

COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
BEFORE THE COMMITTEE OF THE WHOLE

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, April 23, 1998
9:40 a.m.
- - -

Bill 970745 - Amending retirement system, approved December 3, 1956, as amended, and amending the Municipal Retirement Benefit Plan 1987 Ordinance, which became effective January 8, 1987, as amended, to, and in case of both ordinances, allow members of the Retirement System to name as beneficiaries and survivors any person designated by the employee, under certain terms and conditions. Bill 970749 - amending Chap. 19-1400 of The Phila. Code entitled "Real Estate Transfer Tax" by further providing for excluded transactions and requiring the signing of the certification affidavit, under certain terms and conditions. Bill 970750 - amending Chap. 9-1100 of The Phila. Code entitled "Fair Practices," by adding a new definition and amending certain definitions, and by prohibiting discrimination in employment and in places of public accommodation on the basis of marital status.

PRESENT: COUNCIL PRESIDENT JOHN F. STREET, Chair

COUNCIL. A. CLARK	COUNCIL. H. FERNANDEZ
COUNCIL. J. BLACKWELL	COUNCIL. M. TASCO
COUNCIL. D. COHEN	COUNCIL. A. ORTIZ
COUNCIL. J. KRAJEWSKI	COUNCIL. F. DICICCO
COUNCIL. A. VERNA	COUNCIL. B. O'NEILL
COUNCIL. J. KENNEY	COUNCIL. R. MARIANO
COUNCIL. D. MILLER	COUNCIL. W.T. LONGSTRETH
COUNCIL. M. NUTTER	COUNCIL. F. RIZZO

- - -

VINCENT VARALLO ASSOCIATES, INC.
Registered Professional Reporters
Eleven Penn Center, Suite 600
Philadelphia, PA 19103
(215) 561-2220

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I N D E X

PAGE

3	Cardinal Anthony Bevilacqua, Archbishop. . .	15
4	Philadelphia Archdiocese	
5	Reverend William Devlin.	26
6	Director of the Urban Family Council	
7	Reverend Benjamin Smith.	35
8	Deliverance Evangelistic Church	
9	Reverend Shine, Vice President	40
10	Black Clergy of Philadelphia	
11	Reverend Sergio Martinez	46
12	Sinai Assembly of God,	
13	Marie Summers, President	49
14	Dignity, Philadelphia	
15	Reverend Jeffrey Jordan.	56
16	Metropolitan Community Church of Philadelphia	
17	Reverend Neena Gray, Minister.	60
18	Unitarian Society of Germantown	
19	Reverend Benjamin Maucere.	64
20	First Unitarian Church of Philadelphia,	
21	Reverend Beverly Dale.	68
22	Christian Association, Univ. of Penn.	
23	Rabbi Yael	72
24	Mishkan Shalom, Philadelphia.	
25	Reverend Paul Huebner.	79
	Calvary of the United Methodist Church,	
	Dr. Dan Gottlieb, Family Therapist	85
	WHYY Radio Talk Show Host	
	Richard Bansen	94
	Quaker Society of Friends	
	Arthur Delaney, President	96
	Catholic League for Religious & Civil Rights	

1	COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750	
2	Index- cont'd.	
3		PAGE
4	Charles E. Bennison, Jr., Bishop.	107
5	Episcopal Diocese of Pennsylvania	
6	Reverend Barry Hart Pastor.	111
7	University Lutheran Church of the Incarnation	
8	Mark Aronchick, Esquire	116
9	Chancellor, Philadelphia Bar Association	
10	John P. Stanton	123
11	Family Life Educational Foundation	
12	Larry Gross, Cochair.	127
13	Philadelphia Lesbian and Gay Task Force	
14	Rabbi Sue Levy Elwell, Director	137
15	Union of American Hebrew Congregations	
16	Andrew Park, Executive Director	141
17	Center for Lesbian & Gay Law and Public Policy	
18	Jim Nolan	149
19	War Veteran, Retired Teacher	
20	Denise Kulp, Cochair.	154
21	Liberty City Lesbian & Gay Democratic Club	
22	Rita Addessa, Executive Director.	160
23	Philadelphia Lesbian and Gay Task Force	
24	Larry Frankel, Executive Director	169
25	American Civil Liberties Union of Penn.	
	Dabney Miller, Women's Law Project.	174
	Suzanne Blanchard, Member	176
	Task Force for Gay and lesbian Concerns	
	Richard Kirk, Private Citizen	186
	Robert Malagesi, Private Citizen.	188
	James E. Dougherty, Professor Emeritus. . .	191
	St. Joseph's University	

1	COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750	
2	Index- cont'd.	
3		PAGE
4	Jared Boigon, Director of Programming . . .	196
5	American Jewish Congress, Pennsylvania Region	
6	June Krebs, Chair, Germantown Branch. . . .	201
7	Women's International League for Peace & Freedom	
8	Christine McMenamin, Private Citizen. . . .	205
9	David Acosta, Executive Director.	207
10	Phila. Gay & Lesbian Latino AIDS Education	
11	Linda Rhym, AFSCME District Council 47. . .	211
12	Harry Byrne, Esq., Dolchin, Slotkin & Todd	213
13	Melina Naldo, PFFLAG.	227
14	J. Ciavarella & T. Schwarz, Life Partners	234
15	Isaac Miller, Pastor.	239
16	Church of the Advocate,	
17	Rabbi Rebecca Alpert.	241
18	Joseph Needham, Private Citizen	244
19	Kathy Barlow, Private Citizen	247
20	Joseph Evans, Private Citizen	249
21	Reverend Dwight Lundgren.	255
22	Ben Hayllar, Director of Finance.	257
23	Nancy Kammerdeiner, Revenue Commissioner. .	260
24	Linda Seyda, Personnel Director	263
25	Stephanie Franklin-Suber, City Solicitor. .	327
	Nicole Burton, AFSCME	389
	Charles Bradley, Private Citizen.	390
	Anthony Marachi, Private Citizen.	398
	Barbara Dowdall, Private Citizen.	405
	Andrea Furtek, Private Citizen.	407

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 P R O C E E D I N G S

3 PRESIDENT STREET: Good morning, ladies
4 and gentlemen. I would like to -- while I've
5 urged Councilmembers, I'd just like to inform the
6 members of the audience here today that
7 Councilmembers have little boxes in their
8 offices. And under ordinary circumstances, they
9 know when the hearings are about to begin, and
10 they wait till this microphone is open and they
11 can hear the activity in the chamber.

12 And so I expect that Councilmembers
13 will be coming to the chambers very shortly. But
14 in the meantime, I'd like to talk a little bit
15 about what we are going to do here today.

16 We have about somewhere between 75 and
17 100 people who have signed up to testify. This is
18 not the most popular public hearing that we have
19 had; we have had even more people to sign up to
20 testify at public hearings. We appreciate the
21 interest that the members of the general public
22 are showing in this important controversial issue.

23 We'd like to ask your cooperation. We
24 think that it's very important that whatever
25 happens in this chamber today happens with a

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 certain amount of respect and dignity, and that
3 everybody be given an opportunity to speak and to
4 be heard.

5 It is unfair to the Members of City
6 Council, it is unfair to the members of the
7 general public, for those folks who are here, who
8 feel very strongly about this issue, to interrupt
9 the testimony and to not allow them -- witnesses
10 or Councilmembers -- to speak.

11 We don't believe that these hearings
12 can or should be completely without emotion.
13 There are times when people want to express
14 themselves by clapping and doing other things.
15 This is entirely appropriate, and no effort will
16 be made to keep people from expressing themselves
17 in that way.

18 However, there reaches a where
19 emotional displays, one way or the other,
20 interfere with our ability to take the testimony
21 and have the hearing, and we would appreciate very
22 much, no matter what your view is, if you would
23 give us an opportunity to have a public hearing
24 today.

25 We expect to be here all day and most

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 of the evening. We will do everything reasonably
3 possible to hear all the witnesses that have
4 signed up to testify. We will ask people to limit
5 their testimony, particularly members of the
6 general public; we do not expect you to be
7 conversant with all the details of the bills.

8 We think that the likelihood is that
9 people will come, and they will be testifying in
10 favor of the bills in a general kind of way and
11 not necessarily know all the details. These are
12 very complicated issues, and there are, you know,
13 significant legal questions that get raised, and
14 we don't expect the members of the general public
15 to be conversant with all of those issues.

16 And, therefore, we'll respect your
17 right -- therefore, we will respect your right to
18 come and give testimony, even if it's in a general
19 way, in favor of one or more of the bills or in
20 favor of the concepts underlying the bills.

21 Now, I would like to explain early on
22 that as it relates to these bills -- and
23 Councilwoman Verna, I would appreciate it if you
24 would remind me that I have not read the titles of
25 the bills. I want to explain 'cause there are a

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 lot of people who have come here who've never been
3 here before, so don't let me forget to go back and
4 read the titles of the bills.

5 There will be a set of amendments that
6 will be offered to some of these bills. The
7 general public had no way of knowing what those
8 amendments will be, so there may be people who are
9 testifying on a bill, as it's currently written;
10 and later, an amendment will be offered.

11 I would appreciate it very much if the
12 Members of Council would understand that, and
13 let's not be technical in holding the witnesses to
14 know the details of amendments that we won't get
15 to until later on this evening or at least after
16 all of the public testimony is given.

17 There are technically five bills before
18 us. I received a letter -- I think it was last
19 Friday -- from Councilman Ortiz, requesting that
20 Bills No. 970181 and 970140 be withdrawn from
21 consideration.

22 And then on Monday, April 20, I
23 received a follow-up note requesting that Bill No.
24 970140 be withdrawn, and Bill No. 970140 be
25 resubmitted for consideration. Now --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILWOMAN VERNA: (Off-mike.) I'm
3 sorry, Mr. President (inaudible).

4 PRESIDENT STREET: Well, I'm not sure
5 what that means. I think that's probably a typo.
6 'Cause on the one hand, it's the same bill.

7 COUNCILMAN ORTIZ: Right.

8 PRESIDENT STREET: So which one do you
9 want --

10 COUNCILMAN ORTIZ: I move that we
11 withdraw Bill No. 970140, yes.

12 PRESIDENT STREET: Okay. So you wish
13 Council Committee of the Whole to consider Bill
14 No. 970181, is that correct?

15 COUNCILMAN ORTIZ: Well, we will leave
16 it because we may have -- we may have an amendment
17 to that bill later on.

18 PRESIDENT STREET: Councilman, all you
19 have to do is say yes. If you say yes, then it's
20 before us.

21 COUNCILMAN ORTIZ: I just -- let me say
22 -- let -- let us withdraw the two bills, 970140
23 and 970181, I move that they be withdrawn.

24 PRESIDENT STREET: A motion is not
25 necessary.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN ORTIZ: Okay. I will wish
3 that those two bills be withdrawn for
4 consideration at this hearing.

5 PRESIDENT STREET: All right.

6 COUNCILMAN ORTIZ: And the bills that
7 will be remaining is 970745, 970749, 970750.

8 PRESIDENT STREET: Now, I would also
9 like to inform the Members of Council and the
10 general public that we will take two breaks during
11 the course of this testimony.

12 We will break for about 30 minutes at
13 approximately 1 o'clock. And then around 5
14 o'clock, we'll take another break for about 30
15 minutes or so, because it is unfair and
16 unreasonable to expect Councilmembers to sit for
17 16, 17 straight hours without having any break.
18 And so we will take two breaks, and then we will
19 plot on with the testimony.

20 Is there any question from any Member
21 of Council on any of that?

22 The Chair recognizes Councilwoman
23 Fernandez.

24 COUNCILWOMAN FERNANDEZ: Mr. President,
25 would it be possible for people who have

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 amendments to at least circulate those
3 Councilmembers now so that we could -- as we're
4 thinking about this issue all day, we could at
5 lease see what the proposed amendments might be.

6 PRESIDENT STREET: It is my
7 understanding that the one set of proposed
8 amendments has been circulated -- only set of
9 proposed amendments has been circulated.

10 COUNCILWOMAN FERNANDEZ: To our
11 offices?

12 PRESIDENT STREET: Yes.

13 COUNCILWOMAN FERNANDEZ: Yesterday?

14 PRESIDENT STREET: Yes.

15 COUNCILWOMAN FERNANDEZ: I didn't
16 receive any.

17 PRESIDENT STREET: I'll ask that they
18 be circulated again. I'll my staff to get those
19 proposed amendments and get them circulated again.

20 COUNCILWOMAN FERNANDEZ: Thank you.

21 PRESIDENT STREET: The Chair recognizes
22 Councilman Nutter.

23 COUNCILMAN NUTTER: Thank you, Mr.

24 President.

25 Yes, it is correct that those

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 amendments were circulated yesterday. They were
3 attached to a City Solicitor's opinion on the
4 three bills.

5 A separate circulation is on its way,
6 with an explanation, but those are proposed
7 amendments drafted by the Law Department to deal
8 with technical clarifications and to provide
9 better information about what certain bills do or
10 don't do. So they are attached to the City
11 Solicitor's opinion.

12 PRESIDENT STREET: Thank you very much.

13 COUNCILMAN NUTTER: And they will be
14 circulated separately.

15 PRESIDENT STREET: We're going to need
16 a little cooperation from the press in this
17 hearing. We would appreciate it very much if you
18 have to do various reports to your stations, if
19 you could find a way to do that outside, or at
20 least in a way that doesn't interfere with the
21 progress of the hearing.

