

1 IN RE: House Judiciary Committee, Public Hearing,
2 House Bill 219, Assault on Sports Officials

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6 Verbatim record of the Public Hearing
7 held at One Oxford Centre, Fourth Floor
8 Auditorium, 301 Grant Street, Pittsburgh,
9 Pennsylvania, on Thursday,

10
11 October 1, 1987
12 2:00 p.m.

13 - - -

14 Honorable H. William DeWeese, Chairman

15 - - -

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ALSO PRESENT:

**Michael P. Edmiston, Esquire
Chief Counsel of Judiciary Committee**

**John Connelly, Esquire
Special Counsel of Judiciary Committee**

**Amy Nelson
Research Analyst of Judiciary Committee**

**Mary Beth Marschik
Staff of Representative Moehlmann**

Honorable Joseph Markosek

Honorable Richard Olasz

Honorable Joseph Preston

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1 (Whereupon, the hearing commenced at 2:00 p.m.)

2 CHAIRMAN DEWEESE: The meeting will come to order.
3 Welcome to our October 1 public hearing, phase two, discussing
4 Dick Olasz's legislation, House Bill 219.

5 I profusely apologize for this late commencement.
6 We were late getting out of here from the morning's endeavor.
7 We discussed open-ended mortgages. That might give you some
8 idea of the scope of involvement in this Committee. It was
9 very, very complex. We weren't able to finish until about
10 a half hour past schedule.

11 On our unfortunate schedule, we're almost on
12 schedule. I apologize for being late. Representative Joe
13 Preston from Allegheny County is joining us just walking in.
14 Welcome, Joe.

15 To my left, Joe Markosek of Allegheny County, out
16 around Monroeville. To my immediate left, Dick Olasz. The
17 staff and I welcome you, as I said, and I would like to make
18 an additional invitation to Dick Olasz to share just a
19 couple minutes about his Bill, and then we'll call the first
20 witness.

21 REPRESENTATIVE OLASZ: Thank you, Bill. Because
22 of the time restrictions placed on some of our witnesses, I
23 will hold my testimony until the end. Briefly, what House
24 Bill 219 would do, it amends Title 18 of the Pennsylvania
25 Consolidated Statutes and what we would be doing is adding

1 a new section, 2712, which would make a maximum fine of
2 \$10,000 and a term in jail not to exceed five years.

3 So, I will get on with other documentation that
4 I have in support of this Bill so that Ace Heberling and
5 some of our gentlemen that agreed to testify today can get
6 on with their other duties.

7 CHAIRMAN DEWEESE: Thank you, Dick.

8 The first witness is Charles Heberling, Executive
9 Secretary, Western Pennsylvania Interscholastic Athletic
10 League. Welcome, and again, I apologize for starting late.

11 MR. HEBERLING: I just got here myself.

12 CHAIRMAN DEWEESE: I don't know whether you are
13 for or against. I am anxious to learn about this Bill. We
14 invite your comments.

15 MR. HEBERLING: Chances are this is long past
16 due. You know, athletic competition has become so competitive
17 by not only players, but coaches and fans. Today's society,
18 the idea that we all have to win, has been carried over to
19 an extreme by many people.

20 I represent the W.P.I.A.L. in an official capacity
21 here. We are a league of 145 high schools. We participate
22 in an interscholastic athletic program of 21 activities.

23 We hire officials, the schools hire officials, to
24 officiate their games. My job is post-season play. I hire
25 officials to handle all our post-season play.

1 We have been blessed so far at least in the high
2 school end of it that the incidences of violent behavior by
3 coaches or players or fans has been rather limited. However,
4 we have had occasions. A few years back, our Board had to
5 suspend two kids. One kid for the rest of his high school
6 career, and the other one for the rest of that season.

7 CHAIRMAN DEWEESE: Suspend from athletics?

8 MR. HEBERLING: That's the only thing we have
9 jurisdiction over. For jumping a fence and attacking four
10 football officials at the end of a game. We handled that.
11 We handle any problems like that that arise during high
12 school activities.

13 However, I would assume that your Bill would not
14 be limited to such a small scope because I think where you
15 run into most of the problems here is with the sandlot or
16 outside of the organized school activity, but even in-school
17 activity. I subscribe to a magazine called, Referee, and
18 over the past two or three years, there have been incidences
19 in soccer especially in California. I remember a very bad
20 one. In baseball, we had an occasion where an umpire had
21 been clubbed with a bat. We had an occasion where an
22 official lost work because of the injuries that they have
23 received while they were officiating a game.

24 CHAIRMAN DEWEESE: Outside the line of duty?

25 MR. HEBERLING: Yes, this is all voluntary. These

1 officiating assignments are all extracurricular.

2 CHAIRMAN DEWEESE: Rather than getting tripped
3 in a football play, they were assaulted?

4 MR. HEBERLING: After the game. The baseball
5 incident erupted in the middle of a game, and one of the
6 guys came out of the sidelines with a bat and clubbed the
7 guy over the head with it. When you talk about that kind
8 of behavior, then there ought to be some redress for people
9 who are victimized by that. At the present time, I think
10 the penalties probably do not allow the person that was
11 injured to regain hardly anything.

12 Therefore, I thought it was a pretty good idea
13 that Representative Olasz came up with.

14 CHAIRMAN DEWEESE: Okay, sir. I think in the
15 interest of time, we're going to ask each person to share
16 his or her views on the matter and then we're going to ask
17 you to linger for questions.

18 MR. HEBERLING: I know he has a question for me.

19 CHAIRMAN DEWEESE: If you have a scheduling
20 problem, go ahead.

21 REPRESENTATIVE OLASZ: Mr. Chairman, one of the
22 questions I had because I know he does I think handle some
23 professional sporting activities --

24 MR. HEBERLING: I have been in the National
25 Football League for 22 years.

1 REPRESENTATIVE OLASZ: This is the point. We
2 read about the threats, heard them on the news media about
3 people crossing the picket lines. The game is going to be
4 played this Sunday. That means an official is going to have
5 to cross the picket line.

6 MR. HEBERLING: Correct.

7 REPRESENTATIVE OLASZ: Right off the bat, what
8 about the officials being confronted by the football players
9 now? Are there special safety precautions being put forth
10 to safeguard?

11 MR. HEBERLING: About eight or ten years ago,
12 the National Football League recognized there was a problem
13 at all the stadiums regarding the entrance and egress for
14 the officials before and after the game. At the present
15 time, there is an ex-FBI agent in each of the cities in the
16 National Football League whose responsibility is to make
17 sure there are local law enforcement people who are available
18 at the site to take us into the field, meet us coming off
19 the field at halftime, meet us at the end of the game, take
20 us back to the dressing room, put us in our cars, and get
21 us away from the stadium at the end of the game. That's
22 been standard procedure for the past, I would say, eight
23 years.

24 CHAIRMAN DEWEESE: I don't think the public has
25 any idea about that.

1 MR. HEBERLING: No, they don't. We don't publi-
 2 cize that kind of stuff at all. It was brought about as a
 3 matter of fact by a couple of our guys getting injured. I
 4 was in a game in Minneapolis about ten years ago where a
 5 kid threw a whiskey bottle out of the stands and hit one of
 6 our officials in the head. Just about K.O.'d him. He was
 7 all bloody. We had to take him out of the game.

8 Another incident in San Francisco, a guy threw
 9 an empty bag of bottles out of the stands. The whole bag
 10 hit our linesman as he was leaving the field. There were
 11 other kinds of things not near as serious as that, but it
 12 occurred. The security people in the NFL office decided
 13 we ought to do something about it now.

14 In reference to the question raised. This
 15 particular weekend, because of the nature of the type of
 16 game that is going to played, there is special precautions
 17 being made that we will be met at the hotel by the security
 18 men, and we will go in a special gate this time. We will
 19 not attempt to go in the regular gate where the players are
 20 because they figure there is going to be pickets there.
 21 They don't want any confrontation between us and them. So,
 22 we're going to use a special entrance to get in and out of
 23 that stadium.

24 I am sure that there will be beefed up patrols
 25 that is included for this weekend especially. Does that

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1 answer that?

2 REPRESENTATIVE OLASZ: That answer's fine. Once
3 again, Mr. Chairman, that's the idea of protecting officials,
4 and that's the intent of this Bill. You can see that the
5 NFL does take those precautions.

