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Seventy Urges Probe by Independent Counsel of Sting Operation and Dismissal

PHILADELPHIA – March 17, 2014 – The Committee of Seventy today urged the Pennsylvania General Assembly to quickly allow for the creation of an independent counsel to conduct a fair and non-partisan investigation into a dismissed three-year sting operation that allegedly captured on tape four state Representatives taking money from an undercover informant. The operation, which also involved a former Philadelphia Traffic Court judge accepting a bracelet, was reported by The Philadelphia Inquirer yesterday.

“This is a highly unusual matter where traditional investigative authorities who might review the integrity of the sting operation and its dismissal – both of which are under attack – are compromised,” said Zack Stalberg, Seventy’s President and CEO. “There are also extremely disturbing allegations that demand an independent, non-partisan investigation to determine if any laws were violated. The public must be assured that a full and fair review has been conducted by someone without any personal or political interest in the outcome.”

Stalberg pointed out limited trustworthy options for review: “Attorney General Kane is compromised because she is the one who ended the sting operation. Philadelphia District Attorney Seth Williams, who has condemned Kane for making racial allegations against two of his employees who spearheaded the investigation for the Attorney General’s office, now has a conflict. And, frankly, given the rash of political corruption cases involving state legislators, it would be hard for the public to have confidence in a probe of its members by the state House Ethics Committee.” According to The Inquirer, federal prosecutors have already declined to take the case.

Attorney General Kathleen Kane said she dropped the “botched” and “deeply flawed” sting operation, which took place before she took office, after learning “there may have been a racial focus to the targets of the investigation, improper reporting, inadequate resources and inadmissible evidence.” District Attorney Williams called Kane’s suggestions of racism “ridiculous” and “explosive.”

Among the allegations Stalberg said cried out for investigation concern:

- The outright dismissal of serious fraud charges against the informant by the Attorney General’s Office after he agreed to wear a wire during the sting operation;
- An apparent acceptance of cash, and in one instance an expensive bracelet – in some cases in exchange for political favors;
- The possibility of entrapment;
- The failure to report the cash and bracelet on required financial disclosure statements;
- The possibility of selective targeting of African-Americans in the sting operation;
- The breach of law enforcement protocol in the leaking of details of the case to the media.

Before it expired in 2003, Pennsylvania had an Independent Counsel Authorization Act that empowered the state Attorney General and Pennsylvania General Counsel to appoint special investigative counsel to conduct a preliminary investigation into matters that presented a conflict of interest for state prosecutors. If the preliminary investigation determined reasonable grounds warranting further investigation, a panel of judges could appoint an independent counsel.

“This situation cries out for a special counsel who can get to the bottom of these very tangled – and in several instances, conflicting – allegations,” Stalberg said. “The professional judgment and personal integrity of elected and appointed individuals at the highest level of state government are at stake. We urge the General Assembly to act promptly to get this investigation underway and to report its findings to the public.”

The Committee of Seventy is a non-partisan organization fighting for clean and effective government, fair elections and an informed citizenry. For more information, see www.seventy.org.