

United Methodist Advocacy in Pennsylvania

March 31, 2018

In my opinion, a most extraordinary event occurred on March 24. That was the day on which the *March for our Lives* demonstrations took place, all across the nation. Led or inspired by the survivors of the February 14 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, these demonstrations represented a groundswell of popular attitude against availability of assault-type firearms. One must admit that the firmness, intelligence and maturity demonstrated by the students is admirable. The ripple effect of the Parkland massacre and the efforts of the survivors has probably led to more discussion and action than any such tragedy, before.

In the White House, the month of March appears to have been a time of internal strife. By the end of the month, President Donald Trump's popularity rating reached its lowest point since his election. However, he continues to hold on to a faction of loyal followers.

Activity in state government was in full swing. Following are items of which to be aware—many are ongoing (if you have strong feelings about an issue, tell your legislators):

- **Congressional Map Upheld**
 - **Impeach Justices Resolutions**
 - **Many Congressional Candidates**
 - **Legislative Redistricting Reform Bills**
 - **Cut Size of Legislature**
 - **Sexual Misconduct Legislation for the Legislature**
 - **Gov. Wolf on Election Reform**
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 - **Many Lieutenant Governor Candidates**
 - **Candidate is Too Young**
 - **Gaming Board is Confident of Revenue**
 - **No Bidders for Mini-Casino**
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 - **Grandparents Caregivers Bill**
 - **Gas Pipeline Hearing**
 - **Broadband for All Pennsylvanians**
 - **Bill to Slow Prison Closures**
 - **Arming School Employees**
 - **School Safety Task Force**
 - **Support for Stricter Gun Laws in PA**
 - **Gun Safety Caucus**
 - **Wolf Listens to Black Community in Erie**
 - **Down Syndrome Anti-Abortion Bill**
 - **Court Hears Argument Re: School Funding**
 - **Three Criminal Justice Issues**
 - **Medical Marijuana in Pennsylvania**
 - **Linda Brown Dies**
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Congressional Map Upheld

On March 19, the U.S. Supreme Court and a federal panel denied Republican challenges to the new congressional districts map imposed on Pennsylvania by the state's high court. The decisions dismissed requests to prevent use of the new district map, which the Pennsylvania Supreme Court drafted after ruling that the preexisting map violated the state constitution's guarantee of free and equal elections.

The U.S. Supreme Court turned down the request without comment. Separately, the panel of judges said it had no authority to act in the matter except to dismiss the case.

Democratic Gov. Tom Wolf called the federal judges' ruling the right decision and said it will let the state move ahead with a fair map.

The U.S. Supreme Court decision declined a request from state House Speaker Mike Turzai and state Senate President Pro Tempore Joe Scarnati to block the new map and to allow the 2011 districts to remain in place for this year's elections.

The federal judges' decision was made in a case brought a month ago by eight sitting Republican congressmen and two GOP state senators. They argued that the state justices infringed on the legislature's prerogative.

The panel said the senators have only two votes in their chamber, calling that "inadequate as a matter of law to allow a lawsuit premised on an institutional injury to the General Assembly." The eight Republican congressmen, the judges wrote, may have wasted resources campaigning in their old districts, but they cannot prove that was caused by a violation of the U.S. Constitution's Elections Clause.

Impeach Justices Resolutions

On March 20, twelve Republican state lawmakers introduced resolutions seeking to impeach four Democratic state Supreme Court justices who struck down the 2011 congressional districts map, created by the Republican-controlled General Assembly. Rep. Cris Dush (R-Jefferson) led in the separate resolutions to remove justices Debra Todd, David Wecht, Christine Donohue and Kevin Dougherty.

The court's ruling occurred January 22. It was followed 17 days later with a full opinion, written by Justice Debra Todd, saying that the 2011 map's gerrymandered boundaries violated the state constitution's "free and equal" elections clause.

But, there is no real likelihood that impeachment will take place. However, the introduction of these resolutions demonstrates the enmity some Republicans feel toward the court's decision and the Democratic majority on the bench. Signing on to Dush's resolutions were: Frank Ryan, Martin Causer, Jim Cox, Seth Grove, Kristin Phillips-Hill, Dawn Keefer, John McGinnis, Daryl Metcalfe, Dan Moul, Will Tallman and Judy Ward.

