

PENNSYLVANIA HOUSE OF REPRESENTATIVES
BIPARTISAN MANAGEMENT COMMITTEE

ORAL HISTORY PROJECT

INTERVIEW WITH:

The Honorable Ellen M. Bard (R)

153rd District

Montgomery County

1995-2004

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Simon Bronner (SB): We are with Representative Ellen Bard of the 153rd District, who began her service in the House of Representatives in 1995. Welcome to our project.

The Honorable Ellen M. Bard (EMB): Well, thank you.

SB: The first thing I want to ask you is; what in your childhood prepared you for your service?

EMB: Well, I had a family very much focused on serving the community, other people. I remember my father often times saying, “Whenever you go someplace, you know, you should leave it better than when you arrived.” So, whether that would mean picking up litter, selling potholders for girl scouts, or whatever it was, that was always part of my upbringing of being focused on trying to make the community better. So, I think that that has a lot to do with the fact that I feel very much that I want to make a contribution, whatever I can do to help make a difference and move things forward. That is a real driving force for me.

SB: You lived and were educated in several places before Pennsylvania. How did that affect your understanding of Pennsylvania’s issues?

EMB: Well, my background is very eclectic, as you said. I grew up in Anchorage, Alaska, [and] went to school in California as well as on the East Coast, Boston University, and MIT [Massachusetts Institute of Technology]. I had prior professional

positions in everything from criminal justice to synthetic fuels, to retail banking and had my own business just prior to coming to the House. So, I think that's given me a very broad based experience that helps me relate to a lot of different issues and a very diverse populace. And I think that has been very helpful with my District, which is an extremely diverse District. I have always said that it's a microcosm of Pennsylvania, except for the fact that we have only one farm. But, I enjoy the opportunity to hear new experiences, new ideas, new viewpoints, new proposed solutions and I think, perhaps, that's because of that broad based background that you referred to.

SB: What were you doing before you ran for the House and why did you decide to run for the House?

EMB: Well, I had my own business and I had been elected as a Township Commissioner. I found that I was ignoring my business responsibilities and really devoting many, many, many, many hours beyond what you would normally expect, I guess, to my Township Commissioner activities, trying to work with the community. So, when the potential arose to run for State Representative, I thought, well this is a good opportunity to expand my activities on a more full time basis. And, that is what prompted me to run.

SB: What do you recall of your first campaign for the House?

EMB: Oh, it was very tough. There were actually four gentlemen and myself¹, vying for the endorsement. It was unusual for a woman; at that point – it was in 1994 – to be running for this House seat. So, I did win the endorsement, but was challenged and had a very tough Primary and the fact that I was a woman was an issue. The fact that I had kept my maiden name after I married was somehow an issue, for some reason, I don't know. But, at any rate, I did win and then went on to the General Election and managed to win that. I think that the thing about the first campaign was that I was such a novice. The first State Rep[resentative] campaign – after you run a few campaigns – you have a mechanism for fund-raising and a mechanism for getting all the yard signs out and so forth. But, that first time out is pretty tough.

SB: Was campaigning different in your last term rather than your first term?

EMB: Well, my state Rep[resentative] campaign, the last time around, was an interesting time. My District is very much a swing District, the seat has been held previously by Democrats and Republicans, so my seat was always a targeted seat. I have to win votes from both Republicans and Democrats in order to win. So, by the last time around the real concern was people that would come in and vote just straight Democrat and whether that would be enough of those people to just carry my opponent in was the real question. But, both in the last Presidential (2000 election), when Al Gore won my District by 6,000 votes and I won by about 6,000, you can see what a swing District it is, and how many people do vote outside party lines. And, then also, when Governor Rendell was on the ticket, he won with about 75 percent of the vote and I think I got

¹ Ellen Bard (R); David Barol (Dem); Kenneth Krawchuk (Lib) and George R. Stevenson (Independent).

about 73 percent, something like that, so that was really the concern. Of course, my last campaign was for Congress and that was really again a new experience; running at the Federal level is a whole different set of rules, a whole different geography, much larger geography. My State House District was actually a relatively small portion of the overall Congressional District. So, that was again a very new experience.

SB: Do you regret not running for the House seat, the House of Representatives and the General Assembly here at the same time?

