



# THE CAUCUS

A WATCHDOG PUBLICATION OF LNP MEDIA GROUP, INC. | TUESDAY, AUGUST 21, 2018 | \$4.25



# SHADOW GOVERNMENT

Inside the opaque, unchecked system of legislative caucuses

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Norman Wood is the second-longest serving member of the Pennsylvania House, but he never intended to run for public office. **PAGE 4**

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Postmaster: Please deliver AUGUST 21, 2018

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# BEHIND CLOSED DOORS

Legislative caucuses spend taxpayer money, influence policy and work with interest groups. They're unregulated, and some are hidden from the public

» WINSTON CHOI-SCHAGRIN + BRAD BUMSTED

**E**arly in 2011, Eli Evankovich, a newly elected Republican member of the state House, decided he needed a niche. He had previously worked for a steelmaker, so he determined that his best course of action would be to go home and meet with members of his local business community.

Often one company would send him to their partner, who would in turn tell him to visit their parts maker, and so on. Soon he was crisscrossing the state, visiting homebuilders and doormakers and hinge-makers, bringing along fellow lawmakers whenever he ended up in their district.

Two years — and several facility tours — later, he sent an email to the House announcing that he was starting a caucus. With that, Chairman Evankovich had found his niche and the House Manufacturing Caucus was born.

In subsequent years, the 100-member-strong House Manufacturing Caucus conducted dozens of tours and racked up thousands of dollars in state expenses. It developed ties with industry and lobbying groups such as the Pennsylvania Manufacturers' Association, both of which helped arrange the factory tours and sponsor tour lunches.

Moreover, the relatively junior statesman emerged as an industry advocate. Through his work on the caucus, Evankovich was invited for television appearances to discuss the state of Pennsylvania manufacturing, introduced legislation and chaired broadcasted meetings in the Capitol.

Evankovich's Manufacturing Caucus is just one of



Eli Evankovich

the many single-issue caucuses to have cropped up in Harrisburg in recent years. Distinct from the four political party caucuses — the House and Senate Democratic and Republican caucuses, which are comprised of the elected members of each chambers' political parties — these informal, amorphous caucuses represent groups of lawmakers who have come together over a shared interest. They range from the fraternal — groups such as the Cigar Caucus or the Italian-American Caucus that act as little more than social clubs — to those such as the Women's Health Caucus, which recommends bills to the full Legislature and reviews legislation.

Despite being largely unofficial, a number of these entities have spent thousands of dollars of taxpayer money, introduced legislative agendas, held hearings, and worked with state agencies, occasionally on subjects that would be covered by a committee's jurisdiction, a four-week review by this newspaper found. Yet, they've done so with little public scrutiny and accountability, critics say. The vast majority of the caucuses do not even make a list of their members available to the public.

"It seems like [the caucuses] have gotten a little out of hand and are duplicative of the formal legislative process," House Majority Leader Dave Reed, a Republican from Indiana, said in an interview.

The informal caucuses exist entirely apart from the 24 House standing committees and 22 Senate committees, whose purpose it is to hold hearings on legislation, amend bills and vote on whether the bills should proceed to the full chamber. The standing committees, such as Judiciary, Appropriations, Education and Finance, are broad-based and fully staffed by state-paid legislative aides and analysts. The names of each committee's members are posted online and their votes are public record.

There is worry, however, that some of the caucuses have effectively become shadow committees.

The Senate Aviation Caucus, for example, has toured airport facilities throughout the state and has held at least one hearing in the east wing of the Capitol building. The Aviation Caucus also developed a strategic plan in partnership with the Department of Transportation — even though there are transportation committees in both chambers.

There's cross-pollination among the memberships of the Aviation Caucus and the Transportation Committee as well. Republican Sen. David Argall of Schuylkill County, the caucus chair, and about a half-dozen other senators of both parties serve on both the caucus and on the committee, according to the Senate Aviation Caucus' website and the Senate's list of committee members.