On March 22, the Republican chief justice of the Pennsylvania Supreme Court lashed out in reaction to the impeachment resolutions by the Republican legislators. Chief Justice Thomas Saylor issued a two-sentence statement, "I am very concerned by the reported filing of impeachment resolutions against justices of the Supreme Court of Pennsylvania related to the court's decision about congressional redistricting. Threats of impeachment directed against

justices because of their decision in a particular case are an attack upon an independent judiciary, which is an essential component of our constitutional plan of government."

In recent years, lawmakers in several other states have unsuccessfully sought to impeach or remove judges because of controversial decisions, according to the National Center for State Courts.

Many Congressional Candidates

The deadline for candidates to file in Pennsylvania to run for U.S. Congress was March 20. By that time, according to the state elections bureau, 94 people had submitted paperwork to run in the May 15 primary. Each prospective candidate had to submit a petition with at least 1,000 voter signatures.

The total of 94 candidates is the largest field in decades. The next closest occurred in 1994, when there were 71 congressional primary candidates—at that time there were also 21 seats available, compared to the present 18. In 2016, there were 41 candidates.

Pennsylvania has its most open seats in decades, as well. Half a dozen incumbents are not going to run.

The enthusiasm for running for U.S. Congress is probably highly influenced by the following four factors:

- Reaction to President Donald J. Trump.
- The high number of open seats—one-third of seats.
- The new districts map imposed by the state Supreme Court.
- Motivated Women.

Legislative Redistricting Reform Bills

After more than a year of growing popular support and in the immediate aftermath of a series of legal decisions, state lawmakers are working to come up with a plan to reduce influence in the once-per-decade process of mapping legislative districts in Pennsylvania.

Currently, the redistricting of *state* legislative districts is done by a special commission dominated by the General Assembly's legislative caucus leaders, as established by the state Constitution. *Federal* Congressional redistricting is prescribed in state law, not the state Constitution. However, those who support change say that both need to be reformed. This can be done separately, or together.

The recently revised Congressional districts map, produced by the state Supreme Court, is in effect only for the current Congressional election.

The next redrawing of the maps will take place after the 2020 census. If reform of the present system is to take place, the processes need to hurry.

On March 27, the Senate State Government Committee held a hearing on legislation to change the way both state legislative and congressional seats might be redistricted. Under discussion were four bills.

Three of the bills seek to amend the state constitution and change both the making of state and federal legislative districts—SB22, SB464 and SB243. The fourth bill involves only

congressional redistricting and can be handled as a bill only, since it does not require a constitutional amendment—SB767.

The bills that require amending the constitution are up against a short timeframe, because the process requires passing the exact same bill in two consecutive legislative sessions, then being put to voters in the fall of 2019.

But, Senate leaders are doubtful about whether the House is interested in legislative redistricting reform. House State Government Committee Chair, Daryl Metcalfe (R-Butler), has demonstrated no interest in reform legislation.

Cut Size of Legislature

On March 13, the state House voted 109-80 to pass a measure that would cut 52 members from the House and 12 from the state Senate. Similar legislation passed both chambers of the General Assembly last year, but without the cuts to the Senate—See my report from last month.

This proposed change requires a state constitutional amendment, requiring several steps. As with any legislation, the next step is for the other chamber to pass the bill. It is in the hands of the state Senate.

If the Senate approves the bill as received, the constitutional amendment process will be one-third completed. If the Senate removes the language cutting the Senate seats, it would make the legislation identical to the version passed last year. That amended version of the bill would need to go before the House for another vote. In this case, if approved, the constitutional amendment process would be two-thirds completed. The final step would be for the twice passed legislation to go before the electorate as a referendum.

Currently, the Pennsylvania General Assembly, with 253 lawmakers, is the largest full-time legislature in the country. Only New Hampshire has more lawmakers, with 424. New Hampshire's lawmakers are part-time and are paid \$200—Pennsylvania House members are paid \$87,180 annually.

If the Legislature loses 52 members, House members will represent an average of about 80,000 constituents, compared to the roughly 60,000, now.

