1,500 claims of lost, stolen, or forged Commonwealth checking totalling over \$600,000;

—in conjunction with the Department of Public Welfare, completed the necessary design and implementation steps to bring the printing of public assistance checks into the Treasury process, to reduce the cost of check stock and facilitate the verification of check totals. This transfer to Treasury will result in a savings of approximately \$150,000 per year;

—as one of three issuing officials, refinanced two of the Commonwealth's high interest General Obligations Bonds at lower rates to save millions of dollars in interest payments;

—strongly supported the \$190 million bond issue which brought thousands of jobs and infrastructure improvements to Pennsylvania;

—discovered \$3.7 million in misdirected interest earnings from the unemployment compensation fund, which were mistakenly credited to the general fund. This discovery was at a time when the unemployment compensation fund was being drained by a record number of unemployed workers and the federal government was demanding payments from the state fund.

The PRESIDENT. The Chair thanks all of the gentlemen for their remarks and shares in remembering R. Budd Dwyer as a decent, compassionate, hardworking friend.

The Chair would also ask for a few moments of silence for our departed colleague. Please rise.

(Whereupon, the Senate en banc stood in a moment of silence in solemn respect to the memory of R. BUDD DWYER).

And the question recurring,

Will the Senate agree to the motion to adopt the resolution?

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence of Senator Rocks and his temporary Capitol leave will be cancelled. The Chair also recognizes the presence of Senator Fisher and Senator Holl whose temporary Capitol leaves will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

### CALENDAR

#### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 8, 9 and 30** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### UNFINISHED BUSINESS

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator BRIGHTBILL, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Walter H. Burgin, Jr., Mercersburg Academy, Mercersburg 17236, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1988, and until his successor has been appointed and qualified, vice Pamela Bryan, Pittsburgh, whose term expired.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF ASHLAND STATE GENERAL HOSPITAL

January 15, 1987.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Malinchok, 326 North Nice Street, Frackville 17931, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Ashland State General Hospital, to serve until the third Tuesday of January, 1991 and until his successor is appointed and qualified, vice Arthur Bohard, Frackville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES  
OF ASHLAND STATE GENERAL HOSPITAL

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Forrest L. Shadle, Route 901, Box 448, Lavelle 17943, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Ashland State General Hospital, to serve until the third Tuesday of January, 1991 and until his successor is appointed and qualified, vice Hubert Strunk, Ashland, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES  
OF COALDALE STATE GENERAL HOSPITAL

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Franklin R. Fetter, Box 203AA, Barnesville 18214, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Coaldale State General Hospital, to serve until the third Tuesday of January, 1989 and until his successor is appointed and qualified, vice Martin Kovich, Jr., Nesquehoning, whose term expired.

DICK THORNBURGH.

CORONER, POTTER COUNTY

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas E. Fickinger, 210 North East Street, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as Coroner in and for the County of Potter, to serve until the first Monday of January, 1988, vice John T. Koch, Sr., resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fitz Eugene Dixon, Jr., P. O. Box 178, 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1990.

DICK THORNBURGH.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anne O. Jackson, Blackburn Road, Sewickley 15143, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1990.

DICK THORNBURGH.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dr. James L. Larson, 82 Hastings Place, Devon 19333, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1990.

DICK THORNBURGH.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles J. Potter, Ph.D., 330 North Carpenter Avenue, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1990.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mazie L. Baltimore, 101 North 30th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1991, or until her successor shall have been duly appointed and qualified, vice Reverend Robert J. Smith, Elkins Park, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert K. Ross, M.D., 1939 Fawn Drive, Laverock 19118, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1987, or until his successor shall have been duly appointed and qualified, vice Raquel Otero de Yiengst, Sinking Spring, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF MEDICINE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas J. Martin, M.D., 102 East Market Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John H. Moyer, III, M.D., Johnstown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Norma J. Gates (Public Member), R. D. 4, Box 372, York 17404, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel E. Bishop, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James P. McAvoy, O.D., F.A.C.O.P., R. D. 1, Box 159 D 5, Sugarloaf 18249, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Guy Wengert, expired term.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rex M. Miller, R. D. 1, Box 410, Manheim 17545-9748, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John L. Johnston, D.O., 228 Ridgewood Drive, Shippensburg 17254, Clarion County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony Repici, Jr., O.S., D.O., Willow Grove, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
PHILIPSBURG STATE GENERAL HOSPITAL

January 19, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alfred B. Chieppor, 404 Duncannon Street, Philipsburg 16866, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1991 and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PUBLIC EMPLOYEE  
RETIREMENT STUDY COMMISSION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Ingram, 9 Clemson Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Public Employee Retirement Study Commission, to serve until October 27, 1992, and until his successor is appointed and qualified, vice Dr. Gilmore B. Seavers, Carlisle, resigned.

