

# Legislative Journal

MONDAY, JUNE 8, 1970

Session of 1970

154th of the General Assembly

Vol. 1, No. 131

## SENATE

MONDAY, June 8, 1970.

This being the day and hour fixed by the President pro tempore of the Senate for reconvening the Regular Session, the Members of the Senate assembled in the Senate Chamber.

The PRESIDENT (Lieutenant Governor Raymond J. Broderick) called the Senate to order at 3:00 p.m., Eastern Daylight Saving Time.

## PRAYER

The Chaplain, The Reverend HAROLD S. DIMIT, Chaplain of Mayview State Hospital, Bridgeville, offered the following prayer:

O Father of us all, bless the Senate of Pennsylvania as it meets today. On this occasion, we are grateful that we can gather together to honor and receive into our midst Senator-elect Patrick J. Stapleton, who has served admirably in community and county circles and has come to the political arena of the Government of our Commonwealth. Bless his family, as they share with him in this new experience of their lives.

We would remember, with reverence, the memory of Senator Daniel A. Bailey, who lived and worked among us. We pray that Thou wouldst bless and comfort his family as only Thou canst do, and sustain them in these days.

Bless all which the Senate tries to do and may accomplish this day.

In Thy Name, we pray. Amen.

## JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Mr. VAN SANT and Mr. KLINE, further reading was dispensed with, and the Journal was approved.

## LEAVES OF ABSENCE

Mr. VAN SANT asked and obtained leaves of absence for Messrs. FRAME, HOBBS and STROUP, for the week, due to illness.

Mr. KLINE asked and obtained leaves of absence for Messrs. LANE and SCANLON, for the week, due to illness.

## PERMISSION TO ADDRESS SENATE

Mr. KLINE asked and obtained unanimous consent to address the Senate.

Mr. KLINE. Mr. President, at this time, I would like to make a favorable report concerning Senator Scanlon. Senator Scanlon has been quite ill, but, apparently, they discovered his difficulty. He is now at home recuperating, and we look forward to seeing him here before too long. The PRESIDENT. That is very good news.

## SPECIAL CEREMONY

The PRESIDENT. The next order of business, today, will be the administration of the oath of office to Senator-elect Patrick J. Stapleton, of the Forty-first Senatorial District.

## RETURNS OF ELECTION OF SENATOR

The PRESIDENT. The Chair will ask the Clerk to read the returns of the election held in the Forty-first Senatorial District on May 19, 1970.

The Clerk read the returns of election as follows:

## IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY THE PRESIDENT OF THE SENATE AND TO THE MEMBERS OF THE SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the Special Election of the Member of the Senate of the General Assembly of the Commonwealth of Pennsylvania for the forty-first Senatorial District, as the same has been certified to and filed with the Secretary of the Commonwealth by the County Boards of Elections:

PATRICK J. STAPLETON  
Indiana County

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of my office at the City of Harrisburg this eighth day of June in the year of our Lord one thousand nine hundred and seventy and of the Commonwealth the one hundred and ninety-fourth.

(SEAL)

JOSEPH J. KELLEY, JR.  
Secretary of the Commonwealth

## PRIMARY ELECTION

Office Of The  
COUNTY BOARD OF ELECTIONS

## SPECIAL ELECTION

Commonwealth of Pennsylvania  
County of Armstrong  
} ss: Kittanning, Pa.  
} June 2, 1970

To the Secretary of the Commonwealth:

We Hereby Certify, That the following is a true and correct statement of the returns of the votes cast at the Primary Election held on Tuesday, May 19, 1970, for each and every candidate in the County of Armstrong as the same remain on file in this office, for the office of Senator in the General Assembly—41st District.

#### REPUBLICAN

William H. Claypoole had seven thousand five hundred thirty six votes ..... 7,536

#### DEMOCRATIC

Patrick J. Stapleton had six thousand seven hundred sixty votes ..... 6,760

I. M. Lesserville had one vote ..... 1

Saylor had one vote ..... 1

William Rottman had one vote ..... 1

Elmer A. Snyder had one vote ..... 1

In Testimony Whereof, We have hereunto set our hands and seal of office, this 2nd day of June, 1970.

HARRY E. HIMES, JR.  
KENNETH J. GEORGE  
ELEANOR I. CAMPBELL

(SEAL)

Attest:  
GRETA M. BOWSER  
Clerk  
County Board of Elections

#### PRIMARY ELECTION

Office Of The  
COUNTY BOARD OF ELECTIONS

#### SPECIAL ELECTION

Commonwealth of Pennsylvania  
County of Clarion  
} ss: Clarion, Pa.  
} May 29, 1970

To the Secretary of the Commonwealth:

We Hereby Certify, That the following is a true and correct statement of the returns of the votes cast at the Primary Election held on Tuesday, May 19, 1970, for each and every candidate in the County of Clarion as the same remain on file in this office, for the office of Senator in the General Assembly—41st District.

