



Pennsylvania

VOTER

The League of Women Voters of Pennsylvania

Volume 74, No. 1

Winter 2005

ANNUAL CIVIC LEADERSHIP RECEPTION HONORS NEVELS & VALLAS

Bonita C. Hoke, *Executive Director*

The energy of acid jazz, colorful artwork, good conversation, and great food set the tone for LWVPA-Citizen Education Fund's Annual Civic Leadership Reception held at the Moore College of Art and Design in Philadelphia, on November 16. James Nevels, Chairman of the Philadelphia School Reform Commission, and Paul Vallas, CEO for the Philadelphia School District, were honored for their work to rebuild the city's school system.

Honorary Event Chair, Pamela A. Crawley, Senior Vice President of Citizens Bank, who served as major event sponsor noted that the education of Pennsylvania's children is key to their future civic engagement. Vallas recalled that early in his career in legislative public policy it was an Illinois League President he knew as "Edna" who helped shape his philosophy on the importance of civic involvement by virtually camping out in his office.

(Continued on back cover)



Pictured left to right are: Honoree Paul Vallas; LWVPA-CEF Chair Elizabeth Milner; Honary Event Chair Pamela A. Crawley; Honoree James Nevels; and Stephen Steinour, CEO, Citizens Bank.



CLR attendees (1 to r): Lora Lavin, Marion Purdy and Dorothy Field from the Swarthmore LWV; Kay McKenna, Philadelphia LWV; Elizabeth Milner, Chair; LWVPA-CEF; Charlotte Glauser, Philadelphia LWV; and Katherine Miller, Central Delaware Co. LWV.

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PRESIDENT'S MESSAGE

Elizabeth Milner, LWVPA President

Autumn is always the busiest time of the year for us at LWVPA. I'm sure it is the same at the local level. Election related events and fund-raising topped the list of LWVPA activities this Fall.

For some of our Voter Service activities, you can read our intrepid Debate Coordinator par excellence Katherine Miller's account of our three debates inside this Voter. Administrative Assistant Jenn Bender compiled and edited the Voters Guide. Jenn also answered the Citizen Information Center hot-line on election day, answering hundreds of calls from citizens unsure of the location of their voting places or their registration status. HAVA mandated some new rules such as showing identification, the availability of provisional ballots, etc. Some voters found that they had been removed from the voting rolls due to the fact that they had not voted in two previous federal elections. There was a lot of confusion, but I guess that is to be expected when the system is significantly changed. The amount of new registrations completely overwhelmed some counties. Long lines were reported in several counties. We collected reports from many local Leagues about their voting experiences and forwarded the results to LWVUS. It will be interesting to hear their report.

On the fund-raising front, for those Leagues that participated in the recent Phonathon, it went very well. We now hope to be able to put the Phonathon back on its original schedule. Thanks to all our members who gave so generously to the Citizen Education Fund.

The Annual Civic Leadership Reception was held on November 16th at the Moore College of Art and Design in Philadelphia. With the help of our Honorary Event Chair, Pamela Crawley, Senior Vice President of Citizens Bank, the event was a great success. We are again grateful to the Philadelphia Inquirer for their donation of a full-page ad to thank our contributors. Executive Director, Bonita Hoke, elaborates on the event in this issue.

This is the first issue of the Voter that is being completely edited in-house. Stephanie Minnaugh has had to relinquish her post as Voter Editor due to the constraints of her new job. Office Administrator Margaret Pollard has added another hat to her already crowded hat rack and assumed the responsibility of editing the Voter. We all

give a great big thank-you to Stephanie for a job well done. She is a hard act to follow and we will all do our best to make sure the Voter remains the high-quality publication you have come to expect.

Inside, you will find articles from many of our Off-Board Specialists on topics such as Education, Civil Liberties, Energy, Gambling, and Debates. There is a spotlight on my local League, LWV Hershey Area. I am so proud of my local League. We are in the midst of a wonderful renaissance. Membership has increased, activities have increased, and all our members are excited about our comeback. Please make sure you let us know if your local League has done something that makes you proud.