22 We are also going to need some
23 cooperation and understanding as we try to conduct
24 this hearing. There are numerous people on all
25 sides of this issue. There are clergy who support

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the bills and clergy who oppose the bills. There
3 are witnesses who would like to testify in groups;
4 for example, the American Civil Liberties Union
5 and, I think, the Philadelphia Bar Association and
6 the Women's Law Project has a panel of people that
7 would like to testify.

8 We would like to as best we can
9 accommodate those individuals who've have made an
10 effort to organize themselves and to testify in
11 groups, so we're going to need some cooperation
12 and some understanding as we try to make sure that
13 the hearing is conducted in an orderly fashion.

14 There will be approximately, three
15 maybe four, witnesses who will testify on behalf
16 of the Administration: Mr. Ben Hayllar, Nancy
17 Kammerdeiner, and Linda Seyda, and I think someone
18 from the Law Department. Those people will be you
19 called to testify a little later on in the day.

20 So we will try to get through the
21 variety of witnesses and an as efficient and as
22 reasonable a way as is possible.

23 At this time, a quorum being present, I
24 will officially declare that a quorum of the City
25 Council of Philadelphia is present in the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 chambers. Today we will have a public hearing and
3 perhaps a public meeting on several bills that are
4 before us.

5 We will consider Bill No. 970745, an
6 ordinance amending the retirement system, approved
7 December 3, 1956, as amended, and amending the
8 Municipal Retirement Benefit Plan 1987 Ordinance,
9 which became effective January 8, 1987, as
10 amended, to, and in case of both ordinances, allow
11 members of the Retirement System to name as
12 beneficiaries and survivors any person designated
13 by the employee, under certain terms and
14 conditions.

15 Bill No. 970749, an ordinance amending
16 Chapter 19-1400 of The Philadelphia Code entitled
17 "Real Estate Transfer Tax" by further providing
18 for the excluded transactions and requiring the
19 signing of the certification affidavit, under
20 certain terms and conditions.

21 And Bill No. 970750, an ordinance
22 amending Chapter 9-1100 of The Philadelphia Code
23 entitled "Fair Practices," by adding a new
24 definition and amending certain definitions, and
25 by prohibiting discrimination in employment and in

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 places of public accommodation on the basis of
3 marital status.

4 Immediately following the public
5 hearing, a meeting of the Council Committee of the
6 whole, open to the public, will be held to
7 consider action to be taken on the bills just
8 mentioned.

9 We would like to have as our first
10 witness today His Eminence, Cardinal Anthony
11 Bevilacqua, Archbishop of Philadelphia. He is
12 here.

13 (Applause.)

14 (Cardinal Bevilacqua comes forward.)

15 PRESIDENT STREET: Good morning, Your
16 Eminence.

17 CARDINAL BEVILACQUA: Good morning, Mr.
18 President.

19 PRESIDENT STREET: Please identify
20 yourself for the record, and proceed with your
21 statement.

22 CARDINAL BEVILACQUA: My name is
23 Cardinal Anthony Bevilacqua, Archbishop of the
24 Archdiocese of Philadelphia.

25 Council President Street, Members of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the City Council, ladies and gentlemen, I bid you
3 a very affectionate good morning. I'm here to
4 testify because of the gravity of these five bills
5 regarding life partners and domestic partners
6 being considered by Council. I appear before you,
7 confident that my position, the position of the
8 Catholic Church, is grounded in a firm basis of
9 mortality, custom, and faith.

10 I am testifying in person so that the
11 Members of Council, as well as the public, will
12 hear the Catholic Church's true position on
13 marriage, the traditional family, homosexuality,
14 and the proposed life partners legislation.

15 In 1996, this Council held hearings on
16 ordinances regarding so-called domestic partners.
17 Today, three ordinances refer to life partners,
18 while two ordinances refer to domestic partners;
19 yet both terms refer to the same relationship.
20 The nomenclature is different; the meaning and
21 consequences of the suggested measures are the
22 same.

23 The bills before you individually, and
24 more importantly, taken together, attempt to do no
25 less than create a sense of moral, cultural, and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 legal equality between marriage and same-sex
3 partnerships.

4 (Applause.)

5 CARDINAL BEVILACQUA: So-called life
6 partnerships, they reflect an attempt to cast
7 aside marriage as our legal standard and to
8 establish a legitimacy for homosexual unions as
9 well as heterosexual partnerships outside of
10 marriages. However, the marital relationships
11 shared by husband and wife constitutes the only
12 true and lasting life partnership.

13 (Applause.)

14 CARDINAL BEVILACQUA: Our position is
15 supported by many religious leaders representing
16 many varied denominations. It is uplifting that
17 one can see and hear these leaders speaking
18 together in one voice. To know that so many
19 religious and community leaders have come together
20 united on this issue should not be a surprise to
21 anyone. We have done so before, and if need be,
22 will do so again.

23 The surprise is not that we have come
24 together but that we must continue to speak out in
25 favor of marriage and the traditional family in

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the face of constant assaults on the sacred,
3 time-honored, and vital institutions. It is
4 deeply disturbing that every few years, we have to
5 come before City Council to offer testimony in
6 defense of traditional marriage and the family.

7 Perhaps those all behind these bills
8 hoping that we will grow tired or that our message
9 will become outdated or muted. If so, they are
10 grossly mistaken. Though we are of many faiths,
11 we are of one voice.

12 (Applause.)

13 CARDINAL BEVILACQUA: At the outset, I
14 must say unequivocally that the Catholic Church
15 condemns as immoral any act of unjust
16 discrimination against homosexual persons. The
17 church's teachings on the issue of homosexuality
18 is clearly pronounced in the catechism of the
19 Catholic Church, which states that homosexual
20 people, and I quote, must be accepted with
21 respect, compensation, and sensitivity. Every
22 sign of unjust discrimination in their regard
23 should be avoided.

24 (Applause.)

25 CARDINAL BEVILACQUA: The Catholic

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Church clearly teaches that a homosexual
3 orientation in itself is not immoral. Violence
4 and hatred directed at a homosexual person is
5 sinful and wrong.

6 It is troubling that the issue of life
7 partners has been framed in terms of
8 discrimination. The Archdiocese of Philadelphia
9 works constantly to ensure that our actions and
10 words reflect our firm belief that discrimination
11 against any individual is completely unacceptable.

12 (Applause.)

13 CARDINAL BEVILACQUA: To accuse the
14 Catholic Church of unjust discrimination because
15 it labels homosexual behavior as sinful or because
16 it opposes these bills can only be interpreted as
17 a total disregard for truth and honesty. We have
18 nothing but loving concern for those who oppose
19 our position, including those who are homosexual.

20 We recognize that all persons are gifts
21 from God and deserving of our love and respect.
22 However, we ask those who disagree with our
23 position to understand that one can love and
24 respect other persons without accepting their
25 actions and without wanting the government to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 honor or provide special incentives for their
3 life-style.

4 (Applause.)

5 CARDINAL BEVILACQUA: Some who support
6 these goals allege that their goal is not to
7 equate same-sex life partnerships with marriage
8 but to avoid discrimination. However, other
9 supporters of these bills concede that their
10 ultimate goal is to legally establish same-sex
11 marriages. They argue that the definition of
12 marriage has to change with the times.

13 For the Catholic Church, the issue has
14 always been that of preserving and defending the
15 sacred institution of marriage and traditional
16 family life. It has never been a matter of
17 discrimination.

18 (Applause.)

19 CARDINAL BEVILACQUA: Each year, our
20 parish and Archdiocesan schools educate over
21 111,000 students of all races, all beliefs, and
22 varied incomes. Twenty of our schools are
23 composed solely of minority students, the vast
24 majority of whom are non-Catholics. Each and
25 every student is given the attention and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 educational assistance he or she needs. We offer
3 this education without discrimination.

4 Many of you know that the Archdiocese
5 of Philadelphia is the largest provider -- private
6 provider of social services in the Commonwealth.
7 Each year we serve hundreds of thousands of people
8 all races, of varied incomes, and of all beliefs,
9 even those who profess no religious belief.

10 In response to God's call, we help to
11 clothe the naked, feed the hungry, and house the
12 homeless. In addition, we provide services to
13 those who suffer with HIV and AIDS. In these
14 humanitarian efforts, all are given assistance
15 without discrimination.

16 (Applause.)

17 CARDINAL BEVILACQUA: Our human
18 services and educational programs are well known.
19 However, many people may not know about two
20 Archdiocese programs that go more directly to the
21 issue at hand.

22 The Archdiocese supports a program for
23 Catholics who are homosexual. This program,
24 called "Courage," assists those who turn to us for
25 help. We offer them love compassion, and support

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 in their desire to live a chaste life. Our faith
3 teaches us that all people are gifts from God.
4 How could we respond otherwise?

5 Another program, called "Encourage," is
6 offered for the families of homosexuals. This
7 program provides education, support, and love for
8 these family members.

9 The real issues at hand, marriage and
10 the traditional family, are too important to be
11 lost in the confusion of the debate. These values
12 are too central to all of society. The definition
13 of marriage -- the union of a man and a woman --
14 is timeless.

15 (Applause.)

16 CARDINAL BEVILACQUA: Marriage does not
17 change to fit momentary whims or to be politically
18 correct. Too many people --

19 (Applause.)

20 CARDINAL BEVILACQUA: Too many people
21 in the media and business world already have
22 created an environment where people no longer
23 speak of husbands and wives; they talk about
24 "partners."

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 CARDINAL BEVILACQUA: I emphatically
3 repeat what I stated five years ago when I
4 testified before Council, because the truth has
5 not changed and will not change.

6 At that time, I testified that such
7 bills are dangerous because they attempt to cast
8 aside marriage as our legal standard of legitimate
9 cohabitation, they intend to give legitimacy to
10 homosexual cohabitation as well as heterosexual
11 cohabitation outside of marriage.

12 This is a legitimacy which neither
13 homosexual or heterosexual cohabitation now enjoys
14 and, which, for the common good of the City,
15 should not be given.

16 (Applause.)

17 CARDINAL BEVILACQUA: This legislation
18 communicates to the whole of society, but
19 especially to our youth, that extramarital and
20 homosexual relationships are the natural, moral,
21 and legal equivalents of marriage and the family.
22 They endeavor to nullify the fact that committed,
23 traditional marriages and stable families
24 constitute the foundation on which a lasting and
25 civilized society is built.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Marriage and family life have a unique
3 and fundamental role in society. This role
4 springs from the fact that the permanent
5 commitment of husband and wife in marriage is
6 intrinsically tied to the procreation and
7 education of children. This leads --

8 (Applause.)

9 CARDINAL BEVILACQUA: This leads
10 eventually to the necessary support of society.
11 The health and well-being of our City depends on
12 stable families.

13 (Applause.)

14 CARDINAL BEVILACQUA: As elected
15 leaders of our City, you are called to defend the
16 sacred institution of marriage and to support
17 traditional family life. Do not become another
18 negative force in society which gradually erases
19 the term "marriage" from our vocabulary.

20 (Applause.)

21 CARDINAL BEVILACQUA: Members of
22 Council, I submit that the actions of the Catholic
23 Church are based on compassion, justice, and
24 equality before God. We strongly disagree with
25 those who oppose.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 One can recognize that each person is a
3 gift from God; yet one does not have to condone
4 every behavior of that person.

5 (Applause.)

6 CARDINAL BEVILACQUA: Therefore, I urge
7 you to reject legislation that gives legal
8 validation to life partners and compels businesses
9 and taxpayers to subsidize these relationships.

10 (Applause.)

11 CARDINAL BEVILACQUA: Just because one's
12 relationship is not validated by law or subsidized
13 by taxpayers, it does not mean that one is facing
14 unjust discrimination.

15 A stable civilization needs a stable
16 family life. Therefore, law and public policy
17 should seek to stabilize the traditional family
18 structure through support, protection,
19 enhancement, and encouragement.

20 As Archbishop of Philadelphia, shepherd
21 for nearly a half million Catholics in the City of
22 Philadelphia, and as a citizen of this great city,
23 I respectfully exhort you to reject these bills
24 and to voice your support for marriage and
25 traditional family life.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 CARDINAL BEVILACQUA: Members of City
4 Council, I again extend my hand to you. Together,
5 we must work to support the institution of
6 marriage and to strengthen the traditional family.
7 If we are successful, a stronger, healthier
8 Philadelphia and society will surely emerge.

9 Thank you.

10 (Applause.)

11 PRESIDENT STREET: Reverend William
12 Devlin.

13 REVEREND DEVLIN: Good morning, Members
14 of Council and citizens of Philadelphia. It is
15 great to be here this morning to testify about
16 marriage and family and the strength that it
17 brings to our fine City.

18 My name is Bill Devlin. I'm a
19 Democratic Committeeman from the 61st Ward. I
20 reside with my wife of 18 years and 5 children in
21 the East Oak Lane section of the City.

22 I am also the director of the Urban
23 Family Council, an urban-based interracial
24 pro-family organization dedicated to the City, its
25 children, and families.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Just yesterday, our organization ran a
3 full-page ad in the Philadelphia Daily News, page
4 11. Many of you have seen it. That ad, with its
5 36 signers, represents over 550,000 citizens in
6 the City of Philadelphia.

7 (Applause.)