#### REPUBLICAN

William H. Claypoole had four thousand one votes ..... 4,001

#### DEMOCRATIC

Patrick J. Stapleton had three thousand three hundred forty-two votes ..... 3,342

In Testimony Whereof, We have hereunto set our hands and seal of office, this 29 day of May, 1970.

BRADY H. WEAVER  
FRANK D. STAHLMAN  
CUVIER KLINE

(SEAL)

Attest:  
C. H. BEICHNER  
Clerk  
County Board of Elections

#### PRIMARY ELECTION

Office Of The  
COUNTY BOARD OF ELECTIONS

#### SPECIAL ELECTION

Commonwealth of Pennsylvania  
County of Indiana  
} ss: Indiana, Pa.  
} May 29th, 1970

To the Secretary of the Commonwealth:

We Hereby Certify, That the following is a true and correct statement of the returns of the votes cast at the Primary Election held on Tuesday, May 19, 1970, for each and every candidate in the County of Indiana as the same remain on file in this office, for the office of Senator in the General Assembly—41st District.

#### REPUBLICAN

William H. Claypoole had seven thousand four hundred sixty-six votes ..... 7,466

#### DEMOCRATIC

Patrick J. Stapleton had nine thousand six hundred fifty-five votes ..... 9,655

In Testimony Whereof, We have hereunto set our hands and seal of office, this 2nd day of June, 1970.

WILLIAM W. JONES, SR.

(SEAL)

Attest:  
LYNN SHIELDS  
Clerk  
County Board of Elections

#### PRIMARY ELECTION

Office Of The  
COUNTY BOARD ELECTIONS

#### SPECIAL ELECTION

Commonwealth of Pennsylvania  
County of Jefferson  
} ss: Brookville, Pa.  
} June 4, 1970

To the Secretary of the Commonwealth:

We Hereby Certify, That the following is a true and correct statement of the returns of the votes cast at the Primary Election held on Tuesday, May 19, 1970, for each and every candidate in the County of Jefferson as the same remain on file in this office, for the office of Senator in the General Assembly—41st District.

#### REPUBLICAN

William H. Claypoole had four thousand five hundred ninety-one votes ..... 4,591

#### DEMOCRATIC

Patrick J. Stapleton had four thousand nine hundred seventy-seven votes ..... 4,977

In Testimony Whereof, We have hereunto set our hands and seal of office, this 4th day of June, 1970.

SILAS A. WEAVER  
JOHN R. CALDWELL

(SEAL)

Attest:  
DORIS T. PORTER  
Clerk  
County Board of Elections

#### IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA

I, Joseph J. Kelley, Jr., Secretary of the Commonwealth, do hereby certify that at the Special Election held on the nineteenth day of May 1970,

## PATRICK J. STAPLETON

Having received twenty-four thousand, seven hundred and thirty-four votes was duly elected to the office of Senator in the General Assembly in the forty-first Senatorial District of Pennsylvania.

Witness my hand and the seal of my office this eighth day of June 1970.

(SEAL)

JOSEPH J. KELLEY, JR.  
Secretary of the Commonwealth

## ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT. The Chair now requests Senator-elect Stapleton to present himself at the rostrum of the Senate.

The gentleman will find that a Bible has been placed at the rostrum for his use.

(Senator-elect Patrick J. Stapleton approached the rostrum.)

The PRESIDENT. It is the Chair's honor and privilege to present to the Members of the Senate, at this time, the Honorable Louis Lawrence Manderino, Judge of the Pennsylvania Commonwealth Court—a new Court in Pennsylvania.

Judge Manderino is known to all of us, and he is a friend to all of us. Many of us had the privilege of serving with him in the Constitutional Convention. As I walked up here, today, he said, "Ray, this is my first official function as a Judge." I am sure that we are honored and proud to have Judge Manderino administer the oath of office to Senator-elect Stapleton on this important occasion.

The Chair now presents to you The Honorable Louis Manderino, Judge of the Commonwealth Court of Pennsylvania.

Will you all please rise.

(The oath of office was administered accordingly.)

Judge MANDERINO. To your family, your friends and to you, Senator Stapleton, I offer congratulations as you take your seat in this highest Legislative Body, the Senate of Pennsylvania.

Congratulations!