I traveled to Scranton recently to watch LWV Lackawanna County President (and LWVPA Board member) Andrea Mulrine receive an award. While there I was able to tour the facilities at the University of Scranton where our Convention '05 will be held June 3-5, 2005. The Convention facility is absolutely beautiful. It's brand new and state-of-the-art. We will be able to offer a very reasonable rate for registration, meals and lodging, so I expect to see most, if not all, of our local Leagues represented at Convention. And yes, it is completely handicap accessible.

In other convention-related news, Heidi Gold, chair of the Nominating Committee, is beginning her search for Board members. If you would like to nominate someone, or even yourself, please contact her at hjgold@rossassociates.biz. Serving on the Board of LWVPA is a very rewarding experience and not nearly as difficult as it used to be before we had such a terrific staff. Also, start thinking about those members who deserve to be admitted to the Anna Estes Strawbridge Honor Roll. This year, we have already received gifts in honor of the memory of members who are no longer with us. What a great way to remember a faithful League member who has departed this life.

Have you visited our newly revised website? Webmasters Olivia Thorne and Katherine Miller, along with help from Andrea Mulrine and Jenn Bender, have given us a very user-friendly and attractive new website. If you haven't seen it, check it out at <http://pa.lwv.org>. We owe a huge debt of gratitude to Olivia and Katherine for their many years of webmaster services to LWVPA.

Our beautiful rhinestone VOTE pins sold

very well before the election and are still available. Please visit our website to see a picture of the actual pin, detailed description and order information.

I would like to remind everyone of the website www.igive.com. If you plan to do any holiday shopping on-line, please go there first. Most of the places you would visit on-line are available through igive.com and a portion of your purchase can go to LWVPA-CEF. If you aren't sure how it works, please contact me and I'll tell you what you need to know.

Now it is time to take a deep breath, pat yourself on the back for a job well-done and put yourself in a holiday mood. Take a well-deserved breather and enjoy the holidays with your loved ones. We at LWVPA send our best wishes to you all.

And, oh, by the way, did you know that with the new slots legislation, each adult Pennsylvanian must lose \$308 before any property tax relief will be offered. Happy New Year!



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Founded in 1920, the League of Women Voters is a nonpartisan, political organization, which encourages citizens to play an informed and active role in government. At the local, state and national levels, the League works to influence public policy through education and advocacy.

The LWVPA welcomes tax-deductible contributions to the Citizen Education Fund and, encourages interested persons to name LWVPA as a beneficiary in their wills.

For timely information on state government and legislation, call the LWVPA Citizen Information Center, 1-800-692-7281, look up our web page at <http://pa.lwv.org> or send e-mail to lwvpa@epix.net.

ELECTION DAY 2004

Lora Lavin, *Off Board Specialist, Election Reform* Lavin@steuber.com

League members across the state were actively involved in various capacities on Election Day including serving as poll workers and poll watchers, fielding hundreds of calls to League telephones, staffing television and radio help lines, and giving rides to the polls. Some members signed up with their county election offices to serve as emergency poll workers if needed. League members in Northampton County helped staff phones for a local TV station to receive calls with vote counts from precinct reporters. Prior to the election, the state office fielded hundreds of calls asking for information about election law. LWVPA Executive Director Bonita Hoke and I were actively involved in the PA Voters Coalition and also on several advisory committees formed by the PA Department of State to assist in implementation of HAVA (The Help America Vote Act). League members around the state helped with voter registration at shopping centers, high schools and colleges, school parent nights and fall street festivals. Some volunteered to help county election bureaus deal with the flood of new registrations and absentee voter applications. We also had numerous invitations to speak to organizations about the election process. During Election Day and the week following, the LWVPA office received reports from members of their experiences.

By far the largest number of calls to the League's and other help lines were from voters who wanted to know where to go to vote. Some, but not all, counties post polling place locations on their websites. But even this is not always helpful without a list referencing ward and precinct numbers by address. This is especially true in the larger boroughs, townships and cities. The technology is available to provide information on-line by entering a street address and should be a goal for future elections. In addition, every polling place should have this information so they can redirect voters who show up at the wrong place.