6 CHAIRMAN DEWEESE: Any questions?

7 REPRESENTATIVE PRESTON: No.

8 REPRESENTATIVE MARKOSEK: No.

9 CHAIRMAN DEWEESE: Thank you, sir.

10 The next individual to participate is Dwayne
11 Norton. Dwayne is an official of District 7 of the
12 Pennsylvania Interscholastic Athletic League. Welcome.

13 MR. NORTON: Thank you, sir.

14 Ladies and gentlemen, yes, I am the official
15 representative of District 7 of the P.I.A.A. There is 12
16 districts in the State of Pennsylvania. We are the largest
17 district in the State of Pennsylvania. We have over 2,000
18 registered officials in District 7 alone. I also sit on
19 the W.P.I.A.L. Board of Control.

20 I have officiated in basketball and football
21 well over 25 years. And, believe me, gentlemen, it has
22 changed. I believe a lot of it is filtering down from the
23 TV. They watch the officials getting attacked on TV which
24 I know most of you have seen last year, coming off the
25 football field. Twice I watched the TV and it showed

1 officials being attacked.

2 In high school, I think it's filtering down to
3 that level. Because they see nothing being done with these
4 fans that are attacking officials. As Mr. Heberling stated,
5 we have had occasion in the W.P.I.A.L. District 7 where we
6 have officials attacked. In fact, next month, we have a
7 case coming up where an official was punched on the floor
8 of the basketball game which will be heard at a hearing.

9 So I think this Bill 219 which I have discussed
10 with Mr. Olasz and read many times, and I also brought it
11 up at our State meeting in July in Mechanicsburg with the
12 head of the P.I.A.A. that this Bill was forthcoming.

13 I believe that contacting a lot of officials in
14 my district, the consensus of most of the officials are
15 that this Bill is in a long time coming. We do need some
16 teeth in a Bill like this. We need something to protect
17 us. A lot of the schools right now have security people
18 usher us onto the field and the basketball court and usher
19 us off.

20 Now, I believe that shows you right there that
21 there is the threat of harm coming to officials. I for one
22 am strongly in favor of a Bill such as 219.

23 CHAIRMAN DEWEESE: Okay, sir. Questions by the
24 Committee or staff? Dick, do you have anything to ask?

25 REPRESENTATIVE OLASZ: Dwayne, there were two

1 pretty severe situations in Western Pennsylvania in the last
2 couple of years, were there not, without mentioning the
3 name of the school?

4 MR. NORTON: Yes. There has been. I would like
5 to comment. I believe a lot of times officials are attacked,
6 and it's not reported. It is not reported.

7 CHAIRMAN DEWEESE: Would you elaborate without
8 giving us any specific details on the name of the schools,
9 could you elaborate on one or both of the incidents that he
10 is referring to?

11 MR. NORTON: Yes. One, Mr. Heberling related to
12 you. The fan jumping over the fence. I have another one
13 where a basketball official was chased by the fans into the
14 dressing room. And there was a large metal door on the
15 dressing room. As he closed the door, they slammed the
16 door and cut off two of his fingertips.

17 CHAIRMAN DEWEESE: Was there a civil suit?

18 MR. NORTON: Yes, there has been, sir.

19 REPRESENTATIVE OLASZ: That's all I have.

20 CHAIRMAN DEWEESE: Joe Markosek?

21 REPRESENTATIVE MARKOSEK: The question I have
22 really is a question for the staff.

23 CHAIRMAN DEWEESE: Fine, go ahead.

24 REPRESENTATIVE MARKOSEK: Looking at the Bill,
25 when we're defining sports events, obviously, we're defining

1 it beyond when the buzzer sounds. For example, this gentle-
2 man mentioned the incident that he just described occurred
3 after the game was over and the official was heading to the
4 locker room or whatever. I just notice in the Bill when
5 we're defining sport event, that's not perhaps really
6 defined when the sport event is over is the question I have
7 for the staff pertaining to the Bill.

8 CHAIRMAN DEWEESE: Chief Counsel?

9 MR. EDMISTON: It's not clear when the offense
10 liability on the part of the defendant would terminate. I
11 think the provision you are referring to is 2712(a) which
12 would make it an offense for an assault during a sports
13 event or for an assault which was as a result of the
14 official act of an official. We don't have a statement
15 within the Bill as to when the result -- when you would
16 stop being able to term the assault; two weeks, a week, when
17 you get home. That's not clear.

18 REPRESENTATIVE MARKOSEK: For example, if the
19 official stops for a beer after the game, you know, goes
20 into a tavern and some of the fans are there, participants
21 or whatever, a fight breaks out there pertaining to the
22 game or let's say, carries over to there, how does that --
23 does the Bill still apply?

24 CHAIRMAN DEWEESE: Page one was assaulted during
25 a sport event or was assaulted as a result of his or her

1 official acts as a sports official. So, if the umpire shows
2 up at Joe's Bar and Grill an hour after the game and three
3 or four people assault him with a baseball bat because of
4 a close call at third base, I would think that they would
5 come under the provision of this Bill that Dick has intro-
6 duced. Again, I am not the judge.

7 MR. NORTON: Yes, our rule book states also that
8 we -- in fact, before the game starts, an hour prior to the
9 game, we are there. I think our jurisdiction starts then
10 and also --

11 CHAIRMAN DEWEESE: We might want to think about
12 some clarifying language in the Committee or on the floor.

13 REPRESENTATIVE MARKOSEK: I am not being objective.
14 I am in favor of the Bill, obviously. The other question I
15 had was in regards to the penalties. If I understand it
16 correctly, and perhaps I don't, the penalty is somewhat
17 less than the penalty for aggravated assault; is that correct?
18 And, my question is, why not make it the same as aggravated
19 assaults?

20 MR. EDMISTON: In answer to your first question,
21 it is a lesser penalty than aggravated assault. Aggravated
22 assault is a felony of the first degree and the penalty
23 involved there is a maximum fine of \$25,000 and up to ten
24 years. This Bill would establish the offense involved as a
25 first-degree misdemeanor and the maximum imprisonment term

1 would be up to five years and the fine would be up to
2 \$10,000.

3 REPRESENTATIVE MARKOSEK: My question is, why
4 make it less if it's a serious crime which I think it is?
5 I am trying to put teeth into this thing. Why not make it
6 the same as aggravated assault? What was the reasoning that
7 went into making what it is now? Is there a good reason for
8 it?

9 CHAIRMAN DEWEESE: Ask the prime sponsor rather
10 than the staff.

11 REPRESENTATIVE OLASZ: First of all, an official,
12 he is in uniform as Dwayne indicated perhaps an hour before
13 the game. He is out on the football field maybe taking
14 warm-up along with the team. Whereas a case of first-degree,
15 you are looking at a policeman who wears his badge, uniform,
16 is a lot highly visible perhaps an eight-hour term. The
17 same with a bus driver or anybody. You recognize him being
18 that by the fact he wears the uniform in performance of his
19 duty for eight hours or more. You know damn right well what
20 you are getting into.

21 Whereas the official, maybe his scope of employ-
22 ment is limited to three and a half, four hours. It's not
23 on a day-to-day basis like a police officer or bus driver
24 who spends 40 hours at least in performance of his duty. I
25 think the thing is to let these people be alert. You're not

1 going to go before a District Magistrate and get a rap on
2 the knuckles and say, don't do it again, be a good boy,
3 discharge. Through news media, we hope to get out that,
4 hey, you attack an official, it may not be as severe as
5 attacking a police officer, but unfortunately, some of those
6 today that attack policemen get off easy. To let them know,
7 hey, this is more of a severe penalty now than you have
8 been accustomed to in the past. That's my intent rather
9 than to shut the door on an open scene on officials, managers,
10 coaches, et cetera.

11 REPRESENTATIVE MARKOSEK: My response would be
12 as a suggestion to consider amending this to make it aggra-
13 vated assault. If you don't, with your permission, I may.
14 I think if we're trying to put teeth into this --

15 REPRESENTATIVE OLASZ: I think you realize what
16 is being done or not being done now. This is substantial
17 step forward.

18 REPRESENTATIVE MARKOSEK: I understand that.

19 REPRESENTATIVE OLASZ: My concern was getting some-
20 thing in now. If we want to try to improve on it later, I
21 have no objection to it. But, I think this is a lot higher
22 than we have currently as far as the penalty. We haven't
23 heard from all the sides yet. Some people might be opposed
24 to this Bill in the current position as opposed to raising
25 the penalties. It is the subject of discussion. Do you want

1 to put this in the same category as attacking a police
2 officer? I really don't know until there is an opportunity
3 to discuss it with our attorneys.