8 REVEREND DEVLIN: Including the
9 Archdiocese of Philadelphia, along with the
10 largest Black church in the City of Philadelphia,
11 Deliverance Evangelistic Church.

12 (Applause.)

13 REVEREND DEVLIN: The largest Anglo
14 church in the City of Philadelphia, Calvary Chapel
15 in Northeast Philadelphia, represented here today.

16 Also the -- one of the largest Spanish
17 churches, Sergio Martinez, at Sinai Assemblia de
18 Dios, on Fifth Street.

19 And also the largest Chinese church.

20 And that's why we have called our
21 opposition to these bills the "Campaign of Love
22 and the Rainbow Coalition."

23 (Applause.)

24 REVEREND DEVLIN: Thank you. Thank
25 you. Thank you.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I am encouraging Members of City
3 Council to vote against the life partners and
4 domestic partners bills. The reason for the Urban
5 Family Council's opposition to these bills is
6 manyfold.

7 First, since these bills were
8 introduced, opponents -- I among them -- have
9 stated that these bills would undermine marriage
10 or change its definition. Supporters of these
11 bills in Council, in the public, and in the media
12 have ridiculed our position.

13 Yet, four of the five bills before
14 Council clearly establish a process whereby two
15 people may come forward and formally declare
16 themselves to be partners. Thereafter, they would
17 be, by law, entitled to benefits and be exempt
18 from taxes, just as married heterosexual couples
19 are.

20 (Applause.)

21 REVEREND DEVLIN: Thank you. In fact,
22 the two domestic partners bills even call for a
23 City registration and certification process before
24 the benefits are mandated.

25 Therefore, I ask the supporters of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 these bills to be honest with everyone, admit it:

3 You are trying to establish same-sex marriages in
4 the City of Philadelphia --

5 (Applause.)

6 REVEREND DEVLIN: -- under the guise of
7 partnerships.

8 Second, there has been a clear pattern
9 of misunderstanding as to the scope of these
10 bills. Again, the statement that I am about to
11 make comes from a clear reading of the plain
12 language of the bills before Council. These bills
13 apply to every person -- every person, I repeat --
14 who lives and works in the City of Philadelphia.

15 No, I am not yet making the point that
16 all Philadelphians will be harmed; rather, I mean
17 it literally. The sponsors of these bills and too
18 many in the media have reported that these bills
19 apply only to City employees, as if that would
20 make it acceptable.

21 That is totally and clearly false.

22 Four of the five bills would allow any same-sex
23 couple living in Philadelphia to register as life
24 partners. Furthermore, the Realty Transfer Tax
25 Bill clearly applies to every single residential

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 property in the City. It has nothing to do with
3 one's employment.

4 The reason for the Urban Family
5 Council's opposition -- and again, we represent
6 over 550,000 in the City -- is twofold: for
7 financial reasons and for common sense.

8 Recent facts show that 30 percent of
9 adults in southeastern Pennsylvania and 19 percent
10 of their children go hungry each month because
11 they do not have enough food or money to buy food.

12 According to a comprehensive survey
13 conducted by the Philadelphia Food Bank, 82
14 percent of their clients have no other resources
15 for food other than agency or government food
16 programs. And 78 percent of households receiving
17 food from emergency food programs have an annual
18 household income below \$10,000. And 26 percent
19 have no stove for cooking.

20 Finally, while 50 percent of clients
21 receive food stamps, 76 of this group reported
22 that food stamps don't last the entire month.
23 These are statistics compiled prior to welfare
24 cutbacks. Children go hungry in Philadelphia
25 because of lack of resources.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Our School District, where I send four
3 of my five children, is a hundred million dollars
4 in debt. City Council passed the drink tax
5 legislation, which our organization supported, in
6 order to bolster the District's resources so our
7 kids could have books.

8 Not every police officer in our City
9 has a bulletproof vest, and not every Citywide
10 swimming pool will be open on June 1st. Not every
11 child is immunized in this City. We're
12 celebrating National Childhood Immunization Week
13 this week.

14 And, yet, according to Council sources
15 and the news media, these radical bills before
16 you, which radically redefine the family, will
17 cost the City \$617,000.

18 How many vests is that? How many
19 immunizations is that? How much food for a hungry
20 child?

21 (Applause.)

22 REVEREND DEVLIN: Men and women of
23 Council, and men and women of the City of
24 Philadelphia, with these emotional realities
25 before us, let's talk about equity fairness and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 economic justice.

3 These bills before Council will benefit
4 a demographic group, according to the local
5 Diversity of Pride Market Audience Product Benefit
6 Summary, that this demographic group that would
7 benefit as a result of these bills is the
8 wealthiest in this City.

9 Let me quote from the Diversity of
10 Pride fax of April 14th, a fax sent to local radio
11 and TV stations designed to obtain corporate
12 sponsorship for their Diversity of Pride event at
13 the end of this month. And I quote:

14 This market -- meaning the homosexual
15 community -- possesses a track record for basing
16 purchasing decisions on gay and lesbian media
17 advertising averaging 80 percent of all gays and
18 lesbians.

19 Listen carefully. Over 50 percent of
20 gay males households earn annual incomes above
21 \$50,000, and over 30 percent of lesbians earn
22 annual incomes above \$50,000.

23 Yes, this is about economic --

24 (Shouting, heckling from members of the
25 audience.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: If I can have your
3 attention, please.

4 REVEREND DEVLIN: Yes, men and women of
5 Council, this is about economic justice and
6 economic fairness.

7 And, by the way, the average salary for
8 the African-American male in this City is
9 \$21,500. Giving a benefit, men and women of
10 Council, to the wealthiest demographic group of
11 people while children go unimmunized, police go
12 without vests, and senior citizens go hungry,
13 these bills are a reverse Robin Hood. They take
14 from the poor and give to the rich.

15 (Applause.)

16 REVEREND DEVLIN: I thank you.

17 Finally, our opposition to these bills
18 is based on common sense. Heterosexual marriage:
19 one man, one woman for life -- one man, one woman
20 for life in all cultures, in all countries, in all
21 colors, in all ethnicities, and in all races has
22 been the norm for 6,000 years.

23 (Applause.)

24 REVEREND DEVLIN: Has there been a
25 deviation from the norm? Yes.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The family has been redefined in some
3 places, but always -- but always to the detriment
4 of men, women, and children, and the culture and
5 civilization.

6 When you have a sick family member, you
7 don't abandon them. Marriage in our culture is
8 clearly in need of repair. City Council, don't
9 redefine marriage with these five bills. Rather
10 --

11 (Applause.)

12 REVEREND DEVLIN: Rather, the Urban
13 Family Council works with you, and we rather you
14 support those bills and that legislation and those
15 ideas and programs which will bolster and support
16 the one-man-one-woman-for-life.

17 Statistics show that 53 percent of all
18 children born in Philadelphia hospitals, men and
19 women in, 1996 in our City, left that hospital
20 without a father -- left the hospital without a
21 father.

22 We all -- we all have to work together.
23 Listen to the wisdom of the last 6,000 years, men
24 and women of Council, and vote no on redefining
25 the family.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Thank you very much.

3 (Applause.)

4 REVEREND DEVLIN: Thank you.

5 PRESIDENT STREET: The Chair recognizes
6 Reverend Benjamin Smith.

7 (Applause.)

8 REVEREND SMITH: Mr. President,
9 Council, and members, and all of the people that
10 have assembled here in view of this undertaking
11 that you're going to have to face today, I want to
12 approach this entire situation from the root
13 cause.

14 And that is very simply, it's a
15 question of right and wrong, of righteousness and
16 adjustment. The creator said to the creature,
17 "It's not good for man to be alone." So he
18 created woman.

19 (Applause.)

20 REVEREND SMITH: And said, "Replenish
21 the earth."

22 Those of us who profess Christianity
23 have to realize that God is just not in the pulpit
24 or in the pews or in the sanctuary. But in every
25 phase of life, God is concerned about every phase

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 of our lives.

3 (Applause.)

4 REVEREND SMITH: Now, sooner or later,
5 every person in this chamber is going to have to
6 face God. And while he is a God of love, he is
7 also a God of judgment.

8 We are given the opportunity to make
9 choices. The choice we make will determine where
10 we will spend eternity. God loves the homosexual,
11 but God hates homosexuality.

12 (Applause.)

13 REVEREND SMITH: The solution to the
14 homosexual's behavior will not be settled in this
15 chamber. The solution is found in repentance and
16 deliverance, and every one of them have the
17 opportunity to be prepared to meet God.

18 On our currency, and the very currency
19 these people are seeking security in, it says, "In
20 God, we trust." Well who is the God that they're
21 trusting? If we trust the true and living God, he
22 has promised to deliver us from whatever separates
23 us from Him.

24 I want to cite to you and those of you
25 who are taking adverse positions to the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 presentation that has been made here today, while
3 God is sovereign, he respects your will, he will
4 deliver you if you will repent. And you can be as
5 normal as any other individual.

6 (Applause.)

7 REVEREND SMITH: I'm going to cite to
8 you -- listen to me -- you are going to hear these
9 words again. You are going to hear these words
10 again.

11 It's going to be judgment or
12 repentance. And the final analysis is not going
13 to be settled in the court of law, it's not going
14 to be settled by what Council vote on.

15 In the final analysis, every one of us
16 is going to have to face a just God, a God who
17 says, "'I love you and I will forgive you, I will
18 set you free.'" He that the son set free is free
19 indeed, but you have to make the choice.

20 You can get all of the laws passed that
21 you want. But in the final analysis, when you've
22 faced God, your lawyers will not help you.

23 (Applause.)

24 REVEREND SMITH: Only one lawyer is
25 going to count, and that is Jesus Christ of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Nazareth.

3 (Applause.)

4 REVEREND SMITH: I am not ashamed -- I
5 am not ashamed of the gospel of Christ, for it is
6 the power of God and the salvation to all who
7 believe it -- first the Jew, then the Greek, then
8 to the homosexual. That applies to every living
9 sole. But as individuals, you have to make the
10 decision.

11 My prayer is that you will decide on
12 God's side. The nation and the individuals that
13 forget God shall be turned in to hell. You have a
14 choice.

15 Members of City Council, we have to
16 demonstrate our Christianity in whatever position
17 God allows us to occupy. Wherever we are, we have
18 to demonstrate our relationship with Jesus Christ.

19 Passing these laws giving people a
20 right to commit sin is not demonstrating
21 righteousness. Jesus said, "Seek ye first His
22 kingdom and His righteousness, and all these
23 things shall be added unto three."

24 I command because if you don't take
25 God's word seriously and apply Christian

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 principles to daily living, you're going to have
3 to face Him in the judgment. And my plea to you
4 is to search the scriptures; for in them, you will
5 have eternal life. Romans, Chapter 1, Verses 22
6 through 32; Genesis, Chapter 19; First
7 Corinthians, Chapter 6, Verse 9. Search it for
8 yourself.

9 I will pray with you, I will minister
10 to you, I will do everything that God has enabled
11 me to do to help you to become what He desires you
12 to be.

13 (Applause.)

14 REVEREND SMITH: Thank you.

15 PRESIDENT STREET: Can we have Reverend
16 Martinez. I would appreciate it if Reverend
17 Martinez would join Reverend Shine at the witness
18 table. Reverend Martinez.

19 (Reverend Martinez comes forward.)

20 REVEREND MARTINEZ: Thank you very
21 much.

22 PRESIDENT STREET: Can I have your
23 attention, please. May I have your attention,
24 please.

25 At this time, we will hear testimony

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 from Reverend Shine, after which we will hear
3 testimony from Reverend Sergio Martinez of the
4 Hispanic clergy.

5 The Chair recognizes Reverend Shine.

6 REVEREND SHINE: Thank you, Mr.
7 President.

8 Mr. President and Members of City
9 Council and to all of the citizenry of
10 Philadelphia that are here for this most emotional
11 occasion, I am here as the Vice President of the
12 Black Clergy of Philadelphia and vicinity, serving
13 as the Chairman of the Social and Civic Committee,
14 Chairman of the (unintelligible) Institute, one of
15 the most historic and prestigious schools of
16 religious education of our City and nation.

17 I'm here also as one of the our City's
18 pastors representing Black clergy, of which there
19 are 400 churches that comprise our organization,
20 constituting over 300,000 congregants.

21 Mr. President, because of the grave
22 concern that the religious community shares in
23 this issue, we would have City Council to know
24 that our government institutions, elected
25 officials, and the fundamental documents under

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 which traditional family values are secured were
3 to be under the higher law of principles.

4 These higher-law principles would act
5 as a barrier to the implementation of any
6 legislation that could be imposed on the citizenry
7 of our City by the whims and fancies of
8 non-traditional values of a God-ordained objective
9 order.

10 We join with many religious communions,
11 including the Roman Catholic Church, the
12 Ecumenical Organization of Black Clergy, and the
13 ministerial councils and conferences of our City
14 to express our opposition to any legislation that
15 would bring to our City this immoral bill.

16 The Church stands as the moral and
17 ethical conscience of the State along the basis of
18 scripture, both the Old Testament and the New
19 Testament. We call upon you to obey the rule of
20 God in this matter that will potentially breed
21 serious moral consequences, the likes of which
22 ultimately brought about the destruction of the
23 cities of Sodom and Gomorrah.

24 (Applause.)

