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November 17 - December 31, 2005

HOLIDAY FUN

One would think with the pay raise now fully repealed, the news about it would tone down and the legislature would be able to get back to the business of running the Commonwealth. One would think.

One would also be quite mistaken.

Our rally cry on the Capitol steps was “Repeal! Repay! Reform! Or Resign!” Because we were only at stage one of that plan and because of the three factors already mentioned (the extended time since the pay raise was enacted, the failure to mandate repayment of unvouchered expenses and a few angry reduced-salary judges) the real fun was just beginning.

As Pennsylvania hurtled toward the holiday season, there was no lack of new discoveries and revelations regarding our esteemed elected officials in Harrisburg. We kicked off the festivities with our take on the progress made so far.

PACleanSweep: Repeal Not Enough

“Pay it back. Every red cent.”

With Pennsylvania’s General Assembly and Governor Ed Rendell officially repealing the unconstitutional July 7 pay raise, PACleanSweep called on lawmakers to repay all unvouchered expenses.

“Repealing the pay raise is only the beginning,” said PACleanSweep Chair Russ Diamond. “Although lawmakers and the Governor believe this issue is now behind them, there is much to be done yet. The 158 people who’ve accepted the money will still be in violation of the Constitution and their oath of office. They need to pay it back. Every red cent.”

Article II Section 8 of the PA Constitution states that “no member of either House shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.”

Since the July 7 pay raise, lawmakers have collected hundreds of

thousands of dollars in unvouchered expenses. PACleanSweep insists those funds be repaid in full and urges the legislature to adopt reforms to prevent further stealth legislation.

“Although the repeal is now law, there is nothing to prevent a repeat performance of the shenanigans of July 7. They did it once, they’ll do it again. Next time, it might not be a pay raise, but it could be something with an even bigger negative impact on taxpayers,” added Diamond.

“Their apologies ring hollow as long as the process remains in place allowing them to act in an unconstitutional manner. They didn’t repeal the raise because it was the right thing to do, they did it out of fear for their political lives. They can’t be trusted.”

PACleanSweep will continue to use the “Remember the Pay Raise” slogan to remind citizens of the still-festering wound that exists in Pennsylvania government and will continue to serve the public by focusing a spotlight on the inconsistencies and institutional flaws in Harrisburg.

The General Assembly seemed to be the only group of Pennsylvanians that forgot about the next step in our rally cry for fixing what’s wrong in state government. Even as the repeal was being finalized, members of our discussion group were screaming for the payback. The media didn’t go easy on lawmakers either. If it was wrong enough to repeal, it was wrong enough to make restitution. There were plenty of lame excuses why they couldn’t possibly do *that*.

John Grogan of the *Philadelphia Inquirer* pronounced a hearty “amen and hallelujah” to the benevolent forces that surrounded the Wicked Witch of the Capitol and doused her with a bucket of voter-provided water. “Ding dong, the pay raise is gone,” he wrote. But that was just a prelude to his demand that the “ill-gotten loot” be returned to its rightful owners.

Grogan began a public hammering of Senator Joe Conti, who claimed he already spent the money on a water heater. Grogan threatened to assemble a crew of citizens to head over to Conti’s house to relieve him of the fabled heater. Tradesmen, contractors and truckers signed on to help remove and haul the unit off. Conti finally caved around the end of November and agreed to pay the money back.

On the other end of the state, Representative Mike Gruitza claimed he used his money to repair a chimney on his home. Gene Stilp responded to Conti and Gruitza in the Capitol by delivering an oversized novelty pipe wrench to the Senator and masonry hammer to the Representative so each could undo their handiwork. I went along for the trip and so did the media. We also delivered invoices on behalf of the people of Pennsylvania to every other legislator who owed them money.

Representative Steve Maitland claimed he used his share of the loot to invest in furthering his education at the Widener University School of Law so he could become “a more effective legislator.” He also whined that he

was entitled because he had declined many of the perks of office that others took. Of course, Maitland forgot to mention that the Constitution prohibits those perks, too.

Representative Rick Geist said he donated his cut to his church so it could repave a parking lot. This seemed to inflame board member Carl Silverman to no end, being a fine upstanding atheist dedicated to the alleged separation of church and state. It must have been like adding insult to injury. There were also whispered jokes about what sort of discount the contractor might have given, knowing that Geist was a bigwig on the House Transportation Committee.

The most common excuse by far was that the money had been given to charity or some other good cause. Representative Mike Sturla, who pocketed about \$4000 before the repeal took effect, was one of those cases. He refused to reveal the names of the charities to which he allegedly donated the loot, fearing they would be harmed by claims they had received “tainted” money. That Sturla himself labeled it “tainted” said it all.

On November 18th WGAL-TV’s Ben Simmoneau highlighted the fact that several legislators who lived within driving distance of the Capitol were collecting the full \$129 per diem payments, which were originally intended to compensate those lawmakers who needed to stay overnight in Harrisburg. Why were they taking it? Senator Gibson Armstrong said, “Consider the magnitude of the decisions our constituents are asking us to make.” Again, no mention of the fact that per diems weren’t allowed by the plain language of the Constitution.

