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BIPARTISAN MANAGEMENT COMMITTEE

ORAL HISTORY PROJECT

INTERVIEW WITH:

The Honorable D. Michael Fisher (R)

40th District

Allegheny County

1975-1980

INTERVIEW CONDUCTED BY: Heidi Mays, House Archivist
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Heidi Mays (HM): Good afternoon.

The Honorable D. Michael Fisher (MF): Good afternoon to you.

HM: I'm here with Judge Mike Fisher, who represented, in the Pennsylvania House, the 40th Legislative District from Allegheny County, between the years 1975 and 1980, and then, he became a State Senator between the years 1981 and 1986 – 1996; I'm sorry. He was Attorney General from 1997 to 2003, and now, he sits on the Third Circuit Court Judge, from 2003 to the present. Thank you for agreeing to do this interview with me today.

MF: Oh, I'm very pleased to be able to do it.

HM: Can I begin by asking you about your childhood and your family life and how that prepared you for public service?

MF: Well, that's a long way back, but it's still very vivid. I had a great family. I was one of three children, two sisters; one older, one younger. And you know, we lived most of my childhood in the same community, and I still live in, and the community I represented in the State House; Upper St. Clair Township. My dad was involved in public service of sorts. He was the Solicitor for our Township for a long period of time, maybe 10 to 15 years, and at or about the same time, some of those years he was also the Republican Chairman in the community. So, I sort of grew up when I was a youngster

with that mix of public service and politics, so it was a little bit in my blood from the earliest ages.

HM: So what was your first – when did you first realize you had political aspirations?

MF: It probably wasn't when I was a kid, because kids would always fight, particularly what their parents were doing. They'd think that they'd never want to do something like that – or at least most kids would. I probably, when I went to college and law school in Washington at Georgetown, you know, I had the opportunity to be in the nation's Capitol and sitting in, you know, Washington, D.C. You pick up, you know, government and politics by osmosis. If I hadn't had it when I was a kid, being there for that period of time did, and I had an opportunity in my law school years to work on Capitol Hill for our local Congressman, a person whose name was Jim Fulton [James Grove Fulton; U.S. Representative, 1945-1972], and in fact, who you mentioned earlier, the name of Shel Parker [H. Sheldon Parker, Jr.; State Representative, Allegheny County, 1967-1978]. Shel represented the District just next to mine. He represented the Mt. Lebanon area. Shel had worked for Jim Fulton during a similar time in his career, so that was somewhat of a breeding ground for those of us here in the South Hills. But, when I was there, I remember thinking to myself, you know, Wow, someday I might like to get into a position that put me in the legislative process. I found it fascinating, and that was probably the germination of the idea that, you know; maybe someday I'll run for the Legislature or for Congress.

HM: Well, your father certainly introduced you to the Republican philosophy.

MF: He did.

HM: Do you think that there was ever a choice for you?

MF: Yes. You know, growing up as someone who was Irish Catholic, and my parents were Republican – I grew up in an area where, you know, the first Catholic President was elected in 1960. I was, at that time, 16 years old. So, you know, I wondered to myself at that time, you know, was I going to be a Republican or was I going to be a Democrat? And, you know, it took me a while to figure out where my philosophy really was. Probably by the time I got through law school and I did that stint on Capitol Hill, I pretty much figured out that the Republican Party was the one for me, but JFK [John F. Kennedy, 35th President of the United States, 1961-1963] at least made me think.

HM: Could you describe your education and your career prior to coming to the House of Representatives?

MF: I said I went to Georgetown and Georgetown Law, and finished there in [19]66 in college, [19]69 in law school, and then I did a little stint in the service and came back here to Pittsburgh. I actually thought that once I got out of Georgetown that I would probably stay in Washington and be an attorney, either in a firm or a government agency, and, you know, do whatever. And it was my father's presence here in Pittsburgh as an attorney that at least I said to myself, Oh, I ought to give Pittsburgh a chance. And I came back, and I got a job in the DA's [District Attorney] office here in Allegheny

County, and that was my first, you know, job post-law school and post-military. But, I worked in the DA's office for almost five years, and got a tremendous amount of experience, and I learned how to try a case. That was why I was there. But, I also learned a great deal about the criminal justice system, and that was something that was very, very important to me, particularly when I moved on and was elected to the State House.

HM: Were you involved in politics before running for the State House?

MF: I ran in [19]74. In 1972 I ran as an alternate Delegate to the Republican National Convention, and I'd been involved in the Young Republicans when I came back to Pittsburgh, and so I was involved a little bit, I would say, but, you know, not extensively, and really my run for the State House was almost fortuitous at the time. What happened; I was an Assistant DA, was in my fifth year, and at that time, that was about the amount of time people would generally stay – four to six years they might stay as prosecutors in the office – and I'll never forget; a person from our community who replaced my dad as Solicitor and Republican Chairman, they were friends. They were dear friends, and he was an attorney, worked in the same building, and I saw him one day – and this should probably be [19]74, must be in the winter of [19]74 – and he said to me, he said, “We were talking about you the other night,” and I said, “Oh, what were you talking about?” And he said, “We decided,” – and the “we” was, I guess, the Republican leaders – “We decided that we want you to run against Jay Wells [State Representative, Allegheny County, 1971-1974], who at that time was a Republican Representative from the 40th District, and I said, “Oh, really?” And he said, “You think you'd be interested in that?”