EMB: Well, it was a major decision. Certainly, there is no legality that prevented me from running for the House seat, at the same time I would be on the ballot for the Congressional seat. But, I think that politically, it's a very difficult thing to do, to run for both. I don't think that the Electorate really likes it; although so many people have said to me, "Ellen, we have to have you back representing us. We really need you to be representing us, we miss you already," you know. I think that I wouldn't want to be sitting here today thinking, Well, possibly, I would have won the Congressional Primary had I not split votes and given up some to the State House seat. So, at least I can say now that I gave it everything I could. And I think that's important. I think the voters have the right to have a Primary Election and choose whom they're going to be voting on in November. So, that was carried through under this process.

SB: When you entered the Pennsylvania House of Representatives for the first time, were there surprises for you?

EMB: Well, I remember the first time coming up to Capitol, the “campus,” and really thinking how this was going to be like going back to the halls of learning, to college, studying these tremendous ideas and debating these ideas that were of such consequence to the Commonwealth. I think a big surprise for me was the fact that, you know, there’s a lot more to what happens here in Harrisburg that goes beyond just the issues and what might be the textbook solution, or so on and so forth. So, I think that was a surprise to some extent.

SB: Did you have mentors and who were they?

EMB: Well, I have stated – actually there’s a wonderful book that was published, first under Matt Ryan [Matthew J. Ryan; State Representative, Delaware County, 1963-2003; Speaker, 1981-1982 and 1995-2003], that has profiles of the women in the House. [*History of Women in the Pennsylvania House of Representatives, 1923-2001*, by Jeanne H. Schmedlen] At that time, I named a former local Republican Committee Chairman, Paul Aloe, and two Committee women, Sunny Freidman and Joanne Ayer as my mentors. They have stayed with me, all of them, as really my “kitchen cabinet,” so to speak, throughout my years as State Rep[resentative] and then throughout the Congressional campaign. It’s very important to have a kitchen cabinet like that, but as you move on, sometimes you need some other people who have “been there and done that.” So, it is an interesting challenge to be able to continue moving into these new situations politically.

SB: You mention that it was difficult to run as a woman on a campaign. Are there obstacles or opportunities as a woman in the House?

EMB: Yes, absolutely, there are both obstacles and opportunities. I think actually, back to the campaign issue, I think, in some respects, the voters over the last five to ten years wanted to see women running. I think that they felt that they could trust women, that women were political neophytes and have the good of the community at heart. So, I think that there were some advantages in the campaigns as well. But, in terms of being a Member of the House, you know, the House does have the “Old Boys Club,” a very extensive network. It’s been documented that there have been over 11,000 men who have served in the House and I understand 112 women. So, even in terms of all that network there, only 112 women form the basis of the history of the women in the House. That’s a very small number certainly compared to 11,000. I think that indicates or is indicative of the fact that women don’t really have a critical mass; [they] don’t have nearly the same kind of support system that the men do here. So often, you’ll see the men out for dinner with lobbyists or golfing with lobbyists. A lot of information is exchanged in those kinds of situations and that’s something the women, by and large, don’t have access to, they aren’t included. One of my male colleagues recently said, “Well, you know, if a male lobbyist takes a woman out people are going to start to whisper and gossip.” So, the male lobbyist will avoid that situation. So, I think that those are obstacles. I think having access to information is very important. I think that, by and large, the women make up for that or try to make up for that by working really, really, really hard. I can’t think of a woman that’s not known as a hard worker, a woman

member. So, I think that's an opportunity in that sense. I think in terms of some of the Committee assignments, for example, for a number of years there was not a woman on the Finance Committee and I did keep trying to bid on that Committee, so to speak. And there is now a woman on that Committee. So, I think that in that respect there can be opportunities to make new inroads.

SB: The House has many Caucuses for occupations, ethnicities. Why do you think the women never organized a Caucus?

EMB: I'm not really certain as to why that is. I think that maybe women want to be seen as Representatives of all the people and on all issues, as opposed to just being seen as focused on certain issues, perhaps. So, I think you could argue both ways, as to whether it would be a help or a hindrance.

SB: What do you consider your greatest accomplishments as a Legislator?