4 REPRESENTATIVE MARKOSEK: I am not going to use
5 any more time up on that issue. I would suggest to the
6 sponsor and Committee and staff that perhaps that's an
7 arguable point there that should be considered.

8 CHAIRMAN DEWEESE: Thank you very much, Representa-
9 tive Markosek. Anyone else for Mr. Norton?

10 Chief Counsel, Mike Edmiston, has a question for
11 Dick Olasz or Mr. Norton.

12 MR. EDMISTON: Mr. Norton, the incident you
13 mentioned where the official was injured with the lost end
14 of his fingers, was there a criminal proceeding initiated
15 against the defendant?

16 MR. NORTON: I don't believe there was, sir.

17 MR. EDMISTON: But, you are not certain of that?

18 MR. NORTON: No, I am not certain of that. Most
19 officials are reluctant to turn something like this in.
20 The referee -- and we love to officiate. But, in some
21 schools, they feel that if they cause trouble, they will
22 never go back to that school again to officiate. They don't
23 turn a lot of these incidents in. A lot of them go by the
24 board. Because they feel if they go to a criminal suit,
25 they are going to go against the school district and what

1 have you and not be officiating in that conference or
2 whatever. A lot of that enters into it, sir.

3 CHAIRMAN DEWEESE: One more question.

4 MR. EDMISTON: Incidences where the official has
5 contacted the law enforcement authorities and cared to
6 press charges, are you aware of any difficulties that have
7 been involved in the proceeding under the statute, the
8 simple assault provisions or dependent upon the character
9 of the action and the injuries involved and aggravated
10 assault provisions in the Crime Code?

11 MR. NORTON: I am not aware of that, sir, no.
12 I know in the W.P.I.A.L., if it's reported to the Board,
13 which Mr. Heberling was the secretary of, then we have a
14 hearing in front of the W.P.I.A.L. Board. We try to rule
15 on that situation.

16 CHAIRMAN DEWEESE: Thank you very much, sir.

17 MR. NORTON: Thank you very much, ladies and
18 gentlemen.

19 CHAIRMAN DEWEESE: Judge Narick, welcome to our
20 Judiciary Committee hearing on House Bill 219. The reason
21 I was hesitating was I have been told the schedule is a
22 different way. I was momentarily --

23 JUDGE NARICK: I appreciate the courtesy.

24 CHAIRMAN DEWEESE: -- stammered up here. I don't
25 want to do that without your permission.

1 JUDGE NARICK: No problem. He is one of my
2 associates.

3 CHAIRMAN DEWEESE: Welcome.

4 JUDGE NARICK: Very quickly, gentlemen, I want
5 you to know that I don't speak for the Commonwealth Courts.
6 I am the Senior Judge on the Commonwealth Court. I am also
7 an associate supervisor of the Collegiate Independent
8 Football Association of which Tom Thamert is part of our
9 staff. I do not speak for that organization.

10 I give an opinion based solely on the fact I was
11 a high school football player, student athlete at the
12 University of Pittsburgh and a football official, high school
13 level, major college and supervisor of officials for the
14 past 12 years of major colleges. So, I come from that kind
15 of reference.

16 But, I would quickly make note of this Bill as a
17 lawyer or as a judge would too, that I notice that there is
18 an existing law of simple assault which covers all of our
19 citizens. What you have done with this, I take it, is
20 increased the nature of the penalty from a second-degree, I
21 take it, misdemeanor to a misdemeanor of the first degree.
22 That's one. I see that.

23 So, in effect, it's somewhat redundant if you
24 did have a problem involving assault. There is no reason
25 why it couldn't be handled prior to any consideration of this

1 type of Bill.

2 Now, the other. I make that reference. I suggest
3 to the staff and you to consider that very carefully, and I
4 think what you did was just change the degree of penalty.
5 The other is this. I don't think the offense defined takes
6 care of one very important area. That is, an assault by a
7 player to an official. For example, in my very first college
8 football game, and I won't mention the colleges, I called a
9 foul against a player which required he be disqualified under
10 the rules and he was. This happened in the second quarter
11 of the game. As the game went on in the third quarter,
12 apparently he didn't like the call I had made. And so, as
13 I was getting ready to place the ball for kickoff, he came
14 from behind me and socked me in the jaw and knocked me out.
15 I was out for about 30 seconds. My wife was there excited
16 about my first experience and was shocked. This can't be
17 the real world of football.

18 CHAIRMAN DEWEESE: I thought you disqualified him,
19 Judge?

20 JUDGE NARICK: I did. He came on the field off
21 the bench. I recovered being younger at that time. I
22 continued to work the game. My wife drove us home. But, I
23 recall that after the game was over, the coaches and athletic
24 directors and press said, please, let's handle this within
25 the organization. Don't publicize it and don't do anything.

1 We'll handle it within the organization.

2 The upshot was, I had my jaw x-rayed on Monday
3 and found out nothing was broken. I was sore, hurting, but
4 nothing broken. So, we didn't do anything in that sense.

5 Now, two things could have happened. One was I
6 could have probably brought an action against this person.
7 But, I am not so certain it would have stuck. The other
8 was that I think they told us to handle it within the
9 organization and group I belonged with, the College Football
10 Officials. We presented them information to the school,
11 and the upshot was that the school and the kid apologized
12 and he was suspending from playing football the rest of the
13 season.

14 I took no action either legally, civilly or
15 criminally. I am curious and concerned about situations
16 where that may happen to an official by a player, and does
17 the Bill cover it, or does it cover the situation involving
18 a coach who may strike a player as was done in the case I
19 think involving a Maryland coach last year who I think struck
20 an official.

21 So, I would suggest that consideration be given
22 to that problem. Now, of course, I don't think -- I think
23 if this does apply, for example, to a player striking an
24 official or striking the coach or anybody associated with
25 the sport as defined under this statute, then, of course, I

1 think that's getting into a dangerous territory because we
2 do have rules and rules committees. And, every year, since
3 I have been associated with football, every year there is
4 new rules being promulgated with the idea towards safety.

5 In a lot of ways including that players can not
6 use abusive language, can not make any threatening gestures,
7 that's all an evolution that has been taking place, and also
8 they can't do certain things. Of course, striking and those
9 areas. I would suggest that you should not put yourself in
10 a position of bringing the law into a team situation where
11 the official who may be violating the football rules would
12 be subject to criminal offense, misdemeanor of the first
13 degree. If I had a situation come before me, I think I would
14 have to say that, yes, the official would be involved. Yes,
15 the coach may be involved if they, for some reason, struck
16 an official. And, that's happening.

17 I remember Woody Hayes had a situation. The
18 question is whether or not he could have been subject to a
19 criminal offense. I think under this particular Bill, he
20 may be. I don't know if you want it to be that way. If
21 you do, I think you better be very careful because you are
22 encroaching on an area involving the rules of the game which
23 the rules committee and the people who are experts in the
24 area of the game are always striving to meet the current
25 demands or whatever they may be.

1 Those are the observations I make. I really
2 appreciate the opportunity to appear before this Committee
3 for that purpose.

4 CHAIRMAN DEWEESE: Judge, thank you very much.

5 Before we have questions, I would like to welcome
6 one of our senior members of the Judiciary Committee, Mike
7 Dawida.

8 Dick, do you have any questions for the Judge?

9 REPRESENTATIVE OLASZ: Not right now. I want to
10 kick something around.

11 CHAIRMAN DEWEESE: Joe Preston?

12 REPRESENTATIVE PRESTON: Judge, in your opinion,
13 how would this happen if the person say is not an adult?
14 Who would be responsible? Would the parents be responsible
15 potentially for the fine or disciplinary action also?

16 JUDGE NARICK: The parent?

17 REPRESENTATIVE PRESTON: Yes. If, let's say,
18 the infraction was caused by a 16-year-old kid who was at
19 a game or are we saying a college student who is only 20
20 years old who is still under parental supervision as far as
21 the school is concerned, are his parents going to be poten-
22 tially responsible?

23 JUDGE NARICK: I think under the law, the person
24 whether it be a minor or adult would be subject to the
25 provisions of law. The only question is, whether he would

1 be under the juvenile section of the law or our senior
2 section of the law. But, I think insofar as the parents
3 are concerned, I assure that they might have some responsi-
4 bility, but they wouldn't be the ones subject to any respon-
5 sibility. They wouldn't be liable as such for the conduct
6 of the child.