DICK THORNBURGH.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis J. Esposito, 1600 North 72nd Street, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for reappointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1988, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BERKS COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate A. Robert Leupold (Republican), 500 Kutz Court, Reading 19609, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Berks County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BERKS COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lois C. Shultz (Republican), 5 Wendy Road, Reading 19601, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Berks County Board of Assistance, to serve until December 31, 1987, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BERKS COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jack N. Simpson (Republican), 14 Briarwood Drive, Elverson 19520, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Berks County Board of Assistance, to serve until December 31, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BERKS COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William Van Velsor (Republican), 2500 Independence Drive, Reading 19609, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Berks County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank A. Ferrari (Democrat), 411 West Third Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Nancy A. Forbes (Republican), 700 Park Drive, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

January 15, 1987.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Helen R. Rowe (Republican), 1304 Susquehanna Avenue, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1987, and until her successor is appointed and qualified.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

Senator BRIGHTBILL. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to the Reverend Richard E. Grant by Senator Armstrong.

Congratulations of the Senate were extended to the Most Reverend Edward T. Hughes by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Marlan Heller by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Cloyd A. Pines and to Mr. and Mrs. Foster Hummel by Senator Corman.

Congratulations of the Senate were extended to Mabel Crisp by Senator Hankins.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph A. Weaver, Mr. and Mrs. Orval A. Minium, Mr. and Mrs. Peter Lucas, Sr., Mr. and Mrs. Kenneth Ruch, Sr., Ryan Charles Barner, Nellie Kartovich, James A. Kennedy and to Mr. and Mrs. William Shafer by Senator Helfrick.

Congratulations of the Senate were extended to the White Rose Chapter, Professional Secretaries International by Senator Hess.

Congratulations of the Senate were extended to Neapco Incorporated by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew E. Hewitt, Mr. and Mrs. Boyd Calvert and to Mr. and Mrs. Frederick Helsel, Sr. by Senator Jubelirer.

Congratulations of the Senate were extended to the Westmoreland County Boroughs Association by Senator Kelley and others.

Congratulations of the Senate were extended to Anne Sarian by Senator Lewis.

Congratulations of the Senate were extended to Wayne D. Ramsay by Senator Lynch.

Congratulations of the Senate were extended to Emil Wagner by Senator O'Pake and others.

Congratulations of the Senate were extended to Mr. and Mrs. Nicholas Leanch by Senator Reibman.

Congratulations of the Senate were extended to John W. Rich, Jr., Gerald E. Field, Anna Lee Weidle and to Mr. and Mrs. Elmer Davidson by Senator Rhoades.

Congratulations of the Senate were extended to Annette Lutz and to Roslyn Klein by Senator Rocks.

Congratulations of the Senate were extended to Anthony Hovanec by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. John Santini and to John J. Chiprean by Senator Shaffer.

Congratulations of the Senate were extended to Mabel Bross and to Harold M. Frazer by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Wilford Punchios by Senator Stapleton.

Congratulations of the Senate were extended to Robin Healy and to Barbara Hostrup by Senator Stauffer.

Congratulations of the Senate were extended to Mr. and Mrs. Steve Pipik by Senator Stout.

Congratulations of the Senate were extended to Keith W. Beears, Shawn C. Gehman, Daniel C. Caffrey, III, Patrick K. Morgan, Michael G. Witmer and to Mark C. Tresselt by Senator Wenger.

Congratulations of the Senate were extended to Mary Lucas by Senator Wilt.

## POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Kenneth E. Steel was extended to Mrs. Kenneth Steel by Senator Jubelirer.

## PETITIONS AND REMONSTRANCES

Senator STAPLETON. Mr. President, here it is February 2, 1987 and it is a very, very important day for the constituents of my district, I believe, as well as all of the citizens of Pennsylvania. I realize also that many Members of the Senate have been waiting patiently—as I see them leaving the floor—for our annual report of the happenings that took place today in Punxsutawney, Pennsylvania.

As usual, Mr. President, I am prepared to share that glorious event with all of you. My report is factual since I was at Gobbler's Knob this a.m., along with some 2,000 spectators who gathered around Phil's den in anticipation of his scheduled forecast that took place at 7:29 this morning. Also witnessing the event were twelve members of the Inner Circle with their silk hats and tails, as well as the news media from around the country. Punxsutawney Phil, as big as ever, came out of that knob. He stood proud for a moment, looked around and then he saw that shadow, returning back to the knob for the rest of the winter. Yes, six more weeks of winter with no relief in sight. Possibly, the first break will come around March 17th, St. Patrick's Day.

Just as a reminder for all of the Senators who are here today, if you recall a year ago we had the original Punxsutawney Phil here with us in the Chamber. As a matter of fact, he met the Governor. He was with the President pro tempore, Robert C. Jubelirer, and a number of Senators from his side of the aisle. Also, after that, we took him to the full Philadelphia delegation, and we met with Phil in the room of the gentleman from Philadelphia, Senator Lynch. It is not too often that many of the city Senators get the opportunity to see a real groundhog. I also remember that meeting where the gentleman from Philadelphia, Senator Fumo, was so impressed that he asked me if Phil could participate in the Mummer's Day Parade this coming year. This matter is being taken up with the Inner Circle and I am to know at their next lodge meeting.