EMB: Well, of course the legislation is very important to me. But, being in the District, having the opportunity to help move things forward in the community and to help honor people who are doing that, unrecognized, day after day after day is probably the greatest reward of the position. But, in terms of what I leave behind on a more lasting basis, certainly the legislative initiatives are something that I'm very proud of. My efforts that focused on real needs in my District, for example, we had flooding, we have a need for tax reform, we have a very serious medical liability crisis, all of those issues I have been

active on in a number of different ways. My own concern, shared by many environmentalists and people concerned about national security, has to do with our reliance on foreign oil. And, this of course was a major initiative that I started pursuing first through a resolution to memorialize Congress to adopt energy policies that would relieve our dependence on foreign oil. And then moved to look at us, as the State of Pennsylvania, as a microcosm and a “laboratory of democracy,” with the idea that if every State worried about what it could do within its own borders to become more secure and energy independent, then as a combination of all the States we would make a major impact for the country as a whole. And I am on the Executive Committee of the National Conference of State Legislatures and had served as a Vice-Chair of the Energy and Transportation Committee there, and so [I] was able to take this model – this concept of laboratory of democracy in terms of energy security – to the national level as well. But, here in Pennsylvania, [I] sponsored a resolution to create a Task Force [HR 224 2001] that ultimately became the Task Force for 21st Century Energy Policy for Pennsylvania and I had the honor, of course, of chairing that. And we did make recommendations and developed ten pieces of legislation as a result of that and one resolution. And, a number of those initiatives now have become Law or are awaiting the Governor’s signature now. So, I think that that was certainly a major effort and fortunately has resulted in some real progress. There are a number of people that co-sponsored or sponsored some of these pieces of legislation who are really moving forward in this area. So, I think there is a very strong base for further activity and I am very pleased about that.

SB: What do you consider disappointments in your service?

EMB: Well, some of these areas that I mentioned having to do with flooding, tax reform, the medical liability crisis are unfinished areas of business, where I don't feel like, perhaps, enough progress has been made. You know, the flood legislation, we've had Public Hearings, I've had legislation over in the Senate at the end of the last three sessions and we just haven't been able to get it to the Governor's desk. So, I am hopeful that, perhaps, there will be some way to continue those efforts, that someone will be focused on that in the future. Certainly, the initiatives that I had sponsored focused on the Federal model of allowing buyouts of flood-prone properties and preserving that property for posterity as open space and floodplain. This was one of the very first times that Federal legislation was used after the 1996 flood in Abington to buy up 13 properties along this river (the Sandy Run) that is normally a little trickle, but during that flood turned into a raging torrent and took the lives of two elderly people in the community. So, that purchase of the 13 properties proved that this is an absolutely iron-clad solution to the problem, whereas some of the multi-million dollar engineering fix, like the berms and the retention basins and so forth, in subsequent flooding, was not a solution and homes were damaged and so forth. Lives were endangered because those weren't real solutions. That buy-out mitigation really was a solution and that's what I've been proposing, to give that authority to the local and county and State governments in my legislation. Because right now, the authority really is only at the Federal level. With regard to tax reform and trying to help relieve property tax burdens, particularly for senior citizens; some of them who have been living in these homes for years and years and years and are paying now in property taxes more than they ever did in mortgage

payments and they just don't have the money, they don't have the wherewithal to do this. So, school property taxes are the bulk of the problem, probably four-fifths of the tax bill. So, efforts to address this problem on my part encompassed everything from trying to make sure that our per-pupil funding was achieved, and it was, and that changed the trend lines in terms of the per-pupil rate of funding at the State level, to meeting with my school board members, the superintendent with Federal officials. I talked to Senator [Rick] Santorum [U.S. Senator, Pennsylvania 1990-2006] and Senator [Arlen] Specter [U.S. Senator Pennsylvania, 1981-present] with the officials. I happened to be at an NCSL [National Conference of State Legislatures] Conference where I was able to talk with Senator [Ted] Kennedy [U.S. Senator, Massachusetts, 1962-2009] about this. So, that was another mechanism in terms of the IDEA [Institute for Democracy and Electoral Assistance] funding that is supposed to be at a 40 percent level from the Feds, and is about a 17 percent level. So, that's been another way to attack the problem and also then, from a legislative standpoint, I've had a number of proposals over the years for property tax relief. A great many of those were targeting elderly residents with low incomes and specifically trying to increase the amount of the property tax and rent rebate, the maximum amount. And, then the medical liability area, where I wish we could have done a little bit more, is a huge problem. And again, one of these multi-faceted problems where you can attack it from so many different directions and, of course, my legislative proposals did attempt to do that. And I was working closely with the Pennsylvania Orthopedic Society, the Pennsylvania Medical Society - and, of course, the Orthopedic Society named me Legislator of the Year for my work - and one of their prime objectives was some of the legislation that I was sponsoring with regard to changing the mandates