And I said, “Frank,” I said, “I just got married last summer.” I said, “I don’t know. I’m not so sure about that.” I said, “I really am honored to think of you to think of me, but,” I said, “I better go home and I got to talk to my wife about this.” So, I did that and we talked about it for a couple weeks, and it sort-of – then I had that flashback of my saying to myself, maybe I’d run for the Legislature some day. And I thought, you know, that coupled with the fact that I was probably going to leave the DA’s office in the next year or so anyways, I convinced my wife, I said, “You know what? They’re never going to ask, you know – if somebody asks you, they may never ask you again. So, if you’re going to, you know, think of making a change or running for public office, why not do it this time?” So, two or three weeks went by, and I went back and talked to Frank Bolty – that was his name – I said, “Frank, I’d be interested.” Well, at that point they were lining me up to run in this bitter Republican Primary against the, then incumbent, Jay Wells, and there were at least two other Republicans who jumped in, and it was a crowded field. And, as it turned out, there were three communities in the 40th District at that time: Upper St. Clair, where I lived; Bethel Park, where Jay Wells lived; and then South Park, which was a little community, a growing community, but it was just on the other side of Bethel Park. So, as it turned out, the other two candidates were from Bethel, and then as I think now, your community is on the ballot, so in a Primary it would say, “Mike Fisher, Upper St. Clair. Jay Wells, Bethel Park,” and it said “Don Anderson, Bethel Park, and Ray Kirich, Bethel Park.” So, that was a big advantage for me, because it then became, it wasn’t just me against an incumbent; it was me against three Bethel Park candidates. And so, that was a hard-fought Primary campaign, and I knocked on – this was 1974, and it was a little bit before the time the politicians would say to the candidates, “You have to go knock on doors.” I probably heard it from somebody, but I don’t think as many

people did it at that time as they do now – and I went out, and I knocked on doors, still at my job in the DA’s office, and I went out every afternoon about 2:30, and I had my street list, and I would divide the District up, and I would, you know, go. I’d take a ward for a week, and I’d hopefully be able to get out and go six or seven days. If it rained or the weather was bad, people would think you’re crazy knocking on their door that day, you had to scrap that day. You had to literally scrap that ward, because you had to go on to the next ward. But, I did that and come election night in, probably, May of [19]74, election night I won by 120 votes, and as it turned out, I won that little community of South Park by about 120 votes because I was the only one spent any time at South Park, and Bethel was a lot bigger than Upper St. Clair, so there were more votes coming up, but I got – you could tell, even though I was the candidate who wasn’t from Bethel, I received a, a consistent number of votes all across Bethel Park, and I attribute it to only one thing, because very few people knew of me; It was knocking on doors. You could tell that, you know, every ward I’d get a consistent number of votes, and that had to be the door-to-door campaigning.

HM: Well, how about the General that year?

MF: Well, the General, then, was very interesting in that I, of course, now became the Republican nominee, and nobody knew me in Harrisburg. The Caucus wasn’t quite as powerful as it has been in, you know, the last couple of decades, but nobody knew me in Harrisburg. I mean, Jay was the incumbent, and of course, he’s still there and I’m not so sure at that time he said too many good things about me, although we subsequently became pretty good friends and my wife – he was my wife’s dentist at the time I ran, so,

you know, small communities. You just – never any strange bedfellows. But, nobody knew me in Harrisburg at all, so I didn't get any help in the campaign. And then in 1974, of course, we had the impeachment hearings on President Nixon [Richard M; 37th President of the United States, 1969-1974], and President Nixon's resignation in August of [19]74, and then President Ford [Gerald R.; 38th President of the United States, 1974-1977] pardoning President Nixon, and it wasn't the best time to be a Republican. So, it was one of those years where I remember the signs vividly. It just said, "Mike Fisher, State Representative." Didn't say Republican at all, and I ran and it was a very strong Republican area at the time, and the Democratic candidate didn't really, you know, didn't have the advantage of winning the Primary, and even though he had the mood in his favor, the Republicans in the 40th District were going to stick with the Republican. And, although a lot of people lost their seats that year, because when I came in I think we only had maybe 88 or 92 Republicans that year, a lot of Republicans lost their seats in the southeast. I was able to hold on to the 40th District, and that was my election.

HM: Well, can you comment on the changes in your District from the time that you were the Representative, since you're still a member of that community? Could you talk about how the area's changed, or is it maybe still the same?

MF: Well, it's funny. The community is very much the same, and, you know, it seems like there hasn't been a whole lot of change in that community. Some would say there hasn't been a lot of change in the whole Pittsburgh area. I mean, there's been a lot of change for the better, particularly in downtown, but these were suburban communities, and, you know, they're more mature communities now. There's very little new

homebuilding, new home construction. When I was elected development was a big thing and schools were growing in stature, and it was, you know, highway roads and education. I remember during my six years in the State House, it was important for me to get the roads fixed and make sure we brought money to the three schools, because each community had their own school. Upper St. Clair, Bethel, South Park had their own school district, so those were the key issues. I mean, you had a fight – I was always fighting in the Shapp [Milton J.; Governor of Pennsylvania, 1971-1979] Administration for highway dollars, and of course, for those who remember those days, one of the things the Shapp Administration was known for was, PennDOT was not thought of very highly; a lot of allegations of corruption about PennDOT and the roads were bad. So, everybody was after their Rep[resentative] or the Senator to fight for road money, and at least I can say, and I can still drive down a road, I can say, “I remember when I got that road fixed in 1977,” or a couple other community projects that I can remember saying, “I got that storm water project funded in 1978. Maybe took until 1988 to build it, but I got the money for it in [19]78, and, you know, it finally took place.”

HM: Can I backtrack and ask you if you liked to campaign, because you have been so politically active?

MF: I used to be.

HM: True.

MF: Of course, now I'm a Federal Judge, and I'm totally out of politics, but I liked meeting people, and yeah, I mean, I enjoyed the opportunity to go out and meet people. You know, it was a situation where if you didn't – it was a community like many House Districts, particularly in the suburban regions of the State. A House Member got very little free media. Whatever media you got, you got it through your newsletters, you got it through your local, maybe, weekly newspaper. You had to work hard to get your name around, and during my tenure in the House, it was before the advent of newsletters. I was able to, I think, send maybe a newsletter each year in my last term, [19]79 and [19]80, but prior to that, you may have put a newsletter together, and the best you'd be able to afford would be able to send it to your mailing list, or maybe send it to the members of the Chamber of Commerce, or to the educators in the community. So, you had to get around to get known, and you had to be at every pancake breakfast and spaghetti dinner and football game and women's club and you name it, you know, I would be there. But, I liked having the chance to meet people, and I always felt – because I then was reelected in [19]76 and reelected in [19]78, and I had opponents all the time. Had a Primary opponent; in fact, Jay Wells came back and ran against me in [19]76 in the Primary – but I always felt, and I remembered this, that it was no different in a campaign time than it was during your tenure as Representative, because if you did your job you were literally doing the same things, and somebody else would be preparing, you know, campaign mailing or would be getting the signs out around the community. What I did was I campaigned very seldom. I just did my job, did my job in the community, attended my local meetings, and come election time, it was just a natural that, you know, people would, hopefully they were convinced that they should keep you for another two years, and that was the nature of the business then.