25 REVEREND SHINE: God's clear plan in

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the Bible is that women complement men, and that
3 men complement women. God's objective order in
4 creation includes heterosexual orientation for
5 humans. Sexual relations between persons of the
6 same sex are necessarily and essentially
7 disordered, according to the objective moral order
8 and the sacred scriptures.

9 The sacred scriptures oppose such acts
10 as wrong, immoral, and even portray them as a
11 tragic consequence of rejecting God and living
12 independent of God -- not under God's authority,
13 but in opposition to it.

14 The community of faith believes that
15 the scriptures are the inspired word of God, the
16 final authority for doctrine, for reproof, for
17 correction, and instructions in right living.

18 We believe that heterosexuality is
19 God's created intent for humanity; and, therefore,
20 view homosexual expression as outside of God's
21 creative order. We believe that the homosexual
22 life-style is one of many manifestations of
23 transgressions against God's objective order, and
24 under no circumstances --

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 REVEREND SHINE: And under no
3 circumstances should the clear teachings of God's
4 word regarding same-sex union -- homosexuality
5 lesbianism -- be ignored.

6 And by legislation unilaterally hand us
7 a law enacted upon the citizens that the
8 scriptures and the community of faith, the church,
9 and good moral conscience oppose.

10 The question that I raise, Mr.
11 President and Members of City Council, is, can we
12 impeach God because we do not like his teachings?

13 The special interests of the gay
14 community is described as "gay rights." Gay
15 rights must not be viewed as civil rights. The
16 civil rights of every citizen are guaranteed
17 protection under the Constitution of the United
18 States.

19 Sexual orientation does not constitute
20 a state of life comparable to race, color,
21 ethnicity, religion, and the handicapped, in
22 regards to the law and the spirit of the law, as
23 provided under the current civil rights laws that
24 prohibit discrimination. Neither are moral rights
25 established by human legislation, nor by the data

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 of empirical scientists that deal with human
3 behavior.

4 We do, in fact, support human rights
5 that are also the guaranteed rights under the
6 Constitution. But above and beyond that, they are
7 the endowment of all of our creator, human
8 rights. The psychologists and the sociologists
9 and the anthropologists should not be the
10 determinative factor in informing moral norms.

11 It is God who created man. And God has
12 the exclusive right to establish moral standards.
13 The behavioral scientists do not give orders to
14 God, nor have the right to change His objective
15 orders for human existence and human conjugal
16 relationships and society procreation.

17 As for gay rights, it is promoted that
18 the homosexual life-style is good in and of
19 itself, even superior to a heterosexual
20 life-style. That's according to the gay rights.
21 It is the active homosexual life-style wherein
22 celibacy is not part of that community. Gay
23 rights, then, is an attempt to justify and to
24 legitimize the state of homosexuality.

25 But all men are endowed by their

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 creator. Therefore, you do not need to have
3 legislation to give us rights that God has already
4 granted us.

5 (Applause.)

6 REVEREND SHINE: Therefore, this must
7 be something that is opposed and in direct
8 opposition to the moral law of God for society.

9 An alternative life-style is in
10 violation, Mr. President, of God's created order,
11 which is male, and female, created he then.

12 We therefore respectfully call upon
13 this august chamber not to approve this
14 legislation, as it is in direct violation to the
15 mind and the will of God for mankind. We must not
16 live independent of God's rule.

17 There is, as has been stated before, a
18 judgment to come. The Bible declares that
19 righteousness exalts a nation, but sin is a
20 reproach to any people.

21 Homosexuality is against the
22 established order of the Creator, our God. So we
23 ask you respectfully not to move forward in a
24 positive manner on this legislation.

25 Thank you.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 PRESIDENT STREET: The Chair recognizes
4 Reverend Sergio Martinez.

5 REVEREND MARTINEZ: Mr. President,
6 Members of City Council, and members of the
7 Philadelphia community, I am Pastor of the Sinai
8 Assembly of God, one of the Hispanic churches
9 right here in Philadelphia. I've been a member of
10 the Philadelphia community for the last 18 years,
11 and it burdens me that City Council is considering
12 these bills.

13 Because one thing that we know, this is
14 the birthplace of the nation. And our nation was
15 based on the Bible. It was the scripture that
16 provided a framework for everything that we have
17 up to date. And it is back to the scriptures that
18 we must go if we are to have a strong society.

19 As a member of the Hispanic community,
20 I strongly am against any legislation that will
21 equate life partners with marriage. And I am
22 speaking not only for myself, but as part of the
23 Hispanic community, which is a growing community
24 in our City.

25 And we may not have a lot of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 representation of Hispanics at this gathering,
3 because, in many instances, we as a community have
4 been placed aside, and we are not aware of the
5 things that City Council is dealing with.

6 But in this instance, I'm telling you,
7 if you just made a poll within our Hispanic
8 community, you will find out that over 90 percent
9 of Hispanics will not agree with the bills that
10 are being presented to City Council.

11 (Applause.)

12 REVEREND MARTINEZ: Therefore, being
13 part of this community as Hispanics, being
14 citizens of this City and assisting this City in
15 its development and its continued growth, I advise
16 you to vote no against these bills.

17 Thank you.

18 (Applause.)

19 PRESIDENT STREET: Thank you very much,
20 thank you very much.

21 At this time, we would like to hear
22 from Rabbi Sue Yael, Reverend Neena Gray, Marie
23 Summers -- I think she's from the organization
24 Dignity. Beverly Dale, Reverend Benjamin Maucere.

25 And I think Reverend Richard Bansen is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 part of the group that cannot be here till a

3 little later.

4 Can we have any of these clergy people

5 who are here come and testify at this time. We

6 would appreciate it if you would all come up to

7 the witness table at one time.

8 (Applause.)

9 PRESIDENT STREET: I understand that

10 there is a minister who has yellow pad and is in

11 the green (referring to Rabbi Sue Yael.

12 RABBI YAEL: Rabbi.

13 PRESIDENT STREET: Rabbi, I'm sorry. I

14 understand you should have been a part of this

15 group.

16 RABBI YAEL: Yes.

17 PRESIDENT STREET: Okay, then come

18 forward.

19 (Applause.)

20 PRESIDENT STREET: I would appreciate

21 it if -- just like to offer just a little word of

22 caution to those of you who are here who have very

23 strong feelings abilities this issue. You don't

24 add very much to this hearing by interrupting the

25 witnesses one way or the other.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 It would be very helpful and useful to
3 us if people could just listen to the testimony
4 given by the witnesses and allow us to proceed
5 with this hearing. We could be here infinitely
6 longer if people don't kind of adjust to the fact
7 that you will be hearing a lot of things with
8 which you disagree.

9 So with that caution, would you please
10 identify yourself for the record and proceed with
11 your statement.

12 (Marie Summers comes forward.)

13 MS. SUMMERS: My name is Marie Summers,
14 and I'm the President of Dignity Philadelphia.

15 I'd like to say good morning first to
16 Council President Street and to all the Members of
17 City Council. And I thank you for the opportunity
18 of addressing you today.

19 Dignity Philadelphia is an organization
20 of gay, lesbian, bisexual, and transgender
21 Catholics, our families and our friends. We
22 gather every Sunday in the community room of an
23 Episcopal Church for mass. And on any given
24 Sunday, our congregation totals approximately 100
25 people.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I am also a native Philadelphian,
3 South-Philly-born and bred, the product of 12
4 years of schooling in the Archdiocesan School
5 District, and in a committed relationship with
6 another woman. She is a former sister of St.
7 Francis of Glen Riddle, also of this Archdiocese.

8 And I love the Catholic Church. The
9 question that is asked most often of me and of
10 other gay and lesbian Catholics is: Why don't you
11 just leave the church? There's so much you
12 disagree with, why don't you just walk up the
13 stairs and join the Episcopal Church where you
14 will be more welcomed? And the only answer that I
15 can give to that is: Because we can't.

16 We are a community of Catholics, first
17 and foremost, and truly believe that we also have
18 a place at the table of this great church. We
19 believe that this place becomes clear when its
20 viewed within the context of the wider Catholic
21 church community.

22 Throughout the 2,000-year history of
23 this church, a great deal of diversity has
24 flourished, and it is in this diversity where the
25 Church has found its strength. This diversity is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 especially apparent when we look at the way
3 different United States bishops and different
4 diocese have chosen to respond to legislative
5 matters such as those before this City Council.

6 While we are certainly familiar with
7 the Church's opposition, I would ask you to also
8 consider that when presented with legislative
9 action in the Archdiocese of Seattle and the
10 Diocese of Spokane and Yakima, Washington,
11 Archbishop Thomas Murphy wrote a letter stating
12 that the bishops had decided neither to endorse
13 nor to oppose these initiatives.

14 Archbishop Murphy also asked local
15 parishes not to allow supporters of two anti-gay
16 rights initiatives to gather signatures on church
17 property. The bishops were content to urge
18 Catholics to use their own conscience and best
19 judgment in deciding whether to support the
20 initiatives.

21 A spirit of cooperative opposition was
22 present in California when domestic partnership
23 health benefits were the issue. Archbishop
24 William Levata (ph.) found himself in a position
25 of either extending domestic partners the same

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 benefits it offers to spouses or to lose funding
3 for the Catholic charities from the city of San
4 Francisco.

5 Recognizing that this was an
6 opportunity for the Archdiocese to address a new
7 and very serious social debate, Archbishop Levata
8 and Mayor Willy Brown worked together to find a
9 solution which was mutually acceptable.

10 As a result of their collaboration, the
11 City has codified regulations to recognize that a
12 business or agency which allows each employee to
13 designate a legally-domicile member of the
14 employee's household as being eligible for
15 spousal-equivalent benefits to be in compliance
16 with the law.

17 Archbishop Levata has stated, quote, I
18 agree with moral theologians like William May who
19 see no compromise of Catholic moral principle in
20 this practice.

21 This policy has since been adopted by
22 the Archdiocese of San Francisco and by many large
23 corporations, including the Bank of America. And
24 I understand that 1.7 percent of employees have
25 taken advantage of these benefits.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I celebrate that this wonderful church
3 is blessed with the richness of intellect and the
4 wisdom of the ages which enables us to enter into
5 these debates and to work together to find a way
6 to include all people.

7 I respect that Cardinal Bevilacqua is
8 exercising his own conscience and ask that each
9 one of you do the same. Even within our diocese,
10 there are parishes which have not participated in
11 the collecting of signatures or in the reading of
12 anti-gay messages from the pulpit.

13 And God bless those priests and other
14 religions who have indicated to us privately that
15 they do not support the use of the full power and
16 force of the Archdiocese to lobby so strenuously
17 against this legislation.

18 (Applause.)

19 MS. SUMMERS: Among bishops can also be
20 seen within the dignity community. Dignity
21 Philadelphia has been a presence in the faith
22 community of Philadelphia for 25 years. We meet
23 at an Episcopal Church for a weekly Sunday
24 liturgy, and many validly-ordained Roman Catholic
25 priests who are supportive of us serve us. None

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 of these priests, however, is Archdiocesan.

3 In some cities, including Baltimore,
4 Maryland, the local Dignity Chapter meets in a
5 Catholic church and has mass celebrated by
6 Archdiocesan priests.

7 In some cities, there is dialogue
8 between Dignity and the local hierarchy. In other
9 cities, including Philadelphia, there is no
10 dialogue. And I am sure that each bishop believes
11 that he is following what his conscience is
12 dictating.

13 I agree with many of the things that
14 we've heard here today. I agree wholeheartedly
15 that the Catholic Church has an outstanding record
16 of providing social services, and I am so proud of
17 them for that.

18 I agree that it is tragic that so many
19 babies are leaving hospitals without a father.

20 And I agree that each and every one of
21 us will someday need to look into the face of
22 God. And I can tell you right now, I don't know
23 what that face looks like.

24 And the only place I know to look for
25 that place is in my own heart. And the God that I

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 find in my heart tells me what Jesus said was to
3 love one another.

4 (Applause.)

5 MS. SUMMERS: So I ask each of you, I
6 ask each of you with a vote to cast, look into
7 your own heart before you cast that vote. Realize
8 that we are your sons and daughters and that we
9 are the sons and daughters and grandchildren of
10 many of the people sitting here holding their
11 signs against us today.

12 (Applause.)

13 MS. SUMMERS: We may not have told you
14 yet, but you know who we are. We are not a
15 faceless group of strangers. We may not have told
16 you yet because we are afraid, but we are your
17 sons and daughters, and we are only asking that
18 you recognize this, and that we want and need the
19 same things that you do -- love, honor and
20 respect.

21 You have in your hands today the power
22 to give some of this to us, to help us to live our
23 lives in dignity and integrity. I pray that you
24 open your heart to the Holy Spirit and find a
25 solution which will best serve all of God's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 children.

3 Thank you.

4 (Applause.)

5 PRESIDENT STREET: Good morning.

6 Please identify yourself for the record.

7 REVEREND JORDAN: Jeffrey H. Jordan.

8 To President Street, to the Members of
9 Council, I would like to say good morning, and I
10 would like to thank you for advancing to the point
11 where we are here today to set all agendas and all
12 thoughts on this issue on the table.

13 Years ago, there would not have been a
14 discussion like this. So we can say we have come
15 a long way.

16 I'm Reverend Jeffrey Jordan. I'm
17 pastor of Metropolitan Community Church of
18 Philadelphia. Metropolitan Community Church of
19 Philadelphia is a Christian church that has a
20 ministry to the gay and lesbian community. We are
21 a part of the Universal Fellowship of Metropolitan
22 Community Churches, with over 300 congregations in
23 13 different countries, recently reaching out to
24 South Africa.