State Rep. Jerry Knowles (R-Schuylkill) was the author of the bill.

Sexual Misconduct Legislation for the Legislature

State Rep. Leanne Krueger-Braneky (D-Delaware) wants to end taxpayer-funded settlements stemming from allegations of sexual harassment against members of the General Assembly. Her bill, HB1965, would replace the policies currently in place with an independent office of compliance to investigate sexual harassment complaints in the state legislature.

The four caucuses in the legislature—Republicans and Democrats in both House and Senate chambers—each have their own policies for investigating and resolving sexual harassment complaints. Transparency is not uniform.

Her legislation would provide uniform policies that provide due process while protecting the rights of victims and shielding taxpayers from having to foot the bills for lawmakers' misconduct. While the legislation would bar the use of tax dollars to settle complaints of

harassment by elected officials, however, it would not bar such settlements when legislative employees are the alleged harassers.

The legislation would provide for the creation of an Office of Compliance to operate independently from legislative leaders. If the Office of Compliance found that a lawmaker has sexually harassed an employee, the victim's identity would remain private, but the lawmaker's name would be available to the public through open records requests. The lawmaker would be personally responsible for paying any settlement costs.

The legislation would also require the Legislature to produce reports each legislative session. These would document how many sexual harassment complaints were made against lawmakers and legislative staff, how much was paid out to settle complaints made against employees, and how much time it took to investigate complaints.

Krueger-Braneky's legislation would define sexual harassment as: "Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual's employment and unreasonably interferes with an individual's work performance."

The legislation has been referred to the House Labor and Industry Committee.

Gov. Wolf on Election Reform

On March 26, Gov. Tom Wolf and several Senate Democrat allies announced support for a series of statewide election reform proposals. The governor said he is looking for action on bills to make Pennsylvania's elections fairer and more accessible to all.

Some Republicans quickly accused the Democratic governor of trying to upstage a Senate hearing on redistricting issues, scheduled for the next day. Jennifer Kocher, spokeswoman for Senate Majority Leader Jake Corman (R-Centre) commented, "The Governor knows full well the Senate State Government Committee is having a hearing tomorrow focused on redistricting reform. He has not asked to testify or participate in that process. This illustrates that he has no interest in getting his hands dirty, he just wants to stand at the podium and pontificate."

The reforms supported by the governor are:

- Support for bills that would turn the legislative redistricting process over to an independent, bipartisan commission, to avoid extreme GERRYMANDERING.
- Limits on CAMPAIGN CONTRIBUTIONS to a single candidate from a single donor or political action committee, and ceiling on the total expenditure those same donors could make in a campaign cycle.
- VOTING RIGHTS reforms, including same day voter registration and the creation of new, 'no-excuse' absentee ballot voting rules.

On voting rights reform, Gov. Wolf announced legislation authorizing same day voter registration, automatic voter registration, and "no-excuse" absentee ballots that allow voters to submit an absentee ballot at their option, rather than having to meet certain criteria such as military deployment.

Campaign finance reform proposals would place limits on contributions by establishing limits for races, restrict Political Action Committee (PAC) activity, and strengthen reporting requirements.

Gerrymandering reform would establish an independent commission to create future electoral maps.

Following are bills to address these issues:

- Voting Reform - HB 193, SB 608, SB 282, HB 101, HB 945
- Campaign Finance Reform - SB 11, HB 1332
- Gerrymandering Reform - SB 22, HB 722

Several bills, especially those introduced in the Senate, have bipartisan support.

Asked his opinion of which area is the most important, the governor identified voter accessibility measures.

Lt. Gov. Selection Bill

On March 20, the Pennsylvania Senate voted 50-0, with no debate, to change the way the lieutenant governor is chosen. Senate Bill 761 proposed to amend the state constitution to allow gubernatorial candidates to select their running mate subsequent to the primary election—similar to the way presidential candidates choose their vice presidents.

The measure now goes to the House for consideration.

Currently, only six other states use a method similar to Pennsylvania's where lieutenant governor candidates run independent of the gubernatorial candidates and voters pick which candidates make up the party's ticket to run in the general election for those offices.