There were complaints from people who thought they registered through PennDOT, under the Motor Voter program, only to find out on Election Day that they were not on the voter list. This was also the case with people

who registered through some voter registration drives.

There were reports that people were not given the opportunity to cast a provisional ballot or discouraged from doing so if their name was not on the voter list. In Pennsylvania provisional ballots can be counted if cast in the right county but the wrong precinct for those offices that are common to both precincts. In some precincts poll workers were asking all voters to present IDs even though this is required only of first time voters in that election district.

There were many calls from patients or their relatives that were unexpectedly hospitalized after the deadline for applying for emergency absentee ballots. Right now voters who fall ill or are unexpectedly called away from home after the normal absentee ballot application deadline can apply for and execute an absentee ballot application on the Friday before Election Day. Unfortunately this does not help potential voters who fall ill over the weekend.

Because of the delay in certifying the candidates for President, preparation of absentee ballots was delayed and many voters complained that their ballots had not arrived by the time they were leaving on trips. A call to one election office determined that such voters could go in person to the election bureau and cast a write-in absentee ballot.

Long lines and long waits were a problem in many places. There is no way of knowing how many people were discouraged from voting as a result. Some polling places opened late. There were some reports of voters being asked by poll workers to state their party affiliation even though this is not proper or necessary in a General Election.

Accessibility for the physically handicapped was also an issue. It was reported that a woman, restricted to a wheel chair, was told her polling place was handicap accessible, only to discover upon arrival that the entrance was not wide enough for her chair.

Looking ahead . . .

It is clear from these reports that much needs to be done at the legislative and admin-

istrative levels of state government to improve our election system and remove barriers to voting. Many of the rules, e.g. absentee voting, accessibility for the physically handicapped, providing assistance in voting, purging of voter rolls, casting and counting provisional ballots, are difficult to understand and subject to unequal application depending on how they are interpreted in each county and even in each polling place. Voter and poll worker education is a continual need. LWVPA will be working alone and with the PA Voter Coalition on these and other election issues

Eleven counties must still be included in the SURE (Statewide Uniform Registry of Electors) system. This could help with communication problems between PennDOT and county voter registration offices. Roughly a third of polling places are still not handicap accessible. Under HAVA, all counties will be required to supply at least one handicap and alternate language accessible voting machine in every precinct. Counties that are using lever machines will have to completely replace their current voting equipment by 2006. Replacement of other systems currently in use is optional for counties, provided that these systems are brought into compliance with HAVA. This includes punch cards and paper ballots. Also, under HAVA, voting systems must provide a permanent paper record with a manual audit capacity, warn voters of under and over votes, allow voters to correct errors before their vote is cast and meet federal requirement for error rates. DOS is encouraging counties to purchase a single HAVA compliant voting system that can be used by all voters. Voter verification of ballots cast on DRE (Direct Recording Electronic) voting machines will be an important issue. DOS has taken the position that they have no authority under state or federal law to mandate VVPTs (Voter Verified Paper Trails).

As we move forward on these issues, communication and action from the grassroots is very important. Counties still have a lot of latitude in how they carry out elections. I welcome your ideas, your concerns and your observations on what is happening locally.

ENERGY UPDATE

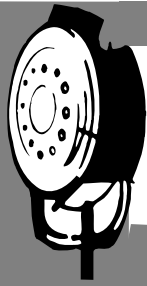
Gene Wilson, *Off-Board Specialist, Energy*
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Renewable Energy Standard legislation passed as a referendum in Colorado in the recent election, bringing it to Number 18 of states with similar regulations. This is the first time it has been enacted in this way.

It's time to celebrate here in Pennsylvania, also. Our RPS bill, S.B. #1030, was passed by the PA General Assembly. This bill will lead to at least 3,000 megawatts of new generation in Tier 1 technologies – enough new electricity from clean sources to supply over 1 million homes each

year. The best estimate is that wind will provide 50% of those 3,000 megawatts. The house version is still to be voted on, but is likely to pass.