7 REPRESENTATIVE PRESTON: So, in other words, if
8 a 16-year-old young individual was fined, his parents would
9 not hold any accountability for that at all as far as any
10 physical damage that might happen to the individual?

11 JUDGE NARICK: Are you asking him or me?

12 REPRESENTATIVE PRESTON: Well, either way.

13 JUDGE NARICK: If you are asking me, my opinion
14 would be, no, the parents wouldn't be obligated. I am sure
15 the parents would try to help their son or child or whoever
16 it might be.

17 MR. EDMISTON: While Representative DeWeese is
18 stepping out for a moment, he asked that I chair on his
19 behalf.

20 REPRESENTATIVE OLASZ: Judge, one of the major
21 reasons I think you and I in a private discussion had
22 previously as being the main reason why I introduced this
23 Bill -- I want to read something to you that occurred here
24 in Homestead approximately two weeks ago.

25 "A Homestead man has been charged for punching a

1 Steel Valley Midget League coach during a game at Campbell
2 Field, Munhall," it gives the man's name, "was apprehended
3 by Munhall patrolman, James Beserock and Paul Gyrina
4 yesterday. Washington was charged with simple assault and
5 terroristic threats. Arraigned in the night court, he is
6 scheduled to appear before District Justice Richard Terrick
7 on September 9 at 1:30 for a preliminary hearing."

8 I don't know what took place at that hearing.

9 "Chief James Coyne said witnesses told police
10 Washington ignored repeated requests to leave the game after
11 harassing players and arguing with the coach, a West Homestead
12 resident, during a Sunday game.

13 "Coyne said Washington reportedly ran onto the
14 field and punched the coach in the face. When he was asked
15 to leave again, witnesses said he threatened to return with
16 a gun.

17 "Police stood by until the conclusion of the game
18 but said Washington did not return."

19 These are the things --

20 JUDGE NARICK: I think why hadn't he been pro-
21 secuted under this simple assault statute?

22 REPRESENTATIVE OLASZ: I am going to check back
23 because Mr. Norton and I both know the District Magistrate
24 very well.

25 JUDGE NARICK: Sir, I think what you are doing by

1 this particular Bill, you are trying to emphasize one part
2 of our citizens who may be subject to the assault aspect.
3 That is, sports officials. Although the Crime Code right
4 now covers all of us, you, me and everyone else. It is
5 conceivable even in a situation involving an official
6 attacking a player or attacking a coach or attacking anybody
7 associated with the game would be subject to this.

8 But, I think you are just pointing out more
9 emphatically and making it a more serious offense when you
10 have simple assault involving and directed towards an
11 athletic official as I see it.

12 REPRESENTATIVE OLASZ: Well, you know from your
13 experience in the Court, you just see this on a day-to-day
14 basis. You know the involvement of how emotional parents
15 become in Little League games, baseball, football, whatever
16 it may be. Here's a guy volunteering his time. You know
17 you have witnesses reluctant to come forward and testify
18 in murder cases. You can imagine this poor coach. He is
19 scared to death. He is not getting any reimbursement other
20 than coaching this team.

21 This guy knows where he lives, and I'm sure he
22 knows him very well. I am speaking matter-of-factly as a
23 man on the streets. He is the one that is fearful. Not the
24 guy that did the punching. But, by word of mouth, if the
25 word gets out, hey, you are facing a jail term and substantial

1 fine, that's going to spread a lot more people will sit in
2 those seats where they belong instead of becoming more
3 active in feeling, hey, I have a license to go out and
4 smack anybody I want to if it is the coach, official or
5 whatever the case may be. You know yourself. They may
6 bet a six-pack of beer on the outcome of the game. Hey,
7 this guy made a bum call. You are going to pay for it, pal.

8 JUDGE NARICK: I don't disagree with you, sir.
9 The only thing I can say is, I think you are going to have
10 the same kind of consideration. Assuming arguendo and you
11 pass this legislation as you had under the old law, simple
12 assault. Whether or not anybody prosecutes and will the
13 system work. I am saying I think the law should be enforced.
14 If they haven't been, it's the fault of the law enforcement
15 people including under the sample case you recited. He
16 should be prosecuted under this. You can do it right now.
17 If he is not, obviously, it's a case where either the Courts
18 nor prosecutors can force people to testify, and they have
19 their own reason for it.

20 Whether you are doing it simple or under your
21 particular law, as I say, I think I see in this most signi-
22 ficantly the fact that you can publicize there is a crime
23 now if you strike anybody associated with the game. Okay.
24 Whether it be soccer, basketball, football.

25 CHAIRMAN DEWEESE: Further questions? Mike

1 Edmiston.

2 MR. EDMISTON: I have a question, and then, I
3 will seize a moment of liberty to make a comment before I
4 ask it. I coached some of those Little League teams. One
5 thing I know enough not to do is be an official. I think
6 the risk involved there are much more clear. But, I did
7 want to ask you, Judge, Mr. Norton commented earlier that
8 often times at the scholastic level, they will be guided
9 to the site of the sporting event by security people who
10 will be employed by the school district. I think ushered
11 was the word he used. If that personnel involved in ushering
12 an athletic official to the event were a school district
13 employee, under our law, as to aggravated assault where an
14 individual, for example, were to become disenchanted with
15 the official's call and were those school employees to be
16 ushering the official from the site after the game and were
17 that group rushed by an individual who committed an assault,
18 they could be prosecuted for the offense against the school
19 district employee under the aggravated assault statute as
20 was mentioned earlier of a felony whereas were they to be
21 prosecuted for assaulting that official who made that call
22 dependent upon the harm involved as far as long as it might
23 get would be simple assault. That, in essence, we would
24 have two different classifications of victims where the
25 injury inflicted might well be the same. I am wondering if

1 you have a comment to share with us on circumstances like
2 that?

3 JUDGE NARICK: I can say this from my experience
4 as a judge. Obviously, a school district and others may be
5 concerned because they may be charged with not taking
6 extra care for the hazardous conditions existing. For
7 example, being aware of the fact, you may have rowdyism at
8 the game. You may have people intoxicated in some way and
9 acting in a way that may be unruly. I could conceive of
10 a situation where a school district may be involved in a
11 civil action because they didn't exercise due care in pro-
12 tecting the interested people on the premises of the school
13 district. I can see that possibility.

14 But, I want to say also, friends, you know,
15 there has been an evolution taking place in the way of
16 security. For example, when I went to the University of
17 Pittsburgh, they had only one security person at the main
18 entrance at the Cathedral of Learning. Now, they have a
19 force of police that are associated with that University
20 in excess of 300.

21 Also, we instruct our officials -- I am talking
22 about college officials, you don't tarriate going off the
23 football field after the game. You don't spread out or make
24 yourself a target. But, rather we tell the officials to
25 stick together and get off the field quickly and go to the

1 dressing room. That's one. But, also don't you remember,
2 not many years ago, maybe you are too young to remember,
3 some of you, but during that era where we had threats at
4 stadiums, violence, Harvard, Yale, Wisconsin. I remember
5 being involved in a game where we had specific instructions
6 about how to adjust to situations that may arise at a foot-
7 ball game.

8 For example, we were assigned to a game at
9 Wisconsin. For the first time in my experience, we had a
10 policeman in our dressing room with us while we dressed.
11 He also escorted us to the bench, and we also received
12 instructions that if anything takes place in the stands,
13 we are to leave the field, and let the University officials
14 and security people take care of bringing it under control.
15 That went on for a couple of years. That was really unnerving.

16 It happened, I think, at the Yale-Harvard game
17 where we were involved where we had the same kind of a
18 situation. That has changed. Now, I think from our experience
19 at least at colleges, I don't see that being such a situation
20 where we're subject to that kind of security. But, I think
21 there has been that evolution taking place, and I think this
22 maybe trying to address itself to the current problems.

23 CHAIRMAN DEWEESE: Dick Olasz for a final obser-
24 vation.

25 REPRESENTATIVE OLASZ: Mr. Chairman, in all due

1 respect to the Judge, I have been around for a while too.
2 I think you will agree that there is a general breakdown
3 of discipline and you and I both know of the late Judge
4 Kenneth Stalandis (phonetic). I think you agree if he were
5 the Commissioner of baseball today, the guys that have the
6 fingernail files and the sandpaper in their glove would not
7 have been fined. They would have been out of baseball for
8 probably maybe the rest of their career as he ruled with
9 an iron fist.