25 From some responses that was said by

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 those near me, I know that I'm not the most
3 popular person here today. I am a pastor of a
4 church that ministers to the gay community, I am
5 an African-American male, and I am a gay man in a
6 loving relationship with my partner.

7 (Applause.)

8 REVEREND JORDAN: There are those who
9 say that you can not be gay and a Christian. You
10 cannot question -- excuse me. You cannot question
11 my Christianity -- that's between me and God.

12 (Applause.)

13 REVEREND JORDAN: And my partner will
14 tell you -- and my partner will tell you that I am
15 gay.

16 Before we can even begin a mature
17 discussion concerning domestic-partner benefits, I
18 feel it is necessary to agree that most gay and
19 lesbian people are healthy, mature humans who are
20 not in need of a healing or an exorcism.

21 (Applause.)

22 REVEREND JORDAN: Even though many
23 fundamentalists still adhere to primitive
24 thoughts, homosexuality is neither a sin or a
25 sickness.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 REVEREND JORDAN: I have heard a lot of
4 people say that the Bible says this, the Bible
5 says that. The Bible also says -- the Bible also
6 says, "Salves, obey your masters."

7 The Bible says -- the Bible says that
8 women -- the Bible says that women should be
9 submissive and be quiet.

10 (Applause.)

11 REVEREND JORDAN: The Bible says, "If
12 your right eye offends you, pluck it out."

13 What, then, should we say about
14 same-sex unions? Society has decided that marital
15 status, with all its benefits, should be based on
16 respected cultural norms. This in no way makes
17 the exclusion of same-sex couples right, legal, or
18 holy.

19 A wedding is a symbol of two people
20 committing their lives to each other. Being that
21 some religious institutions have denied a ceremony
22 to same-sex couples, we cannot let a ceremony
23 define a relationship. There are gay and lesbian
24 couples who are living in committed relationships,
25 even though they've been denied a marriage.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 REVEREND JORDAN: Right here in
4 Philadelphia, I get calls daily from 10 to 15 gay
5 and lesbian couples who have been together for
6 many years, seeking me to bless there union.
7 Right here in Philadelphia, there are families
8 with children that are same-sex. I have one
9 couple in my church who have adopted five
10 children.

11 (Applause.)

12 REVEREND JORDAN: One of the children
13 has Down's syndrome, one of the children was born
14 a crack baby due to a heterosexual relationship,
15 one of the children was born with AIDS, and the
16 other two children were abused. Does this family
17 have the right to call themselves "a family"?

18 (Applause.)

19 REVEREND JORDAN: We are living in a
20 time when we must take the acceptance of a truth
21 to a higher plane. Just as social intolerance
22 brought about the movement of slavery
23 emancipation, women's suffrage, and civil rights
24 for African Americans, we must become intolerant
25 to the exclusion of rights to sexual minorities.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 REVEREND JORDAN: In the past, many of
4 our patriarchs have tried to use the Bible to push
5 their personal agendas. Still, truth has always
6 prevailed. How can we not let the same truth
7 prevail today?

8 You say the Bible is against it. Show
9 me word. I'll show you where John 3:16 says,
10 "Whosoever. . . " I am "a whosoever."

11 I pray that this great City not rest
12 until justice and equality is established. How
13 can you not vote to give us equal rights?

14 May God bless you and heaven smile on
15 you.

16 (Applause.)

17 PRESIDENT STREET: Please identify
18 yourself for the record.

19 REVEREND GRAY: I am Reverend Neena
20 Gray.

21 PRESIDENT STREET: Please proceed.

22 REVEREND GRAY: Honorable Council
23 President Street and Members of the Council, I am
24 Reverend Neena Gray, Minister of the Unitarian
25 Society of Germantown, on Lincoln Drive, in Mount

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Airy.

3 (Applause.)

4 REVEREND GRAY: Thank you for the
5 opportunity to speak to you today about this
6 decision before you, which is a matter dear to the
7 soul of my church, the Unitarian Society of
8 Germantown, and dear to the soul of my
9 denomination, the Unitarian Universalist
10 Association.

11 Our church in Mount Airy is involved in
12 the Northwest Philadelphia Interfaith Hospital
13 Network which provides shelters and seeks to help
14 families which are homeless to strengthen their
15 life situations and move to safe and healthy
16 housing.

17 The Unitarian Society of Germantown has
18 adopted the Lingelboch School, providing classroom
19 libraries for children and other support there for
20 children and families.

21 We have food programs, support
22 recycling and the New Threads Program. We support
23 the Nicetown Boys and Girls Club, which our former
24 minister founded decades ago.

25 Our church is pro-family and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 pro-children's lives.

3 (Applause.)

4 REVEREND GRAY: Ten years ago, our
5 church voted to support its ministers in
6 performing services of holy union for gay and
7 lesbian couples.

8 (Applause.)

9 REVEREND GRAY: Our church, the
10 Unitarian Society of Germantown, voted at that
11 time nondiscrimination in hiring staff. And that
12 is nondiscrimination as to sexual orientation.
13 Our church voted to cherish the life choice of gay
14 and lesbian people.

15 Our denomination, the Unitarian
16 Universalist Association, refuses to pit one
17 minority group against another.

18 (Applause.)

19 REVEREND GRAY: We have embarked on an
20 anti-racist initiative at the same time as we are
21 encouraging a Welcoming Congregation Program,
22 welcoming gay and lesbian people and affirming
23 their right to develop and stable family ties.

24 The first tenet of our faith is to
25 cherish the inherent dignity and worth of all

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 people. The second is to promote justice, equity,
3 and compassion in human relations.

4 The youth in our church school learn to
5 cherish diversity and respect difference. Like
6 most children, they develop a passionate
7 conviction about fairness.

8 Unitarian Universalists have worked
9 tirelessly for policies of equity and justice.
10 Our denomination and my congregation have long
11 stood for the rights of gay and lesbian people,
12 supporting nondiscrimination in hiring and calling
13 ministers fighting, homophobia, and developing
14 welcoming congregations.

15 We believe, as did Dr. Martin Luther
16 King, Jr., that if some are treated unjustly, then
17 all are diminished.

18 (Applause.)

19 REVEREND GRAY: We affirm the family in
20 its great variety of expression, believing love
21 and justice strengthen family, our neighborhoods
22 and our City.

23 In this spirit, I urge you to act
24 positively, voting yes for providing health
25 insurance benefits, pension survivor benefits, and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 real estate transfer benefits for domestic
3 partners and life partners.

4 Thank you very much.

5 (Applause.)

6 PRESIDENT STREET: Good morning.

7 Please identify yourself for the record.

8 REVEREND MAUCERE: My name is the
9 Reverend Benjamin Maucere. That's M-A-U-C-E-R-E.

10 Honorable Council Chair John Street and
11 Members of Council, I thank you for allowing me to
12 speak here today.

13 I am co-minister of First Unitarian
14 Church of Philadelphia, at 2125 Chestnut. Our
15 church has stood for full inclusion of all people
16 in the human family for over 200 years here in
17 Philadelphia.

18 (Applause.)

19 REVEREND MAUCERE: Full inclusion in
20 the human family, participation full, full
21 citizenship. And these are the larger issues
22 raised by this debate.

23 If you consider justice, if you
24 consider family values, then granting domestic
25 partner benefits is the right thing to do.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 REVEREND MAUCERE: I can't believe
4 we're still talking about this. I testified here
5 five years ago, on the same issue, and we're
6 having the same conversation.

7 Five years ago, I mentioned that I
8 entered City Hall through an archway on Broad
9 Street, which had the word "justice" carved in the
10 archway. I spoke of domestic partner benefits as
11 a justice issue then, and the Honorable Chair of
12 City Council didn't agree with the connection.
13 And I've had five years ago to think about it, so
14 I'll try again.

15 The justice issue has to do with equal
16 protection under the law. Gays and lesbians are
17 caught in a catch-22 situation. The state tells
18 them can't marry, and the City tells them they
19 can't have benefits 'cause they're not married.

20 (Applause.)

21 REVEREND MAUCERE: Now, you might say
22 that gays and lesbians do have equal protection
23 under the law -- they're free to marry someone of
24 the opposite sex. That's very much like the
25 freedom of the rich and poor to sleep under

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 bridges.

3 The state should not deny gays and
4 lesbians the right to marry, to proclaim their
5 commitment before God and to the gathered
6 community, and to share in whatever legal benefits
7 are the right of married couples. The state
8 should not consign gays and lesbians to the ranks
9 of second-class citizens.

10 But as long as the right to marry is
11 denied, it is cruel and absurd for the City to
12 deny because they are not married. It is
13 unconscionable.

14 (Applause.)

15 REVEREND MAUCERE: In our society, gays
16 and lesbians are subject to discrimination,
17 harassment, and violence. Studies indicate that
18 suicide is the leading cause of death among gay
19 and lesbian teens. They are three times more
20 likely to kill themselves than heterosexual
21 teens. This is an abomination.

22 And these events occur because of a
23 climate of fear and hatred, and bigotry.

24 (Applause.)

25 REVEREND MAUCERE: And I'm ashamed to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 say that that climate of fear and hatred and
3 bigotry is created and fostered by members of the
4 religious community.

5 (Applause.)

6 REVEREND MAUCERE: My breath was taken
7 away earlier to hear that this initiative is
8 taking food out of the mouths of poor children and
9 vests off the chests of officers. And I say, if
10 that's the issue, then let's take away all
11 benefits. It was obviously a cynical ploy.

12 You on the City Council have a sacred
13 duty to protect and defend the rights of all
14 citizens, including the rights of gays and
15 lesbians who work and pay taxes and vote, fall in
16 love, commit to one another, and raise children in
17 real families.

18 (Applause.)

19 REVEREND MAUCERE: These families and
20 the well-being of these partners and these
21 children are the concern of all of us, and these
22 families should be strengthened and not scorned or
23 attacked. These are family values.

24 (Applause.)

25 REVEREND MAUCERE: The religious

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 beliefs of some should not result in the denial of
3 the rights of others.

4 To those of you who are opposed to
5 domestic partner benefits, my response is simple:
6 If you don't want the benefits, don't apply for
7 them.

8 (Applause.)

9 REVEREND MAUCERE: But don't deny those
10 rights to others.

11 Thank you.

12 (Applause.)

13 PRESIDENT STREET: Can I ask Mr. Dan
14 Gottlieb join this group. I'd like for Mr. Dan
15 Gottlieb to join this group.

16 Can we have our next witness.

17 (Reverend Beverly Dale comes forward.)

18 PRESIDENT STREET: Please identify
19 yourself for the record.

20 REVEREND DALE: My name is Beverly
21 Dale.

22 PRESIDENT STREET: Please proceed.

23 REVEREND DALE: I work as a clergy at
24 the Christian Association at the University of
25 Pennsylvania. My constituents is faculty,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 students -- graduate students and undergraduate --
3 and staff in that community.

4 Last week, City Council was -- you
5 considered a very important vending ordinance that
6 the University of Pennsylvania had requested. You
7 noted at that time the importance of that
8 institution to the City as the second-largest
9 employer.

10 I would also note for the record that
11 since July 1, 1991, the University of Pennsylvania
12 has provided domestic partnerships for all of its
13 staff.

14 (Applause.)

15 REVEREND DALE: I would hope that this
16 Council would also take that into consideration as
17 you are considering moving in this direction.

18 I was really pleased this morning to
19 hear Cardinal Bevilacqua make the distinction that
20 he was talking about church teaching. He wanted
21 to make clear what church teaching was. And that
22 is to be commended.

23 Many of us seem to think that church
24 teaching and this ordinance are incompatible. And
25 I would suggest that, indeed, for some churches

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 that is the case. However, I would also suggest
3 that these ordinances being presented and
4 Christian principles are not in contradiction.

5 (Applause.)

6 REVEREND DALE: While the cardinal
7 suggested we speak with one voice as a religious
8 community, obviously, that is not the case; there
9 are many voices here.

10 And I consider myself a Christian and
11 clergy, and I disagree with the church teachings
12 that Cardinal Bevilacqua was speaking of.

13 (Applause.)

14 REVEREND DALE: There's a significant
15 difference between teachings and principles.

16 In the academic environment in which I
17 work, we understand the basic premise that
18 education is always changing, that truths are
19 always changing and in flux. One simply needs to
20 look at Galileo and his head-on battle with the
21 church so understand that yes, teachings do
22 change.

23 (Applause.)

24 REVEREND DALE: There are, however,
25 Christian principles that are consistent with

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 every other major faith tradition principles.

3 Some of these are to consider justice in light of

4 the least of these, my brothers and sisters.

5 (Applause.)

6 REVEREND DALE: A second commandment is

7 to love ourselves and others as we love our God.

8 That principle is also at work in this issue.

9 The third principal issue is the golden

10 rule: Treat others as you wish to be treated,

11 with fairness.

12 (Applause.)

13 REVEREND DALE: Just as research and

14 academic teachings are always changing, so church

15 teachings are also in flux, depending on the time

16 and the culture.

17 One analogy would be if this body of

18 folks who were to pass an ordinance saying that

19 because church teachings -- some church teachings

20 -- do not recognize the credibility of women's

21 ordination, you should not indeed allow me to

22 perform weddings in the City of Philadelphia.