Elsewhere on the legislative front, there is H.B. #2905, newly introduced by Rep. Greg Vitali. This bill deals with Global Warming and would require the DEP to start tracking emissions of greenhouse gases, keeping an inventory and reporting results to the Governor and to a group of stakeholders which would be named. It will be referred to the House Committee on the Environment. This is an important issue for all of us to get behind, making our favorable views known to our legislators. Global Warming is increasingly being recognized and acknowledged as real. We hope to be taking major public education and lobbying efforts early in 2005. Stay tuned for announcements of proposed LWV action.



SPOTLIGHT ON

One League's Election Day Experience

Janette Murray, LWV of Hershey Area

Everybody knew before November 2 that this Election Day would probably have a high turnout of voters, so when the Dauphin County office of voter registration and elections asked the League to provide backup poll workers, we were glad to volunteer.

Elvira Ebling and I went to the Dauphin County offices in Harrisburg, the afternoon before Election Day, for training. We were joined by several state and county employees – we were the only “civilians” there. The volunteers received a very quick overview of the voting machines and were given a little guidebook. A crew from the NBC affiliate WGAL-TV was also there to interview a spokesperson from the elections bureau. She was asked about various Election Day issues including the new provisional ballot – it was rather obvious that the county officials were not very enthusiastic about the provisional ballot system. It seemed that there would be very little chance that we would be called on Election Day unless poll workers became ill or failed to show up. Although we didn't really expect to be called, it was worth the trip – just to get a close-up look at the voting machines and how they work.

To my astonishment, I received a phone call at 8 a.m. on November 2. Elvira and I were asked to go to the fire station in Hershey as the machine operators had not shown up. Rapidly donning patriotic attire and pinning on my new LWV VOTE pin, I rushed to the firehouse to find Elvira already in full swing. After a two-minute training session, I was able to welcome my first voter to the booth! The Shouptronic machines that Dauphin County uses are well designed and practical. Our Judge of Elections told us, however, that the machines are old and the battery backup ineffective. One of our machines did stop working for a while and it later appeared that two votes were lost.

The next twelve hours went by very fast! We were able to take a few minutes to have a sandwich in between voters. It was wonderful to see so many people coming to vote – we had a steady stream all day. Many people had not voted before, or had not voted in quite a while, and were uncertain how to use the voting machines. We were able to welcome and encourage them and provide the information

they needed. I contrasted the service we were providing with the service I received when I dashed off to vote during the morning. At my polling place, the machine operator was unfriendly and unhelpful. I pretended not to know how the machine worked and, basically, received no help. At the firehouse, we reminded voters when they left the booth to be sure they pressed the vote button, which happened quite often. Our Judge of Elections told us that the machine could be reset for the next voter without the vote button being pressed but we didn't do that – we were not about to let a voter be disenfranchised in that way. Our Judge of Elections was always civil to voters who had questions or were confused and he didn't refuse a provisional ballot to anyone. I know that was not the case at all polling places.

The biggest problem we saw was the fact that the voting register had been purged and people didn't seem to know. I had been reading every scrap of news in the newspaper for many months and had never seen it reported. One elderly lady had been voting in that same location since the 1930's and was distraught. Surely the public should have been notified that people who hadn't voted in the last 2 presidential elections had been taken off the rolls. These voters were permitted to fill in provisional ballots but we were told that they would almost certainly all be found ineligible later. I think the League should emphasize this problem during our next voter registration drive.

After the polling place closed we helped close out the machines and count the absentee ballots and finally went home quite late. I really think we made a difference to the voters at the firehouse and I would love to do it again. Perhaps we have a foot in the door now and can persuade the county to let the League take part again. Many poll workers seem to have been doing the job for years and are really unenthusiastic, if not downright unfriendly. Surely members of the public who are making the effort to vote should be welcomed and made to feel comfortable. All in all, it was a great experience that highlighted democracy at work but also highlighted the deficiencies in the system.

