
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.