Sen. David Argall (R-Schuylkill) sponsored the legislation.

Because this is a constitutional amendment, it requires both chambers of the General Assembly to pass an identical bill in two consecutive legislative sessions before going to voters for a ratification vote. So, the earliest this change could take effect if it clears all those hurdles is 2022.

Many Lieutenant Governor Candidates

Pennsylvania voters will have a wide choice of candidates for Lieutenant Governor in the May 15 primary election. State elections officials reported receiving paperwork from seven Democrats and five Republicans by the March 6 filing deadline. Following are the candidates who filed:

Democratic Lt. Gov. Mike Stack of Philadelphia will seek a second four-term term. Other Democrats include former Philadelphia city official Nina Ahmad, school nutrition activist Aryanna Berringer of Westmoreland County, Chester County Commissioner Kathi Cozzone, Braddock Mayor John Fetterman, Lancaster County Commissioner Craig Lehman and Montgomery County Ray Sosa.

Republicans include Allegheny County activist Kathy Coder, real estate investor Jeffrey Bartos of Montgomery County, Montgomery County Commissioner Joe Gale, activist Peg Luksik of Johnstown and Washington County Commissioner Diana Irey Vaughan.

Candidate is Too Young

On March 20, Commonwealth Court Judge Kevin Brobson ruled that Joe Gale must be removed from the Republican primary ballot for lieutenant governor, because Gale will not meet the

minimum age requirement. Gale will not turn 30, the minimum age to serve as lieutenant governor, until two months after the office holder would be sworn in, in January 2019. The judge ruled that court precedent requires the candidate be qualified at the time of election.

Gaming Board Confident of Revenue

On March 5, officials of the Pennsylvania Gaming Control Board, during the agency's budget hearing before the Senate Appropriations Committee, voiced confidence that the major gambling expansion underway will meet state budget revenue projections. They also discussed plans to hire new employees to oversee that expansion. Kevin O'Toole, the gaming board's executive director, told senators the expansion should meet revenue targets set by lawmakers of \$200 million for Fiscal Year 2017-18 and \$100 million for FY 2018-19.

The four mini-casino auctions so far have generated \$124 million in bid awards, \$10 million is coming from repayment of casino loans, Stadium Casino in Philadelphia paid \$24.5 million for a table games license and the Valley Forge Category 3 casino paid \$1 million to lift patron access restrictions. However, Mr. O'Toole was careful to say the board doesn't know if it will receive bids for all ten mini-casinos authorized under the gambling expansion law enacted in October.

The gaming board is preparing to roll out other types of gambling authorized under the expansion: fantasy sports betting, casino internet gambling and truck stop video gaming terminals (VGTs). Temporary regulations to govern interactive gaming and fantasy sports contest betting are being considered. O'Toole told senators he anticipated up to 150 truck stops obtaining licenses for VGTs.

No Bidders for Mini-Casino

On March 9, the Pennsylvania Gaming Control Board's fifth auction for a Category 4 mini-casino license had no bidders. According to the state law that established the mini-casinos, having no bidders closes the initial round of auctions to sell these licenses. The Gaming Control Board will now begin a "subsequent round" opening the field to more potential bidders. Category 3 license holders may now participate in the auctions, along with Category 1 and 2 license holders. A third round with an expanded pool of bidders is also possible, if there are no bidders in one of the second-round auctions. There are six more licenses available.

The Board plans to continue to hold auctions. Bidding starts at \$7.5 million. Each mini-casino can have up to 750 slot machines. License holders can pay another \$2.5 million to operate 30 table games.

New State Police Commissioner

On March 22, Gov. Tom Wolf announced that he is appointing a 36-year veteran, Lt. Col. Robert Evanchick, as commissioner of the Pennsylvania State Police, replace the retiring Col. Tyree Blocker.

The 60-year-old Evanchick enlisted in the state police in 1981 after two years in the Wilkes-Barre police Department. He has served as a station commander, troop commander and directed

the department's Bureau of Integrity and Professional Standards before Blocker promoted him to deputy commissioner of operations in 2017.