23 Now, I'm sure most of you would see

24 that that would be inflicting church teaching on a

25 different matter. That should not be. I would

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 suggest that we have the same thing at work here.

3 (Applause.)

4 REVEREND DALE: On our college
5 campuses, I have seen pain and wounds that have
6 been created by well-meaning people of faith, who
7 have not understood the difference between church
8 teachings and the moral, ethical principles of
9 Christianity, which are consistent with Judaism,
10 Islam, and all other major faith traditions.

11 None of us should lay aside our own
12 morality when we are in public-service capacity,
13 and I would commend you for hanging on to your own
14 moral standing.

15 However, public servants are required
16 to lay aside sectarian views, views which are
17 shaped by specific teachings of their own
18 institutions, which may be in conflict with the
19 basic democratic principles of creating justice.

20 I wish you well.

21 (Applause.)

22 (Rabbi Yael comes forward.)

23 PRESIDENT STREET: Please identify
24 yourself for the record.

25 RABBI YAEL: Rabbi Yael, Y-A-E-L. I'm

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 from the congregation of Mishkan Shalom. We're
3 located in Philadelphia -- Chestnut Hill, in
4 Philadelphia.

5 We're a Reconstructionist congregation,
6 so I'm speaking for myself, I'm speaking for my
7 congregation Mishkan Shalom, and I'm speaking for
8 the entire Reconstructionist movement to come here
9 today and to urge you, to implore you to support
10 domestic partnership.

11 (Applause.)

12 RABBI YAEL: I'm speaking as a rabbi
13 and as a religious leader of a community, and I
14 take that position very seriously.

15 I am also speaking for myself, I'm also
16 speaking as a lesbian, as a woman in a committed
17 relationship with another woman who has a
18 two-year-old son.

19 (Applause.)

20 RABBI YAEL: And I implore you from
21 this place, from the place of being a lesbian
22 family, from the place of being a loving,
23 committed lesbian family, and I am imploring you
24 to support domestic partnership.

25 I have to say that I was deeply

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 saddened -- deeply, deeply saddened and disturbed
3 to hear over and over again this morning the use
4 of the Bible to speak against justice, the use of
5 the Bible to speak against equality and against
6 humanity.

7 (Applause.)

8 RABBI Yael: I have a different message
9 from the holy scriptures. I hear a different
10 message from these scriptures, I hear the voice of
11 the prophets calling to us from the mountains. I
12 hear the voice of the prophets calling us to seek
13 justice, calling us to repair the world.

14 The prophets are telling us the world
15 is broken the prophets are telling us we must
16 repair the world. The prophets are telling us we
17 must join together, to come off the mountain, to
18 come out of the churches, out of the synagogues,
19 into the streets together and repair our world and
20 repair our communities.

21 The way that we do this is to end
22 oppression, the way that we do this is to end
23 inequality and to end hatred.

24 (Applause.)

25 RABBI Yael: The way that we do this is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 to see the face of God in every person that we
3 meet. The way that we do this is to recognize the
4 absolute holiness in each and every person we
5 meet. The way that we do this is to sanctify love
6 and sanctify committed relationships between
7 people any two people.

8 We must not be the judges, we are not
9 the judges.

10 (Applause.)

11 RABBI YAEL: We have heard this today.
12 We are not the judges. God is the judge. And we
13 do not -- nobody can say what God wants. None of
14 us, none of us can speak for God.

15 But we can speak from our hearts, we
16 can speak for our families, our City, and our
17 communities. We must sanctify loving
18 relationships. We have a commitment as human
19 beings to do this.

20 (Applause.)

21 RABBI YAEL: Not to have equal rights
22 -- not to have equal rights for gay and lesbian
23 couples is to perpetuate injustice. Not to
24 recognize the rights of gay and lesbian men and
25 women to sanctify their loving relationships is to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 perpetuate injustice.

3 To say that to give equal benefits to
4 gay and lesbian partners, to say that if we do
5 this, that we're taking money from the poor and
6 giving it to the rich not only perpetuates
7 injustice and hateful division, it is absolutely,
8 absolutely shameful.

9 (Applause.)

10 RABBI YAEL: Gay men and lesbians are
11 creating families. Let me say that again. Gay
12 men and lesbian are creating loving, committed,
13 strong families.

14 This is the reality, this is our world.

15 (Applause.)

16 RABBI YAEL: We are committed
17 families. We are creating families that do not
18 tear up the fabric of our society. Our society is
19 torn. Our society is torn. We are creating
20 families that are helping sew back the society.
21 We are creating families of commitment and love.

22 (Applause.)

23 RABBI YAEL: Families come in every
24 size, every color, and every configuration.
25 Families have not been consistent for 6,000

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 years. Families have grown and changed, and will
3 continue to grow and change forever.

4 As religious leaders, as political
5 leaders, as community members, it is incumbent
6 upon us to support the creation of families.
7 That's what will make our communities, our cities,
8 our schools and our countries strong.

9 Passage of the domestic partner
10 legislation will not undermine heterosexual
11 marriage. It will support and strengthen the
12 power of commitment.

13 (Applause.)

14 RABBI Yael: There is no dearth of
15 holiness and love. Give holiness to gay and
16 lesbian families is not to take holiness away from
17 heterosexual partners.

18 (Applause.)

19 RABBI Yael: The Reconstructionist
20 movement, of which I am proud to be a part,
21 strongly, strongly supports gay and lesbian rights
22 and gay and lesbian relationships. The
23 reconstruction movement supports gay and lesbian
24 marriage and urges all Reconstructionist clergy to
25 officiate as these marriages.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 In our Jewish tradition. We just
3 celebrated the holiday of Passover. As Jews, as
4 Israelites, we have just left Egypt. We have just
5 left the narrowness of slavery. We have just left
6 the bondage of the oppressors. And now we're
7 wandering in the wilderness. Now, as a people, as
8 a community, as a city, as a country, we are
9 wandering in the wilderness.

10 We must join together on this march.
11 We know that if there's not justice for everybody,
12 then there's not justice. And we know if there's
13 not equality for everybody, there is not equality.

14 We must join together and create a
15 society and a community where justice and equality
16 exists. We are in the desert, and we are in the
17 wilderness.

18 I implore you, I implore you to lead
19 the way in this wilderness. I implore you to lead
20 the way. I implore you to vote for the domestic
21 partnership legislation and to support the
22 creation of families.

23 (Applause.)

24 PRESIDENT STREET: Please identify
25 yourself for the record.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Reverend Paul Huebner comes forward.)

3 REVEREND HUEBNER: Mr. President, I'm
4 the Reverend Paul Huebner, H-U-E-B-N-E-R, Pastor
5 of the Calvary of the United Methodist Church, at
6 48th and Baltimore, in West Philly.

7 (Applause.)

8 REVEREND HUEBNER: In my 20 years of
9 ministry, that's the first time I ever got
10 applause.

11 (Laughter.)

12 REVEREND HUEBNER: I come at this in a
13 slightly different way, Mr. President and Members
14 of Council that are still here. I come at it as
15 kind of a humble preacher, probably representing
16 the smallest congregation as compared to my
17 esteemed colleagues that have gone before me.

18 But I have spent most all of my life in
19 the City. I was educated in the public schools,
20 which, sadly to say, reading today's Daily News
21 article, are in great jeopardy. And I wish City
22 Council would spend as much energy on the schools
23 as this issue.

24 (Applause.)

25 REVEREND HUEBNER: I come as a father

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 of two boys that I love very much and who have
3 been also educated in the City, and have gone to
4 what is known as the finest high school in the
5 city, which I also went to, and, I'm sorry to say,
6 again, the City continues to ignore, our children
7 in our public schools.

8 I also come at it as a loving husband;
9 it just so happens that my partner is female. But
10 I feel very strongly in this issue and support
11 these resolutions very strongly.

12 I also come as someone who has been a
13 taxpayer, who has paid thousands of dollars of
14 city wage tax over the years. Yes, clergy are
15 taxed. And I have served churches in this city
16 that have paid thousands upon thousands dollars of
17 real estate taxes to support me in the parsonages
18 that I've lived in.

19 I grew up in a conservative Evangelical
20 church up in North Philadelphia. And like a lot
21 of churches, old city churches, there was a gym in
22 the basement. And in that gym, we played
23 basketball all the time.

24 And it was one of those gyms you
25 probably have all seen. You know, the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 out-of-bounds were the walls, the ceiling was so
3 low that we all learned to shoot jump shots like a
4 line drive.

5 And there was always in the corner that
6 was protected by wire mesh. And it said "Play
7 Fair."

8 I can remember, as a young kid, saying
9 to my father, Why is that sign there, play fair?
10 I mean, it seems kind of incredulous -- I didn't
11 use that word at that time, but it seemed kind of
12 incredulous that in a church, there would need to
13 be a sign that said "Play Fair."

14 And then, as I got older and my skills
15 weren't as good as the other kids', I realized
16 that that sign was there for me, because I didn't
17 usually play fair, because I just wanted to win.
18 And that's all I was concerned about.

19 As I became an adult and went into
20 ministry, and after 20 years of ministry, I
21 realize that most of our churches need signs that
22 say "Play Fair."

23 (Applause.)

24 REVEREND HUEBNER: Because,
25 unfortunately, it is the churches that often play

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the dirtiest.

3 (Applause.)

4 REVEREND HUEBNER: I have all respect
5 for my colleague in ministry, Anthony. I have
6 spent many hours in my office with Roman Catholics
7 that have been hurt and pained by the church
8 trying to keep them in Roman Catholicism even
9 though they wanted to come to United Methodism.

10 I have counseled with many couples who
11 stay married in name only for their fear of the
12 Church, and for their fear of losing City
13 benefits.

14 I am pained that people would wave
15 Bibles at me and pull dirty tricks like that, as
16 we come to offer, hopefully, legislation which
17 speaks about justice and about care for all types
18 of families.

19 (Applause.)

20 REVEREND HUEBNER: I was taught in the
21 Philadelphia schools about a concept known as
22 separation of Church and state.

23 And though I always want the church to
24 speak for justice and righteousness in this world,
25 I just feel I need to take this moment to remind

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the City Council that many of you are aligning
3 yourselves with a church and with churches, but
4 specifically a church, who, if my brother Anthony
5 were celebrating mass tomorrow and the president
6 of the United States were to approach him as a
7 sinner seeking the signs of grace and love and
8 reconciliation, the Cardinal would just say no.

9 I would remind you that it is also a
10 church that women who say that they are called of
11 God and wish to celebrate the sacraments are told
12 very plainly, You aren't good enough.

13 (Applause.)

14 REVEREND HUEBNER: We have heard from a
15 prince of the church who will make sure till his
16 dying day that there are no princesses because
17 they are not worthy and are not in the image of
18 Christ.

19 I come to you as a pastor of a small
20 congregation in an old building in West
21 Philadelphia that is made up of many people of
22 many colors and many backgrounds and many sexual
23 preferences.

24 I realize that some of you feel
25 pressured by church leaders. At the risk of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 sounding like I'm proselytizing, may I say to you
3 that every Sunday at 10:30, you would be welcomed
4 around our table of fellowship no matter what your
5 color or what your preference or what your
6 political beliefs.

7 (Applause.)

8 REVEREND HUEBNER: As someone who has
9 paid thousands of dollars to this city, I'm not
10 worried about the financial -- the financial needs
11 of these bills.

12 As a matter of fact, if she were here,
13 I would invite my Councilwoman where I live and
14 the Councilwoman where I work to spend a day with
15 me in both neighborhoods, and we would find enough
16 money in waste that would cover these bills.

17 (Applause.)

18 REVEREND HUEBNER: As a father of two
19 boys who are beginning to find partners for
20 themselves, my concern for them is that they find
21 loving relationships and just relationships, and
22 not relationships that just go on paper alone.

23 (Applause.)

24 REVEREND HUEBNER: And as a pastor of a
25 church which has been a reconciling and welcome

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 congregation for 15 years, we come to ask you to
3 support these bills so that we may support and
4 help people maintain the family values that they
5 cherish.

6 (Applause.)

7 PRESIDENT STREET: Please identify
8 yourself for the record.

9 MR. GOTTLIEB: My name is Dan Gottlieb,
10 and I appreciate and am honored to speak with City
11 Council today.

12 I have been practicing marital family
13 therapy in this city for 29 years now.

14 For the last 13 years, I've had a radio
15 show on WHYY called "Voices in the Family." It's
16 a call-in show.

17 And for the last 5 years, I've written
18 a bimonthly newspaper column for The Philadelphia
19 Inquirer.

20 In addition to the all of those voices
21 that I hear, I get about 25 to 30 letters and
22 phone calls a week from individuals and families
23 in distress. In their own way, they tell me their
24 story. And in that context, I'd like to share
25 some of my observations about what harms families

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 and what helps them.

3 First, what harms them from within are
4 expectations. Early on, we develop something
5 called "an ego ideal." It's the perfect self,
6 it's that perfect human we aspire to be. It's
7 based on our parents' image, it's based on our
8 cultural image, it's based often on our parents'
9 unfulfilled dreams. It's that perfect self.

10 And by the way, it usually takes the
11 form of looks or achievement or power or money.
12 Rarely is that perfect self seen as a kind or
13 compassionate self.

