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July 8-10, 2005

THE SEEDS OF REVOLUTION

When I finally fell asleep in the wee hours of July 7th, I had no idea what the General Assembly really did. Who would have?

By the time I woke up, the news was starting to roll in. HB1521 was apparently *not* a bill to govern the salaries of officials in the executive branch, but a pay raise for nearly every elected official in state government. Provisions for pay increases for District Attorneys and local judges were included as well. As it applied to the General Assembly, the headlines disclosed only that the bill gave lawmakers a 16 percent pay raise.

Later it was revealed that figure was only for legislators who were collecting the baseline salary. Others, in leadership positions who already had higher-than-baseline salaries, would get more than 16 percent. Some would receive a whopping 34 percent salary increase! Might there be any connection between this fact and the fact that it was six legislative leaders who actually served on the conference committee that committed the gut-and-run and produced the pay raise in the first place?

Naaah, couldn't be.

Of course, this provides yet another opportunity to bring up that battered old document, the Pennsylvania Constitution. From Article II, Section 8, which addresses legislative compensation:

The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. 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.

So how exactly do they square this section with the fact that committee chairs and others within leadership receive any extra compensation at all? Does the extra money fall into some special category outside the scope of

“no other compensation whatever?” I’m sure there must be a special entry in the Political Class-to-Joe Sixpack dictionary designed to explain it to lowly laymen like myself, but I have yet to locate the page.

The *Associated Press* gave a great breakdown of all the figures, not just for legislators, but for executive and judicial branch members as well. Also revealed immediately was that all these salaries were now linked to their federal counterparts, effectively ceding state powers to the whims of the U.S. Congress - that stalwart haven of common sense. To cap off the day’s news (or to add insult to injury) the fact that the legislature had promptly left town for their summer break was also widely reported. John Baer, a columnist for the *Philadelphia Daily News* perfectly echoed what I was thinking: “How obscene is this?”

While it certainly ticked me off, it really wasn’t all that surprising. It was just a continuation of a pattern of behavior by elected officials to dart in and out of the provisions of the state Constitution. Having run for office myself, I was well aware of the weasel words politicians use to wiggle around what Joe Sixpack would extract from the plain language of the document.

On July 8th the *AP* reported that Governor Ed Rendell - widely known for being a voracious reader of newspapers - apparently read between the lines of the first reports. The wire service quoted his spokesperson Kate Phillips: “He’s not decided to sign it yet.” According to the General Assembly’s website, however, Rendell already had signed the bill on July 7th. I’ll chalk that one up to the natural delay of the news cycle.

The day’s news also revealed - courtesy of the *Reading Eagle* - that several Berks county conservative legislators voted ‘yes’ on the pay raise in exchange for a promise to get the “Commonwealth Caucus” property tax elimination plan to a floor vote in the House. It did come to the floor later in the year during a rare but non-binding “committee of the whole” session, where it was soundly trounced.

On July 9th *The Philadelphia Inquirer* reported that Rendell did in fact sign the pay raise bill, but declined to accept his own increase until he was (hopefully) re-elected in 2006. He commented that the bill was “good legislation.” The paper also revealed a Rendell claim that it was Supreme Court Chief Justice Ralph Cappy’s idea to start tying pay scales for elected state officials to their federal counterparts.

Meanwhile, the *Pittsburgh Tribune-Review* went on a fact-finding mission of its own by combing through the financial disclosure statements all elected officials are required to file with the state. They reported that

many lawmakers, despite the claim that they were full-time legislators, were earning income by means other than making laws in Harrisburg.

The capital city's *Patriot-News* reported that citizens living in the midstate area, a haven of conservatives, were "outraged" over the whole deal. The *Pittsburgh Post-Gazette* also printed a "by the numbers" extract of the pay raise.

By Sunday, July 10th editorials started coming out on the issue. They were not just negative; they were downright harsh. Editors were already poking fun at lawmakers' arguments defending the pay raise by claiming they needed to attract the "best and brightest" to Harrisburg. The *Patriot-News'* Dale Davenport asked, "Is it only about money?" Some asked political analysts to weigh in. Noted pollster G. Terry Madonna was quoted by the *Post-Gazette's* Brian O'Neill: "In the end, casting a pay vote is not politically suicidal. Re-election rates are so high they're immune to a single unpopular vote."

No offense to Dr. Madonna or any other Pennsylvania pundit, but I've learned that political analysts are excellent judges of past behavior, but not a reliable source for predicting the future when a new or unknown element such as the internet is added to the mix. Throughout the summer Pennsylvania's core group of analysts continued to predict the end of public outrage over the pay raise, but it never materialized.

Sometime during the first couple days after the deed was done, Senator Vince Fumo publicly outlined how the votes were lined up for the pay raise. He was not shy at all in effectively admitting one of the biggest shams in the General Assembly - and likely many other legislative bodies. It was not a matter of simply relying on each member to vote his or her conscience, like one would hope. Rather, it was a matter of simply making sure that one more than 50 percent of the members of each of the four legislative caucuses - Senate Republicans, Senate Democrats, House Republicans and House Democrats - voted in favor of the measure.

If you think about it, you can see how any negotiation between four separate groups of people could potentially devolve into this method of doing business. The tactics used to persuade certain members of each caucus to agree were left unmentioned, however. Pennsylvanians would soon find out exactly how low legislative leaders were willing to stoop to get their pay raise when House Minority Leader Bill DeWeese demoted 15 Democrats from their committee leadership positions - rescinding their extra, but unconstitutional, pay for serving in those positions - in retaliation for their 'no' votes.

I long suspected this was the way things were done in Harrisburg, but for some reason Fumo's blatant revelation is the first time I can ever recall anyone from the inside actually discussing it openly. For me, it was like