

United Methodist Advocacy in Pennsylvania
June 30, 2018

June was a month that witnessed significant governmental activity.

On the federal-level, of most interest to the faith community, I believe, would be the events related to the separating of children from families attempting unauthorized crossings of the U.S.-Mexico border. Three items in this month's report pertain to that issue.

Another important federal matter is the Farm Bill. SNAP benefits (food stamps) are a significant part of the farm bill. Both the U.S. House and the Senate have produced different versions of a farm bill. They are not in agreement. This is an important piece of legislation with welfare implications. It is ongoing.

On the state-level, there have been several noteworthy developments, as recounted in the body of this report. However, there are four legislative items for which I have lobbied on behalf of the UMC in Pennsylvania, on which there was activity this month:

Pennsylvania has strong regulations against predatory lending. However, the "Payday Loan" industry periodically probes the state legislature in attempts to weaken those regulations. Such legislation was circulated early this month. I participated in an effort to stop this movement. Happily, the proposed payday loan legislation lost momentum among lawmakers.

Resident undocumented children in Pennsylvania do not qualify to be covered under the Children's Health Insurance Program (CHIP). For over two years there has been an initiative to change this situation—leading to better public health and financial savings. All three of our UM Annual Conferences produced resolutions in support of including all children who qualify. An opportunity to accomplish this goal appeared to be possible during the state budget negotiations this month. I participated in encouraging key legislators in make this change. However, in the end, the effort was not successful.

Senate Bill 554 "Safe Harbor," offers protection and rehabilitation for underaged victims of human trafficking. Two years ago, the three Pennsylvania UM Bishops expressed support for this legislation in a letter to its primary sponsor, Sen. Stewart Greenleaf. The bill passed unanimously in the Senate this spring. However, it has been delayed in the House—partly by political maneuvering. It looked as if it might succeed in the House before the summer recess. However, it did not. The bill now awaits further consideration this fall.

Over the past year, I have been working with other advocates to support "Clean Slate" legislation. I am pleased to report that a clean slate bill passed this month—see the fourth item below.

I would also like to mention that I had the pleasure of addressing the plenary sessions of both the WPA and EPA Annual Conferences this month.

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State Budget on Time

On June 22, Gov. Tom Wolf signed a \$32.7 billion Pennsylvania budget for 2018-19. It is the first time in four years that the spending plan has been finished on time. Both the state Senate and House approved the bill overwhelmingly—the Senate on June 22 and the House on June 20.

It is also the first budget the governor has actually signed since taking office—the previous budgets of his term timed into effect without his approval. The state's fiscal year starts on July 1, making the budget deadline June 30.

The new budget has been called a "compromise." After negotiations, the Democratic Governor and the Republican-controlled Legislature got the investments they wanted in education and school safety, while keeping the spending increase at 2.2 percent (about \$700 million) over the previous budget. There are no tax or fee increases. But, it also does not include Wolf's desired severance tax on natural gas.

Some critics say the budget's true spending is masked. For example, about \$900 million in Medicaid costs have been sent off-budget. Hundreds of pages of budget-related bills are pending, including guidelines for a new \$60 million off-budget school-safety grant program.

One increased revenue source will be a \$75 million assessment on hospitals, a 34 percent increase. The Hospital and Health System Association of Pennsylvania's President and CEO Andy Carter reacted by saying, "With a third of Pennsylvania hospitals operating with razor-thin margins, access to primary care and specialty services may be at risk, as hospital leaders may be forced to make difficult decisions about their futures."

Following is a sampling of 2018-19 spending allocations:

- Education spending increases at all levels: \$100 million more for basic education, for a total \$6.1 billion; \$25 million more for preschool programs, for a total of \$251.5 million; \$30 million more for career technical education, for a total of \$92 million; \$15 million more for special education, for a total of \$1.1 billion.

- A new \$60 million grant program for an initiative to fight school and community violence.
- \$6.8 million more for subsidized child care services for low-income families, for a total \$162.5 million.
- An increase of \$5.3 million to provide home-visiting services for families affected by the opioid epidemic.
- Increased funding to assist 965 more people with intellectual disabilities and autism.
- \$2.5 million to raise awareness, prevention and surveillance of Lyme disease.
- An increase of \$139,000 for West Nile and Zika virus control, for a total of nearly \$5.4 million.
- Library funding remains at about \$54.5 million for the fourth consecutive year.
- An increase of \$500,000 for food pantries, for a total of \$19.7 million
- \$600,000 for the attorney general's office to establish a way for students to anonymously report potential school security threats, called "Safe2Say."
- An increase of \$5.7 million for six veteran homes, for a total of \$104.1 million.
- \$500,000 continued funding for the Pittsburgh Supercomputing Center.
- \$5 million continued funding to Harrisburg, reimbursement for fire and emergency services for state-owned property.
- \$1.3 billion for state-supported colleges and universities.
- An increase of \$192 million for inmate medical care, for a total of \$270.1 million.
- \$6 million to purchase body cameras for the State Police.
- An increase of \$12.1 million (3.7 percent) to operate the state House and Senate, for a total of \$337.4 million. Pennsylvania has the most expensive full-time Legislature.