Though some chairmen choose to make hearings public, Caucus meetings held at the Capitol or around



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the state are not considered “public” meetings by law. Melissa Melewsy, the media law counsel for the Pennsylvania NewsMedia Association, said that House and Senate caucuses are expressly excluded from the definition of “agency.” Melewsy added, however, that the “total lack of public access — and the apparent lack of applicable legislative rules — seems to conflict with the public interest.”

Other critics, including legislators, have expressed concerns about the possibility of the public misperceiving that caucuses are, in fact, official law-making bodies.

“Caucuses should not be de facto committees, doing tours, submitting expenses. The actual acts of the Legislature should be done through the creation of a subcommittee or a select committee, as voted on by the legislature,” Reed said in an interview.

To understand the proliferation of informal caucuses in recent years, Joe McLaughlin, the director of the Institute for Public Affairs and assistant dean for external affairs for the College of Liberal Arts at Temple University, said it’s “plausible” that the expansion is linked to frustration for some of the more ambitious legislators who can’t move up quickly enough to become a committee chairman or a leader of their chamber.

Committee chairmen are chosen based on seniority, and most leaders are elected by members of each political party in the chamber. It would take several terms before a legislator would even have a chance at running for leadership.

In some cases, founding a caucus or serving on one “may be a resume builder” for a legislator’s career, McLaughlin said.

Proponents of the caucus system see its benefits, particularly for those who are members either of the minority party or are passionate about an issue not overseen by one of their committees.

“In a caucus, every member has equal standing, but it’s a very different dynamic on a committee,” Democratic Sen. Judy Schwank of Berks County said. “If I join a caucus, I have a hand in developing the agenda. When it comes to a final say on a [committee] agenda, that’s the majority’s perspective. ... Caucuses are more meaningful, powerful, and give everyone an equal voice.”

When asked if curtailing the growth of caucuses through stricter vetting would limit the ability of new members — or members of the minority party — to have a voice in committee policy, Reed responded that it may be time for reform. He proposed “rotating committee chairs so that one person cannot dominate the policy and fresh ideas can come through. And I think it would provide greater flexibility for the existing committee structure.”

### FEW PUBLIC RECORDS

Because there is no formalized process in the House or Senate rules governing their creation — or operations — caucuses are not required to register with their party leadership, nor are they required to release a list of their members. Indeed, many do not. (The Legislative Black Caucus is believed to be the only officially sanctioned nonparty caucus.)

By contrast, in Washington, D.C., the U.S. House of Representatives provides formal guidelines for registering a caucus, which include supplying a complete list of members, contact information for a staff member who will work on the caucus and a statement of purpose. It also imposes strict governance rules, including barring caucuses and members from accepting “goods, funds or services from private organizations or individuals to support the caucus.”

Despite repeated attempts, this newspaper was unable to obtain a comprehensive list of caucuses, let alone a full list of the members that have signed on to each. The House Republicans, Senate Democrats and Senate Republicans do not make a full list of caucuses and members’ rosters available for public view. (The House Democrats are the only political caucus to publicly post the nearly 100 caucuses that their members participate in.)

An extensive public records search yielded very few results: It was up to the discretion of the individual caucuses and their leaders to determine how much information they wished to provide to the public. Certain caucuses do disclose their list of members, their legislative agendas, plans and achievements; some post video recordings of their hearings and issue news releases on their activities. Many, however, do not. And some refused direct requests by this newspaper to provide them.

Right-to-Know Law requests filed to the Senate and House failed to produce a list or rosters of the caucuses. The records requests were denied because the caucuses do not fall under “legislative records.” Although the law requires the minutes and attendance of committee hearings or meetings be available to the public, the proceedings for caucuses are not eligible.

Members and staffers did confirm that the House Republican Caucus Secretary keeps an “unofficial list” of caucuses. And one Republican staffer noted that leadership may be denying the requests because they hadn’t received permission from all members for its release. She added that there could be concerns over the public image of members who participate in groups such as the Cigar Caucus, which the staffer acknowl-

edged could be controversial among some constituents.