SEPR/ILO to Hold Discussions on Government Policies Regarding Women with Aids

Marita Green, LWV of Central Delaware Co.

With the support of the LWVUS, The Center for Women Policy Studies, and the Women's Environment and Development Organization (WEDO), the LWV of Southeastern PA Region (SEPR) will present an afternoon of discussion of the HIV/AIDS pandemic as it affects women.

LWVUS has received a grant from Connect US Fund to encourage various

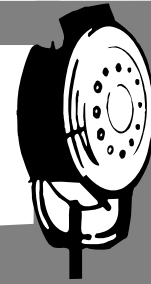
Leagues around the country to take part in a series of forums concerning the impact on women of different U.S. government policies.

The SEPR committee is planning two panels. The first panel will discuss the international AIDS epidemic and the impact that U.S. policies and budget decisions have on women and children in Africa and Asia. A second panel will focus on the disease in Pennsylvania and the need for government

efforts to help control the disastrous effects on women and children in PA.

The event will be held in the afternoon of May 14, 2005, in the new Constitution Center in Philadelphia. Plan to attend this enlightening panel discussion, arriving early so you may also enjoy a visit to the interesting and interactive Constitution Center. For further information, contact Marita Green at: Maritag6@aol.com

LOCAL LEAGUES



HERSHEY LEAGUE HAPPENINGS

Dianne Masek, LWV of Hershey Area, President

The League of Women Voters of Hershey Area has been very busy this fall. We registered many voters on four different back-to-school nights. During September, the League sponsored a debate between incumbent State Senator Jeffrey Piccola and Eric Epstein. There were over 200 people in attendance. On October 12th, the League sponsored a debate between incumbent State Rep. John Payne and Dr. Dan Holt. Again, the turnout was fantastic – approximately 100 people.

The Hershey League constructed a memorial to all those lost on 9/11, listing the names of all the deceased. The 9/11 memorial was on display at the Hershey Public Library during the entire month of September.

Other happenings . . . Hershey Area League founder, Elvira Ebling, was featured in the "Volunteer Spotlight" section of the Harrisburg Patriot News. We were all very proud!

LWV of Hershey sponsored a showing of the HBO special "Iron Jawed Angels" at the Hershey Public Library as well as donating a copy of the movie to the library. Hershey League members marched in the Derry Township Halloween parade, reenacting the suffragette movement – wearing "Votes for Women" sashes – marching alongside an antique pick-up truck, and drawing loud cheers from spectators.

Over the past several months, we have held numerous fundraisers, recruited new members, and look forward to a busy and productive 2005, in preparation for the gubernatorial election in 2006.



Members of Hershey Area LWV portray their suffragist sisters of the 1920's in the Derry Township Halloween parade.

Indiana County LWV Encourages Civic Participation

Sherene Hess, LWV of Indiana County, Presidents

"Opening Doors to Civic Participation" is a new initiative of the League of Women Voters of Indiana County to encourage civic participation at all levels of government in the county. The aim of the initiative is to build a diverse pool of persons willing to serve in the public interest. Indiana County needs over 900 persons to fill all the elective and appointed positions of the county offices, 18 authorities, 7 school districts, 24 townships, 14 boroughs and 68 election district boards.

The initiative kicked off November 13th with a workshop designed to explore the appointive and elective opportunities that exist in the county's local government. The workshop featured a panel of elected officials: two school board members, a township supervisor, a borough councilwoman, and a county commissioner. Panelists shared their personal experiences of "how this happened" (not incidentally, LWV played a role in the encouragement process for some.) Panelists also shared what is involved in their line of public service – both the challenges and what makes it appealing.

The second layer of the initiative is the League's development of a resume pool for individuals interested in being considered to serve on various boards, authorities or committees at the county level or in one of the county's townships or borough.

LWVIC will also provide information on its website www.pa.lwv.org/indiana, including descriptions of the positions at the county level, both elective and appointed, and all municipal positions. A section on Resources lists all of the incumbents and term of office for each of the school districts, townships, boroughs, county offices and authorities.