HM: Well, how did that compare the House funds versus running for State Senator or Attorney General?

MF: It was much easier to get to know people and to know their problems in the House, and the House was really very, very manageable. I got to know people well, people who were still friends of mine who I met from politics. I got to know them very well in the House, and certainly from a logistical standpoint, traveling around, you know, you could be invited to three meetings in your House District in one night, and at least in the District I represented, you could get to all three of them. I remembered when I got to the Senate with a District four times as large in the same general area of Allegheny County, three meetings in one night, you'd have a tougher time getting to. When I was a statewide official, three meetings in one night would generally be Philadelphia, Harrisburg, and Pittsburgh, and you had to make your pick which one were you going to go to. So, it was far more manageable, and it was a delight to be able to work with people that closely.

HM: Can you talk about some of the constituent work that you've done? What were the people asking you? Were they asking you to fix problems for them or what kind of representation were they seeking from you?

MF: As I said, my recollection some 30 years ago now, people were always interested, "Get my state road fixed." There'd be terrible potholes at that time and everybody was fighting for me, "You got to get my state road fixed," so that was a big battle. Education,

“Make sure we get enough money.” The districts I represented were obviously, they were more suburban, you know; higher income. And when you looked at the school subsidy formula, they get very small increases, and the districts would be complaining they have huge costs, too. So, it was the beginning of the time when there was a larger impact on their local property taxes, so there was always a fight for more dollars. Anything you could get would be important. That’s when special education costs, particularly, started to skyrocket, and it was a particular emphasis on, you know, “Make sure that you get us special education,” because I remember at that time it was just after the passage in the early [19]70s, not while I was there, but in the early [19]70s, of the right of students who went to the parochial schools to be able to get the public school bus, and there was a lot of resistance at that time from the public schools. They’ve learned to accept it now. It’s been better funded now, but, you know, back 30 years ago when they’d get the bill for transporting a couple students out of the community to a, you know, private or parochial school, they were up in arms, and they would be coming to me, “You need to help us get the money to defray that expense,” and then, as it’s ironic, I have some PennDOT paperwork that I need to do right now on something, and, of course, I got spoiled; I used to take my paperwork to Harrisburg, and somebody would do it for me. You know, now I know I go up to AAA, but back in those days when Shel Parker and Joe Zord [Joseph V., Jr.; State Representative, Allegheny County, 1965-1980] and I would travel to Harrisburg, I’d always travel up with my pack of PennDOT that I would take up on a Monday morning, get it done by Wednesday, and bring it back, and I was a big hero. I got somebody’s license plate or their driver’s license, and people loved that, and it was part of the constituent work that has, you know, carried on for another 20 to 25 years until PennDOT got more user friendly, and I, I think, I would have to think it now,

very few people would think of running to their Legislator to get their driver's license for them, but, now they run to their Congressman to get their passport.

HM: (*laugh*) Whenever you first started, did you have any mentors whenever you came to the House?

MF: I did. In a way, but I had, as I said, I was the outsider. You know, I ran against an incumbent. Very few people knew me. I got to meet Rick Cessar [Richard J.; State Representative, Allegheny County, 1971-1994] that summer. Rick was kind to me that summer and, you know, tried to help out in a few things, and Rick and I became, you know, close friends and colleagues. He lived on the other side of the county, but he was, in that point in time, someone who'd been there for a while. Near me, as I said, was Shel Parker and Joe Zord; two Republican Representatives whose Districts abutted mine, and we used to travel to Harrisburg together. We would either ride with Senator Ewing [Wayne S.; State Senator, 1967-1976], or I would drive and pick the two of them up. Senator Ewing was defeated in [19]76. He used to ride with us the first year; the four of us would all go together. And then when he lost, Shel and Joe and I would ride up together. So, in those early years, Shel was very helpful in that my District was very similar to his, and he would tell me how to do things, and Joe was always very helpful because he was a little more conservative-thinking than Shel, and he would tell me quiet, "Don't listen to Parker." He says, "He'll get you in trouble on that vote. Listen to me." So, if Shel was voting one direction, Joe was the other direction, I'd have to make my choice, but I could figure out, you know, where to go, but they, they had my best interests in mind, but everybody got along well. We would joke about that.

HM: Have you maintained close relationships with some of these individuals?

MF: Well, Joe Zord died probably about ten years ago, and, you know, I kept pretty close touch with Joe during his lifetime. I see Shel, and Jim Knepper [James W., Jr.; State Representative, Allegheny County, 1971-1980] was another Rep[resentative] who was a District adjacent to Shel's that, you know, we all served together. Shel I see occasionally. My wife and his wife developed a great friendship. Rick Cessar was a person that we, we became very close. And then the last two years that I was in the House, a person who I'd served with in the DA's office who I now serve with in the Federal Court, Terry McVerry [Terence F.; State Representative, Allegheny County, 1979-1990] replaced Shel from Mt. Lebanon, and, you know, Terry and I were close then and maintained a friendship. So, of the people out here, yes, we've maintained a friendship, and then, among the Republicans from the southeast, the irony is that I told you my Chief Judge on our court is Tony Scirica [Anthony J.; State Representative, Montgomery County, 1971-1980], who was a State House Member from Montgomery County. Bill Yohn [William H., Jr.; State Representative, Montgomery County, 1969-1980] is on the Federal District Court in Philadelphia; he was a State House Member from Montgomery County. Dan Beren [Daniel E.; State Representative, Montgomery County, 1967-1976] was a State House Member from Montgomery County. He's now my daughter's boss at a law firm, and we all had dinner about a year or so together in Philadelphia. Tony, Bob Butera [Robert J.; State Representative, Montgomery County, 1963-1978] was with us. Bob was the Republican Leader at the time. Bill Yohn, Dan Beren and those people, are people that I've maintained some kind of relationship with

through my travels over many years. And, of course, I mean, there're others who I got to know well who, like me, they went from the House to the Senate. I served with them in the Senate, and people who were very crucial to my election as Attorney General, who were either State House Members or Senators when I ran statewide. So, it was a foundation, a political foundation that, you know, started locally, grew in Harrisburg that was a key and a backbone to a lot of what I did in State government and politics over the 25 or 30 years that I was in elected office.