It is not a coincidence that the budget was balanced in an important election year. Loans taken to patch last year's budget will come due next year. Don't expect the 2019-20 budget process to go so smoothly.

Firearms Legislation

Several bills relating to firearms have been left hanging as the state House has recessed for the summer.

On June 19, the House Judiciary Committee voted 21-6 to move **House Bill 2060** before the full House. This bill would require individuals subject to Protection From Abuse orders (PFAs) to quickly surrender all guns. The legislation seeks to eliminate third-party safekeeping as an option for a defendant under a PFA, or conviction of misdemeanor crimes for domestic violence. It also shortens the time frame, from 60 days to 48 hours for surrendering guns in such cases.

HB2060 will reduce domestic violence, said sponsor Rep. Marguerite Quinn (R-Bucks). The bill is tabled, awaiting final action when the House returns in the fall.

Several other bills have been referred to the House Rules Committee, where they could be reported out for further action this fall, or left to die when the current legislative session ends at the end of the calendar year:

- **HB1872** would ban devices that allow semi-automatic weapons to fire faster, such as bump stocks. The bill would add "machine gun, accelerated trigger activator" to the

state's list of banned offensive weapons. The list already includes grenades, bombs, machine guns, sawed-off shotguns and switchblades.

- **HB2266** would amend the Mental Health Procedures Act. The bill would require a county judge, mental health department administrator or mental health review officer to notify state police after a court proceeding in which an individual is involuntarily committed to a mental institutional. The state police administer the state's firearms background check system.
- **HB2267** would piggyback on the notification concept by changing the state's Uniform Firearms Act. The bill would require that state police be notified within 72 hours of someone's involuntarily mental health commitment as opposed to the seven days outlined in current law.
- **HB2227** would create "extreme risk protective orders" which would allow a family member to petition the court to remove guns from someone who is a danger to themselves or others.
- **HB273** would allow people to voluntarily put themselves on a self-exclusion list for purchasing or receiving a firearm.
- **HB2275** would close a loophole that allows a felon convicted of attempting or conspiring to commit a serious crime to possess a firearm.
- **HB 2463** would create a process where someone who is ineligible to possess a firearm due to a mental health issue could seek a restoration of gun ownership rights.

The House Judiciary Committee rejected **House Bill 1400**, requiring universal background checks on all firearms purchases. This would have included background checks of firearms at gun shows and on purchases of long guns—defined as a rifle with a barrel longer than 16 inches, a shotgun barrel longer than 18 inches and a handgun with a barrel longer than 12 inches.

On June 20, The Washington Post published the findings of an FBI study that found three-quarters of the mass shootings that occurred between 2000 and 2013 were committed by people who legally bought guns. The study also found most shooters methodically plan their killings, often for revenge, and did not suffer from mental illness.

Death Penalty Report

On June 25, a long-awaited report reviewing the state's death penalty was released. The 270-page report was commissioned by a 2011 Senate resolution. It was compiled by a committee called The Joint State Government Commission Task Force on Capital Punishment.

The report was to be completed by the end of 2013. It was charged with examining many factors applicable to capital punishment in Pennsylvania. But, delays in appointing members, gathering information and coordinating members delayed the process.

While there are sections of the report that suggest some members of the task force support elimination of the death penalty, the ultimate recommendations of the report are focused at improving the current process, not terminating it. It appears to be more focused on addressing shortcomings within the existing system.

The strongest language against the death penalty can be found on pages 17, and 174 through 183, where the report discusses the alternatives to the death penalty.

The report's 17 subjects related to the death penalty include: cost, bias and unfairness, proportionality, impact on and services for family members, intellectual disability, mental

illness, juries, state appeals and post-conviction, clemency, penological intent, innocence, alternatives, counsel, secondary trauma, length and conditions of confinement on death row, lethal injection, and public opinion.

Shortly after taking office in 2015, Governor Tom Wolf imposed a moratorium on the death penalty in Pennsylvania. He said he would wait for the findings of the capital punishment report before revisiting the issue. When asked about the newly released report, the governor said he needed time to study it.

The report appears to do little to settle the argument about whether capital punishment should continue or not. It acknowledges that a majority of Americans and Pennsylvanians remain supportive of the death penalty. However, it does suggest a number of changes to the death penalty system in Pennsylvania.