18th Congressional District Election

A special election was held for Pennsylvania's 18th Congressional District on March 13. The election results were too close to call on election night, with unofficial results showing Democrat Conor Lamb leading Republican Rick Saccone by less than a half point. However, on March 21, Saccone conceded to Lamb.

The southwestern Pennsylvania election was watched by a national audience. Mr. Lamb, 33, won the seat by several hundred votes in a Republican-held district that President Donald Trump won by almost 20 percentage points, 16 months previously. Lamb ran as a moderate. Saccone, 60, a state representative with one of the most conservative voting records, adhered to Republican orthodoxy and received endorsement from President Trump.

Republicans considered seeking a recount request or a lawsuit to contest the result, but following Saccone's concession, they abandoned the idea.

The seat became open in October when eight-term Republican Rep. Tim Murphy resigned amid a scandal.

Lamb's term in office will last less than one year. The district is dissolving under the court-ordered redraw of Pennsylvania's congressional districts. Lamb could then face three-term Republican Rep. Keith Rothfus in a newly drawn district west of Pittsburgh. Meanwhile, Saccone is planning to run in a new, more Republican district in Pennsylvania's southwest corner.

Grandparent Caregivers Bill

This month the U.S. Senate passed an act proposed by senators from Pennsylvania and Maine, providing support for grandparents who are raising grandchildren as a result of the opioid epidemic.

Maine Republican Sen. Susan Collins and PA Democrat Sen. Bob Casey backed the *Supporting Grandparents Raising Grandchildren Act*, to create a federal task force addressing the subject. The bill would provide help for grandparents who are taking on the role of care-giver for grandchildren because of opioid addiction. The senators say more than a million grandchildren are in grandparents' care.

The bill is co-sponsored by a group of 15 senators and supported by AARP.

The U.S. House of Representatives must also pass the legislation before it becomes law.

Gas Pipeline Hearing

On March 20, the Senate Environmental Resources and Energy Committee, along with the Consumer Protection Committee, joined to conduct a hearing on natural gas pipeline safety issues. The hearing followed two weeks after state utility regulators suspended operation of the Mariner East 1 pipeline.

The Public Utility Commission issued the emergency suspension on March 7, after the appearance of sinkholes near the Mariner East 1 pipeline construction project. “The development of numerous sinkholes located in the township of West Whiteland within Chester County manifested a discernable risk to the continued flow of hazardous liquids through Sunoco’s Mariner East 1 pipeline,” PUC chair Gladys M. Brown told the panel. “Upon notification of these circumstances, the Commission acted swiftly to suspend the operation of Mariner East 1, investigate any and all repercussions on the integrity of the pipeline from these circumstances, and place the burden on Sunoco to prove that reauthorizing the operation of the pipeline is safe, reasonable and in the public interest.”

During the hearing, senators of both parties called for greater cooperation between state and federal agencies to address pipeline safety issues. Currently, the PUC, state Department of Environmental Protection and the federal Pipeline and Hazardous Materials Safety Administration share pipeline oversight.

A group of Southeastern Pennsylvania lawmakers have introduced bills to toughen state regulation of intrastate pipelines like Mariner. Other bills in a package would create a statewide siting review process, centralize pipeline safety inspections under the state Transportation Department and require pipeline land agents to register with the Pennsylvania Real Estate Commission.

Broadband for All Pennsylvania

On March 19, the Wolf Administration announced that it will make \$35 million available to encourage telecommunications companies to extend high-speed internet service to all areas of Pennsylvania. The plan is to expand broadband internet to every part of the state by the end of 2022.

In sparsely populated areas, it is nearly impossible to stream TV, telecommute, do videoconferencing or dependably access cloud-based email. The FCC estimates that about 800,000 Pennsylvania residents lack access to high-speed internet access—mostly in rural areas.

Bill to Slow Prison Closures

On March 27, the Pennsylvania Senate passed Senate Bill 748, by a vote of 47-1, to make closing state prisons harder, to preserve the jobs and economy the institutions create in their communities.

The bill is entitled the “Public Safety Facilities Act.” It would prevent a governor from closing a prison or a state police barracks without first conducting a year-long public study and hearings, so as not to “cause panic throughout our local communities, and most importantly to our affected workers and their families,” according to a legislative memo written by the bill’s primary sponsor, Sen. David Argall (R-Schuylkill).

