

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE RESOLUTION

No. 177

Session of  
1982

---

INTRODUCED BY MANDERINO, APRIL 13, 1982

---

REFERRED TO COMMITTEE ON RULES, APRIL 13, 1982

---

In the House of Representatives, April 13, 1982

1 WHEREAS, Secretary of Education Robert G. Scanlon in recent  
2 months has demonstrated a pattern of reckless disregard of State  
3 law and violation of basic constitutional rights; and

4 WHEREAS, Secretary Scanlon, on September 11, 1981, attacked  
5 academic freedom and constitutional guarantees to freedom of  
6 speech by officially prohibiting the presidents of 14 State-  
7 owned colleges from stating publicly, or to members or  
8 committees of the Legislature, any professional opinions which  
9 might be deemed contrary to administration positions on pending  
10 higher education legislation; and

11 WHEREAS, The same order requires the presidents to gain  
12 clearance of any statements bearing on pending legislation with  
13 four separate administration offices, including those of the  
14 Secretary and the Governor; and

15 WHEREAS, The presidents of said colleges are not officials of  
16 the administration, and in fact, serve varied constituencies,  
17 including, but not limited to, the administration; and

1       WHEREAS, The presidents represent institutions whose  
2       fundamental purposes are to foster intellectual curiosity, to  
3       debate important issues, and to arrive at the truth through  
4       meaningful dialogue; and

5       WHEREAS, The secretary has attempted to enforce a "united  
6       front" approach, and has thus deprived the Legislature of a  
7       vital source of constructive opinion from these thoughtful  
8       professionals; and

9       WHEREAS, The restriction greatly hinders the mission of the  
10      presidents to seek new horizons in higher education and to  
11      actively persuade others to work toward their attainment; and

12      WHEREAS, The Pennsylvania division of the American  
13      Association of University Professors has condemned the order as  
14      "a flagrant violation of widely-accepted principles of academic  
15      freedom," a condemnation shared by the Association of  
16      Pennsylvania State College and University Faculties, and the  
17      State College and University Trustees of Pennsylvania; and

18      WHEREAS, The secretary, in a subsequent and separate matter,  
19      acted arrogantly and improperly and ordered a \$75 per semester  
20      tuition increase for State college students without authority to  
21      do so; and

22      WHEREAS, Said order by the secretary was issued effective to  
23      be paid during a semester, after that semester had commenced,  
24      thus causing distress on the part of thousands of students whose  
25      financing arrangements for that semester had already been  
26      completed; and

27      WHEREAS, The secretary called a meeting of the board of the  
28      State College and University Directors for the purpose of  
29      increasing the per semester tuition but failed to notify five of  
30      the thirteen members of that body that a tuition increase would

1 be acted upon; and

2 WHEREAS, The secretary forced the Commonwealth Association of  
3 Students to file suit in Commonwealth Court, charging that the  
4 tuition increase resulted from the secretary's having used  
5 improper and illegal procedures; and

6 WHEREAS, The Commonwealth Court held that the meeting was  
7 illegally convened and thus issued an injunction blocking  
8 implementation of the order; and

9 WHEREAS, The secretary, in a separate matter,  
10 unconstitutionally and illegally ordered employees of the  
11 Department of Education, under pain of dismissal, to cease  
12 providing information to representatives of the Pennsylvania  
13 State Education Association, a heedless violation of the basic  
14 freedom of employees to free speech and association; and

15 WHEREAS, The American Federation of State, County, and  
16 Municipal Employees has filed an unfair labor practice charge  
17 with the Pennsylvania Labor Relations Board on behalf of its  
18 members affected by this order, citing its "arbitrary,  
19 capricious, and blatant discriminatory" nature; and

20 WHEREAS, Such order closely followed the endorsement by the  
21 PSEA of a gubernatorial candidate other than the incumbent  
22 Governor; and

23 WHEREAS, Such tactics are painfully reminiscent of the  
24 malicious and retributive political "enemies lists" which the  
25 people of Pennsylvania of all political persuasions have  
26 repudiated; and

27 WHEREAS, Dr. Scanlon, in taking such actions, has effectively  
28 abandoned his duty as secretary to work in a spirit of  
29 cooperation and harmony with educators; and

30 WHEREAS, His publicly declared vendetta against the PSEA has

1 now fostered within the department a spirit of authoritarian  
2 control and repression; and

3 WHEREAS, The secretary recently submitted misleading and  
4 incorrect information to the House Appropriations Committee and  
5 to the 501 school districts of Pennsylvania pertaining to  
6 Governor Thornburgh's proposed "block grant" funding of the  
7 school subsidy law; and

8 WHEREAS, Such false and misleading data arbitrarily assumed  
9 flat percentage increases in the basic instruction subsidy for  
10 all school districts, and thus distorted the true amount that  
11 the subsidy formula would produce under current law; and

12 WHEREAS, The secretary has intentionally misinformed the  
13 school boards and school administrators of the true impact of  
14 Governor Thornburgh's "block grant" funding proposal, leading  
15 some 100 districts to believe that they would gain under the  
16 "block grant," when, in fact, they would be comparative losers,  
17 and leading about the same number of districts to believe they  
18 would be losers, when, in fact, they would be gainers; and

19 WHEREAS, School administrators and boards, by law, must  
20 tentatively approve their annual budgets in May and adopt final  
21 budgets in June, and have been attempting to project their  
22 annual budgets based on this false and misleading data;  
23 therefore be it

24 RESOLVED, That it is the sense of the House of  
25 Representatives of the Commonwealth of Pennsylvania, that Robert  
26 G. Scanlon is unfit to carry out his duties as the Secretary of  
27 the Department of Education, and accordingly this House does now  
28 call upon Governor Richard Thornburgh to take immediate action  
29 to dismiss Secretary Robert G. Scanlon from his office.