THANKS OF THE SENATE TENDERED TO THE  
HONORABLE LOUIS LAWRENCE MANDERINO  
FOR ADMINISTERING OATH OF OFFICE

The PRESIDENT. Before extending a welcome to Senator Stapleton, the Chair wishes to extend Senator Stapleton's thanks and the thanks of the Senate of Pennsylvania to Judge Manderino for taking the time to come to Harrisburg, today, in order to perform this very happy ceremony for Senator Stapleton.

WELCOMING SENATOR PATRICK J.  
STAPLETON TO THE SENATE

The PRESIDENT. The Chair, at this time, on behalf of all the Members of the Senate, wishes to extend a welcome to Senator Stapleton.

You will recall that Judge Manderino, in welcoming Senator Stapleton, welcomed him to this "august Body". The Chair wants you to know that we call this the "finest Body in the Commonwealth of Pennsylvania". I have

never heard one Member of the Senate ever object to that statement. We will continue to make it until we hear an objection. As I have said, many times, from this rostrum, this is a wonderful Body. I know Senator Stapleton is going to enjoy his stay here, and we are going to enjoy the opportunity to work with him.

This is not only a great day for Senator Stapleton, but also for his family. This is especially true, since the gentleman waited a long time to take his oath of office.

We are all very happy, and we extend to Senator Stapleton our sincere congratulations.

## RECESS

The PRESIDENT. At this time, the Chair declares a recess of the Senate for five minutes for the purpose of the Members of the Senate to offer their personal good wishes and congratulations to Senator Stapleton.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## SPECIAL ORDER OF BUSINESS

## MEMORIAL SERVICE

Mr. VAN SANT. Mr. President, this being the day and hour previously agreed upon by the Senate Leadership, I move that the Memorial Service for Senator Daniel A. Bailey be made a Special Order of Business.

Mr. KELLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. At this time, the memorial service will be opened with the Invocation. This prayer will be offered by the gentleman from Cumberland, Mr. WADE. Please rise, everyone.

## INVOCATION

The following prayer was offered by the gentleman from Cumberland, Mr. WADE:

Let us pray.

Dear Lord and Counselor of all mankind, today, with heavy hearts and a profound feeling of loneliness, we look back over the years of pleasant association with our departed comrade, Daniel Bailey. As we pause to honor our colleague, we meet with mixed emotions: First, with the joy of having known and loved him, and, secondly, with the sadness of having lost a true friend.

This afternoon, I think of the words of Henry Van Dyke, who, after a long and useful life, had retired to the countryside. There he gave an interview to newsmen who asked him what the important things of life were. Instead of a long story or sermon, Mr. Van Dyke gave this short but very true pattern of life:

"Four things a man must learn to do

"If he would keep his record true,

"To think without confusion clearly;

"To love his fellowman sincerely;

"To act from honest motives purely;

"To trust in God and Heaven securely."

Truly, Dan Bailey met these four tests of man.

Great Architect and Planner of the Universe, You have seen fit to call home to his final reward our associate and

comrade, Daniel Bailey. We beseech Your tolerance and pardon for any shortcomings, and beg that he quickly enter into his final reward after long suffering which he endured during his earthly life.

Bless and comfort the family and loved ones of our departed brother. Strengthen their great faith and be with them as they attempt to fill the void created by his departure.

"There is a stream that all must cross;  
 "It's the river of human years,  
 "Now lying calm in the summer light,  
 "Now splashed with human tears.  
 "Out of the hills of God it flows  
 "And onto a shoreless sea,  
 "Where the noontide sun, no shadow throws,  
 "And time is eternity."

In the Name of Christ, the Master, we pray. Amen.

## SENATE RESOLUTION

### IN MEMORIAM DANIEL A. BAILEY

Messrs. VAN SANT and KLINE, on behalf of the entire Membership of the Senate, offered the following resolution (Serial No. 58), which was read as follows:

In the Senate, June 8, 1970.

Senator Daniel A. Bailey, Republican, of the thirty-fourth Senatorial District, died June 4, 1970, in Clearfield Hospital, after an extended illness. He would have marked his seventy-sixth birthday on the day following his untimely death. For the past eight years, he graced the Senate of Pennsylvania as the representative of the counties of Centre, Clearfield, Clinton and Cameron. The Senate, the Commonwealth and his District have lost a valuable and trusted servant and his family a beloved and generous head.