Penn State's Justice Center for Research, that conducted a study that was incorporated into the report, concluded death sentences are more common when the victim is white and less common when the victim is black. Among other findings, that study indicated prosecution of death penalty cases varies widely by county and defendants represented by public defenders were more likely to get a death sentence than those with privately retained lawyers.

“The Joint State Government Commission and Advisory Committee has produced a credible and revealing study,” said state Sen. Daylin Leach (D-Montgomery), a foe of the death penalty. “The report concludes that our death penalty system is very expensive and lacks a way to ensure that innocent people will not be executed. Further, too many people on death row are economically or intellectually disadvantaged. And finally, there is no substantial evidence that capital punishment actually deters violent crime. This confirms my long-held suspicion that alternatives such as life in prison are more humane, more reliable and more affordable. I hope we take steps to move away from this antiquated and flawed punishment.”

On the other side, the Pennsylvania District Attorneys Association President John T. Adams reacted to the report by stating, “This report should not be an advocacy tool reflecting predetermined findings that restate the usual litany of opinions long-held by death penalty opponents and the majority of the commission’s members. . . . “Absent a broad perspective, intellectual honesty or a balanced approach to justice, the report will become nothing more than another political tool used in smear campaigns by those determined to dismantle the criminal justice system.”

Pennsylvania's Corrections Department held 149 men on death row at the start of June. The average death row inmate has been there for 17 years. The state's most recent execution occurred in 1999, when Gary Heidnik was put to death for the murders of two women he had imprisoned in his Philadelphia home. In the past three decades, about three dozen inmates have died while incarcerated on Pennsylvania's death row.

When Governor Wolf imposed his moratorium on the death penalty in 2015, the three United Methodist Bishops in Pennsylvania sent him a letter of support and affirmation for his decision.

Clean Slate Legislation

On June 28, Gov. Tom Wolf signed House Bill 1419, “Clean Slate” legislation. The first of its kind in the nation, the bill was co-sponsored by Rep. Sheryl DeLozier (R-88) and Rep. Jordan Harris (D-186). Sen. Anthony Williams (D-8) sponsored a Senate version of the bill. The new

law had almost unanimous support from both Republicans and Democrats in both chambers of the General Assembly. However, it took several years to get to that point.

The legislation allows individuals to petition the courts for their records to be sealed if they have had no convictions for 10 years for an offense that resulted in a year or more in prison and have paid all court-ordered financial debts. Additionally, it allows automatic sealing of records for second- or third-degree misdemeanor offenses that included a sentence of less than two years, if a person has been free from convictions for 10 years. It also allows sealing of criminal history records related to charges that did not result in convictions.

The legislation does not allow for sealing records in more serious crimes, such as firearms charges, sexual offenses, murder, kidnapping, child endangerment and endangering the welfare of children.

The intention is to remove the stigma that can stand in the way of someone getting a job, housing, college admission or loans if they had convictions for a summary offense and some misdemeanor, served their sentence, and have lived on the right side of the law for a decade.

Previously, the process to seal non-violent second- and third-degree misdemeanors required former offenders to file a petition with the court, which was a hurdle for some low-income individuals. With "Clean Slate," no action is needed to seal their records from public disclosure, though law enforcement will still have access to the information.

Nearly 1 in 3 Pennsylvania adults has some type of criminal record. A majority of them will benefit from this law.

Among the many eligible offenses that can be sealed from public disclosure are: disorderly conduct, open lewdness, loitering, false swearing on official matters, retail theft, welfare fraud, defiant trespass, prostitution and soliciting a prostitute.

Measure to Reduce Size of House of Rep.

On June 21, the state Senate approved House Bill 153 by a vote of 42-7. The bill went back to the House because the Senate amended the measure.

The bill would reduce the size of the House of Representatives from 203 to 151 seats. In the version of HB153 that the House sent to the Senate, the measure would have also reduced the Senate from 50 to 38. However, the Senate removed the provision that would reduce the Senate and, consequently, this change requires that the House reexamine the bill.

The House has recessed for the summer with HB153 remaining in its Rules Committee, for later consideration—or not.

The size of the two legislative chambers is defined by the state constitution. Amending the state's constitution requires both the House and the Senate to pass the exact same measure in two consecutive legislative sessions, then for voters to approve it in a statewide referendum. Both chambers passed a resolution to shrink the House from 203 seats to 151 in the 2015-16 legislative session. It is necessary to pass it again in this 2017-18 session.

But, this March, the House inserted wording to also shrink the Senate. Since this amended bill is not an exact duplicate of the first bill, it would not create the second step in the constitutional change process. Ostensibly, returning the bill to its original language is the reason that the Senate removed the provision that would result in the Senate's reduction.