10 But, approximately six months after I introduced
11 this Bill, and I don't know if you know the gentleman or
12 not, but Barry Mano, he is the founder and president of
13 the National Association of Sports Officials. This was in
14 the USA Today, August 23. He says, quote, officials are
15 being attacked, and they want help. We would like to have
16 a statute that makes assaulting a referee tantamount to
17 assaulting a policeman," Mano said. "Schools hire us to
18 manage the games and make sure they're fair. In effect,
19 aren't they making us policemen?"

20 "A legislated effort to protect sports officials
21 will be an important focus on the Seventh Annual National
22 Convention of Sports Officiating," which took place in
23 San Francisco.

24 Here's a man that is head of the national
25 officials' group asking for legislation. I am happy to say

1 that I introduced it six months before he made that appeal.

2 JUDGE NARICK: Congratulations. But, I have to
3 bring to your attention not only as a judge, but also a long-
4 time official, and of course, I view this as being something
5 that if you did have the situations come up, attacking
6 officials, you had some basis upon which you can charge
7 them criminally. I think, as I said before, I think you are
8 emphasizing that this be related to sports specifically and
9 perhaps this may be a deterrent to those who may be getting
10 involved.

11 I am not saying, sir, that you shouldn't be
12 alert and address these very critical issues. But, I must
13 again say speaking as a judge and also I don't speak for
14 my Court, but only for myself and also an official involve-
15 ment. Of course, the person you are referring to, I think,
16 sometimes you may have some incident that may be really
17 exceptional situations, and they point those up.

18 We had games going over the years, 38 years^{of}
19 my involvement, and I don't recall other than one experience
20 where an official has been hurt. That's me.

21 One other suggestion I would make to the staff.
22 I think on your sports official definition, I think you have
23 here a person at a sports event who enforces the rules of the
24 event such as an umpire or referee or a person who supervises
25 the participants such as a coach. The term you have also

1 includes -- I would suggest the term, also includes all.
2 players, substitutes, coaches, trainers, cheerleaders in
3 uniform, band members in uniform, mascots, if any in uniform,
4 game managers, athletic directors and other person affiliated
5 with the teams subject to the rules of the sports event.
6 All those people I have enumerated are subject to the rules
7 of the college rules and also high school rules. They should
8 be the ones also embraced within this.

9 Sir, do you have that?

10 MR. EDMISTON: Yes. Thank you, Judge.

11 REPRESENTATIVE OLASZ: Thank you, Judge.

12 CHAIRMAN DEWEESE: Thank you very much, sir,
13 for your testimony.

14 JUDGE NARICK: You are welcome. Good luck.

15 REPRESENTATIVE OLASZ: Thank you.

16 CHAIRMAN DEWEESE: The next gentleman to testify
17 is Tom Thamert, an acquaintanace of all of ours in the
18 Governmental Affairs Representative of Equitable Gas and
19 also a long-time collegiate sports official. Welcome.

20 MR. THAMERT: Mr. Chairman, ladies and gentlemen,
21 I would like to go on record as saying I support Representa-
22 tive Olasz's piece of legislation here 100 percent. I don't
23 necessarily agree with the Judge. If this law, this Bill,
24 were to be enacted, can you, through your efforts, save one
25 official the pain and sorrow that could come about being

1 accosted, I would say you should be commended for that.
2 Everybody keeps talking about today's society. I am not
3 saying it's today's society. I remember back when I played
4 football for a little school in Minnesota. We had problems.

5 I know that Dick goes back to the days when he
6 was younger, and he played organized sports. Sports is a
7 way to express emotion. I think all people associated with
8 any sporting event, they understand that. They accept it,
9 and I don't say the danger because there is really -- it's
10 really blown out of proportion here. I think in that there
11 is more reward to be gained from the activity itself than
12 the dangers involved.

13 But, I do have a tremendous problem when I go
14 around the country and I talk to different officials from
15 different parts of the country or part of my crew or whatever
16 when I find out last year they took out \$20,000 worth of
17 liability insurance that they may have to use to protect
18 themselves to gain some kind of -- I don't know what the
19 legal word is. An award through the court system.

20 CHAIRMAN DEWEESE: For the record, do you work
21 in collegiate as well as professional?

22 MR. THAMERT: No. I am not allowed to work
23 professional games. Collegiate, major Class A college games.
24 One A, we're classified as. But to the point where last
25 year I took out insurance because I became concerned that I

1 could become a subject of a liability suit because somebody
2 was injured in a contest that I happen to be officiating.
3 It's sort of scary when you start thinking about that. Well,
4 anyway, I do have that type of insurance. I found out that
5 almost, I guess if you need a percentage, probably more than
6 50 percent of the officials and I am talking about qualified
7 officials, that's probably the wrong word. Your certified
8 officials. Because there is many qualified to officiate
9 that don't officiate. But, the certified. They must take
10 out this kind of protection. If they don't, they could end
11 up losing everything they have because somebody believes they
12 didn't officiate according to the rules.

13 In retrospect, I say, gee, that's great, fine.
14 That's the way the game is played. I will play it that way.
15 But, yet if I happen to walk out of a tunnel wherever it
16 might be and some irate overzealous fan punches my lights out,
17 now, I can't do anything or I can according to the Judge
18 here. I guess I could do something. He says I can. But,
19 I would like to see that person who not only disgraces the
20 university or the high school or the municipality or whatever
21 it may be, if you are talking Little League that's organized,
22 I am very sure that it's -- and I don't happen to be, but if
23 I was where that happened in Munhall --

24 REPRESENTATIVE OLASZ: Homestead.

25 MR. THAMERT: I would be embarrassed to high

1 heaven to walk down the street and someone say, did you see
2 what happened up at the West Field? That would bother me
3 as an associate. I think it bothers most of your citizens.
4 But, the thing that I am getting to, I guess, as far as I
5 can take it, I think you get the drift of where I am coming
6 from.

7 CHAIRMAN DEWEESE: Yes, sir.

8 MR. THAMERT: I know that I left the stadium last
9 year -- Dick wanted me to relate a couple incidents. I won't
10 mention the two schools. One of them was a great institution
11 from this state and the other one from a southern institution.
12 I happened to be coming out of the dressing room. By chance,
13 I ran into the visiting team. The coach, who I know, who is
14 very concerned with the type of game we had, and he meant
15 the physical contact. We had like 198 yards in penalties.
16 We thought we controlled the ballgame. We thought we did
17 everything we could to control the ballgame which we did to
18 the point of ejecting four players. People don't pay to
19 come to see people thrown out of ballgames.

20 CHAIRMAN DEWEESE: College ball players?

21 MR. THAMERT: It could be college, pro. Right,
22 it happened to be college players.

23 CHAIRMAN DEWEESE: That's a lot for a college
24 game.

25 MR. THAMERT: Yes, it is. It's the most ever

1 thrown out in one game. We're walking up the sidewalk next
2 to the activity building where I happened to dress, and he
3 and I are talking. All of the sudden, you hear this crash.
4 Right above his head and my head was part of a big whiskey
5 bottle hanging from the side of the brick there. He looked
6 at I and I looked at him, and I said, God damn. When I said
7 that, there was six State Police that were there like that
8 that took him on up to the bus and left me where I was.
9 From that --

10 CHAIRMAN DEWEESE: You had to be down south for
11 that to happen, those big southern troopers.

12 MR. THAMERT: That's exactly what they did. They
13 escort you in and escort you out unless you are the visiting
14 -- or a coach. It's no problem. That is why I support his
15 legislation.

16 CHAIRMAN DEWEESE: Questions from the Committee
17 members? Mike Dawida.

18 REPRESENTATIVE DAWIDA: Tom, I respect you as an
19 official and as a governmental affairs representative, and I
20 appreciate what Dick Olass is trying to do. The audible
21 we're trying to do is a bit more precise though. Let me
22 first illustrate the liability insurance stuff that you
23 talked about is not dealt with in this Bill.

24 MR. THAMERT: I realize that. That's my problem.

25 REPRESENTATIVE DAWIDA: That masquerades the

1 issue. The issue is not liability. If somehow or another
2 there is a problem with officials being sued for not control-
3 ling a game properly, there may be a need for legislation,
4 although I am not aware of any suits. That has nothing to
5 do, and I want the Committee to understand that has nothing
6 to do with it. I have been the author of liability legisla-
7 tion that might have something to do with it to help you,
8 but this Bill doesn't.