LWVIC is planning a second workshop in February 2005 to again explore the positions that exist in local government. An additional element of the next workshop will focus on the next step to serving in the public interest: preparing to be considered for appointive offices or preparing to campaign for election.

As is all League activities, this is a non-partisan effort. Believing that good government should reflect the diversity of the people it serves, LWVIC is encouraging citizens to help open doors for wider, more diverse participation in public service by considering public service or inviting acquaintances who might just need a word of encouragement

UPDATE ON EDUCATION

Judy Rice, LWVPA Education Specialist Judith.rice@verizon.net

No Child Left Behind

The federal legislation *No Child Left Behind* continues to cause problems in Pennsylvania School districts as well as throughout the country. *Education Week* (October 27) reports that "As controversy persists, twenty-five education, civil rights, and other groups are forming a coalition to press for a rewrite of central provisions of the bipartisan law." The coalition states that the law's emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and school districts accountable for making changes that improve student achievement. Because the law gives autonomy to the states to set up their plans, and because of the subjective nature of the approval process by the U.S. Department of Education (there are no written rules for compliance), only about half the states have received approval for their plans, most receiving a conditional approval. The federal watchdog agency, the *Government Accountability Office* (GAO), stated in their report in October that the department should offer better guidance to the states in their quest for compliance. National groups of governors, state legislatures, school boards and school district administrators continue to protest the lack of federal funding, far below what had been promised in the law, as well as its punitive approach.

On the Pennsylvania home front, in October a position paper expressing the concerns of district superintendents in Pennsylvania received its 400th signature (there are 501 school districts in the state.) Although the signatories clearly support the stated goals of NCLB, such as accountability and a commitment to achieving educational excellence for all children in the nation, the superintendents express three major concerns:

- the mandate for special education students to demonstrate proficiency to the same degree and on the same assessments as regular education children.

This provision is in direct contradiction to the provisions of the federal *Individual with Disabilities Act* (IDEA) whose hard won provisions have led to great strides in the recognition of the *individual* needs of these students and to the *individualization* of educational programs and learning conditions that are best for such students.

Recent concessions by the U.S. Department allow more specialized testing of just one per cent of the most disabled children. The superintendents believe this exception does not nearly begin to address this problem.

- the assessment of children, new to the country, for whom English is a new language.

The present provisions of NCLB call for these children to be tested after one year's residence with the same assessments as English speaking children. *And this is a concession on*

the part of the U.S. Department which for the first two years of implementation of the law mandated such testing on the first testing day after their arrival! The superintendents believe this concession is still inadequate for these children since research shows that much more time is needed to acquire sufficient language skills to be tested fairly in assessments requiring understanding of the context of the questions asked in both reading and math.

- the lack of funding to implement the expectations of the law.

The implementation of *NCLB* places burdens of resources in money, time and staff that many districts cannot afford. With yearly testing in grades 3-8 and the addition of science testing beginning next school year, the chief school district administrators believe the demands will overwhelm the resources of many districts, even some presently achieving Adequate Yearly Progress (AYP). Because the law requires AYP for all the disaggregated groups of students including minorities, low income, learning disabled as well as those for whom English is a second language, it is the lowest income and most diverse districts which are faced with the most difficult challenges and therefore severest penalties.

Increases in Achievement around the Country(?)

Recently, during the election campaign period, the U.S. Department of Education has responded to criticism of the provisions of the law and its implementation by pointing to significant gains in the per cent of students achieving adequate yearly progress (AYP) in states all over the country. These gains astounded many observers because the gains were achieved in just one year. Among other observers, the *Philadelphia Inquirer* (October 29) published an analysis of the phenomenon. Their analysis states that school accountability gains "resulted from lower standards, not improved performance!" The analysis goes on to say that if changes in the rules for achieving adequate progress (changes permitted for 2004 as compared to the rules for 2003) had not been approved by the U.S. Department of Education, more Pennsylvania school districts would have failed to show satisfactory improvement in 2004 than in 2003. In 2004, 81% of the state's schools made AYP, as compared to 63% in 2003. But using last year's standards for this year would have resulted in only a 61% success rate. Educators welcomed the changes in requirements but critics contend that the rule changes were a part of an election period effort to downplay controversy about the law by softening its impact. The U.S. Department up until the past few months had been adamant about not making changes to the law because weakening the provisions would defeat its purpose. Forty-six

states were granted some changes to their accountability systems for 2004.