The bill would require an administration to give a year’s notice to a “clear list of stakeholders” that a closure could occur. Then a closure could only occur “after strategies are developed to minimize the impact on our workforce, local and regional economies, and the delivery of law enforcement and public services ...”

Argall said the bill is needed to ensure an orderly process for future closures. Prisons are both economic engines and institutions to house and rehabilitate people.

Wolf spokesman J.J. Abbott said the existing closure process takes into account economic impact, along with public safety, age and condition of the facility, annual and future costs, and ease of relocation for employees to nearby facilities. "We are still analyzing the bill to assess the impact of the added bureaucracy on the process," he said.

SB748 now moves to the House.

Arming School Employees

The Pennsylvania Senate passed a bill sponsored by Sen. Don White to allow each of the state's roughly 500 school districts to "establish a policy permitting school personnel access to firearms in the buildings or on the grounds of a school."

Sen. White has introduced the bill on three occasions, since 2013. The first two times the bill died in the Senate's education committee without receiving a vote. However, as they say, the third time's the charm.

The bill, which passed 28-22, has moved to the House Education Committee. Gov. Tom Wolf has said that he will veto the bill. It is possible that the Republican-dominated House might pass the bill. However, it does not seem likely that there would be enough votes to override a governor's veto.

There are nearly 2,000 school resource, security or police officers in state schools, a quarter of whom are authorized to carry guns, according to the Pennsylvania Department of Education. Mr. White's bill would allow school districts, if they desire, to expand that list to permit other employees, include teachers, nurses and administrators, to bring guns to school.

Republican lawmakers tend to believe the answer to gun violence is more guns. Democrat lawmakers tend to believe the answer to gun violence is less guns. Following a major shooting, reactionary legislation can be predicted to go one way or the other, depending on which party is in the majority.

School Safety Task Force

The Wolf administration is asking for public input to help a new task force that the governor and auditor general are creating to explore ways to make Pennsylvania schools safer and more secure.

On March 15, Gov. Tom Wolf announced he and Auditor General Eugene DePasquale will co-chair the School Safety Task Force. They plan to collect concerns about safety and ideas about policy changes, investigate additional funding, and measure the effectiveness of student support, physical and mental health programs and information sharing.

They will also review state requirements for "active shooter" drills and other security measures and determine if there are better ways people can report suspicious activities. The group plans to hold regional meetings across the state and issue a report to the governor.

Support for Stricter Gun Laws in PA

Support for stricter gun control increased in Pennsylvania after a gunman killed 17 students and staff at Marjory Stoneman Douglas High School in Parkland, Fla., on February 14.

According to a Muhlenberg College opinion poll released March 14, 7 out of 10 Pennsylvanians want stricter gun control. This is a significant increase from three previous surveys in which less than half the respondents supported stricter gun control. Support for background checks also reached an all-time high of 96 percent. Nine out of 10 said that if a mental health professional reports someone to law enforcement as dangerous, that person should be barred from buying a gun.

The survey has a margin of error of plus or minus 6 percentage points.

Gun Safety Caucus

On March 14, a group of two dozen Pennsylvania House Democratic lawmakers called for votes on gun safety bills. The PA SAFE Caucus held a press conference highlighting the need for action on eight bills already introduced in the House as well as three legislative proposals.

The bills range from banning assault-style weapons and large-capacity ammunition magazines to requiring training certification for school safety officers and allowing family members and law enforcement to petition for an extreme-risk protective order to seize guns from an individual.

One of the bills, House Bill 2109, sponsored by Rep. Steve McCarter (D-Montgomery), would give family members, household members and law enforcement authority to petition a court for a firearm restraining order that would prevent the subject from having a gun for a set period of time. The bill would also require the court to issue a firearm restraining order in conjunction with a protection from abuse order.

Wolf Listens to Black Community in Erie

On March 13, Gov. Tom Wolf participated in a conversation with dozens of members of Erie's black community. The event took place at Climate Changers Inc., in Erie, a residential group home and re-entry program for those returning to society from prison.