Mr. President, I am sure there are others here on the floor today who would like to make a few remarks on this glorious day. As you know, there are many, many groundhogs throughout this Commonwealth, but there is only one Punxsutawney Phil and today he celebrates his 100th anniversary.

Senator WENGER. Mr. President, with all due respect to my distinguished colleague from Indiana, Senator Stapleton, I will say that Punxsutawney Phil may be the oldest but not necessarily the most accurate weather prophet. Orphie, of the Slumbering Groundhog Lodge along the banks of the Octoraro Creek near Quarryville in Lancaster County, does, in fact, have a better record for accuracy than Phil. In fact, Orphie's expertise goes way beyond weather forecasts. In fact, as early as last year he predicted the Penn State victory over Miami. So, early this morning the hibernating governor and certain select lodge members toasted Joe Paterno several times before turning to their vigil, and this should assure the accuracy of their report. Then at thirteen and one-quarter minutes after 7:00 a.m. this morning, Orphie made his appearance. He saw his shadow and went back to his nap for six more weeks. So Orphie and Phil do agree this year. There is one bright side, however, to this forecast, that being in the semi-tropical paradise along the Octoraro, which, incidentally, was designated as a scenic river a few years ago in Lancaster and Chester Counties, we many times bask in the sunshine while other parts of Pennsylvania are freezing. So if any of you need a break across the great Commonwealth from the long winter over the next few weeks, come once over and see us.

They tell me I always have to do a little bit in the Pennsylvania Dutch dialect, and I will try.

Es ist verleidlich das mir schwetze misse wieder heit, aber es ist die ehrlich wahrheit. Sechs mehr woche winter, schnee und kaltes wetter.

Du und die mommie bleibt im haus und wann du aus gehen musst du deine lange undergleider anziehen.

Die was gleiche gartnern müssen noch mahl sechs woche warten.

Das Frieyahr kommt, aber es will ein spaht Frieyahr sein.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman, we think.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, FEBRUARY 3, 1987

- |            |  |  |
|------------|--|--|
| 10:30 A.M. | AGRICULTURE AND RURAL AFFAIRS (to consider the nomination of Boyd E. Wolff as Secretary of Agriculture and Senate Bill No. 156)          | Senate Majority Caucus Room                    |
| 11:30 A.M. | JUDICIARY (to consider Senate Bills No. 14, 15, 59, 135, 190 and to hold a Public Hearing on the nomination of J. Curtis Joyner, Esq. as | Room 459, 4th Floor Conference Rm., North Wing |

Judge of the Court of Common Pleas of Chester County and Byron H. LeCates, Sr., Esq. as Judge of the Court of Common Pleas of York County)

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| 12:30 P.M. | FINANCE (to consider Senate Bills No. 165 and 167)                                   | Room 460, 4th Floor Conference Rm., North Wing |
| 12:45 P.M. | RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)          | Rules Committee Conference Rm.,                |
| 2:00 P.M.  | BANKING AND INSURANCE (to consider Senate Bills No. 7, 12, 13, 61, 173, 193 and 197) | Room 461, 4th Floor Conference Rm., North Wing |

WEDNESDAY, FEBRUARY 4, 1987

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| 10:00 A.M. | FINANCE (to consider the nomination of G. Davis Greene, Jr. for State Treasurer) | Senate Majority Caucus Room                    |
| 10:00 A.M. | MILITARY AND VETERANS AFFAIRS (to meet with Brigadier General Robert H. Harris)  | Room 460, 4th Floor Conference Rm., North Wing |

TUESDAY, FEBRUARY 10, 1987

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| 11:00 A.M. | APPROPRIATIONS (to meet with Ernst & Whinney on the audit of the Supreme Court)   | Senate Majority Caucus Room                    |
| 11:00 A.M. | AGING AND YOUTH (to consider the nomination of Linda M. Rhodes for Secretary of Department of Aging; presentation of PACE Report and Senate Bill No. 5) | Room 461, 4th Floor Conference Rm., North Wing |

WEDNESDAY, FEBRUARY 11, 1987

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| 9:30 A.M. | MILITARY AND VETERANS AFFAIRS (to consider the nomination of Brigadier General Gerald T. Sajer to the position of Adjutant General) | Senate Majority Caucus Room |
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WEDNESDAY, FEBRUARY 25, 1987

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| 10:00 A.M. | URBAN AFFAIRS AND HOUSING (Public Hearing for the purpose of establishing a procedure for the consolidation of port operations) | Port of History Museum, Delaware Ave. at Walnut St., Philadelphia |
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**ADJOURNMENT**

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Tuesday, February 3, 1987, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:15 p.m., Eastern Standard Time.