That members are worried about the image of their involvement in certain caucuses is a red flag to Reed, who did not seek re-election and will leave office in November. “If a member is a member of a caucus, and if they had to acknowledge that it would look bad for them, then they need to evaluate what they are doing,” he said. (Reed, through a spokesperson, did stand by the decision to not release a full list of House GOP caucus members because it is “unofficial and incomplete.”)

Democratic Rep. Mike Schlossberg of Allentown, who serves as the co-chair of the House Manufacturing Caucus and serves on several others, seemed puzzled that some lawmakers would not want their caucus memberships disclosed. “It kind of defeats the point of being in the caucus, if you won’t say you are a member,” he said.

Even rank-and-file lawmakers are not excluded from this opacity. “For years, I tried to get a list of all the caucuses that were available to join, and I just couldn’t,” said Mike Brubaker, a former state senator from Lancaster County who served from 2007 to 2014 and co-chaired the Hunger Caucus. “I wanted to track who was on what caucus and what caucuses were out there.”

Some legislators learned during the reporting of this story that they were listed as members of caucuses they say they believe they never joined. When this newspaper inquired whether Democratic Rep. Tim Briggs of Montgomery County was a member of the Cigar Caucus, Briggs said, “My legislative assistant just told me that I’m listed as a member of the Cigar Caucus. I didn’t know that I was a member.” He said he was looking into it.

Schwank, who confirmed that she had never seen a list of caucuses, agreed that a record of caucuses and their membership should be made public, adding that “it would be useful for members if there was an official list.”

### LAUNCHED WITH TAXPAYER MONEY

Former Sen. Scott Wagner of York County, now the Republican Party’s nominee for governor, founded the Taxpayers’ Caucus to find inefficiencies in the state government’s budget. Yet, House records show members of the Taxpayers’ Caucus expensed \$1,200 to the Office of the Comptroller for caucus meetings in 2016



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government's budget. Yet, House records show members of the Taxpayers' Caucus expensed \$1,200 to the Office of the Comptroller for caucus meetings in 2016 and 2017. Included in that total was \$671 for two breakfast meetings expensed by Republican Rep. Seth Grove of York County, a key member of the caucus.

A year later the Common Sense Caucus was formed, with some of the same lawmakers advocating transparency. "We started out of last year's budget. It's not just the budget — we want everything out in the open," said Republican Rep. Dan Moul of Adams County, who founded the caucus and leads its meetings. Moul stressed in an interview that no tax dollars are used in the running of the caucus. "We are not an official caucus, we do not use a penny [from the state]," Moul said.

Moul, a pilot who owns his own plane, goes as far as flying members of the Common Sense Caucus to events around the state to ensure that no expenses are passed on to taxpayers. Moul never considered billing lawmakers for the transportation. (An Ethics Commission official said the law doesn't contemplate what might be gifts or hospitality from one legislator to another.) He said it's how he enjoys spending his own money, rather than "going to bars."

Records provided under the Right-to-Know Law show that Republican Rep. Paul Schemel of Waynesboro did submit an expense of more than \$200 for mileage to attend the caucus' meetings.

After reviewing an array of state funds, the Common Sense Caucus identified hundreds of millions of dollars, \$300 million of which were ultimately used to balance the state budget last August to avoid raising new revenue, Moul said.

Despite emphasizing his commitment to transparency, Moul said he would not divulge the identities of caucus members because he did not want to put members at risk, referring to the political liability that some of their members could face in elections if they were known to be collaborating with far-right-leaning central Pennsylvania conservatives. "You know that old saying, 'The whale that doesn't surface doesn't get harpooned,'" he said.

### OUTSIDE INFLUENCE

Earlier this year, Joe Steighner, a former House member and lobbyist for tobacco companies General Cigar Holdings and Swedish Match, sent an email to cigar-business owners and industry lobbyists, according to a copy obtained by this newspaper.

In it, he solicited co-hosts to share in the costs of — and furnish cigars for — the legislative Cigar Caucus's annual dinner, which took place at a Cuban restaurant in Harrisburg in June. Lawmakers who have attended the event in the past described a jovial, bipartisan spirit, an opportunity to spend time and smoke cigars with members from across the aisle. "The best part is both parties sitting there," Democratic Sen. Wayne Fontana of Pittsburgh said, adding that "the lobbyists pay."