Other Related Legislation

The related laws pertaining to gambling and property tax relief continue to create their own problems. The gambling law, which the LWVPA opposed and the *New York Times* called the sleaziest in the country, is generating attempts at amendments in the General Assembly. This law passed while flouting the legislative processes decreed in the Pennsylvania Constitution. The accompanying tax relief legislation (Act 72) continues to baffle school board members, administrators and business managers as it ties together gambling revenues, mandated local income taxes and mandated referenda on school budgets. Timelines in the law appear to require school districts to decide whether to "opt" in (accept referenda and earned income taxes) before they even know if there will be any revenue from gambling. LWVPA can only comment that this entire package of laws, swiftly passed and without the benefit of public review and discussion, are an affront to the tenets of good government. We will be following these issues closely. Check the LWVPA website for updates <http://pa.lwv.org>

DEBATES 2004

Katherine Miller, *Off-Board Specialist, Debates Coordinator*
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This election season you could hardly avoid League debates. Across the state, local Leagues sponsored debates for US Congress and the Pennsylvania Assembly. The League of Women Voters of Pennsylvania-Citizen Education Fund worked to produce debates for US Senate and for Pennsylvania Attorney General. We partnered with the Pennsylvania Association of Broadcasters, AARP, Pennsylvania Cable Network, the Pennsylvania Association of Newspaper publishers and local newspapers to produce two debates for the four candidates for US Senate on October 2 and 9th. The four candidates were Joe Hoeffel (D), Arlen Specter (R), Jim Clymer (Constitution Party) and Betsey Summers (Libertarian).

We worked with WPVI-TV, the ABC affiliate in Philadelphia, to produce a half hour debate for the three Attorney General Candidates: Jim Eisenhower (D), Tom Corbett (R) and Marakay Rogers (Libertarian). This was the only statewide debate organized for these candidates - televised on WGAL, (Lancaster,) WICU (Erie), WNEP (Scranton) and several times on the Pennsylvania Cable Network. It also gave the print media a chance to focus on this race.

CIVIL LIBERTIES – 2005 PROGRAM PLANNING

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"They that give essential liberty to obtain a little temporary safety deserve neither liberty or safety" . . . Let us remember these words of Benjamin Franklin in making recommendations for program planning this year. Let us all make sure we remember to include protection of our Individual Liberties and Citizens Right to Know. They should be on all of our agendas. In the past year we have had heightened awareness that in this post 9-11 environment we need to be even more vigilant in our protection of these positions. We have not always remembered this.

In the wake of 9/11, the Department of Justice began asking for more and more "tools" to aid law enforcement agencies in their effort to identify potential terrorist threats and, "protect the American homeland." One can hardly disagree with the goal. Virtually all of us understand the need to give those charged with the job of rooting out terrorists and preventing them from achieving their goals within our borders, the tools they need to do their job. However, many are questioning whether we have thought through the impact on privacy and constitutional rights of many of the "tools" our government has acquired since 9/11 and continues to request today.

The USA Patriot Act, which the President signed into law only weeks after the September 2001 attacks, dramatically expanded the government's authority to monitor the activities of people (citizen and non-citizen) living in the United States.

The Patriot Act empowered the FBI to conduct "sneak-and-peak" searches in criminal investigations. It extended the FBI's authority to spy on ordinary people who have no link to terrorism or espionage. It broadened the class of criminal investigations – not just terrorism investigations – in which the FBI can conduct searches without complying with ordinary constitutional requirements. New FBI guidelines allow the FBI to carry out surveillance on domestic religious, civic and political groups, even when there is no suspicion of wrong-doing.

