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Six of seven charges against Austin Murphy dismissed

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By Bill Heltzel, Post-Gazette Staff Writer

Closed-door negotiations yesterday led to the dismissal of all but one voter fraud charge against former U.S. Rep. Austin J. Murphy.

Murphy smiled broadly after three felony charges and four misdemeanors were dismissed. But several people who were prepared to testify against the ex-congressman at his preliminary hearing appeared stunned.

A group of residents and public officials have fought for two years to get Fayette County election practices investigated. They contend that fraudulent voting has been practiced for decades, is widespread and benefits several entrenched elected officials.

The current case focuses only on voting at the Bouras Personal Care Home in Farmington and on a minor elected position.

In 1995, Wharton Auditor Sondra Cesarino noticed an unusually high number of absentee ballots. After the May 1997 primary, she challenged nine absentee ballots.

According to a county grand jury report, Murphy, township tax collector Shirley Hughes and nursing home operator Peggy Bouras forged absentee ballots for nursing home residents and wrote in Murphy's wife, Eileen, for township election judge. The job pays \$60.

Eileen Murphy was elected but declined to serve. She has not been charged with any wrongdoing.



Attorney Jack France confers with former U.S. Rep. Austin J. Murphy outside the courtroom of District Justice Wendy Dennis of Farmington yesterday. (Robert Pavuchak, Post-Gazette)

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Murphy, 72, of Farmington, arrived a half-hour early for his 2:30 p.m. hearing before District Justice Wendy Dennis in Farmington. He looked distinguished, dressed in a navy blue suit, white shirt and blue tie held in place by a congressional seal tie tack.

The scene bore little resemblance to the corridors of power to which he was accustomed until retiring in 1994. The court is in a two-story brick building next to a post office, at the rural crossroads of Routes 381 and 40, just east of Fort Necessity.

The tiny, stuffy courtroom overflowed with witnesses, supporters, spectators and reporters.

But the action quickly moved to a conference room and out of the public realm.

For 45 minutes, attorneys William Manifesto and Jack France for Murphy, attorney Patrick Thomassey for Hughes and Assistant District Attorney Jack Heneks negotiated. Bystanders said Fayette County District Attorney Peter Hook slipped into the room.

Bouras was scheduled to appear earlier in the day but got her hearing continued. Court officials said she plans to waive her right to a hearing and defend herself next in Fayette County Common Pleas Court.

At one point, Murphy emerged from the room. He declined to comment, but smiled and said, "It's not detrimental to me."

He made small talk with a few people, telling one: "I got embarrassed for nothing."

Witnesses waiting to testify gathered outside.

As lawyers went back and forth, word leaked that the defendants would waive their rights to a preliminary hearing.

"I'm elated," said Mary Jane Boger, who had come to testify. "We fought for two years to get where we are right now. This means it's trial time, which excites me. I was worried that our district attorney was going to bury this. I guess the evidence was overwhelming."

She showed reporters the evidence that she had planned to present at the hearing. Her aunt, retired teacher Mabel Boger, 94, had been a resident of Bouras Personal Care Home, and for two election cycles, absentee ballots were taken out in her name. Her name was misspelled on the ballot applications.

"I have 200-some checks she wrote," her niece said. "Anyone looking at the ballot can see it was forged."

"My aunt was a staunch Republican. I'm a Democrat, but I respect her rights. If she knew today what was going on, she'd shoot every one of them."

But as Murphy's accusers exulted, word filtered out that all but one charge was dropped against Murphy and Hughes, and that the remaining

charge was a misdemeanor.

Murphy and Hughes no longer face felony charges of forgery, tampering with public records and criminal conspiracy. Also dropped were misdemeanor charges of tampering with records and unsworn falsification to authorities, and election code violations of restraining the freedom of choice of electors and not obtaining the electors' signatures on absentee ballots.

The remaining charge is an election code violation of marking the ballot of another person.

"This is sick," said Virginia Brugger, who said she supported the ballot challengers.

As other anti-Murphy partisans absorbed the news and commented to reporters, Boger got in her car and broke down crying.

Asked why the district attorney's office dropped charges, Heneks repeatedly said he had no comment.


Then he said, "The matter is still in the system. There was a result today and there will be a continuing process. This is not over with."

"The system protects itself," said David Lohr, whose interest in the case was more than casual. He ran for Fayette County commissioner in 1995 and lost by 236 votes, a bit more than two votes per precinct. He believes fraudulent voting accounted for his defeat. He was removed from the Republican ballot for the May primary for filing problems and is running for commissioner again, as an independent.

"When the system doesn't protect our right to vote, what can you do? The system that is designed to protect us is destroying us," he said.

Murphy left through a back door, avoiding the angry crowd out front.

His wife said, "Make sure you say how fair and even-handed he is."

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