The governor asked for candor and explained that he was there to listen. The conversation was dominated by talk of a poor economic climate and the income, poverty, employment and educational disparities that affect poor and minority residents inside city limits.

Mr. Wolf took notes, and asked questions. At the end of the session, Wolf suggested that Erie find a way to keep the conversation going to spawn real change. He pledged that he would be part of it.

Wolf and members of the Pennsylvania Commission on African-American Affairs heard community leaders, professionals, elected officials and others address the types of problems mentioned in a November article from *24/7 Wall St.*, a Delaware-based financial news and opinion company, that ranked Erie as the worst city in the U.S. for black citizens.

Down Syndrome Anti-Abortion Bill

On March 12, a group of anti-abortion lawmakers unveiled legislation intended to bar women from being able to get abortions because their babies have Down syndrome.

This proposal comes three months after Gov. Tom Wolf vetoed a bill that would have prevented women from getting an abortion after 20 weeks. Wolf's spokesman J.J. Abbott said the governor opposes the latest measure as well. "Governor Wolf has been clear that a woman's health decisions should be made by a woman and her doctor, not politicians in Harrisburg," Abbott said. "There is no evidence that this practice is even occurring."

Other than the gender of the baby, Pennsylvania allows women to get abortions before 24 weeks for any reason. Pennsylvania is one of eight states that bars abortions based on gender.

In 2014, Pennsylvania passed a law requiring health care providers to share information about the services available if a woman receives a prenatal diagnosis indicating her child has Down syndrome. North Dakota, Ohio, Indiana and Louisiana have already passed laws that bar women from getting abortions based on a Down syndrome diagnosis.

House Speaker Mike Turzai (R-Allegheny County) is lead sponsor of the legislation. He noted, "We see this as disability rights legislation." Harrisburg Roman Catholic Bishop Ronald Gainer supported the measure.

The lawmakers were joined by families of children with Down syndrome, as well as Karen Gaffney, a long-distance swimmer with Down syndrome. Gaffney is President of the Karen Gaffney Foundation, a non-profit organization dedicated to full inclusion for people with Down syndrome and other disabilities. Gaffney observed, "Our lives are worth living."

Court Hears Arguments Re: School Funding

Six school districts and a group of parents hope their years-long lawsuit to change the state's school funding system is closer to a successful resolution. The complaint filed in 2014 is seeking to get the state's school funding declared to be a violation of the state constitution. On March 7, attorneys from both sides appeared before a panel of Commonwealth Court judges in an effort by the state Legislature to halt the lawsuit.

At issue is the disparity between per student spending on education in wealthy school districts compared to poor districts. In 2015-16, the most recent data available from the Department of Education, spending ranged from \$11,700 to \$35,000 per student.

In court filings, attorneys for the Republican legislative leaders are arguing that the lawsuit should be dismissed because the state passed a law in 2016 that creates a formula for how school funding should be split between districts. However, the plaintiffs argue that the new funding formula doesn't solve the problem because only a fraction of state school dollars are distributed through it.

Michael Churchill, an attorney for the plaintiffs, said he hopes the courts move quickly to bring the challenge to trial. But the judges gave no indication of their timeline for the case.

Three Criminal Justice Issues

On March 26, The PA Senate Appropriations Subcommittee on Public Safety and Criminal Justice, along with the Judiciary Committee held a joint public hearing to discuss criminal justice issues. Following are details from three of the individuals who testified:

CHILD VICTIMS OF HUMAN TRAFFICKING ARE NOT CRIMINALS

Shea Rhodes, director, Villanova Law Institute to Address Commercial Sexual Exploitation, offered support for Senate Bill 554—Ms. Rhodes is a United Methodist. She urged passage of the bill for the following reasons:

- It will resolve a contradiction that currently exists in state law.
- Pennsylvania is already behind in legislative responses to sex trafficking and commercial sexual exploitation.
- It will ensure that the children in Pennsylvania are not criminalized for being victims of rape.

She concluded, “If passed, Senate Bill 554 would reestablish the Commonwealth’s position as a leading jurisdiction in child protection and the fight against human trafficking.”