We'll have to wait and see what happens. However, it is quite likely that this bandying of the bill is a game that will allow any legislator who wishes to take credit for supporting change, without actually effecting change.

Gerrymandered Courts?

On June 13, the state Senate passed Senate Bill 22, concerning legislative redistricting. Although it began as an anti-gerrymandering move to amend the state constitution to create a citizens commission to map congressional and state legislative districts, the Senate added an amendment applying to judicial elections.

The amendment proposes to elect appellate court judges by district, as opposed to the statewide elections currently in effect. The legislation passed on a nearly party-line basis, 35-14, in the Republican-dominated Senate. Democrats accused the measure of being an attempt to gerrymander the courts.

After the Pennsylvania Supreme Court's Democratic majority threw out the 2011 Republican-drawn map of congressional districts as an unconstitutional gerrymander, last February, many Republicans raised talk of impeaching the Democratic justices. Such talk faded, but some see this move as a continued attempt to punish the court's Democratic majority. Along with Superior Court and Commonwealth Court seats, Supreme Court justices would be elected by districts.

Republicans argue that such elections could provide geographical diversity to the court and drive up voter turnout if candidates lived closer to the voters. It would address complaints that candidates from the Philadelphia and Pittsburgh regions win a disproportionate share of statewide judicial elections.

The Pennsylvania Bar Association has long backed changing the constitution to adopt an appointment process for the selection of appellate judges based on experience, integrity and temperament.

Pennsylvanians for Modern Courts supports an appointment process as an alternative to elections that it views as dangerously bent by big campaign donations.

The Pennsylvania Association for Justice—a trade association of civil litigators whose members include prominent campaign donors—prefers the current system of statewide elections.

Former high court justices Stephen Zappala, Ronald Castille, William Lamb and Sandra Schultz Newman disagree with the measure. Castille said justices would feel beholden to rule favorably for their districts. Zappala said, “It would destroy the judiciary.”

Legislative Redistricting Reform

On June 25, the state House recessed for the summer without passing Senate Bill 22. Indeed, the bill was scheduled for consideration by the House on June 22. However, it was buried by an avalanche of over 600 sham amendments—amendment overload is a contentious technique for stalling a bill.

HB22 would be the first step in amending the state's constitution to change the way state legislative and congressional maps are drawn. An amendment to the bill would also change the way appeals court judges are elected.

The Senate passed the bill on June 13. But, the House is more conflicted on the matter. The overload of amendments is a sign and portent of contentious action in the future.

A new but similar bill originating in the House, HB2402, is waiting in the House Rules Committee.

SB22 is now tabled, awaiting further action when the House returns in the fall—there have been reports that the bill faced a deadline of July 6, but this is inaccurate.

Medical Marijuana Research

On June 22, the General Assembly passed House Bill 2477, medical marijuana research. It was signed into law by the governor on the same day and is called Act 43. HB2477 was designed to get a research provision of Pennsylvania's 2016 medical cannabis law, Act 16, back on track. The bill was a reaction to a Commonwealth Court judge's decision last month to temporarily halt Health Department licenses to be issued to special growers and dispensaries that partner with state medical schools for research purposes.

Chapter 20 of Act 16 allows Pennsylvania's medical schools and hospitals to work with special growers of medical marijuana so that research into the potential medical usefulness of various strains and delivery methods of medical marijuana can be conducted. A research institution would be permitted to enter into a contract with a "clinical registrant" (CR) that would be given a permit to grow, process and dispense medical marijuana.

The judge's decision resulted from a lawsuit by several growers and dispensaries challenging this system. The plaintiffs argued that they had invested millions of dollars in licensing and start-up costs and the new research component would flood the commercial market for medical marijuana, harming their businesses. They contended that the state changed the rules, adding CRs after the plaintiffs had been licensed.

Furthermore, CRs are not required to meet the same rigorous vetting process as the original grower/dispensaries. In addition, the state's CR regulations do not explicitly require license holders to work only with institutional researchers, allowing CRs the possibility to downplay their research goals and try their hand at competing with for-profit dispensaries. The plaintiffs argued that CRs should focus exclusively on research.

So, to sidestep the Commonwealth Court injunction and to ramrod the research initiative, the Pennsylvania House passed HB2477 on June 19. The Senate then passed an amended version of the bill on June 22. The House concurred. The governor signed.

All is well with the world—if you are not one of the grower/dispensaries who put your faith in the fairness of the system. Eight institutions will partner with CRs to conduct research—undoubtedly providing clinical justification for having legalized medical marijuana.

Casinos Challenge the iLottery

Pennsylvania's 13 licensed casino operators say Pennsylvania's new iLottery online gambling games violate state law. They ask that the games be suspended and warn that they will consider legal action if nothing is done by July 3.

