

Deferential culture abetted rotten judges

The Luzerne scandal is rooted in local history.

By William C. Kashatus

“See no evil, hear no evil, speak no evil” may be a 17th-century Japanese proverb, but it is a way of life today in Luzerne County, where public fear and naivete give free rein to political corruption.

The county’s most recent scandal involves former judges Mark A. Ciavarella Jr. and Michael T. Conahan. In one of the most serious violations of children’s rights in the history of the American legal system, Ciavarella and Conahan are charged with taking \$2.6 million in kickbacks for sending juvenile offenders to two private, for-profit juvenile detention facilities.

An 11-member Interbranch Commission on Juvenile Justice has been created to identify “those who knew but failed to speak” and “those who saw but failed to

act.” The commission, which held hearings in Wilkes-Barre this week, faces a daunting task, because complicity in the scandal goes beyond even the lawyers, elected officials, school administrators, teachers, probation officers, and prosecutors charged with protecting the children who were victimized.

The parents of the victims are also to blame. They had a responsibility to ask why Ciavarella did not allow legal representation for their children. If they couldn’t afford counsel, they should have demanded that the court appoint a public defender, which is a constitutional right. And they should have appealed when their children were incarcerated for what didn’t even amount to a misdemeanor.

The reasons for their negligence are deeply rooted. They are products of a regional culture that emphasizes deference to public officials and retribution for those who challenge authority.

Much of the area’s population is descended from poorly educated immigrants from Eastern and Southern Europe who worked in a once-prosperous anthracite coal industry. Congressmen, state representatives, and judges were among the most impor-

tant authority figures in the lives of those immigrants, wielding significant influence and helping them navigate the challenges and uncertainties of their new home.

Their trust was rewarded by figures such as Dan Flood, a pork-barrel congressman who channeled millions of health, education, and welfare dollars into Northeastern Pennsylvania during his 32 years on Capitol Hill.

At the same time, the immigrants feared retribution if they challenged authority of any kind, whether legal or illegal. That helped organized crime take over the coal mines in the 1930s. And public officials looked the other way when the mafia violated state laws, leading to the Knox Mine Disaster of 1959, which virtually killed the anthracite industry and put thousands out of work.

Aspects of this mentality still prevail in Luzerne County. Ciavarella and Conahan realized that and preyed on it.

They established a smoke screen by packing the courthouse staff with relatives and shielding others on the bench from juvenile court proceedings. They knew that school administrators and teachers’ unions, who encouraged their “zero tolerance” policy, would mute any criticisms. And even if they were caught, Ciavarella and Conahan planned to hide behind the doctrine of judicial immunity.

The judges’ luck ran out in September, when prosecutors secured a 48-count indictment that includes racketeering, bribery, and extortion charges. If convicted on all counts, they could face as much as 597 years in prison.

Let’s hope Luzerne County’s voters have learned their lesson and will be more vigilant toward the public officials they elect in the future.

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