HM: Thank you. Do you remember your first Swearing-In Ceremony?

MF: I do.

HM: Well, can you tell me about it?

MF: It was a great day. It reminded me of this year when the State House convened. This year I was there Swearing-In the State Senate, and there were so many striking similarities, but what I remembered about it was the weather was bad. We drove to Harrisburg. It was one of my first trips to Harrisburg. My mother and father were having a rear ender on the turnpike. My dad was shook up at the time, you know, he bumped on the turnpike on a bad weather day. He recovered fine the night before, got to Harrisburg, and there was a fight over the Speakership, and the Republicans at that time – this was January 1975. Herb Fineman [Herbert; State Representative, Philadelphia County, 1955-1977; Speaker, 1969-1972 and 1975-1977] had been the Speaker and was the Speaker elect for the Democrats. Speaker Fineman was being opposed by another Democrat from

Philadelphia by the name of Marty Mullen [Martin P.; State Representative, Philadelphia County, 1955-1982], and my first vote was to decide whether or not I was going to vote for Fineman, who was the Democrat candidate, or Mullen, who the Republicans were all supporting. It was sort of the flip of what happened in 2007. So, I didn't know what to do, and I knew a Democratic Legislator from Allegheny County, his name was Charlie Caputo [Charles N.; State Representative, Allegheny County, 1967-1978]. I knew Charlie because Charlie was a defense attorney as well as being a Legislator, and I knew him from around the courthouse. In fact, I knew Charlie better than I knew any of the Republicans; Charlie tried cases, and I was the prosecutor. So, right before I got to Harrisburg, and I guess that day I was betwixt and between; the Republicans Leadership wanted me to vote for Mullen, and Shel and Jim Kelly [James B., III; State Representative, Allegheny County, 1971-1976] and Jim Knepper –Shel Parker – they were going to bolt from the Republican Leadership and vote for Herb Fineman, so they were trying to get me to vote for Fineman. And I didn't know what to do, so I saw Charlie that morning in the Capitol. I said, "Charlie, I don't know what to do. My Leadership's pushing me for Mullen, and Parker and Knepper, Jim and Shel, are going for Fineman, I understand." He said, "Look it, Mike," he says, "I'd like you to be for our guy Fineman." He said, "But the best advice I can give to you stick with your Leadership." He said, "Don't, don't on your first vote bolt your own Leadership, because you're going to need them for something." And those were the days where if you voted the wrong way, you'd lose your phone, you could lose your secretary, you could lose your office, and that's what they told us, anyways. That was the lore; I don't know if that ever happened. But, I decided that that was probably the right vote, so I remember that day distinctly, and my first pot of flowers came on my desk. My wife got the word that's

something that you did, and I remember for so many, many months, my flowers sat on my desk in my office.

HM: Well, where was your first office?

MF: It was down in the bowels of the basement. It was on the far end in the basement. The area's now been refurbished, but I was in the bowels of the basement. We were in a little space. We had four Members in the office at that time. It was Jay Haskell [H. Harrison, III; State Representative, Crawford County, 1971-1978], Rick Cessar, and I forget who the fourth one was. I think Tony Cimini [Anthony J.; State Representative, Lycoming County, 1975-1990] who was from Williamsport, were the four people who were all – Tony was new at that time, too. It was four people who were all squashed into this little office. I think we had one secretary.

HM: So what was it like? Did conditions improve throughout your tenure?

MF: I stayed there for two terms. I was there for at least two terms in the basement, and then in, I believe, [19]79 the Capitol Annex, which is now the Matt Ryan Building. Matthew J. Ryan Building, was turned over to the Legislature by the Department of Justice, so it became part of what was then the newly restructured office of the Attorney General, and I had a chance – I was down in my fifth year, my third term, and I had a chance to move to what was – I guess it was a prelude to what would eventually happen – I moved to the old Attorney General's office in the front of that building, which is – that building's been now been redone – but I had this big huge office. It was so big at that

time I dragged Terry McVerry with me, who was just new, and I said, “Come on, Terry, come over. They said, ‘You’re going to have to put somebody else in there,’” so I took Terry with me. He and I were in the front office there.

HM: Would you say you had the opportunity to mentor anybody while you were in the House?

MF: Yes, I did, and it was interesting how fast things changed within, I wouldn’t say two years, I think by my – certainly I was a rookie that first two years, and I told somebody not too long ago, in fact, it was Mike Turzai [State Representative, Allegheny County, 2001-present] – I had lunch with Mike beginning of January this year – I told Mike, I said, you know, “The easiest time I ever served in government was when I was in the minority with a Governor from the other Party.” I said, “You weren’t required to do anything. You didn’t have to put up any votes at all. You weren’t responsible for anything. You could vote no on whatever you didn’t like. You could be a populist,” and that was my first term. And I started getting my feet on the ground, and it was then I began to develop some, you know, I took my expertise in the criminal justice system, I began doing some things, but you’re seen but not heard when you’re a rookie like that. And my second term, I got a little more seniority, and by my third term there were a surprising number of new Members; people who were elected at the time when Dick Thornburgh [Richard; Governor of Pennsylvania, 1979-1987] was elected Governor in [19]78. So, there were quite a few new Members who came in, and the number of people that I ended up helping out and getting started and showing the way and doing things like that with, it was, you know, it was a great time.

HM: Well, I meant to ask you about serving around some of the Governors. During your first two terms in the House, Governor Shapp was in office?

MF: Yes.

HM: And your last one was with Governor Thornburgh. What do you think were the major differences in their styles of leadership?