The casinos want the state Department of Revenue, which oversees the Pennsylvania Lottery, to work collaboratively with them to develop "a lawful iLottery program." In a June

27 letter to Revenue Secretary C. Daniel Hassell, they wrote, "In virtually every way imaginable, Lottery's iLottery program mimics a casino operation offering simulated casino-style games in direct contravention of express prohibition on Lottery offering 'interactive lottery games which simulate casino-style games,'" According to the 2017 gambling expansion law, the state lottery may not offer games that simulate casino-style lottery games, specifically roulette, poker, blackjack or slots.

The casinos also noted that 18-year-olds can play the iLottery, whereas bettors must be at least 21 to play in a Pennsylvania casino. They also argued the games are competing with their own ability to run online games, for which they must pay a \$10 million licensing fee.

The iLottery offers 11 game titles available for play on computers, tablets or mobile devices. The iLottery began in May, with prizes up to \$250,000 and plays costing as little as a penny.

Lawmakers have repeatedly turned to gambling in recent years to raise revenue without imposing a broad-based tax.

Pennsylvania is the seventh U.S. state to sell lottery games online.

Fantasy Sports Betting Initial Revenue

On June 20, the Pennsylvania Gaming Control Board reported that online fantasy sports players paid \$12.4 million in entry fees to participate in May, the first month for this type of gambling, newly established by the state. The 10 licensed operators reported \$1.3 million in revenue from May's activity, after prizes were awarded, and paid nearly \$200,000 in taxes to the state.

The gaming board is regulating the games under last year's law that also expanded casino-style gambling in Pennsylvania, legalized online casino gambling and sports betting. The agency is currently formulating regulations for (real life) sports betting, and could finish in time for the start of the National Football League's season on September 5.

New Supreme Court Suit on Redistricting Map

On June 21, the Pennsylvania Legislature's top Republican leaders filed another U.S. Supreme Court lawsuit seeking to overturn the state's congressional districts map being used in this year's election.

The map was drawn by the state Supreme Court in a contentious two-part decision issued in January and February. The 5-2 ruling found the state's 2011 congressional map was overly partisan in favor of the Republicans and in violation of the state constitution.

The court eventually produced its own map. The court-drawn map went into effect in the May primary after the U.S. Supreme Court and another federal panel of judges declined to intervene in what they determined was a state-based legal fight.

The lawsuit is being brought by PA House Speaker Mike Turzai and PA Senate President Pro Tempore Joe Scarnati. The new suit is called a "writ of certiorari," which asks the U.S. Supreme Court to review the entire case file. The court is under no obligation to hear the case.

Among other things, the suit alleges that the majority of state justices illegally re-wrote state and federal constitutions by creating their own map.

The court's own guidelines say such petitions are only granted "if the case could have national significance, might harmonize conflicting decisions in the federal circuit courts, and/or could have precedential value." Turzai and Scarnati claim the case is of national significance.

School Safety Hotline

On June 22, Gov. Tom Wolf signed school safety legislation overwhelmingly passed by the General Assembly. The legislation was created in reaction to the Parkland, Florida high school shooting that killed 17 people.

The bill sets up state-administered programs to distribute school safety grants and take anonymous reports of dangerous activities or threats of violence in schools. It also tasks a new committee under the Pennsylvania Commission on Crime and Delinquency to develop an assessment of school safety and security, and use it to suggest improvements to school districts.

School districts can apply once a year for a grant for a wide range of purposes, including safety and security assessments, security-related technology, training, counselors, police officers and anti-violence programs.

The grant program will begin with \$60 million to start. Each grant must be at least \$25,000, but it is limited to 10 percent of the cash in the program account. Up to \$7.5 million will be set aside for municipalities, institutions of higher education and community organizations to undertake anti-violence programs.

The anonymous reports program, called "Safe 2 Say" will be administered by the attorney general's office, which would relay reports to police. It is modeled on a similar program Colorado created after 1999's Columbine school shooting.

Wolf Raises Minimum Wage for State Employees

On June 28, Gov. Tom Wolf signed an executive order increasing the minimum wage for Pennsylvania government employees and contractors under his jurisdiction. This will affect 879 employees. The minimum wage will go to \$12 an hour and increase 50 cents annually, until it reaches \$15 in 2024.

This is the second time Wolf raised the minimum wage. In 2016 he raised it to \$10.15, affecting a few hundred workers. Of course, future governors could change this order.

The standard minimum wage in Pennsylvania is the federal minimum of \$7.25 an hour. The state legislature has resisted the governor's request to increase this rate.

Governors Support Insurance Coverage

On June 7, the Trump administration told a federal court in Texas that it would no longer defend provisions of the Affordable Care Act that prevent insurance companies from denying coverage or charging higher rates to people with pre-existing conditions.