9 This Bill deals with making a special classifi-
10 cation of assaults for referees. Right now, we have a law
11 for simple assault and aggravated assault. What Judge
12 Narick, I believe, tried to say was that these laws may not
13 be being used properly, but they are quite adequate to deal
14 with the needs of officials who may be being assaulted.
15 That was his point. I am not sure if that's accurate or not,
16 but those laws are quite adequate, I believe, to deal with
17 almost anybody in society.

18 He is saying, let's put aside. Let's make
19 referees somehow different. He didn't talk about visiting
20 nurses who may be going into a ghetto neighborhood who may
21 get assaulted. He didn't talk about legislators as Bill
22 DeWeese is coming into my territory to speak and had some
23 abuse hurled upon him about a particular view dealing with
24 compensation.

25 CHAIRMAN DEWEESE: Pay raises.

1 **REPRESENTATIVE DAWIDA:** Didn't talk about bar
2 tenders who deal with rowdy people all the time. There are
3 hundreds of people. There's a man here from the Post-Gazette.
4 A number of us legislators have no objection to him personally,
5 but we do to his paper. All these categories are special
6 categories we can make. We could have a law filled with
7 5,000 special categories.

8 I refereed, as you know, through college, and
9 there is no harder game than refereeing law school people
10 playing the med school at Pitt. I came within an inch of
11 danger there.

12 My point and the point of Judge Narick is. ^{is} does
13 this Bill really do you any good, and why single you out as
14 opposed to all these other people who are exposed to danger
15 day-in and day-out in their lives. And, can you enumerate
16 enough instances where you think you need that kind of
17 special protection. That's what the issue is going to come
18 down to there.

19 **MR. THAMERT:** I don't know if I can answer that
20 question. I don't think I am that intelligent. I would like
21 to lay this out for your consideration or your thought.
22 Sports, whether we like it or not, has, I hope in a good way,
23 taken over society. It seems that the strike is getting more
24 publicity right now than Bork's confirmation which should be
25 of interest.

1 CHAIRMAN DEWEESE: Good comparison.

2 MR. THAMERT: It doesn't say a lot about all of
3 us in general when we do that. I think sports has got to
4 an eerie position in society. I say that if it has obtained
5 that status, I'm not saying it has, I am saying it seems it
6 has, maybe special laws should be written to at least make
7 people aware of it. If this particular piece of legislation
8 also will, only because it's being addressed towards officials
9 of sports, if it would deter a bartender from getting shot,
10 I would say, it's a well-worth piece of legislation. Maybe
11 it will.

12 REPRESENTATIVE DAWIDA: The point is --

13 MR. THAMERT: I know what you are saying.

14 REPRESENTATIVE DAWIDA: We have to decide, is
15 this group the one we want to protect especially and
16 differently than the simple and aggravated assaults that
17 already exist. I think you made a good point. Maybe it is
18 because of the volatile nature of sports in our society.
19 It's going to be hard to sell that argument on the complete
20 floor of the House because there is so many other groups
21 that will come up and say, what about us.

22 MR. THAMERT: I agree 100 percent. It will be
23 difficult.

24 REPRESENTATIVE OLASZ: To interject, Mr. Chairman,
25 I think we all agree sports today are a lot more organized

1 than they were when I was a kid. When we played, we picked
2 up teams on the ball field and never had umpires. The
3 discipline within the family, the discipline within the
4 game, we did not have the media projecting games on a 24-
5 hour basis into the home where now they are controlled. I
6 say laws have been changed to adapt to the current needs of
7 society.

8 Years ago, you didn't have, and I have been
9 around for a while, they didn't tell you years ago where you
10 had an assault on the umpires. Because the player would be
11 booted in the can and get the hell out of the game among
12 yourselves because you didn't want to get tagged. I can
13 honestly tell you I don't remember ever being bounced out of
14 a game for challenging an official. I was more concerned
15 about the coach was going to dump me out of the game for
16 challenging an official.

17 I am saying because of where we are in society
18 today, with a weekend of football what we see on a 365-day
19 basis, especially in hockey. Someone is always constantly
20 challenging the guy in the striped shirt. He is not a 40-
21 hour-a-week employee. I think that the laws have to be
22 changed, and that's what we have done down through the course
23 of history to adapt to a specific situation.

24 That's the reason why I introduced this legisla-
25 tion because I haven't read through -- I have things from NBC

1 Nightly News that focus on the number of bodily injury cases
2 that have been brought about through a sporting event. We
3 see on the national level -- Mike, you weren't here. That
4 I requested one of the officials what special precautionary
5 measures are being made for you guys to cross the picket line
6 to officiate at these games this week. I personally feel
7 that they deserve a special section in that statute to give
8 special protection because when they are out in the field,
9 they are the policeman.

10 I don't want to see the same thing happen that
11 we had at Belgium and South America where we lose complete
12 control of all sporting activities. You go into some of
13 these basketball games where you are operating in closed
14 quarters of a gymnasium, I tell you what, I would get the
15 hell out of there because I don't know what is going to
16 break loose. Some of them are really hotly contested.

17 That's the difference in the breakdown of
18 discipline and attitude. He is a family man. I know many
19 that are family men. We have one other witness that is going
20 to testify and tell you about some of the cases they have
21 been exposed to.

22 That's why I feel personally that the need is
23 there for a special section to protect an official, a coach
24 because, brother, I have seen it happen on an increasing
25 scale that I wouldn't believe possible 20, 30 years ago.

1 You have been around, Tom. Really, the frequency.

2 I have a friend of mine. I know how often he
3 participated in ballgames years ago. It was unheard of for
4 someone to come out and take a swipe at a coach or official.
5 Not so today. I can't see penalizing the school. When I
6 say penalizing the school, they say, well, because your
7 team was involved in an incident, you are not going to be
8 able to participate in W.P.I.A.L. for the next two years.
9 What about that kid, his scholarship, his chances of a
10 college education rests on his ability to play ball. They
11 can't play anymore. He is going to lose the rest of his
12 eligibility in high school. He is probably a grade-A kid,
13 super ball player, but because someone else caused a riot,
14 they are out. Am I right, Tom, about being dumped?

15 MR. THAMERT: Sure.

16 REPRESENTATIVE OLASZ: I have documentation of
17 schools that have been on probation. They can't participate
18 in the sports activities. You have deprived that other kid
19 of an opportunity to participate in sports that may open the
20 door for him to a college education because of his athletic
21 ability.

22 So back to the number one. That's the reason
23 I introduced it.

24 CHAIRMAN DEWEESE: Anything else? Amy Nelson,
25 research analyst for the Committee.

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1 MS. NELSON: Representative Olasz, you just
 2 brought out a question that has been crossing my mind. You
 3 said that when a team or a player on a team is involved in
 4 some type of assault, the entire team may be thrown out at
 5 the school and be banned from participation. In earlier
 6 testimony, the Judge and, I think, Mr. Norton said that it's
 7 been the practice that if an official is assaulted, the
 8 school will try and hush it up, request that they don't
 9 prosecute, ask them to try and resolve it within the school
 10 district so there isn't that embarrassment and the disbanding
 11 of the team in sports. Do you think by enacting this
 12 legislation that would change, or do you think because it
 13 carries a higher penalty, there would be even more of the
 14 covering-up, the requests not to prosecute?

15 REPRESENTATIVE OLASZ: I don't think there would
 16 be more of a covering-up. I am hoping you don't come to a
 17 point where you suspend a school from athletic participation.
 18 My hope is once the word goes out that you are going to
 19 receive more than a rap on the knuckles that from the super-
 20 intendent of the school district on down the line to the
 21 participants in the sports will say, hey, the coach may drop
 22 the guy off the ball team. They know who the actors are.
 23 The same way the manager of the Pirates, who I was very
 24 critical of two or three years ago. If he is the manager,
 25 and he doesn't know the guys are snorting coke in the dressing

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1 room, shame on him. If you are the coach, you know your
2 ball players. You know the guys you can count on. That's
3 the way I see this Bill.

4 If it becomes law and they know there is going
5 to be a more severe penalty, they will take steps to discipline
6 within their ranks. That's my own opinion.

7 CHAIRMAN DEWEESE: Mr. Dawida.

8 REPRESENTATIVE DAWIDA: Have teams been called
9 and forfeited their eligibility because of assaults of
10 referees?

11 REPRESENTATIVE OLASZ: You will hear from Mr.
12 Czarnecki.

13 REPRESENTATIVE DAWIDA: We're talking about
14 something very precise here, not all this sociological.

15 REPRESENTATIVE OLASZ: There are schools right
16 in here where games had to end in forfeits. There is the
17 Forbes here in Harrisonville, PA. It goes on. I will let
18 him elaborate. He has the details on which schools were
19 involved.