MF: There certainly was a major difference in the perception that the first four years, my first two terms, were that it was the second term of the Shapp Administration, and there were just so many allegations of corruption going on in State Government at the time, but that's, that is really what helped get Dick Thornburgh, who's a former Federal prosecutor, elected. Milton Shapp's kind of leadership – and there's some big issues; it was a first of the big budget fights that this state has seen over the past 30 years came in 1977, and Milton Shapp was just totally detached from what was going on. And the income tax was now on the books, and he was trying to raise the income tax, and people were upset four years earlier. It was the first time they had gotten an income tax, and now we're going to raise the income tax, and that's what people had said that's why they fought the income tax so hard. They said, "Once it goes in, they're just going to keep raising it." So, Shapp at that time in that second term was detached. He ran for President, and I remember in 1975-76 he finished behind "no preference" in a couple of the Primaries, and that, that really was sort of the coup de gras that discredited Governor Shapp for his last term. And then with all the problems at PennDOT and DGS, with the

prosecutions were going on, it really was a rudderless Executive branch. And the Legislature began to, you know, get some strength, and the Republicans took a tough stand on spending and taxation in [19]77, and that helped; all those things helped to elect Dick Thornburgh in [19]78 and give the Republicans a majority in [19]78, that really stood strong against higher taxes and higher spending, and that was an important time. And then Dick Thornburgh came in and his theme was, I can remember; he was going to clean up Harrisburg. And, of course, he came in, and there were a lot of people that were somewhat skeptical, you know, just, “What was he going to clean up?” and “Where was he going to clean it up?” And Dick did not know Harrisburg that well. He knew he was going to clean something up, and he came in with a style of leadership that was a lot different. He basically came in and, you know, he took over, and surprisingly, after some begrudging resistance, the Legislative Leaders pretty much fell in line, and the rank-and-file fell in line, and we got a lot of good things done. And the Thornburgh Administration, that was the beginning at least my two years, then in the House it was the beginning of some good times for the state; some progressive leadership, some, some major changes, improvement of the business climate. Definitely in [19]79 he brought in a strong leader of PennDOT, Tom Larson, who became one of the best Secretaries of Transportation this state’s ever had, and he helped to create the image that PennDOT was not a cesspool of corruption and they could actually get a road fixed. So, it was a different time. I remember there was a stark contrast between them. But then in the [19]79-80 Session, which was my third term and my last Session in the House, you know, we had some real responsibilities. We had to enact Governor Thornburgh’s budgets. We’ve had to, you know, we had to pass the bills, and the Senate was still Democratic, so, you know, we were the go-to team for the Thornburgh Administration, at least in that

two year tenure. And that placed some really significant responsibility on us, but it was fun.

HM: What was the Leadership like in the House? Because you said, you mentioned Speaker Irvis [K. Leroy; State Representative, Allegheny County, 1959-1988; Speaker, 1977-1978 and 1983-1988], Speaker Fineman, and I think Speaker Seltzer [H. Jack; State Representative, Lebanon County, 1957-1980; Speaker, 1979-1980] were all Speakers; three Speakers in three terms.

MF: Yes, there were, and during my first two terms, the Republican Leaders were Bob Butera and Matt Ryan [Matthew J.; State Representative, Delaware County, 1963-2003; Speaker, 1981-1982 and 1995-2003] and Bob and Matt were tremendous Leaders. Anybody who served with them, you know, had the highest regard and the greatest respect for them. Bob left the House in 1978. He resigned from the House to run for Governor, and that was the end of his tenure in State Legislature. Matt, then, became the Republican Leader, and Matt was just a – actually, both Matt and Bob were great orators. The oratory in the House back then was tremendous with Leroy Irvis and Jim Manderino versus Matt Ryan and Bob Butera. Bob left, and then Matt opted to stay as Floor Leader, and Jack Seltzer went from Appropriations Chairman to Speaker, in 1979, 1980. And Jack, you know, Jack was a stubborn Dutchman from Lebanon, and he was an ironfisted leader, but Matt was always perceived, at least during that tenure as the Leader of the Caucus, and there was some great battles at that point between Matt and between Leroy Irvis and Jim Manderino, and I think it was probably the height of, you know, at least the period I can remember, of the great debates in Pennsylvania that took on a tremendous

tone, and they were heated, but there were a lot of respect for one another then, but they got things done.

HM: I know this has been a few years, so – you served on numerous committees while you were in the House. Is there any one committee that you felt was your favorite over another, and for what reason?

MF: While I was in the House, I served on the Judiciary Committee, I believe, every year, and I served on the Mines and Energy Management Committee from [19]77 through [19]80, and I liked both of them. Judiciary gave me an opportunity to use my expertise in the criminal justice system. I participated in the drafting of Pennsylvania's death penalty law in [19]78, and I promoted a number of bills sponsored – I was the sponsor of them; the insanity bill, the elimination of the insanity defense, took me to get the to the Senate, and it took John Hinckley to shoot Ronald Regan for me to ever get that guilty but mentally ill bill passed, but I started doing that then, and there were some other criminal justice initiatives. But it was interesting; I got assigned to the Mines and Energy Committee in the [19]77-[19]78 Session, and I knew very little about the subject area. I think I may have been on the Conservation Committee in my first term, but the committee didn't meet very much that I can remember, but Mines and Energy Management sort-of reconstituted, and there was a Democrat by the name of Bernie O'Brien [Bernard F.; State Representative, Luzerne County, 1963-1980] from up in Luzerne County who was the Chairman, and Bernie and I hit it off great. And we had a, I believe it was [19]77, we had a very cold winter, and there was a gas shortage from all the cold, and Bernie took the committee around the state, and we would, you know, we

were looking at the problems and the causes of the gas shortage and what we had to do and what laws needed to be passed to straighten that out to make sure everybody got their fair share of natural gas. So, Bernie ended up – he jokingly called me his counsel. I was a Republican minority, you know, junior Member. We struck it off so well that Bernie and me, I was his counsel. He wouldn't do anything unless I approved it. But, it was a nice way to have a bipartisan relationship, which we also had on our Judiciary Committee. There were Democrats in the state who were on the Judiciary Committee at the time. Norman Berson [State Representative, Philadelphia County, 1967-1982] was the Chairman. Joe Rhodes [Joseph, Jr.; State Representative, Allegheny County, 1973-1980] and Charlie Hammock [Charles P.; State Representative, Philadelphia County, 1973-1976] and David Richardson [State Representative, Philadelphia County, 1973-1996], people, you know, with views who were very much, maybe, in contrast to mine, but we work great together, and Tony Scirica was a member of that committee. Warren Spencer [State Representative, Tioga County, 1963-1984] was our Chairman. Bill Hutchinson [William D.; State Representative, Schuylkill County, 1973-1982] was on that committee, and people with, as I said, Judge Scirica, now Chief Judge in our court, Bill Hutchinson, a former member of our court till he passed away, and we had just great opportunities to craft laws in a bipartisan fashion. We left the partisanship to somebody else, and Speaker Seltzer and Matt Ryan, they could fight with the Leaders. We did the work in a bipartisan fashion, and we had success.