A longtime lobbyist and former legislative staffer said it is not unusual for lobbying groups to underwrite a legislative caucus event, such as a breakfast, lunch or dinner. The practice of co-hosting is common, too. (Numerous



PENNSYLVANIA HOUSE DEMOCRATS

Members of the Pennsylvania Legislative Black Caucus, along with Philadelphia Eagles players Malcolm Jenkins, Torrey Smith and Chris Long, met in October to discuss criminal justice reform.



FILE PHOTO

**“We started out of last year’s budget. It’s not just the budget — we want everything out in the open. ... We are not an official caucus, we do not use a penny [from the state].”**

**REP. DAN MOUL,**

R-ADAMS COUNTY, SHOWN SPEAKING WITH LEGISLATORS AT THE CAPITOL MEDIA CENTER LAST FALL. MOUL SAID IN AN INTERVIEW HE IS THE FOUNDER OF THE COMMON SENSE CAUCUS.

attempts to confirm details of the cigar dinner's sponsorship with Steighner by phone and email were unsuccessful.)

The threshold for a legislator disclosing a gift is \$250 under the State Ethics Law, and the limit for hospitality, which includes meals, is \$650. For that reason, it is virtually impossible to determine through public records how financially involved outside interest groups are in specific caucus events.

"If you have these dollar figures that are inflated, then you can get multiple people giving multiple gifts — get enough and you keep them under the \$250 or \$650 thresholds," said Rob Caruso, executive director of the Pennsylvania Ethics Commission.

In an interview, Democratic Rep.

Margo Davidson of Delaware County, a co-chair of the Ladies of the House Caucus, confirmed that their dinners have been sponsored by outside interest groups, listing Health Partners Plans, Long & Nyquist, and the Ridge Group as recent sponsors.

One lobbyist, whose firm has paid for such events, said that he did not think there was a "huge difference" between paying for a Ladies of the House Caucus meal or taking several groups of female lawmakers out for lunch separately. In neither case would the law require the lobbyist or member to report the specific amount or the event.

Virtually every lobbying group does this in some fashion, he said. In addition, the expenses are sometimes run

through a political action committee controlled by his firm, he said.

Barry Kauffman, the former executive director of Common Cause of Pennsylvania, a reform group, said lobbying groups underwriting caucus events spend that money "with a political purpose, a lobbying purpose." Because the caucuses are "an arm of state government," he added, "the public should be informed."

Even for caucuses that do not receive sponsored meals, their advocates can play an active role in other capacities. The Arts and Culture Caucus regularly invites members of Pennsylvania's arts community to speak to members; the House Manufacturing Caucus works closely with industry to organize tours and with lobbying groups, such as the Pennsylvania Manufacturing Association, to consult on legislation. The Women's Health Caucus was founded, in part, by a coalition of advocates that included the Pennsylvania Coalition Against Rape and the Pennsylvania Coalition Against Domestic Violence — groups that continue to attend the caucus's meetings and advise on its annual legislative agenda.

Schwank, one of the caucus's chairs, said the Women's Health Caucus does not hide its association with these groups and believes all of their meetings, which include advocates, should be public.

Political leaders, advocates and lobbyists alike stated to this newspaper the practice of outside interest groups paying for caucuses should be curtailed. Given the pervasiveness of lobbyists paying for "purely social caucuses," Reed said that, in general, it is "time for a reasonable ban" on lobbying. "I think the practice of outside interests groups paying for actions of the Legislature needs to be curtailed completely."

Some contend it is time to open the doors of caucus meetings and provide more information about them. "The citizenry and taxpayers absolutely deserve to know what is happening with these groups," said David Taylor, the president of the Pennsylvania Manufacturers' Association, a policy and lobbying group. "Sunlight is the best disinfectant."

Investigative reporter Paula Knudsen contributed to this report. ☎