Daniel A. Bailey was born in Pike Township, Clearfield County, and educated in its schools; he had resided for many years in Philipsburg, Centre County, where he was a respected leader in his community, and county and church. A registered professional engineer through his own efforts and training, he had a distinguished career embracing sixteen years of service in the Pennsylvania Department of Highways before entering public life as a County Commissioner in Centre County in 1959. A veteran of infantry service with the American Expeditionary Force in France in World War One, he never forgot his fellowship with his comrades in arms, and participated faithfully in the American Legion, Veterans of Foreign Wars and other service groups. In his community life, he was a staunch and active member of the Rotary Club, Elks and Masons.

He had an abiding interest in the progress of his area and his State, and strove throughout his Senate service to present effectively and diligently the views and to defend the interests of his people. To this end, he served on the Senate committees on Mines and Mineral Industries, Agriculture, and Local Government with distinction, and at his death was Chairman of the Committee on Law and Order. He cherished a lifelong interest in the improvement of education in Pennsylvania, and furthered it, and the cause of all those he served, as a member of the Senate Education Committee and the Board of Directors of the Pennsylvania Higher Education Assistance Agency. Although beset by sickness and disability in the last months of his life, he never ceased his interest in serving his constituents beyond the limits of his own physical capabilities and health, and so long as he was able, he could be counted upon for faithful attendance and attention to the work of the Senate.

To those who served with him, Dan Bailey will long be remembered as a man of integrity, whose word was his

bond, a friend, a man to be counted upon, and a man of Christian charity and conscience; therefore be it

RESOLVED, That the members of the Senate of Pennsylvania hereby expresses heartfelt grief over the passing of an outstanding colleague and friend, Daniel A. Bailey, and that copies of this resolution to be sent to his widow, Mrs. Melba Bailey, and to his daughter, Barbara, in token of the esteem in which he was held by all who knew and served with him; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Melba Bailey.

On the question,

Will the Senate adopt the resolution?

Mr. HAWBAKER. Mr. President, once again, we pause to pay our respects to a departed colleague. During the past ten years, we have had this unpleasant experience eleven times, and each time, it seems to be a sadder occasion.

This is, indeed, Mr. President, a very sad and solemn occasion, for, today, we remember a man we have come to love and admire through the years, but whose presence henceforth will be felt only in our memories.

Senator Bailey, as we all know, was an exemplary individual as a Member of this Body. He was dedicated to making Pennsylvania and all society a better place in which people could live. He was a soft spoken and gentle man. He did not participate much in public debate and he did not aspire to leadership. However, he was a man dedicated and he fought for the things in which he believed. He served his people well; he served the people of this Commonwealth well as a township official, as a county official, as a State employee and as an elected Member of this Body.

Mr. President, during the eight years that Senator Bailey served here in the Senate, I had the good fortune to share an office with him, and, as such, I had an opportunity to become very closely associated with him and to know him well.

Senator Bailey was a good soldier. He was motivated by a sense of duty and honor, and I think all of us will agree that he brought honor to this Body. His personal well-being or his political security had little or no influence upon his decisions—the difficult decisions he found necessary to make in carrying out his responsibilities as a Senator of Pennsylvania. He never represented any special interest group and he was always somewhat annoyed at special interests.

It seems to me, Mr. President, that Senator Bailey has set an example that all of us would do well to emulate. We have accepted a serious responsibility and I think it is important that we accept that responsibility as such.

This is the first time, I suppose, that we have ever received into Membership into this organization a new Member at the same time when we were paying our respects to a departed Member. Perhaps this would be an appropriate occasion for orientation not only of a new Member of this fraternity, but also a re-examination of ourselves. Certainly, Senator Bailey has set before us an objective to which we could all address ourselves. He maintained dignity and composure; he spoke evil of no man. He faced his duties squarely, he never sought to avoid his responsibility, and he never did anything to diminish the public confidence and respect of this Body or of representative government, generally. I would like to pause at this point, Mr. President, to point out that this is a very important aspect of service in public life. I think it is exceptionally important that we recognize this phase of our responsibility.

ity at this time, as never before, and that we take this occasion for each of us to resolve that we will do as did Senator Bailey, so that nothing we ever say or do could diminish, in any way, the respect and the confidence that the people of Pennsylvania have for the Senate of Pennsylvania and for representative government, generally.

In closing, I would like to simply say, Mr. President, to paraphrase the words of Abraham Lincoln:

There is little that we can do now for Senator Bailey. It is for us, the living, therefore, to be here dedicated to the unfinished tasks that he has left behind and before us.

Thank you, very much.

Mr. KLINE. Mr. President, each of us contributes something to the Senate of Pennsylvania; hopefully, the majority of it for the good of this Body and for the good of Pennsylvania.