Although public concern about the Patriot Act is widespread, the Justice Department has been tight-lipped about the way the FBI has implemented and used the new law. This secrecy has meant that the public does not have the information it needs in order to determine whether new surveillance powers are actually making us safer or just undermining our freedom.

Increasingly, there is real concern about providing Federal law enforcement with more power in the name of national security. The fear is that the "tools" the government seeks to protect us from our enemies can and will be used to circumscribe our own liberties and destroy our form of government. The scope and breadth of the post 9-11 measures is not limited to the Patriot Act.

There are measures, now pending before Congress, that affect the amount of information available to citizens with which to review the actions of our government. They affect the fragile balance of the branches of government upon which our system of government depends. They affect the liberty and freedom of every citizen under the Constitution and the Bill of Rights. In this regard, we need to remember that in this country the people rule and we cannot abdicate this power without abridging it.

Today, many believe our Constitution is under attack. We must protect it and our Bill of Rights, for these are the basic operating principles of our country. If they are destroyed, those who would harm the U.S. will, by damaging freedom and democracy, have achieved a far greater success in the long run than they did on September 11.

We have seen that, historically, in times of national crisis we have responded too harshly in our restriction of civil liberties. Then later, we regret our behavior. We do not know when this "later" will occur for many of the provisions being implemented in the War on Terror. As we have already noted, the War on Terror is estimated to last indefinitely. So, therefore, are these changes.

In the next few months, our legislators will be considering Patriot Act provisions which are due to "sunset" rather than become permanent. These matters require greater scrutiny, including oversight by Congress of how they have been used since enactment. We must make our voices heard on these issues.

The resolution passed at last June's LWVUS Convention called for the highest priority of advocacy for Individual Liberties and Citizens Right to Know. It also called for our highest priority for education efforts. Our system of government depends upon the people being educated and informed in order to govern. Such education is a prerequisite to an effective democracy.

James Madison said: *"A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or, perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives them."* James Madison reprinted in 9 James Madison's Writings 103 (Gallard Hunt ed., 1920)

Let us all remember those words as we propose our state and local programs. As the League has said, "Democracy is not a spectator sport." Let us all work at every level of the League to advocate and educate about these critical measures which affect our core constitutional rights. Remember the adage: *We must use our freedom to defend our freedom, or we will lose our freedom.*

GAMBLING LEGISLATION UPDATE: AMENDMENTS TO ACT 71

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After the full weight of the terms of the Pennsylvania Race Horse and Gaming Act, passed on July 4, 2004, was digested by the press, public, and the many members of the Pennsylvania General Assembly who really didn't know what they were voting for, several amendments were proposed.

On October 4th, the Senate passed an omnibus bill which would eliminate the ability of legislators owning up to one percent of a

casino as well as the provision that slot machines be bought through a Pennsylvania distributor. The bill also gave the State Attorney General more power to investigate casino violations of the law in cases beyond the jurisdiction of the local District Attorney and allowed local zoning authorities power over site selection.

On November 15th, House Bill 1209 passed, keeping the Senate amendments that eliminate any ownership in casino operations by legislators and giving the State Attorney General a bigger role in prosecuting violations of the law by casino operators. However, they excluded the Senate amendment to give local zoning regulators power in site selection and the amendment to permit purchase of slot machines from distributors in states other than

Pennsylvania, restoring the original Act 71 language on those two issues. They also included an amendment eliminating any constraints on corporate ownership of casinos.

Act 71, without amendments, gives complete power over site selection of casinos to the Gaming Control Board. Localities may only suggest their preferred sites. All slot machines must be purchased from a Pennsylvania distributor. Legislators may own up to one percent of gaming operations. The nominees to the Gaming Control Board do not have to be confirmed by the Senate, so the results of the investigation into the background of the nominees are reported only to the person who nominated the candidate. Act 71 limited corporate ownership of a casino licensee to 33 percent ownership of any other casino.

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