20 CHAIRMAN DEWEESE: The package will be submitted
21 as part of the record. Are there any other questions or
22 comments of Mr. Thamert?

23 Thank you, Tom.

24 MR. THAMERT: Thank you.

25 CHAIRMAN DEWEESE: Our final witness today, and

1 I owe him a debt of gratitude for being bounced to and fro
2 as far as the order of the testimony is concerned, is Leonard
3 Czarnecki, District Official with the P.I.A.A., the Pennsyl-
4 vania Interscholastic Athletic Association. Thank you very
5 much for your flexibility as far as our testimony and the
6 order of the testimony today. Welcome.

7 MR. CZARNECKI: Thank you. Mr. Chairman, members
8 of the Committee, my name is Leonard Czarnecki, and I am an
9 official representative for the P.I.A.A. and we represent
10 over 10,000 officials, men and women, who officiate various
11 high school sports in the State of Pennsylvania. I am also
12 the Executive Director of the Collegiate Athletic Officials'
13 Association, whose organization trains and assigns officials
14 to college, universities in Pennsylvania, Maryland and
15 New Jersey.

16 In addition to this, I helped develop and work
17 with thousands of young athletes who participate evenings
18 and on weekends in novice programs such as the community
19 and State leagues, YMCA's, CYO, and other organizations who
20 sponsor sports programs. My personal officiating background,
21 I have been actively officiating for the past 35 years in
22 baseball, basketball and continue to officiate football on
23 the high school, college, and professional level.

24 I would like to express my sincere thanks for
25 the opportunity to appear before this Committee and offer our

1 support for House Bill 219 which would add Section 2712 to
2 Title 18 relative to assaults on sports officials. It is
3 also gratifying to note that this Bill is sponsored by 34
4 legislators who feel there is a need for this support and
5 protection.

6 I have one question to ask. What took you so
7 long? In Pennsylvania, there are over 400 high schools and
8 again that many junior high schools participating in various
9 sports. This represents over tens of thousands of your
10 young boys and girls just in high school and junior high
11 school alone, not to mention an equal number in colleges
12 and universities and perhaps a few hundreds of thousands in
13 novice community and city programs I mentioned previously.

14 Isn't it sad to think if we had no officials,
15 these programs would find it difficult to flourish. But
16 we do have these programs, and we must make every effort to
17 protect them. One of the areas of protection we need and
18 we seek today is the assault on the sports officials during
19 or after a contest.

20 Assaults on officials go back in history a long
21 way, and as our program expands, so does the likelihood of
22 more assaults. We have no statistics to offer because, for
23 years, these assaults were tolerated by officials for a number
24 of reasons. Shame probably is one.

25 Perhaps the main reason is who wants to hire an

1 attorney at the cost of \$500 to press charges when you only
2 earn \$30 to officiate the contest and the result is a \$25
3 fine and a slap on the fingers. The assailant still gets
4 a chance to go out next week and repeat the same offense
5 at another contest at a very cheap price.

6 I ask why do you do it? Very simple. We love
7 it. It's an extension of your playing days. When you can't
8 play anymore, you want to become an official. It's an
9 avocation, not a livelihood. If you had to depend on it
10 for a living, you would starve. But these are dedicated
11 men and women who want so much to be part of the athletic
12 program. They may be assaulted and pushed around this week,
13 but they will be back out there next week, and we sure as
14 heck have to protect them. I don't know how much more I
15 can add to what I said, but I do know, we're finding it very,
16 very difficult each year to recruit officials.

17 In all the years of the 35 years I have been
18 in this program, I never dreamed that we would have to resort
19 to taking out paid ads in newspapers to recruit officials.
20 That never happened before. It is happening now.

21 I ask many young athletes whose playing days
22 are over, why they are not interested in the avocation of
23 officiating. The answer generally is, I could never take the
24 abuse you guys take. As officials, abuse is tolerable if
25 it's verbal. But, it's frightening when it's physical. It's

1 a long walk from the field to the dressing room, and it's
2 even longer from the dressing room to your car.

3 For the record, my appearance in this hearing
4 is a strong indication that we as officials strongly support
5 House Bill 219 and hope that the Legislature sees fit to
6 vote for its passage. We have now initiated a program to
7 contact as many Representatives, Senators seeking their
8 support to endorse this Bill for what is important to the
9 officials in the many sports we are involved with.

10 Now, I would just like to comment on one or two
11 things on some of the people who made testimony here.

12 CHAIRMAN DEWEESE: Sure.

13 MR. CZARNECKI: The Judge made a comment, and it's
14 true, that habitually now, we're trained to huddle up in one
15 area of the field when you are leaving. It's kind of
16 frightening. Why are we put in these things if we think it's
17 so safe out there for us to officiate? Why must we resort
18 to huddling and protecting ourselves in a bunch to get off
19 the field? Because we have no protection from the law.
20 From that standpoint, the law is very, very weak.

21 Many times we should have pressed some of the
22 laws we had. But, historically, we didn't do it. There
23 were very, very many reasons for that. I think Dwayne and
24 a few others who expanded on that that you don't want to get
25 on the wrong side of the schools. So, a lot of it was put to

1 the back burner and we never pressed charges.

2 Some of the things you have to worry about are
3 the schools themselves. They try to negotiate with the
4 officials, hey, keep it low-keyed. We don't want that
5 notoriety in the newspaper. So, we lick our wounds and go
6 on our merry way.

7 The gentleman's comment over here about comparing
8 nurses and everybody else down the line. Well, I don't
9 think nurses participate in anything that is witnessed by
10 50, 60, 70,000 people. We're a focal point. People don't
11 bet on nurses. People bet on games. The chances of that
12 nurse being accosted coming -- or assaulted coming from a
13 football game or basketball game is very, very unlikely as
14 is as much as it is for me to get out of that football or
15 basketball forum.

16 I personally had a lot of good experiences and
17 suffered some good experiences. Nine years ago, we had a
18 hearing where I was officiating that ball game and there was
19 a riot between Harrisburg Cedarcliff (phonetic) High School.
20 That particular night, I come within that close of having
21 a six-inch switchblade stuck in my stomach. I was assaulted
22 by a woman that hit me with an umbrella from the field to
23 the dressing room while her husband and her two bully brothers
24 or sons were accompanying her, and it took everything I had
25 to punch her in the mouth.

1 CHAIRMAN DEWEESE: Not to punch her in the mouth?

2 MR. CZARNECKI: Not to punch her. I took that
3 abuse for probably 250 yards. We have a history of families,
4 of parents, of four very, very good wrestlers. Two hundred
5 fifty, 260 pounders today. Their practice is if one of
6 their brothers or this man's son did not win that night or
7 he got a reversal in a point in a wrestling match, the father
8 and the other three sons would meet the referee in the
9 parking lot. They would physically abuse the man.

10 I will bring up some of the cases. I will send
11 Representative Olasz the cases we do have. I wouldn't want
12 to elaborate today. These are some of the things that are
13 happening today, and they are accelerating today. The fear
14 we have is the recruitment of officials. Boys and girls and
15 women's sports. Women's officials will not tolerate this
16 abuse. They do not even want to tolerate the verbal abuse
17 let alone physical.

18 We run across the whole State, one end to the
19 other, trying to recruit women officials. We got more men
20 officiating women's sports today than we ever had before in
21 the history of P.I.A.A. It's obvious that women don't want
22 to be subjected to that kind of abuse.

23 We have had women officials abused physically
24 in the parking lot. That seems to be the focal point of the
25 attack is in the parking lots. The students we're not

1 worried about. The students basically they care less who
2 wins or who loses that ball game because after that ball game
3 is over, they jump in their Camaro and do their thing.

4 CHAIRMAN DEWEESE: I am laughing because I still
5 have a Camaro and a lot of people still think I am still in
6 high school too.

7 MR. CZARNECKI: The donkey we're worried about
8 is the guy that has got a few beers under his belt and a
9 25 or 50 dollar bet on the ball game. When it doesn't come
10 out his way, he wants a piece of the action. The first guy
11 he is going to hit is the official.

12 This is basically and probably in more cases
13 than one the reason for it. I think we need protection, and
14 I believe we will make exerted effort to really publicize
15 this thing and try to reach and touch every Representative
16 in the House.