The Justice Department said the provisions were part of an unconstitutional scheme that required most Americans to carry health insurance. In the court case filed by 20 states, the

Justice Department said in a brief that the requirement for people to have insurance was unconstitutional.

On June 18, in response, Governor Tom Wolf joined a bipartisan group of governors to issue the following statement, “Everyone in this country deserves access to affordable, quality health insurance. The Administration’s disappointing decision to no longer defend this provision of federal law threatens health care coverage for many in our states with pre-existing conditions and adds uncertainty and higher costs for Americans who purchase their own health insurance. ... We’re asking the Administration to reverse their decision and instead work with Congress and Governors on bipartisan solutions to protect coverage and lower health care costs for all Americans, all while protecting those with preexisting conditions.”

Eight other governors partnered in this statement. They include the governors of Alaska, Colorado, Maryland, Montana, Nevada, North Carolina, Ohio and Washington.

Sexual Misconduct Study

On June 18, the state House of Representatives passed resolutions intended to inform future actions relating to issues of sexual misconduct.

One resolution that passed 169-23, would establish an 11-member task force to review current laws dealing with harassment and issue a report on its findings by the end of next May. Another resolution that passed 172-20, directs the Joint State Government Commission to study the frequency of harassment and sexual misconduct in state government and issue a report within 12 months.

The calls for these studies are the result of several lawmaker sexual misconduct-related scandals in recent months. Rep. Sheryl Delozier (R-Cumberland) said the studies would lay the groundwork for informed law-making. But, some Democratic members argued that the studies were unnecessary, that it was time for action.

Rep. John Galloway (D-Bucks), pointed out there are nine Democratic-sponsored bills sitting in the House Labor & Industry Committee awaiting action. "These are common sense measures that you don't need a task force, 13 months from now, to tell you what you already know," he observed.

PA Supreme Court Holds Sexual Abuse Report

A grand jury report on six Roman Catholic dioceses in Pennsylvania will remain sealed, under orders by the state Supreme Court. In a five-page opinion issued June 25, the Supreme Court explained that it is holding up the release of the report so the justices can rule on objections filed by “many individuals.” The court provided no timeline for release.

The grand jury report, on how six dioceses handled allegations of child sexual abuse, over a period of seven decades, was due to be released. The Supreme Court issued its stay on the report’s release on June 20, but offered no explanation at that time. The stay angered abuse victims and their advocates.

The report, entitled *Report No. 1*, is 884 pages. It covers an investigation of the Roman Catholic dioceses of Allentown, Erie, Greensburg, Harrisburg, Pittsburgh and Scranton.

The Pennsylvania attorney general's office agreed that the Supreme Court needs time to review the objections, but the office wants the report released as soon as possible. Attorney General Josh Shapiro's office conducted the two-year grand jury investigation and was ready to release the report with the approval of the grand jury's supervising judge, Norman A. Krumenacker III, of Cambria County.

The grand jury report is an investigative document rather than an indictment. Pennsylvania law requires notification to a person who is unindicted but named in a critical manner in a grand jury report. The law allows that person to submit a written response that the supervising judge can append to the grand jury report. In this case, the unnamed petitioners wanted the courts to allow them to go before the grand jury, which finished its term April 30. This is unusual, because grand juries typically only hear evidence from the prosecution.

The supervising judge appealed to the Supreme Court because many of the issues raise "constitutional claims and matters of first impression"—the right to a good reputation. The Supreme Court agreed. The petitioners will now be able to argue in front of the state Supreme Court before the report is issued.

Rendell Announces He Has Parkinson's

On June 18, former Pennsylvania Governor Ed Rendell announced that he is undergoing treatment for Parkinson's disease. Rendell, 74, said he's sharing his story in hopes that it will help others.

Symptoms that began three and a half years ago led to a diagnosis of early Parkinson's disease. The former governor said, "I always viewed myself as indestructible, never missed a day of work through my working career."

Rendell started treatment right away with physical therapy, medication and mental exercises. There is no cure for Parkinson's, but the sooner someone is treated, the better. Rendell says that early treatment helped stabilize his condition.

Sessions Addresses Police Academy

On June 15, U.S. Attorney General Jeff Sessions addressed a crowd of about 200 gathered at Lackawanna College. Sixty cadets with the college's police academy were in attendance. Nineteen of those cadets graduated later in the day.

Sessions told the audience that lax enforcement of immigration laws, sanctuary policies and "open-border" advocates encourage illegal immigration and put police and the public in danger. Vowing to "restore the rule of law" to the country's immigration system, Sessions argued that ignoring it enables the free flow into the United States of dangerous drugs and dangerous people.

