

Scoundrels and Parasites Reign

By Roy Minet (Rev. 04/27/19)

“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 a 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.”

Who said that? The Constitution of the Commonwealth of Pennsylvania says that. It is an exact quotation of Article II, Section 8, in its entirety. Read it again. It certainly seems crystal clear, specific and ironclad.

“But wait,” you say, “Aren’t our legislators not only pulling in great salaries, but also enjoying per diems, gold plated healthcare, unvouchered expense accounts and super retirement pensions?” Yep, that certainly is correct (and still is far from a comprehensive list of their perks and semi-hidden benefits). “But... but that’s incredible,” you sputter, “How could this possibly have happened?”

If that was your reaction, it turns out that you are not the first Pennsylvanian to have it. Of the very small percentage of citizens who have bothered to read the Pennsylvania Constitution, a number have noted this glaring incongruity. Over the past 125 years, several have actually taken the Commonwealth to court. The latest to do so was Gene Stalp who ran it through the courts again (2006 – 2009).

So, really, how did this happen? Well, the legislators wanted to feather their own nests, so they just passed laws to accomplish that. Recall that in 2005, they went a bridge too far by voting themselves (as well as some of their buddies in the executive branch and their protectors in the judicial branch) a huge raise during a midnight session. Outraged voters forced a quick repeal. About 17 legislators lost their re-election bids – quite an unusual occurrence.

Unfortunately, it takes something big to arouse voters. Subsequently, and without much of a “ripple on the pond,” our legislators successfully engineered a way around the last sentence of Article II, Section 8. They gave themselves automatic annual pay raises. Genius. Now they don’t have to risk voters’ ire by voting themselves a pay raise (at least COLAs), and increases can take effect for all legislators immediately – so much for that pesky Constitution.

What about the valiant souls who pursued a court remedy? They all lost utterly and completely. The Pennsylvania Supreme Court has consistently protected the General Assembly’s power to do almost anything.

Although Article I provides a very good “Declaration of Rights,” the overall structure of the Pennsylvania Constitution is weaker than that of the U.S. Constitution. While our U.S. Constitution enumerates a few powers and prohibits all others, the Pennsylvania Constitution enumerates a few restrictions and allows anything else. It does seem clear, though, that the only possible reason for including Article II, Section 8, was to restrict legislators to a simple publicly visible salary plus a travel

allowance, and to not allow them to line their own pockets with all manner of less visible benefits and perks.

Every citizen should read the 2009 *Stilp v Commonwealth of Pennsylvania, et al*, decision. It consists of several pages of tortured “logic” leading to the “conclusion” that the first sentence of Article II, Section 8, essentially does not restrict the General Assembly at all. Apparently, it’s wasting ink to print it as a part of the Constitution! Please, DO read the *Stilp* decision yourself and see what you think.

Pretty clearly, the General Assembly is controlled by a majority of scoundrels and parasites, sometimes called “establishment career politicians,” and they are both Democrats and Republicans. If “scoundrel” seems harsh, just recall the number of elected officials (actually, from all three branches) who have been convicted of various offenses and sent to jail; obviously, they’re just the ones who committed serious offenses and were caught.

Certainly, there are good and conscientious people in elected positions, just too few to gain control. Those in key “leadership” positions have plenty of mechanisms to neuter “unruly” good guys. It’s a serious problem that the scoundrels and parasites are highly skilled at impersonating good guys. Some probably have even convinced themselves that they ARE good guys. Citizens must pay close attention to discern the difference.

Establishment career Democrats and Republicans may fight publicly over some issues, but privately they all work at rigging the system to favor their re-election. Two of their favorite techniques are gerrymandering and artificially high ballot access barriers to suppress competition; hence many races have only one “choice.” Barriers should be greatly reduced and an impartial *procedure* should be used to draw electoral districts.

A “term limits” bill (HB815) was recently introduced and is worth supporting, even though in its present form it just imposes a periodic one-term “vacation.” Other election reforms are needed as well, such as replacing the awful Plurality voting method which exacerbates polarization and can render nonsensical decisions when no candidate achieves a majority.

Our most desperate need, however, is for more of that essential magic ingredient: informed, motivated citizens who pay attention, think rationally and vote.

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