14 Now, it's nice to strive for ideals.
15 Our culture wouldn't survive if we didn't all
16 strive to be better. But we live in a time when
17 we can have the illusion of perfection. The media
18 says to us, You can and should have it all. And
19 worse, you can be whoever and whatever you want to
20 be.

21 Given that, then, that perfect self is
22 no longer something to strive for. That becomes
23 our minimum acceptable standard.

24 Now, here's the danger. When the gap
25 between who we are at core, who we are in our

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 heart is different from who we think we ought to
3 be, when that gap gets too big, bad things
4 happen. We're convinced that we should be
5 different and we feel badly about ourselves. We
6 feel that we're not good enough, ashamed of what
7 we haven't become.

8 Now, the same thing happens with
9 families. Around age 5 or 6, we develop a vision
10 of the ideal family, the perfect family. And it
11 looks something like this. And I'm sure we all
12 know it.

13 She expects him to be present,
14 involved, powerful, loving. And consistent. He
15 expects her to be attractive, warm, nurturing, a
16 wonderful mother, and consistently supportive of
17 him.

18 They together expect their children to
19 be self-motivated, high achievers, and not too
20 demanding; anything but what kids really are. And
21 they all expect this family to make them happy.

22 That's what we all learn. If you get
23 in the right family, then you will be happy.
24 Well, my colleague says getting married doesn't
25 make you happy; getting married just makes you

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 married.

3 (Laughter.)

4 MR. GOTTLIEB: I see these people in my
5 office every day, every day of my career. They
6 are angry and disappointed with themselves and
7 with one another. They try to change one another
8 to create that vision they have in their head.
9 And they fail, they always fail.

10 Expectations damage families. They
11 expect each other to be someone they're not. They
12 expect the same of themselves and their children.

13 Now, society has an ideal image of
14 families, too. We know it. The ideal family is
15 middle class or better, it's heterosexual, it's
16 never divorced, it's always loving, and it's never
17 in crisis. That means it never has doubts,
18 resentment, hatred, desire for infidelity,
19 feelings of sadism, or loneliness.

20 All of these things are considered by
21 our culture to be abnormal. If we have them, then
22 there's something wrong with us, our families.
23 The truth is, if you don't have these feelings in
24 your relationship, somebody's been sleeping.

25 Expectations hurt families. Families

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 break up and people live with low self-esteem and
3 feel victimized. Expectations hurt families. The
4 result is, everyone feels alienated. They feel
5 alienated from the family, they feel alienated
6 from one another, because they haven't lived up to
7 some mythic standard.

8 I had a woman in my office who was in
9 crisis. And I asked her who cared about her, who
10 supported her. And she mentioned some of her
11 friends, and I said, "What about your mother?"
12 She said, "Oh, my mother doesn't hear my heart."

13 I thought, How sad. That's what a
14 family's supposed to do for us. They're supposed
15 to hear our heart, and we're supposed to hear the
16 hearts of people we love. So people feel like
17 they don't belong.

18 Part of being human is the desire to
19 belong to family and to the community at large.
20 Well, that's what hurts families from the inside;
21 to be judged, to be told you should feel a certain
22 way. To judge someone creates alienation, it
23 creates pain and suffering.

24 Let me tell you briefly what hurts
25 families from the outside. When a single family

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 comes home bone-tired from a minimum-wage menial
3 job, and she's too tired to read to child, that
4 hurts the families.

5 Or a man who is repeatedly downsized,
6 who is so angry, hopeless, and ashamed that in a
7 misguided effort to face leaves the family 'cause
8 he can't look at them anymore.

9 Every week I get at least one phone
10 call from a family member who's got a loved one
11 with a chronic physical or mental illness, whose
12 managed care plan won't pay for the care, and the
13 burden falls on the family. Research shows this
14 doubles the divorce rate with this kind of burden;
15 doubles an already-50 percent divorce rate. This
16 is what hurts families.

17 Or the family I will never forget from
18 West Philadelphia that I worked with last year. I
19 asked the 17-year-old son, "What do you think
20 about when you lay in bed at night, before you go
21 to sleep?" He said, "I worry whether my younger
22 sister will be okay tomorrow because the gunshots
23 are getting closer to my house."

24 This is what hurts the families, not
25 the lesbian couple down the street.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 MR. GOTTLIEB: This is a story about
4 being human. And as long as there is anxiety,
5 there will be scapegoats. It's part of being
6 human. The more crowded we get on this planet and
7 in this city, the fewer the resources, the greater
8 the anxiety.

9 And certain people are always going to
10 become a risk for becoming society's scapegoat;
11 generally, the more vulnerable ones. Not just
12 gays and lesbians. Poor people, street people,
13 handicapped people, old people, most minorities,
14 all vulnerable, all at risk.

15 It takes the form of hatred, but hatred
16 is just fear. We are afraid of our own
17 vulnerability, we are afraid of loss. All hatred
18 is fear turned inside out.

19 That's what hurts families from inside
20 and from without. It's unreasonable expectations
21 from a highly judgemental society. It's
22 alienation and loneliness, it's poverty and
23 discrimination. This is what hurts families.

24 But I know the resolution. I have the
25 resolution. It's eye contact. It's very simple,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 eye contact. You see, when we judge somebody, we
3 don't make eye contact. We don't look in their
4 eyes.

5 As a man in a wheelchair, I know the
6 pain of someone not looking in my eyes. They look
7 at me, and they see stainless steel; they don't
8 see a man with a heart and a mind.

9 I was at Allegheny Hospital a couple
10 years ago, waiting to meet some colleagues. And I
11 was sitting there in the lobby, with my mug,
12 drinking cup of coffee, and a woman came walked by
13 and put a dollar in my mug.

14 (Laughter.)

15 MR. GOTTLIEB: Which told me I can
16 always make a living.

17 No eye contact. We step over street
18 people and grumble about what's happened to our
19 city. No eye contact. We don't look in the eye
20 of who and what we're uncomfortable with, often
21 ourselves.

22 We in the mental health field have
23 recently begun to examine what contributes to
24 mental health.

25 PRESIDENT STREET: Sir, I reluctantly

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 do this, and there is some relevance to this, but

3 it would be good if you would get to the bills.

4 And I guess I have to interrupt you because you're

5 a professional and I don't know if you would ever

6 stop.

7 (Laughter.)

8 PRESIDENT STREET: I mean, in true

9 candor, I don't want to be --

10 (Applause.)

11 PRESIDENT STREET: But you gotta --

12 MR. GOTTLIEB: I appreciate your

13 comments, sir, and I've only got one more

14 paragraph.

15 In my profession, we're trained to

16 listen more than talk so this is awkward for me.

17 (Applause.)

18 MR. GOTTLIEB: I just want to briefly

19 comment on what hurts mental health.

20 We've learned that judgment and

21 pessimism interfere with mental health.

22 Hopelessness and mistrust interfere with it.

23 Building walls around your home and turning your

24 back on suffering and injustice only creates more

25 anxiety and more insecurity.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 We have learned that what contributes
3 to mental health is something we've known for
4 thousands of years -- compassion and generosity
5 contribute to mental health. Optimism, trust, and
6 faith contribute to mental health -- not just
7 faith in God, but faith in the human spirit. All
8 of these contribute to mental health.

9 I say to you what I say to families who
10 are destroying one another with unreasonable
11 expectations: Please look in one another's eyes
12 long enough to see their hearts. It will make you
13 both more human.

14 In my opinion, this legislation make
15 eye contact. And for that, I applaud it.

16 (Applause.)

17 PRESIDENT STREET: Please identify
18 yourself for the record.

19 MR. BANSEN: Richard Bansen. I live in
20 West Mt. Airy, having lived there for 37 years.
21 I've been married for 47 years, and I have 4
22 children, all adults.

23 I come not as a reverend clergy today
24 but I do come as a lifelong member of the
25 Religious Society of Friends, or Quakers.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 MR. BANSEN: And I'd like to tell the
4 Council about a brief -- very briefly about an
5 experience that happened in our Meeting. That's
6 the Green Street Friends Meeting, 45 West
7 Schoolhouse Lane, in Germantown.

8 Some years ago, we were faced with the
9 question of same-sex ceremonies of commitment, or,
10 some might call it, "marriages." And our Meeting
11 decided that before we were approached by a
12 same-sex couple asking to be married or committed
13 under the care of our Meeting, we decided we'd
14 better do some study on this question.

15 And we appointed a committee, as
16 Quakers often do, to check into the ratifications
17 of such a ceremony. We studied this question for
18 over a year. We interviewed parents of lesbians
19 and gays, gay people, lesbians.

20 And after a year's study, where we had
21 many opportunities to consider the pros and cons
22 -- and, believe me, there were -- everyone in our
23 Meeting was not in favor of such taking this step.

24 We did reach consensus on the fact that
25 we would honor lesbians or gay couples, and honor

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 their commitment to each other by being willing to
3 have a ceremony of such commitment, under the care
4 of our Meeting.

5 And I personally have been very
6 influenced and moved by the caring -- caring that
7 occurs in such a relationship -- that can occur in
8 such a relationship.

9 And I urge the Council to affirm their
10 -- affirm these bills and vote in favor of them.

11 Thank you very much.

12 (Applause.)

13 PRESIDENT STREET: Thank you. Thank
14 you very much.

15 Arthur Delaney. Arthur Delaney. Is
16 Mr. Delaney here?

17 UNIDENTIFIED SPEAKER: He's just right
18 outside the door.

19 PRESIDENT STREET: Okay, can you get
20 him?

21 (Arthur Delaney comes forward.)

22 PRESIDENT STREET: Please identify
23 yourself for the record and proceed with your
24 testimony.

25 MS. DELANEY: Mr. President and Members

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 of Council, thank you for the opportunity of
3 addressing you this morning. My name is Arthur
4 Delaney. I'm President of the Catholic League for
5 Religious and Civil Rights, and it's an
6 organization 350,000 members nationally.

7 And the Catholic League -- I preface I
8 sent everyone, by the way, a copy of the
9 testimony.

10 I'm not going to say all that I wrote
11 there, but you do have copies. I mailed them to
12 everyone, and I'm grateful for the opportunity to
13 be here to present some of it.

14 And the Catholic League, I want to
15 preface my remarks by saying, is concerned not so
16 much about the monetary matters concerned with
17 this matter, but with the family matters.

18 We're concerned about what these bills
19 do to family structure, the family's ability to
20 have rightful protection, the family's ability to
21 survive, and the family's ability indeed and in
22 fact to give back to society and to this
23 civilization what society and civilization needs,
24 and that is a future.

25 So that is our main concern. We're not

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 so much worried about monetary benefits, although
3 we think there are other ways to obtain these
4 benefits, if people think they really need them,
5 without a government legitimizing a questionable
6 life-style or validating and enforcing a coequal
7 status for a bizarre way of life.

8 (Jeers from the audience.)

9 (Applause.)

10 MR. DELANEY: These bills -- in our
11 judgment these bills are not a matter of justice,
12 they're not a matter of fairness, and they're not
13 even a matter of civil rights. They're a matter
14 of incentive, they're a matter of franchise, and
15 they're a matter of privilege.

16 And in this country -- and in this
17 country, we have a long history of granting
18 exemptions, privileges, and franchise to those
19 groups that have served this society in a
20 particular way.

21 For example, those over 65 get a double
22 exemption on their income tax. Senior citizens
23 get special rates for travel and SEPTA and the
24 rest of it. We get a special rate, a deduction,
25 for each child on the income tax form.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 And, certainly, the U.S. military is a
3 great example of giving exemptions to people who
4 have served. You cannot, after all, get into
5 Walter Reed Hospital, unless you are somehow
6 service-related.

7 They have auto insurance, home
8 insurance, banking privileges, PX privileges,
9 burial privileges. And you don't get the G.I.
10 Bill unless you have served.

11 So giving exemptions and privileges to
12 special groups is not something new. And just
13 because it is given to marriage, it is given to
14 marriage because marriage has produced for this
15 society and this civilization its future.

16 And it's self-evident to me and to most
17 of us that the government and the State have a
18 primary duty and a responsibility of protecting
19 and preserving the family for its own good. And
20 its own good is its own future.

21 One state -- or one country recognized
22 this fact so strongly that they included in their
23 constitution when they said, The State recognizes
24 family as the natural, primary and fundamental
25 unit group of society; and as a moral institution

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 possessing inalienable, imprescriptible rights
3 that are antecedent and superior to all positive
4 law.

5 And the State, therefore, guarantees to
6 protect the family in its constitution and in its
7 authority as the necessary basis of social order
8 and as an indispensable welfare for the nation and
9 of the State.

10 The State pledges itself to guard with
11 special care the institution of marriage in which
12 the family is founded and to protect it against
13 all attack.

14 (Applause.)

15 MR. DELANEY: It is in light of this
16 that we see -- that is the Catholic League -- the
17 bills before us now, 970745, 49 and 50 as
18 outrightly trivializing marriage, which has been
19 held through all history by many to be not only a
20 legally-binding contract but as a sacred
21 covenant. And by many others, to be a religious
22 sacrament of the highest order.

23 The proposed legislation that equates
24 the very limited and very tenuous stable life
25 partnership is equivalent with the lawful, stable,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 committed traditional marriage. It not only
3 contradicts but seriously endangers the deepest
4 values of our common public moral heritage,
5 damaging, perhaps irreparably, the common good and
6 the fundamental social order.