17 CHAIRMAN DEWEESE: In the game you are in now,
18 the only way to succeed, in my opinion, is to have three, four,
19 five, six, officials at the home office of each State
20 Legislator or Senator in the Commonwealth, and you do have
21 a Statewide organization, and it is quite robust.

22 MR. CZARNECKI: Yes.

23 CHAIRMAN DEWEESE: Because the protestation that
24 was monitored from the gentleman, Mr. Dawida, will be omni-
25 present from the lawyers, especially on the Committee, and

1 when it reaches the floor of the House, and that's if it
2 reaches the floor of the House, it has to be voted out of
3 Committee successfully. There is going to be a lot of
4 people talking about the liability question and his example
5 of nurses going into the ghetto will not be that extreme,
6 relative to what you may hear in the Committee and on the
7 floor. But, obviously, in this game, and politics is
8 obviously somebody said at dinner last night, the last of
9 the great blood sports, but I don't know what they meant
10 by that, but this is a game. If you want to win this game,
11 it's essential, I think, that you and your organization have
12 four, five or six referees, umpires, officials, men and women
13 in each of the home offices between now and Christmas or
14 between now and Thanksgiving. I am not certain when this
15 will be brought up. It depends on my very able staff and
16 the logistics how long it will take to put it on our calendar.

17 I am a co-sponsor of the measure as you may have
18 noted. Dick put me on. I am the second name on the Bill.
19 So, I am predisposed in your direction, or else, obviously,
20 we wouldn't be here today with the Representatives.

21 Dick, since our other colleagues have regressed,
22 do you have some comments, observations and then we'll wind
23 this up?

24 MR. CZARNECKI: The point is, you have a start.

25 CHAIRMAN DEWEESE: Yes, we do.

1 MR. CZARNECKI: There is a start. I think from
2 this point on, you may branch out. But, what I probably
3 like and many of the officials like about this Bill right
4 now, it is now bringing to the attention of the public and
5 everybody else that this has been going on, has been suppres-
6 sed too long. We didn't have the tool to work with. Maybe
7 we did have the tool to work with, but maybe we didn't know
8 how to use it. Now, maybe we have a little more emphasis
9 with this Bill, and we certainly appreciate it.

10 REPRESENTATIVE OLASZ: Mr. Chairman, it is too
11 bad some of my colleagues didn't stick around. I came from
12 the old school where I don't even remember when we played
13 high school ball if we were covered by an insurance policy.
14 We played for the love of it. I think the schools did have
15 hospitalization on us if we got busted up or not.

16 But, back to my statement of the changing times
17 and changing law to adapt to the times. When I introduced
18 this Bill, it was not worrying about liability or recovery
19 for damages. My concern was protection for the officials,
20 the guy that controls the ball game. And, having participated
21 in many, many sports events in my youth and I still enjoy
22 going to sports, I have seen this situation get out of hand
23 where guys get a couple drinks in them and they think it's
24 open season on officials.

25 I think the integrity of the games is at stake

1 when you start getting less than qualified people to go out
2 and officiate ball games. I told many people, and I am a
3 griper. I may play a pool sheet on the weekends and say, if
4 it wasn't for that call, I would have won. That is one
5 advantage we have with that instant reply that the pros have.
6 How many times were those guys ever overturned in their
7 calls? It has been proven they make inaccurate calls.

8 MR. CZARNECKI: The accuracy percentage of that
9 is 98.2.

10 REPRESENTATIVE OLASZ: We can dress the Bill up.
11 My concern was not liability insurance and whatnot. I do
12 think in today's society that officials, coaches, deserve
13 a special section in that law for protection because it's
14 all around us, you know, in the organized sports that we
15 participate in as Americans today.

16 MR. CZARNECKI: Dick, unfortunately, probably
17 TV has a very, very strong impact on that also. I find it
18 hard to sit and watch a college football game or pro football
19 game. I have always tried to be a student of the rules. I
20 sit and listen to a colored commentator such as Bud Wilkenson
21 who coached for 25 years and has absolutely no knowledge of
22 the college rules. They generate this thing. Boy, was the
23 official wrong on that one. Boy, they can't be only penalized
24 five yards. It's got to be ten. Bud Wilkenson doesn't know
25 that we must attend 13 to 15 meetings a year. We must take

1 in three weeks of training prior to the season starting,
2 and we take a test on the updated rules.

3 Bud Wilkenson hasn't taken a test at all to
4 start off with. I listen to Phil Rizutto saying the only
5 thing he could say right was holy cow. He doesn't understand
6 the baseball rules. I think these guys got to stop this on
7 the TV and on radio from criticizing the officials unless
8 they are a student of the rules themselves. It takes a lot
9 of learning, a lot of attendance at clinic and stuff. It's
10 a costly thing for officials today to attend a weekend clinic
11 which now is anywhere from \$150 to \$250.

12 You are going to be working a ball game for
13 \$35. It's not a matter of going out there to earn money.
14 It's a matter of loving the sport. The only protection we
15 have is really liking to go out there next week.

16 REPRESENTATIVE OLASZ: You mentioned about Bud
17 Wilkenson. Even though some writers may not have appreciated
18 him. I like Dick Young late of the New York Daily News and
19 the Post. But, like he said, tell it like it is, Howie
20 Cosell, because you wear a hairpiece. But there was another
21 guy despite the fact that he ran off at the mouth had very
22 little knowledge of the game.

23 I just, for the record, whether you are aware
24 of it or not, Mr. Chairman, we're going to introduce this
25 into the books. But, maybe the new guys haven't seen this.

1 On NBC News, it talks about a Marine veteran who is now a
2 quadriplegic as a result of the harm against him as an
3 official. A Korean War veteran, a high-tech manager is
4 suddenly a quadriplegic. It's like kill the umpire. It
5 relates to what happened, how the guy ran out on the field
6 and beat him unconscious. There is two different stories.
7 I will give you a copy of this, Len. There is things in here
8 about teams in Pennsylvania. You know a lot more than I
9 have suspended from participating because of it.

10 Maybe I am wrong, but I don't think it's fair
11 to have to penalize a school because of the actions of one
12 or two bad apples. But, my intent was --

13 MR. CZARNECKI: We just finished a hearing of a
14 young boy who punched an official in the mouth in a football
15 game and the school was suspended for two years. The
16 official gets nothing out of it. They suspended the school
17 for two years of participation.

18 CHAIRMAN DEWEESE: Like Dick said earlier, some
19 of the young athletes that might have been trying for athletic
20 scholarships would be disallowed from advancing in that
21 direction because of that two-year problem.

22 Any other observations or questions?

23 REPRESENTATIVE OLASZ: One last thing. Please,
24 Len, do what the Chairman suggested. You better get hot.
25 There are obviously differences of opinions. There will be.

1 Like he said, there is a lot of attorneys that sit on this
2 Board and they may do it differently. This is the first
3 step to give you some idea of what we're looking at just to
4 get it out of the Committee. I am going to need all the
5 documentation you can provide me with so that when we go on
6 the floor, if it gets off the floor, even in the Committee
7 meetings, I am prepared to do battle.

8 MR. CZARNECKI: We'll make every effort.

9 CHAIRMAN DEWEESE: In closing, I would like to
10 thank you again for participating. We had six excellent
11 witnesses, and we had a very lively hearing this morning.
12 Relative to Mr. Olasz's legislation that I am the co-sponsor
13 of, I think I can sum it up from a Harrisburg perspective by
14 saying there are Steeler fans and Browns fans and Raiders
15 fans, but nobody roots for the zebras. And, in Harrisburg,
16 we're going to try to do something for the athletic officials
17 of the Commonwealth.

18 I think Mr. Olasz's Bill will be the first step
19 in that direction. But, it's not going to be done unless
20 there is an intensive lobbying effort. Because the liability
21 question broached by Representative Dawida and the ramifica-
22 tions of that question will be brought up and debated ad
23 infinitum unless there is a considered lobbying effort on
24 your part.

25 This meeting of the House Judiciary Committee

1 is concluded. Thank you.

2 (Whereupon, the meeting terminated at 3:25 p.m.)

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7 I hereby certify that the proceedings and evidence
8 taken by me at the Public Hearings of the House Judiciary
9 Committee relative to House Bill 219 are fully and accurately
10 indicated in my notes and that this is a true and correct
11 transcript of the same.

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15 Susan L. Mears
16 Susan L. Mears, Reporter/ksh
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