HM: Well, you've mentioned that working together – do you think that that is something of a bygone era? Can you comment on that? Because people have often said that we've

worked together in a bipartisan way, but they just don't feel that that same feeling is there in Harrisburg.

MF: I moved to the Senate in 1981, and I served there for 16 years before I became Attorney General, and there was a spirit of cooperation and then a heightened degree of partisanship there, and it was that same trend in the House. Though I wasn't a Member, I observed it. I do think that maybe there is more working together that doesn't get talked about than what you hear being told today and in the recent past, but I think the partisanship has become much worse and has become much more a part of how the system works in the Legislature in Pennsylvania and in the Congress than it was in the late [19]70s. You could begin to see that happening as campaigns changed. It started with hard fought campaigns where Caucuses were supporting their candidate, and the other Caucus their candidate, and they were highly charred, and there were ads made, and people would make ads from Harrisburg and send them into the District. That got people started off on a bad foot. You came there, and the Democrats had attacked you, so therefore, you never wanted to work with the Democrats. You got elected as a Democrat, and a Republican attacked you, and you never wanted to work with a Republican. So, you ended up sort-of being drawn to your own Caucus, and as I said, I got to Harrisburg in 1975. I defeated a Republican and didn't know hardly anybody except the few people right around my region who I got to meet a little bit after I got there, so I didn't have that same kind of animosity built up. I had a close working relationship with the Allegheny County Democratic Delegation to the State House my entire six years, and many of them remained, you know, friends of mine for years. And we would golf together out here in Western Pennsylvania, we would, you know, go to one of those social events, but we

never were at each other politically. So, that's, I think, what changed was, politics became a bigger part of it, and that laid the seeds for distrust.

HM: Thank you for sharing your thoughts. I wanted to ask you about the budget battle. You had talked a little bit about it, but what do you recall why it took so long to pass that budget that year in 1979, or 1977?

MF: Well, it took so long because the economy, I guess, had taken a little bit of dip, and revenues weren't as high and Republicans realized that this was a way in which we could distinguish ourselves. We were supposed to be a Party that was anti-tax and anti-spending and we shouldn't just go along. And that fight, you know, took place, it was well-crafted, and I don't think Governor Shapp and his team knew what to do. It seems to me they didn't know what to do. I remember a story that Bob Butera told somewhat similar during that period of time or after, I guess after the battle was all over, he said he literally ran into Milton Shapp in the men's room in the back of the Capitol going out to what was the, then, parking lot, and Shapp said to him, he says, "Bob," Governor Shapp says, "I don't understand. I don't see what the problem is. Can you tell me what the problem is?" So there was no dialogue at all, and you had a detached Administration. And Republicans really seized the initiative to say, "We're against higher spending," and it certainly was the right issue, and we were able to – and at that point, vulnerable Democrats realized that if they cast the wrong vote, they could be defeated in the [19]78 election. So, it was all tied together, and people were going to say you had Democrats who didn't want to bail out their Party, and Republicans weren't going to provide the votes, so therefore, you had a stalemate.

HM: I wanted to ask you during your first term in office you were the prime sponsor of a joint resolution proposing to reduce the number of Senators and Representatives in the General Assembly. This is an issue that continually comes up. Do you still feel that a reduction should occur?

MF: Well, I'm glad that you reminded me of that, that I had such foresight. I always thought that we had – coming from a suburban area in a metropolitan area, I just thought we had too many Members. There was so much overlap. No one knew – the people in the area didn't know who represented whom, and I thought the House was too big. One of the, one of the reasons that I guess it was so easy for the Republicans to entice me to run for the Senate, I remember sitting back probably [19]77, [19]78, [19]79, saying, "I don't know how many years I could sit here and do this with the 203 Members." The House was too big, and I realized if there ever was a chance to do it, you had to at least reduce the Senate some, but it was provincial. You were asking people to give up their jobs, and it took a Constitutional amendment. I think it was a good idea then, and I think it's a good idea today, and hopefully, somebody gets around to it.

HM: In 1975, you were the prime sponsor of House Bill 579, which was a bill to abolish the Pennsylvania State Stores, which is also another issue that keeps coming up. How do you feel about that today?

MF: I was right in [19]75, and I'm right in 2007, but that's someone else's baby to have to fight now. I continued to carry that issue all during my legislative and then my

political efforts statewide, but it was a very – I mean, it was a tough battle. The lobbyists for the State Store clerks and managers were fierce, and they had the allegiance; there was the allegiance for the State Store employees, the tavern owners, and the beer distributors, and they were effective because 30 years later there still has been very little change. However, I do think, and, you know, not just my effort, I was a little player then, and maybe as I later was able to shed a little more tension on it with Dick Thornburgh and Tom Ridge and some others, maybe we had more effective – I do think that it caused the improvements in today's State Store system. State Store system today is far different than what it was in 1975. Still think that it makes better economic sense that that should be owned by private enterprise, not by the state, but at least they've modernized.

HM: Why do you think you were successful in getting the guilty but mentally ill verdict passed in the Senate in 1982, but were unsuccessful in the House in 1980? I think you may have already answered this.

MF: You know, I was ahead of my time, and I tried to – I worked on that bill, It probably was a predecessor to that bill in maybe the [19]77-[19]78 Session where I tried to eliminate the insanity defense all together, and then I realized I wasn't going to get that done, but I believe I passed it in the House when I was in the House, and I passed it in the Senate when I was in the Senate. President Regan got shot by John Hinckley, and everybody wanted to get my bill passed the next day, and that, that's how it happened. But, it was a change that whose time was right, and really it has, in effect, eliminated the insanity defense in Pennsylvania.

HM: So, since you were ahead of the game, was there any reason why you felt strongly about that issue?

MF: I had a couple cases when I was a prosecutor in the early [19]70s here in Allegheny County where the insanity defense was attempted to be used and was used successfully. I just felt that there was something wrong with it, and that we ought to bring about a change, and I ran head first into a lot of opposition, and that's why I ended up modifying it to the guilty but mentally ill verdict. But, that experience as a prosecutor where I saw what could happen in a case that gave me the, the ability to get that done.