Our three Pennsylvania United Methodist Bishops have provided a letter of support for SB554 “Safe Harbor.” This act would move children apprehended as human trafficking victims out of the criminal justice system in Pennsylvania, into the care of Health and Human Services. The bill was passed unanimously by the Senate, but remains unmoved in the House Judiciary Committee. I have urged several members of that committee to report the bill to the full House.

SUBSTANCE ABUSERS NEED TREATMENT

Dr. Caitlin Taylor, professor of sociology and criminal justice, LaSalle University, discussed legislation to divert nonviolent misdemeanor offenders with substance use disorders or mental health disorders to treatment instead of prosecution. She commented, “I do believe that this legislation is consistent with evidence-based practice of improving public safety and promoting public health.”

Dr. Taylor also addressed the use of police officer and prosecutor discretion. She commented, “It is likely that officers or prosecutors would inaccurately perceive black or Hispanic offenders with substance use disorders and mental illnesses as being more dangerous and requiring an arrest or traditional prosecution, than white offenders, whom they perceive to be more deserving of treatment.” She suggested, “Without intensive training to combat implicit racial bias in their diversion decisions, it is very possible that this legislation could further exacerbate the troubling racial disparity already existing in our judicial system.”

When asked how many incarcerated individuals need substance abuse treatment, Dr. Taylor said two-thirds could be identified as individuals in need of treatment

POVERTY, CRIME AND CHILDREN

Anna Hollis, Executive Director, Amachi Foundation—Amachi provides mentoring and other services to children and families of incarcerated parents—spoke in support of Senate Bill 62 and emphasized that children often feel sentenced along with their parents when they are incarcerated. She explained that nearly 200,000 children are impacted by an incarcerated parent and highlighted the following statistics:

- There are 12 times as many children with a parent behind bars than with a parent in the military, and seven times as many as children in foster care;

- More than 8,500 children in Allegheny County come from homes broken by crime and the incarceration of at least one parent;
- One in five children experiences the trauma of witnessing the arrest of his/her mother;
- US Department of Justice deems this population “the most at-risk for future delinquency and/or adult incarceration” estimating that more than half will enter the criminal justice system;
- Two thirds of youth in the juvenile justice system have one or both parents in prison and are six times more likely to engage in negative behavior.

Ms. Hollis argued that poverty is the primary factor leading to incarceration. “Poverty perpetuates the cycle of incarceration while incarceration itself leads to greater poverty. 40 percent of crimes are attributable to poverty and 80 percent of incarcerated individuals are low income...the average debt incurred in court fines and fees are over \$13,000—which is the equivalent to the household income of those families,” she stated.

Medical Marijuana in Pennsylvania

On March 22, the office of Medical Marijuana of the PA Department of Health provided an update on the state’s medical marijuana program.

The following details were revealed:

- All twelve processors have been approved to begin operations.
- All dispensaries are stocked with medical marijuana.
- 25,573 patients have registered to participate in the program.
- 9,020 patient certifications have been issued.
- 7,000 of those have purchased medical marijuana identification cards.
- 866 physicians have been registered.
- 473 of those physicians have been approved.

The Department of Health is set to begin the next phase of medical marijuana permit applications for processors and dispensaries.

Linda Brown Dies

Linda Brown died on March 25, at the age of 76 in Topeka, Kansas. Ms. Brown was at the center of the U.S. Supreme Court case, *Brown v. Board of Education*.

In its decision the Supreme Court ruled that racial segregation of children in public schools violated the equal protection clause of the 14th Amendment. It overturned *Plessy v. Ferguson*, an 1896 decision that held that segregated public facilities were constitutional as long as black and white facilities were equal.

Brown was 9 years old when her father, Oliver Brown, tried to enroll her at Sumner Elementary School, an all-white school in Topeka, Kansas. When the school blocked her enrollment, her father sued the Topeka Board of Education.

Four similar cases were combined with Brown's complaint and presented to the Supreme Court as *Oliver L. Brown et al v. Board of Education of Topeka, Shawnee County, Kansas, et al*. The court's landmark ruling in May 1954, that "separate educational facilities are inherently unequal," led to the desegregation of the US education system. Thurgood Marshall, the

NAACP's special counsel and lead counsel for the plaintiffs, argued the case before the Supreme Court.

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