Sessions said Pennsylvania is home to 180,000 "illegal aliens," and drew a connection between illegal immigration and criminality. He declared, "Last week, the Department of Justice and Homeland Security released a report that shows that more than one in five federal prisoners...is foreign born, and that of that foreign-born cohort, 93 percent of the confirmed aliens in custody were known or suspected illegal aliens."

"But even when you're not dealing with illegal immigrants directly, there is an indirect impact," Sessions said further. "For example, most of the heroin, I mean the vast majority of the heroin,

cocaine, methamphetamine and fentanyl...in this country came across the southwest border.” He tied the drug trafficking issue to the overdose epidemic in Pennsylvania, noting the state ranked sixth in the nation in fatal drug overdoses in 2015, and that more than 4,000 Pennsylvanians lost their lives to drug overdoses in 2016.

Sessions derided what he called an “open-borders movement” in America. Claiming the U.S. admits 1.1 million foreign nationals a year as “legal permanent residents” and hundreds of thousands more that come here to work or study. He said the current administration isn’t hostile to immigration, but there is a limit to the number of people who can come legally.

“If we have laws, and we do have laws...then they need to be forced, and there’s nothing wrong about that,” Sessions said. “We need to tell the world: ‘Please don’t come unlawfully. Make your application.’”

“I believe our leaders owe it to the American people and to you, our law enforcement officers, to get this issue right,” he said. “We’ve got to stop the flow of drugs and crime into this country.”

Mr. Sessions received a standing ovation.

Attorney Robert Eskra, who teaches criminal justice at Lackawanna College, opined in reaction to Session’s speech, “There was a lot of spin, I feel, going on, and I fear that some of our cadets and students...may misunderstand some of the issues, as a result.”

Deportation Halted Because of “Significant Ties”

On June 18, the Third U.S. Circuit Court of Appeals in Philadelphia ruled that children recognized by immigration authorities as abused or abandoned have a right to have a federal judge review their cases before expedited deportation efforts take place.

The ruling concerned four women and their children who fled violence in Central America and were being held in the Berks Family Residential Facility in Berks County. The facility has been used by the Department of Homeland Security to detain families seeking asylum in the United States.

The women and children had been detained for two years. The Department of Homeland Security was attempting to deport them this month. The ruling prevented the deportation attempt. Defense lawyers in the case said the ruling opens a door to legal residency for families seeking refuge. Federal officials sought to prevent this residency by quickly deporting these four families.

The court’s ruling centers on the fact that the children in this case established significant ties to the United States during the three years they have been in the country. The four women, each with one child, who are aged 4 to 17, have been living with relatives elsewhere in the United States since immigration judges in York County granted their release from the detention center in September.

The Berks County Court rulings permitted the children to obtain “special immigration juvenile status” from the U.S. Citizenship and Immigration Service. That is a designation created by Congress to protect abused, neglected or abandoned children who enter the United States illegally. Among other things, it allows children granted that status to apply for visas and prevents them from being removed for entering the country without permission.

People who are in the country illegally may exercise constitutional rights only when they have developed substantial connections with the country, the Third Circuit noted, citing U.S. Supreme

Court decisions on the subject. But, in this particular case, the court found the four children had developed significant ties in the United States.

States Sue Trump Over Family Separations.

On June 26, Pennsylvania, along with sixteen other states and the District of Columbia sued the Trump administration to force the reunification of migrant families who have been separated at the U.S.-Mexico border. The states, all led by Democratic attorneys general, combined in the first legal challenge by states over the recent policy of splitting children from migrant families who have crossed the border. The suit was filed in Seattle.

Immigration authorities have separated about 2,000 children from their parents in recent weeks, sparking outrage. After blaming Democrats for the separations and insisting that only Congress could fix the issue, on June 20, President Donald Trump issued an executive order designed to reverse and end the practice.

But, the states say his order is riddled with conditions and fails to reunite parents and children who have already been separated. They accuse the administration of denying due process; denying the right to seek asylum and of being arbitrary in applying the policy.

In a different lawsuit, also on June 26, U.S. District Judge Dana Sabraw in San Diego, ordered border authorities to reunite children with their families and also issued a nationwide injunction on future family separations. It is not clear how this ruling might impact the states' lawsuit.

The states that sued are California, Delaware, Iowa, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.

As a side-note, it might be mentioned that the separation policy cost taxpayers \$750 a-day-per-child, nearly three times the cost of keeping families together.

Pennsylvania Holding Separated Children

Pennsylvania is one of 16 states where migrant children are staying after the Trump Administration's short-lived zero-tolerance policy separated them from their families at the border between the U.S. and Mexico. As of June 25, the U.S. Department of Health and Human Services had over 2,000 minors separated from families receiving care across the country.

Twenty-four of those children are in Pennsylvania, but the department hasn't said where. However, it appears that the children are housed in sites near Pittsburgh and Philadelphia.