HM: What were some of the other major legislative issues that you had fought for while you were in the House?

MF: All politics is local. They would always say that, and that adage was as true then as it is today, as they tell me. But, my first bill, I think, was to convey some land Upper St. Clair Township for a new fire station, and that wasn't the easiest thing in the world to do because you had to get that passed. When I drive by that fire station, I look down and I realize that, you know, I got them that land. So, I always have the Upper St. Clair firefighters in my corner, I can tell you that. That took place in [19]75. I was in the minority most of my time, [19]75-[19]78, so I didn't get much passed, a few little bills here and there, and I worked on a number of criminal justice issues. We had in the [19]79-[19]80 Session, there was a subcommittee on crime and corrections that was formed that Judge Scirica chaired at the time, and I took his place when he went on the Montgomery County Court, but we passed a number of criminal justice initiatives, and

that's sitting with Dick Thornburgh's leadership that were important efforts. I was the sponsor of a bill that said that intoxication was not a defense to a crime. That was in [19]75 or [19]76, but something that I, once again, I ran into as a prosecutor, and it was some case that came up at the time that I was able to craft a bill that ended up getting passed.

HM: Well, I also saw that I think you were on the House Subcommittee on Highways and Transportation. It dealt with specifications of materials.

MF: Yes.

HM: Do you remember that?

MF: Yes, yes, yes, I was on the Transportation Committee in my, I believe, my third term, and highways were crumbling and I just said, "It must be something wrong." And sure enough, there was an agreement that they were using the wrong concrete mix, the wrong asphalt mix, and my resolution led to that probe and they finally – it took an attorney to convince the engineers that their mix was bad.

HM: *(laugh)* What do you think the hardest or most, most frustrating issue you encountered in the, the House was?

MF: Well, I mean, the death penalty debate was hotly, hotly debated at the time, and I had a bill to reestablish the death penalty in Pennsylvania. We didn't have one from

[19]74, or [19]75 until [19]78, and that was a hard fought issue, and there were very strong emotions. And after the Supreme Court in the case of Furman vs. Georgia approved the Georgia death penalty law in [19]76, I believe, which gave us the go ahead to write a law, but there were a lot of people against it, including the Governor, Governor Shapp at the time. I believe we finally passed the death penalty. I was on the Conference Committee that wrote Pennsylvania's current death penalty that's been upheld almost 30 years now. I think we actually had to override the Shapp veto of that bill, and that was a hard fought battle. It really was; really was.

HM: What aspect of your job as a House Member did you enjoy the most?

MF: I thought that at the time, really, the opportunity you get to work with people, both Parties, in a substantive way; Energy, Judiciary, Civil and Criminal Justice. It was really a great opportunity in my career to hone my skills, but to be a participant in the legislative process and get things done with a minimum of politics.

HM: Do you think your law career helped you understand what was going on in Harrisburg?

MF: I did, and vice versa, and vice versa. In fact, when I was elected in [19]74, most people who were attorneys continued to have law practices, and I did the same. I had a law practice all during my time in the General Assembly from House and Senate. So, I think my DA experience and then my law practice experience helped me in crafting legislation and understanding problems, and likewise, I think that my public sector

experience helped me as Attorney General, and now a Judge, to understand the system and how the system works.

HM: What aspect of being a House Member did you like the least?

MF: Traveling the 220 miles from my home to Harrisburg with a young family. My wife was tremendous. She allowed me to run, and our two children were born when I was in the State House and that was hard. It really was. I was out of town a lot and Carol was great. You know, she took care of the kids when they were babies. I'll never forget; there was another Representative Fischer in the House when I was in the House. His name is Roger Raymond Fischer [State Representative, Washington County, 1967-1990], and his name was spelled differently; he had a c, I had no c. And Roger was from Washington County, he lived about 20 miles south of me. And Roger's wife and my wife were both expecting, our first child and Roger's second, third, or fourth, I'm not sure, the same week in November of [19]75. And we would go up – there were a couple weeks we'd go up, and we'd drive back every night. We'd go up for Session, get in the car and drive back home so we were home in case our kids were born. And I remember those trips; Roger and I would stay back, and then they'd call us back up, we'd drive back up then drive back home. So, it was a distance, and of the things of what I liked the least, that was it.

HM: Do you have a favorite story or a fondest story that you'd like to share with people whenever you think back on your time in the House?

MF: I have a lot of stories, but some people are still alive, and I can't tell them.

Actually, there were a lot of great things that happened, and the highly charged debates in [19]77 were probably the most significant from a policy standpoint in [19]77, but there were great Members, who, I alluded to it before. It's not just lawyers; the membership then – and I don't how this fit into the partisanship, but I think it was all a part of it – many of the Members then continued to conduct their businesses and professions, which isn't the case today, and it always seemed to me that there was a little bit greater level of independence. I can remember tough votes. I really wasn't worried about whether because of a tough vote I was going to lose an election, because I had a law practice and I figured I was only there, I thought, for a short period of time, and I stayed 30 years, but I felt I had a degree of independence to me. There were so many other people that way; people who were farmers, people who were insurance men and women, people who had another thing that they did, and we weren't in forever. But, then the Legislature became more of a full-time creature. New Members would conclude that they couldn't do what they did before, so they didn't keep up their business. Then they became dependent on it, and then the vote really did count. They gave up their insurance business, and they were worried if they made this bad vote, they could be out, and they didn't have a job, and you could see that happening in people across the spectrum. So, you know, I think that it was something I remembered fondly about, you know, the people who were there, but I when I look back on it, I think it was a change that not for the best.

HM: I think you're probably right. Can you tell me – well, first, why did you decide to leave the House and run for the Senate?

MF: I had a safe Republican District. If I was able to get elected in [19]74, in a Watergate year, it was a safe Republican District. I could've stayed for a long time. I actually got recruited again. I got recruited. A Democrat had won the District in [19]76, and Henry Hager [State Senator, 1973-1984], who was the Leader of the Senate in 1980, and at a Penn State football game he told my wife, "We're going to run Mike for the Senate," and she said, "What's this about?" And I said, "Well, they're after me to run for the Senate, but I'm not so sure I'm going to do that." Because the incumbent I was then running against was very strong. I perceived him to be very strong. And one thing led to another, I finally said, I think it was after one long debate, I said to myself, "You know what? I don't know how many years I can stay here," and was, once again, I was recruited, and I figured they're never going to ask me to run for the Senate and express a willingness to help. It was a Presidential election year, and I thought, "Well, the worst," I said, is that time I remember thinking, "The worst thing that can happen to me is I can lose the election, and I'll be back practicing law full time." So, I decided why not roll the dice, and I did, and it wasn't because I was making a mark in the House. I liked it. It had its tough times at times, the travel particularly, but I thought, "Well, why not try it when you're being asked?" And I did, and I was successful.