as to how much liability insurance was required to be carried by the doctors in order to be licensed to practice here in the State of Pennsylvania. I think that one of the highlights or one of the real interesting aspects of my involvement in this whole issue came about at the end of 2002 when the Abington Memorial Hospital Trauma Center was faced with closure because the doctors could not obtain medical liability insurance. So many of the insurers just weren't offering it and what was available was exorbitantly priced. So, as we neared the end of Session in 2002, I just would look at any potential insurance vehicle legislation that I could attach an amendment to. And [I] did find a potential vehicle and had an amendment to change the requirement for liability insurance, which would have lowered the mandate so that the doctors wouldn't have faced such large bills or have needed to find an insurer willing to give them such a large amount. And also, [it] would have terminated the MCare layer, which is a huge expense. And that amendment did stay on this legislation for a number of weeks and brought attention. The fact that the amendment was there and was something that really needed to be dealt with brought attention focused on the problem. Unfortunately, we didn't deal with that, [and] I did ultimately end up withdrawing the amendment, and unfortunately, the Trauma Center did close at the end of 2002 for 13 days. And it was a frightening situation because the Legislature really was not Sworn-In, so it couldn't really be called into Special Session to deal with a crisis. And that's what prompted me to really try to focus on it at the end of 2002. But, it was an interesting situation. I had invited both the outgoing Governor, Governor [Mark] Schweiker, and the incoming Governor, Governor [Edward] Rendell, to come to the Hospital, Abington Memorial Hospital, and meet with the Hospital administrators and doctors and members of the Board. And Governor Rendell did come

in and we sat there at the table and it was rather a historic occasion I think. And he was very concerned about the problem, clearly, and just tried to, kind of, take hold of it. And did ultimately promise the M-Care relief, so that the doctors would not have to be faced with these huge over-burdening bills putting them out of business. And based on that promise and some efforts to nudge the insurance companies, the Trauma Center did reopen. And it was for some time after that, then that it took to actually get this promise into law. But, we do now have the M-Care abatements. And, that has staunched the problem for the time being, but it is not a solution and there are many approaches that really need to be pursued to try to bring about some more permanent solutions to the problem. Certainly, our efforts in the House to provide Constitutional amendment or movement in that direction have been very difficult and contentious. A number of us sponsored a discharge resolution, discharging from the Judiciary Committee, which is controlled by the majority party [the Republican Party], so here are Republicans asking for a discharge resolution, which was a historic event as well. And, so there is a lot to be done still on this issue, and I know how difficult it will be for future Sessions to deal with these issues; but hopefully they will.

SB: In fact, didn't you urge the declaration of a medical State of Emergency and do you think that the public or the Legislature fully appreciated that crisis?

EMB: I'm not sure that, statewide, there was an appreciation of the issue. I think that when the Trauma Center started closing and during that time-period, 2002-2003, it became very apparent that there was a crisis at most hospitals across the State or at a

great number of hospitals across the State. I think that there became an appreciation then, of the widespread nature of the issue and the fact that it wasn't just, you know, in the Southeast, that this was a crisis. Certainly, in our area, because of what were called "jackpot jury" awards in Philadelphia – and what used to be the ability of the plaintiffs to take almost any case into the Philadelphia court system and get huge awards – certainly, that created a greater crisis in the Southeast, or an earlier crisis in the Southeast. And, you know, I am very pleased that this change of venue has been upheld and that this has had a significant effect in terms of that movement of cases into Philadelphia from Montgomery County, for example. So, progress has been made and of course we did pass the, what's called the "joint and several" reform for parceling out measures of liability. But, that was challenged in court and now that legislation needs to be redone. But, I think that one of the things, also that was very difficult about this situation is that it was such a partisan issue. Whenever these amendments would come up for a vote, it was always, you know, quite partisan, Party line, in terms of the "yeas" and "nays." So, that remains an issue that has to be dealt with.

SB: Did you find yourself bucking the Republican Leadership at times in order to pursue some of the issues that were important to you?