The top three states holding separated immigrant children are Texas with 944, Arizona with 379 and New York with 327.

Between June 20 and 25, six children were reunited with their families after being separated at the southern border, bringing the number of separated children from 2,053 to 2,047.

New Detention Plan for Immigrant Children

On June 29, in papers filed by the U.S. Justice Department in federal district court in Los Angeles, the department contends that it has authority to implement a new plan to handle

unauthorized border crossing. Rather than continue to separate children from parents apprehended crossing the border illegally, they want to hold the families together, indefinitely, in detention centers.

DOJ lawyers explained how the government planned to adhere to an order issued on June 26 by U.S. District Judge Dana M. Sabraw, in San Diego. Judge Sabraw ordered an immediate halt, by immigration authorities, of taking children from their parents. Sabraw was not convinced by the government's claim that it needed to separate families to criminally prosecute adults for entering the country illegally.

The judge gave immigration officials 14 days to reunite children under 5 years old with their parents and 30 days to reconnect older kids with their families. In all, the government says more than 2,000 children who were taken from their parents since May remain in government custody.

According to the government, complying with Sabraw's order is complicated by the Flores Settlement, created in 1997. The agreement set rules for how the government can deal with immigrant children in its custody.

The settlement requires immigration officials to release children to relatives or other custodians "without unnecessary delay." The Trump administration argued that that requirement conflicted with the order issued by Judge Sabraw, since the administration does not want to release any adults who crossed the border illegally while their asylum claims process through immigration courts.

Until recently, the government released people with pending claims for asylum under supervision, allowing them to live in the U.S. until their asylum hearings. Trump has rejected that, calling it "catch and release."

In their June 29 filing, Justice Department officials argued that the wording "without unnecessary delay" in the Flores settlement necessitates the government detain families together. Sabraw's order to keep families together, they wrote, "makes delay necessary in these circumstances" and so permits keeping children indefinitely in detention with their parents.

US Supreme Court Upholds Presidential Travel Ban

On June 26, the U.S. Supreme Court ruled that President Donald Trump has the authority to ban travelers from certain majority-Muslim countries if he thinks it is necessary to protect the United States.

The vote was 5 to 4, with conservatives in the majority.

The White House issued a formal response, calling the ruling a "vindication following months of hysterical commentary from the media and Democratic politicians who refuse to do what it takes to secure our border and our country."

Lower courts had struck down each of the three iterations of the president's travel ban, the first of which was issued in January 2017.

The current ban, issued last fall, barred various travelers from eight countries, six of them with Muslim majorities. They are Syria, Libya, Iran, Yemen, Chad, Somalia, North Korea and Venezuela. Restrictions on North Korea and Venezuela were not part of the challenge. Chad was later removed from the list.

Justice Roberts wrote that the ban statement, "is squarely within the scope of Presidential authority," noting that it does not mention religion. "But the issue before us is not whether to

denounce the *(President's anti-Muslim) statements....” He added: “We express no view on the soundness of the policy.”

In her rebuttal Justice Sonia Sotomayor said the majority failed by not finding that the policy was inspired by “animosity toward a disfavored group.”

“Our Constitution demands, and our country deserves, a Judiciary willing to hold the coordinate branches to account when they defy our most sacred legal commitments,” Sotomayor wrote. “Because the Court’s decision today has failed in that respect, with profound regret, I dissent.”

*My parenthetical insertion.

Trump to Preserve Coal and Nuclear Power

On June 1, President Donald Trump ordered Energy Secretary Rick Perry to take immediate action to stem further coal and nuclear plant closures, as a matter of national security. The Trump administration contends that the loss of coal and nuclear plants is harming the dependability of the U.S. power grid and its ability to recover from storms or cyberattacks.

But, that doesn't mean utilities will reverse the planned shutdown of unprofitable plants. Since 2010, nearly 40 percent of the capacity of the nation's coal-fired power plants has either been shut down or designated for closure, according to the American Coalition for Clean Coal Electricity, a trade-group that represents coal-fired utilities and mining companies. Furthermore, plant closures that have been worked out under consent decrees to settle environmental lawsuits or in deals with state regulators also can't be easily reversed.

On June 6, XcelEnergy's chief executive officer, Ben Fowke said, “I will tell you it is not a matter of if we are going to retire our coal fleet in this nation, it's just a matter of when.” Later the same day on which he made this statement, Fowke's company announced that it would retire two coal-fired units in Colorado and add thousands of megawatts of capacity from renewable power and natural gas.

Pennsylvania-based PJM Interconnection said Trump's proposal to force electricity sales from coal and nuclear plants would damage markets and be "costly to consumers."

A common perception in the energy industry is that the president is attempting to solve a problem that doesn't exist.

Dai Morgan