HM: And what would you like to tell me about your Senate career? I'm not going to ask you nearly as many questions as I did about your House, but I thought you could maybe sum it up for us.

MF: Yeah. Well, Matt would always say that the caliber of both Houses improved when, you know, a Member left from the House and went to the Senate. But the Senate

was a little different body; there were fewer Members, it was more controllable in that the schedule was at least more controllable. You had a bigger District. No longer were you able to get right through those three communities, you had a bigger District. It was a much bigger challenge. You had a few more resources, you had a more sizeable staff, and it was, you know, I remember where I came from, and I knew the four House Members from my District were very important to me, and I worked closely with them. There were actually more than four because you have Democrats who would have a piece here, I maybe had seven or eight, and I had a great relationship during my entire tenure with all of the Rep[resentative]s in my Senate District, because I understood their plight. If I got a project done, I would make sure I had Representative Gamble [Ronald; State Representative, Allegheny County, 1977-1996] or Representative Trello [Fred A.; State Representative, Allegheny County, 1975-2002] there. They may not have known anything about it, but I gave them credit. I did the same thing with the Republican Members. I gave them credit, because I knew that, you know, what it was like to serve in the House, and I think those things helped me through my time, but when people say, “Which job did you like the best?” I liked them all. Every job I’ve had in public service I’ve liked at the time, and it gave me a great opportunity, but I always think back fondly on the House because that’s where I started. If it hadn’t been for Frank Bolty recruiting me in 1974, I don’t know that I would have ever run. Maybe I would have. Maybe I would not have. But, I got to serve and served with a lot of great people, including the people who are still there today. As I said that in the picture, John Perzel [State Representative, Philadelphia County, 1979-present; Speaker, 2003-2006] and Denny O’Brien [Dennis M.; State Representative, Philadelphia County, 1977- 1980; 1983-present; Speaker, 2007-2008], we’re sitting, I think, not next to – if not next to one

another, they were right in the row in front of us in the [19]79-[19]80 Session. And people who were still Leaders, you know, Bill DeWeese [H. William; State Representative, Fayette, Greene and Washington Counties, 1979-present; Speaker, 1993-1994] came in when I was there. The current leaders were all people who started when I – or when I was there. So, you see a transition, but I think fondly of it, and I’m glad I had the chance to serve, and I’m glad I had a chance to talk a little bit about some of the history.

HM: Thank you. Can I ask you, because you’ve had great stories about each of your transitions; what made you decide to run for Attorney General?

MF: I actually decided, once again, I’d served at that point, really, I’d been there 22 years, and that was a long time. I never, ever thought of being in Harrisburg 22 years. I mean, I was ready – I was willing to leave in [19]80 if that was the fate, and I had success in the Senate, and I continued to practice law, and I had a pretty good law practice, and I finally decided that if I was going to continue in public service, I wanted to have the opportunity to do it where I was focusing on a law directed occupation. I was there when the Thornburgh Administration created the elected office of Attorney General. I always had an interest and thought that that would be a great office to serve as the Attorney General of Pennsylvania someday, and I had that chance. In the, you know, mid nineties, circumstances unveiled, and I decided that I wanted to try it, and I ran statewide, and I was very blessed, and I was very fortunate to be elected after six, 16, and then close to eight to be elected Pennsylvania’s Attorney General twice. And so, that’s why I did it, and in the final analysis, all of those opportunities coming together. When my political

career looked like it was pretty much at the end of the line, I couldn't run again for A.G., that I had the opportunity given to me by President Bush [George W.; 43rd President of the United States, 2001-2008] to serve in the U.S. Court of Appeals for the Third Circuit. It was all the other little things I did that helped me to get there.

HM: One of the things we ask is; do you have any advice for new House Members that come to Harrisburg? What would you give them as a piece of advice from your numerous years of service?

MF: I had a new House Member come in and speak with me earlier in the year, and I gave that person some advice. I think that trying to focus like I did on issues that you have some expertise on can give you a foundation. Focusing on the issues that are important to your constituents is number one. You can't get too far above the people who put you there. And, trying to work to the degree you can today in a bipartisan fashion eventually is going to put you in a better position. Those things I think aren't too dissimilar from what happened in the mid to late [19]70s, but I think people need to get back to that. There's a lot of controversy related to legislative service, but there always comes controversy. There always was controversy; we had pay votes, we had tax votes. And, I think the other thing that's important, and maybe that the last legislative pay raise, is you need to be more upfront. And, I think, finally, those kind of reforms are pretty clear that you, you know, you need to do things more in, in broad daylight; you need to be more candid with the media and the people. Sooner or later, I mean, this is a new era with the Internet, with the bloggers, and everybody able to communicate much quicker, cell phones, none of which we had in the [19]70s. It's a much different era, and

information's going to get around quicker, and if you do something that the people don't like, they're going to hear about it. So, but those are the points that I would emphasize to Members today and Members tomorrow.

HM: My last question: how would you like your tenure as a Legislator to be remembered?

MF: As somebody who, you know, worked hard to make some changes in state government, whether it be in criminal justice area, environmental area, education, and as someone who tried to do it both in Harrisburg and in back home in a fairly strong Democratic region in a bipartisan way. And, the ability to get along with people, I think, in the final analysis pays off. When you're running in a statewide race, people who you may have burned bridges with have a very easy way of getting back at you, and I learned that, and I think it was successful for me. But, if you treat people well and you work hard, you'll be successful, whether it be in elected office or whether it be in the private sector, and that's how I tried to conduct myself.

HM: Well, thank you very much for taking the time out of your schedule today and meeting with us. That was a wonderful interview, and I appreciate you coming in.

MF: Well, thank you, Heidi. Thank you, Ozzie.