As I thought about Senator Bailey, yesterday at the funeral services, in his home city and today, I came up with the thought that he represented a unique type of kindness in this Body. He was here when I was sworn in, in 1965, and he was very kind to me then. One gets early impressions, when he becomes a Senator, of how the other Members react to him. Senator Bailey, as a Republican, was of some substantial stature in the State, and I, as a young Democrat, fresh into the Senate, would not necessarily have expected the kind of kindness he showed to me. In the early days of my service in the Senate, when I performed certain chores, particularly in the area of Executive Nominations, I could see that kindness and that gentleness and compassion.

As Senator Hawbaker said, Senator Bailey spoke evil of no one, and there were circumstances which arose during those times when he had a right to be disturbed with certain persons who were not, in my judgment, reacting fairly to what he wanted to do. However, he was never unkind to anyone in what he said or what he thought. Then, particularly over these last several months, when he was able to come to the Senate Chambers, it was apparent to all of us that he was not well and that he was enduring a great amount of personal suffering just to be here to fulfill his responsibility to those constituents of his. One would have expected, under those circumstances, that any ordinary human being may be short-tempered or apt to be unkind. However, Senator Bailey never was. He was a gentle man, a true gentle man, but never sidestepping his duty or his responsibility as a Committee Chairman or as a Member. The loss of Senator Bailey is deeply felt by all of us.

Today, while looking through an old Pennsylvania Manual of 1965, when I first came here, I counted the number of Members of the Senate who have gone since I came here. Some of them have gone to other duties; nine of them have passed away, but there are twenty-five new Members here since I came in 1965. I think it is significant that, today, we swear in a new Member, and we pay tribute to one who has died. It presents a striking example that this Senate is a living, functioning organism, and that it represents a "body" as such. It is the collective thinking of all of the human beings comprising its parts, and, as such, some come and some go.

We deeply feel the loss of Senator Bailey. We extend our condolences and our very best wishes to his family.

Mr. R. D. FLEMING. Mr. President and Members of the Senate, what I might have to say certainly would be superfluous, after hearing the remarks made by Senator Hawbaker and Senator Kline.

I, personally, have lost a very close friend, a man for whom I held the highest affection and regard. I agree with everything that has been said about Senator Bailey. He certainly displayed for us, if I may say, an image which all of us could strive to emulate. He represented what, in my mind, is the greatest in government. He devoted the greatest part of his life to all levels of government—local and State. His achievements will long be remembered not only in his own Senatorial District, but in the entire Commonwealth of Pennsylvania.

As we pay our last respects here, today, to Senator Bailey, I am sure that I speak the sentiment of every Member of the Senate, present and past, who had the privilege of serving with him, when I say that we commend his soul to the God to whom we all turn when we are in trouble, and to the God before whom we shall all appear at a later date. I am sure that Dan Bailey will not be found wanting.

The PRESIDENT. I would just like to add that I, too, lost a good friend in Senator Daniel Bailey, and I know that all the Members of this Senate feel as though they have lost a very close friend. He was gentle; he was kind.

Pursuant to the resolution, a copy will be sent to Senator Bailey's widow, Melba, whom we all know and to whom we all send our sincere condolences.

And the question recurring,  
Will the Senate adopt the resolution?  
The resolution was adopted.

## BENEDICTION

The following prayer was offered by the gentleman from Chester, Mr. WARE:

Shall we bow our heads and open our hearts in prayer.

Our Heavenly Father, in this moment of sadness, we thank Thee for the joy and the privilege that was ours to know Senator Daniel Bailey as a kind man, as a patient man, friendly, warmhearted, faithful, persevering.

Our first petition, at this moment, would be that Thy comforting hand would rest upon Mrs. Bailey and his family, and that we, who still remain and who will follow him in this Body, may find it possible, increasingly, to emulate those magnificent qualities which he demonstrated in his quiet, exemplary fashion.

We would ask for Thy blessing upon those present here today, and offer our request that Thou might embrace our dear departed friend. Accept him in Thy Kingdom, and may it be our pleasure and privilege to be united once again with him in the years ahead. Amen.

## ADJOURNMENT

Mr. VAN SANT. Mr. President, our Commonwealth has lost a valuable and trusted servant. His family has lost a beloved father and husband. We have gained immeasurably, because he chose to share his great knowledge and wisdom with us. We are grateful that he passed this way.

Out of respect for our departed colleague, Senator Bailey, I move that the Senate do now adjourn until Tuesday, June 9, 1970, at 1:30 p.m., Eastern Daylight Saving Time.

Mr. KLINE. Mr. President, I second the motion.  
The motion was agreed to.

The Senate adjourned at 3:45 p.m., Eastern Daylight Saving Time.