EMB: Well, there was this one occasion that I mentioned, for example, with the amendment. Sometimes, you have to balance off the needs of your District with, kind of, being a "good old boy." And when an issue isn't fully understood, perhaps, you have to call attention to it and sometimes you have to do that in any way available. So, that was

one time when I didn't withdraw the amendment when first requested or second requested. (*laugh*) But, on the other hand, you know, my feeling was that I couldn't live with myself if that Trauma Center closed and somebody's life was endangered and I hadn't done every possible thing that I could do to try to bring about a solution before that closure happened. And just 15 minutes after the Trauma Center reopened, when it did close, two teens were brought in – they've been hit by a car, a drunk driver – and they needed life-saving care. And they were in therapy for years afterwards. The young lady came to me and said, you know, "You helped save my life." So, this is a serious, very serious issue.

SB: Another event that has been called a crisis was on 9/11 [2001] and you were in service at that time. Can you say where you were and reflect on the response that the Legislature took or if that event changed the Legislature?

EMB: Well, I think that event probably changed all of us. Certainly, 9/11 followed the earlier mid-90's attack on the [World] Trade Center [New York City]. And that's what prompted me to introduce a resolution early in my tenure to promote preparedness and assess preparedness for terrorist activities [HR 425 1996]. And we did hold a hearing as result of that, after some negotiations, because the feeling was you didn't want anybody to know how unprepared we were. But, we did have a hearing. On 9/11, I remember coming into the Capitol building and I had a Committee meeting at 10 o'clock that morning. So, as I was driving up here, of course, I heard on the radio the sequence of events and understood that we were under attack. And was amazed to arrive at the

Capitol and feel that, well where are the results of this resolution and this work that was done to assess our preparedness because this Capitol is wide open. So, you know, I came into my Committee meeting and I guess it was about five minutes later that the Capitol was evacuated because of the Flight 93 being en route to Pennsylvania and not knowing what the target was. So, certainly the Capitol, now is much more secure, we have metal detectors. I know that there was a strong feeling that this is the “People’s Building” and we need to keep it available to the people, that we shouldn’t impede the people from coming into the building, but obviously we’re in a new state of affairs and so now it’s quite secure I think.

SB: You have been quoted as talking about people’s access to government and at the same time as a Representative, you are a public figure who is in the public eye. Does that put pressure on balancing those needs?

EMB: Well, you do give up your privacy when you run for office and you become a political figure. Even your legal rights change as a public figure. Certainly, the demands on your time, but you have a wonderful opportunity to do so much. It’s a trade off to some extent. Certainly, if you run for office you have to be willing to have your whole life examined. What people maybe don’t understand, which I unfortunately do understand, (*laugh*) is that people can say things about you that are totally untrue during campaigns or even outside of campaigns, perhaps, in preparation for the next campaign or whatever. And sometimes you may not be able to respond and set the record straight. These charges and allegations can become part of the record of your life even though

they are untrue. You can have threats. We've had telephone calls into my office threatening me and my family. These are very difficult things to deal with. And, so you need to have a lot of those ceremonies where you're giving people awards for the wonderful things they're doing to make it worthwhile to balance off this other aspect of being a public figure.

SB: What do you want your legacy to be?

EMB: I want the people I represent to feel that I represented them honestly and well. I want to feel that I represented them the way I would want to be represented. There was a recent meeting of the Police Athletic League Directors and they presented me with a plaque. It was a wonderful feeling to be able to be recognized by them with a standing ovation, but also to be able to thank them. Because, you know, they are part of the community leaders that make the community so special and make it a dynamic and innovative community. To be part of that is really the legacy that I'm most proud of.

SB: Will you go away with some memories that you would share?

EMB: Memories of being –

SB: In the House.

EMB: In the House in particular? Well, I guess one thing that happened recently that reminded me of coming in as a freshman, I was asked by Speaker Ryan to serve as Speaker Pro Tem. And that was very unusual. This was I think about Christmas-time of my first year. And I have a gavel, with Speaker Ryan's name, from that time. And then I also, now, just was presented a gavel by Speaker Perzel [John Perzel; State Representative, Philadelphia County, 1979-present; Speaker 2003-2006] when I presided and gave my farewell remarks in the House. So, these two gavels are now sitting on my mantle, kind of the first year and the tenth year. And that's very special.

SB: What are your future plans?

EMB: Well, I'm hoping to find a way to try to continue to make a difference in terms of our dependence on foreign oil, our energy security, and our national security. This has been an issue that's been important to me since the first OPEC [Organization of Petroleum Exporting Countries] embargo and something that I've tried to find ways to work on. So, I'm going to be looking to try to move that issue forward.

SB: I want to thank you for your time and especially for sharing your narratives and memories with us.

EMB: Well, thank you very much