Senator Chip Brightbill, who gave his own smug answers to Simmoneau’s prodding, was roasted by the *Pittsburgh Tribune-Review’s* Dimitri Vassilaros as truly being “one sorry Senate leader,” a reference to his contrite statement on the floor of the Senate during passage of the repeal for his “poor judgment.” Being one of the Majority Leader’s constituents, I was more than happy to offer a quote for Vassilaros’ column. “I don’t know how to take the apology four months after the fact,” I said. “Up until a couple of weeks ago, he still was blaming the media. I am not going to accept his apology until all the money is paid back by the legislators.”

In addition to per diem payments, the *Tribune-Review’s* editorial board reminded Pennsylvanians, lawmakers awarded themselves a 50 percent pension increase in 2001 under the Ridge administration. The retirement bump was not just egregious for its sheer selfishness, but now was predicted to cost taxpayers countless billions of dollars in the years ahead. Despite a claim at the time that the pension plan would fund itself, the

economic downturn after 9/11 transferred the burden to Joe and Jane Sixpack.

For all the hue and cry from the Capitol over how destitute the Political Class was, there was no shortage of episodes of “Lifestyles of the Rich and Incumbent.” Senate President Pro Tempore Bob Jubelirer and Chief Justice Ralph Cappy owned opulent \$300,000 houses just a stone’s throw away from each other at posh Spring Run at the Books, a gated community in Bonita Springs, Florida.

Carl Silverman dug this information up long before the *Tribune-Review’s* Eric Heyl divulged it on November 30th, but we were just too busy to figure out a way to make hay out of it. Apparently, planning and scheming to trash the state Constitution and screw the people requires fancy digs. Five days later, Heyl revealed that Speaker of the House John Perzel was joining Jubelirer and Cappy on skid row with his own \$300,000 house in Boca Raton. Nice place to spend the peoples’ hard earned money, I suppose.

Some legislators, however, had actual troubles. Representative Jeff Habay stood accused of forcing his taxpayer-funded office staff to do campaign work - a felony charge. Several former staffers testified against him. Habay claimed that fellow Republicans were out to get him and the entire affair was “a coup d’etat.” On December 13th he was convicted.

The *Philadelphia Inquirer*, noting that one “can only trot out that old ‘vast right-wing conspiracy’ chestnut if you’re a Democrat,” called on the House to expel him in order to avoid a messy ethical dilemma - like one witnessed in 1999 over convicted perjurer Representative Frank Cerafini. The members of the General Assembly didn’t utter a peep about Habay’s future, although then-U.S. Senator Rick Santorum and former Allegheny County Chief Executive Jim Roddey - both of whom Habay implicated in the mysterious plot against him - told the *Tribune-Review* it was time for him to move on.

Although Habay’s conviction might have qualified under the Constitution’s “infamous crime” clause that precludes anyone convicted of one from serving in the legislature, he was back on the House floor the next day. He eventually resigned just before being sentenced, preserving his pension benefits. He also faced a second trial on 21 other counts related to allegedly making up a story about a package he received containing some nefarious white powder and also using office staff to investigate political enemies.

The *Trib’s* Brad Bumsted on December 18th said Habay’s conviction “should send a collective shiver up the spines of other state lawmakers.” Harkening back to the 1970’s when many people claimed Richard Nixon merely got caught doing what everyone else before him had done but

weren't actually caught doing, Bumsted claimed he had "no doubt" that other lawmakers were using their taxpayer-funded office staff to perform campaign work. I heard the same argument many times and was once told that to get the proof, all I had to do was show up late one October afternoon in the Capitol with a camera.

Some lawmakers just didn't want to talk about the pay raise or unvouchered expenses anymore. They wanted the whole mess to just go away. The ones that did talk got brutalized for what they said. The ones that didn't got it worse. The Wilkes-Barre *Times Leader* put out an opinion that began: "THUD. Thud. Thud. Hear that? It's the sound of a hammer, pounding nails in coffins." The paper listed several legislators who simply ignored calls to talk about the issue. The piece asked whether such people deserved to be re-elected and ended with: "We can't feel too sorry for you, legislators. You're digging your own graves."

My local paper, the *Lebanon Daily News*, got in on the brutality as publisher Dave Smith - who previously wrote a somewhat friendly column about Brightbill and Representative Pete Zug - penned a column titled "After all this time, they still don't get it." Smith marveled over how the two lawmakers played a game of duck and dodge for four months - but now actually expected the voters to put it all behind them. "Forgive and forget? I don't think so!"

Zug launched his 'cover your ass' re-election campaign early in mid-November with gusto. He had people calling constituents from what one discussion group member said sounded like a "boiler room setting," letting them know they could expect a letter in the mail soon outlining the "services" the good representative could assist them with at his office. They even offered Zug's telephone number if the constituent wanted to get in touch with him personally. How special they must have felt!

Rather than talk, more legislators decided to announce their retirement. Following Sheila Miller's lead, Representatives Vic Lescovitz, Robert Flick, T.J. Rooney, Bruce Smith, Kevin Blaum and Senator Charles Lemmond decided to hang up their spurs during the last six weeks of the year. Each retirement created a new round of discussion on the pensions or unvouchered expenses that had not yet been repaid. Asked to comment on Blaum's retirement by Scranton *Times-Tribune* reporter Michael Race, I simply offered, "I consider it a forfeit."

Other lawmakers were in full retreat. Senate President Pro Tempore Bob Jubelirer took to sending letters of apology to his constituents. His office made a point of letting everyone know that tax dollars were not paying for the memos. If other legislative mailings are any indication, however, they were likely only mailed to those Republicans he expected to show up to vote in the primary. According to a post on Chris Lilik's