7 The proposed legislation imperils our
8 social future and seriously obstructs any human
9 development and education.

10 Traditionally the family -- and by "the
11 family," traditionally, I mean the nuclear-based
12 married union of one man, one woman, and their
13 offspring -- has always been viewed and has proven
14 itself over the centuries to be the only really
15 effective way of transmitting not only new life,
16 but education, religion, moral values, and
17 civilization itself.

18 Marriage and family have a unique and
19 fundamental and irrevocable role in society, which
20 springs from the fact that the permanent
21 commitment of husbands and wives and in marriage
22 is intrinsically tied to the procreation and
23 education of children, leading eventually to the
24 necessary support of society and civilization.
25 And that necessary support that society and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 civilization needs is a future.

3 And this proposed legislation removes
4 marriage from its privileged position in our
5 society and, thereby, undermines the entire social
6 future and the continuation of our civilization.

7 Historical tradition testifies loudly
8 and clearly that it is the public consensus that
9 marriage should enjoy unique benefits and the
10 rights obtained in public law because of the
11 unique contribution that marriage and family make
12 to our future and to our society.

13 This proposed legislation flies in the
14 face of all American people, both native and
15 immigrant, who have, for centuries, seen their
16 commitment to marriage and family life as their
17 best contribution to the welfare, to the common
18 good, and to the general success of this
19 civilization. History certainly demonstrates that
20 this commitment to the centrality of marriage and
21 the family has made this civilization what it is
22 today.

23 The proposed legislation using the
24 supporting argument that the contemporary failure
25 rates of traditional marriage and family stability

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 completely misses the point that such rates are in
3 fact and indeed failures.

4 Public law has always recognized
5 marriage ideally as the lifelong commitment which,
6 regardless of its relative failures, aspires to
7 the relationship that is permanent and
8 unbreakable. The ease with which proposed
9 legislation allows domestic partnerships or life
10 partnership unions and even more so, their
11 termination, makes a mockery of these aspirations.

12 Public law has always recognized
13 marriage to be a relationship which entails
14 substantial and legally-enforceable mutual
15 responsibilities for husbands and wives.

16 No such responsibilities are placed on
17 life partners. Their obligations and duties are
18 minimal and their termination requirements are as
19 near to a joke as you can get and still appear to
20 be serious.

21 Clearly, the proposed legislation seeks
22 to guarantee for life partners the public benefits
23 of marriage while imposing none of the
24 obligations.

25 (Jeers from the audience.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. DELANEY: If it is true, as we
3 believe it is, that every obligation presupposes a
4 right, it's easy to understand why life partner
5 legislation imposes no obligations, simply because
6 there is no right.

7 The proposed legislation effectively
8 removes the fundamental value on which all
9 previous special marital benefits have been
10 based. That is the need to create a safe, stable,
11 enduring, and nurturing environment for the
12 rearing of the next generation, passing on of
13 religion, the accumulated moral wisdom of the
14 ages, and stabilizing civilization, allowing it to
15 continue into the future.

16 A stable civilization needs a stable
17 family life. Therefore, law and public policy
18 should seek to stabilize the family and the family
19 structure by supporting, protecting, enhancing,
20 and encouraging it.

21 The proposed life partners legislation
22 has the diametrically opposite effect. The
23 proposed legislation reduces marriage from the
24 high and exalted sphere of vocation to the low
25 level of mere commercial contract. It changes

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 family from a genuine, authentic community into
3 some sort of individualistic federation, sapping
4 the essential vitality of the family and
5 disallowing it to make its maximum contribution to
6 society.

7 The proposed legislation is wholly
8 unnecessary. Those who believe their human rights
9 have been violated have all the laws presently on
10 the books to protect them and to redress such
11 violations and a such injuries in reference to
12 their individual rights.

13 All citizens should have the right to
14 redress, and they should have means other than the
15 radical repudiation of long-held, rationally
16 defensible, and time-tested fundamental values and
17 institutions which impact not only on our
18 population, but on the present and future
19 viability of this society as well.

20 The proposed legislation aptly is
21 biased and discriminating in reference to a large
22 group. And by that fact alone, it is poor
23 legislation. It is, in addition, obviously and
24 transparently a partisan advocacy for a particular
25 life-style and a blatant attempt at ideological

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 coercion.

3 The proposed legislation --

4 (Jeers from the audience.)

5 MR. DELANEY: The proposed legislation

6 is as obvious from the text is based on many

7 untried, unproven, unsubstantiated assumptions.

8 Much of the argumentation for life partner

9 proposals is mere supposition and weakens the case

10 to the point of invalidity.

11 (Jeers from the audience.)

12 MR. DELANEY: The proposed legislation

13 has not been sufficiently analyzed in terms of its

14 economic impact. And I will skip over that

15 because of time and --

16 (Applause.)

17 MR. DELANEY: But the proposed

18 legislation is, as is glaringly apparent, it's

19 simply unenforceable and just as glaringly

20 apparent as the unique characteristic of not only

21 destroying the family but destroying but of

22 strongly rewarding and supporting a public

23 commitment -- a lack of public commitment to civil

24 responsibility.

25 And I would simply conclude by saying

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 that marriage, the foundation of the family stands
3 in a critical and necessary position regarding
4 society. Both social order and the common good
5 therefore demand the protection of the privileged
6 position that this union has heretofore received.
7 The State has an obligation to regard with special
8 care the institution of marriage and to protect
9 the family.

10 And we certainly don't need the
11 government or the State redressing grievances by
12 the radical repudiation of long-held,
13 rationally-defensible and time-tested fundamental
14 values and institutions which impact not only the
15 majority of us in this population, but also impact
16 the present and the future of this society.

17 I thank you for your time.

18 (Applause.)

19 PRESIDENT STREET: Reverend Charles
20 Benson, Reverend Charles Bennison.

21 (Reverend Charles Bennison comes
22 forward.)

23 REVEREND BENNISON: Thank you for this
24 opportunity to speak on a matter of great moral
25 concern, a matter of simple justice.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I am Charles E. Bennison, Jr., the
3 Bishop of the Episcopal Diocese of Pennsylvania.

4 (Applause.)

5 REVEREND BENNISON: And I live at 279
6 South Fourth Street, in Philadelphia.

7 The Church, like the culture of which
8 it is a part, is deeply divided on the question of
9 the full acceptance and inclusion of homosexual
10 persons.

11 To my colleague and friend, Cardinal
12 Bevilacqua, and others, I want to say that in all
13 the ways we seek to love and serve God, we have
14 far more in common than we have in conflict.

15 We do differ on this issue. At our
16 general convention here in Philadelphia last
17 summer, the Episcopal Church adopted for its own
18 employees legislation similar to that before you
19 today.

20 (Applause.)

21 REVEREND BENNISON: You have argued
22 over these bills for five years now. I urge you
23 to pass them today, and for two reasons:

24 First, these bills advance distributive
25 justice. There should be equal pay for equal

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 work. For the City to use employees' benefit
3 packages or the real estate transfer tax exemption
4 for the benefit of some and not of all is
5 discriminatory.

6 (Applause.)

7 REVEREND BENNISON: Indeed, a case
8 could be made that the City owes reparations for
9 its past and present discrimination against
10 partners in gay and lesbian relations.

11 (Applause.)

12 REVEREND BENNISON: Second, these bills
13 liberate this City from the sin of heterosexism.

14 (Applause.)

15 REVEREND BENNISON: Heterosexuality,
16 which is good, is obviously different from
17 heterosexism, which is evil.

18 (Applause.)

19 REVEREND BENNISON: Like racism, in
20 which some are benefitted to the detriment of
21 others --

22 (Brief interruption.)

23 REVEREND BENNISON: Like racism, in
24 which some are benefitted to the detriment of
25 others merely because of who they are by nature,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 whether they're black or white, heterosexism is a
3 systemic injustice in which some are benefitted to
4 the detriment of others, merely because of who
5 they are by nature.

6 (Applause.)

7 REVEREND BENNISON: One of the Bible's
8 profoundest insights about you and me is that we
9 are sexual beings by nature. The Bible also
10 contends that our expression of our sexuality
11 should be according to nature.

12 For the City of Philadelphia to
13 continue a system in which heterosexual persons
14 are treated differently from homosexual persons is
15 not only to perpetuate a grave systemic injustice,
16 but it is also to sanction implicitly hurtful
17 attitudes and actions of discrimination, bias, and
18 prejudice.

19 If the issue today were one of
20 providing the same benefits to black citizens as
21 to whites, there would be no hearing necessary.
22 How is the case before you today very different?

23 Thank you very much.

24 (Applause.)

25 PRESIDENT STREET: Identify yourself

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 for the record, please.

3 REVEREND HART: My name is Barry Hart.
4 I am Pastor at the University Lutheran Church of
5 the Incarnation, in West Philadelphia, a
6 congregation that has welcomed and affirmed all
7 people, including gays and lesbians who seek the
8 gospel of Jesus Christ.

9 I am here so speak on behalf of Bishop
10 Roy Omquist (ph.) in support of the bill. Bishop
11 Omquist is Bishop of the Southeastern Pennsylvania
12 Synod of the Evangelical Lutheran Church in
13 America, representing well over 50 congregations
14 in the City of Philadelphia.

15 The bishop writes: I am the Reverend
16 Roy Omquist, Bishop of the Southeastern
17 Pennsylvania Synod of the Evangelical Lutheran
18 Church in America. Our denomination is the
19 fifth-largest Protestant denomination in the
20 United States.

21 Our synod consists of congregations in
22 the five-county Philadelphia area, and serves over
23 110,000 people. Approximately 50 of our
24 congregations are an integral part of the City of
25 Philadelphia.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Lutherans been in Philadelphia since
3 the early colonial period, Swedish colonists
4 settled along the Delaware. We have been an
5 important part of the City, as the City has been
6 central to life of the Lutheran Church in this
7 region.

8 We take pride in the contributions that
9 our church and its many social-service agencies
10 have made to the health and well-being of the
11 City. From the ministry of institutions like the
12 Lutheran Home in Germantown and the Settlement
13 House in Kensington, to our work with foster care
14 and immigrant placement, we have been a church
15 that cares about people.

16 For that reason, I am very pleased in
17 support this morning and for the amendments Bill
18 No. 970745, the pension ordinance amendments; Bill
19 970750, fair practices code amendments; and Bill
20 No. 970749, realty transfer tax amendment.

21 Our church, like most churches, which
22 minister in the City of Philadelphia, places a
23 very high value on strengthening the family and
24 supporting the needs of children, but we are
25 equally committed to the principle of liberty and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 justice for all.

3 (Applause.)

4 REVEREND HART: It would appear to me
5 that all three of these bills have as their
6 guiding principle the desire to make certain that
7 appropriate privilege is afforded to all of our
8 citizens, without discrimination.

9 Although there is no official position
10 or policy of the Evangelical Lutheran Church in
11 American life partnership, we are a church that
12 strongly believes in fairness, kindness,
13 tolerance, and justice for all. The official
14 policy of the Southeastern Pennsylvania Synod of
15 the ELCA calls upon all of our congregations to be
16 welcoming toward all people, including gay and
17 lesbian individuals.

18 So let me be very clear. The position
19 I would take on these bills would not be as an
20 expression of an official stance of either my
21 synod or our denomination on the issue of life
22 partnership, but rather because of our passion for
23 justice and fairness.

24 I have long believed that there is both
25 justice and fairness in the ability of an

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 individual employee to identify one person,
3 regardless of blood or legal relationship, as an
4 individual with whom he or she shares life, with
5 some form of commitment and mutual dependence;
6 and, therefore should be entitled to appropriate
7 benefits.

8 Any other policy would seem to provide
9 both an unequal advantage to the majority and an
10 unfair denial to a minority.

11 If a person were to be raised by a
12 surrogate relative and then, at a later time,
13 wanted to designate that person as his/her
14 relative and life partner for the purpose of
15 qualifying for appropriate benefits, I believe
16 that to be patently fair and appropriate. Indeed,
17 the denial of such opportunity would seem
18 extremely cruel and inappropriate.

19 I know some will speak in opposition to
20 these bills, characterizing them as anti-family.
21 I would not agree. I believe that they are
22 pro-fairness and pro-justice.

23 And these are values that must
24 under-gird our society and all our families.
25 Those who are now denied rights and privileges are

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 members of our families. They are our brothers
3 and sisters, our sons and daughters.

4 (Applause.)

5 REVEREND HART: They deserve equal
6 access and protection.

7 (Applause.)

8 REVEREND HART: We do not further any
9 value, no matter how noble and foundational,
10 through the denial of other citizens of their
11 appropriate value, benefits, and public status. I
12 do not believe that we can encourage something
13 good, no matter how altruistic our motives, if in
14 the process, we dehumanize or diminish others.

15 As Bishop of the Southeastern
16 Pennsylvania Synod Evangelical Lutheran Church in
17 America, I would strongly urge the City Council to
18 grant approval to these significant bills, which
19 will expand the quality of life within our City of
20 Brotherly and Sisterly Love, to all of our
21 brothers and sisters.

22 Thank you for the opportunity of
23 sharing my views. Thank you.

24 (Applause.)

25 PRESIDENT STREET: Mark Aronchick.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Mark Aronchick comes forward.)

3 MR. ARONCHICK: Good afternoon.

4 Council President Street. With me today is Andrew
5 Charles, who's a partner at Wolf, Bloch, Schorr &
6 Solis-Cohen, one of the most preeminent law firms
7 in the City, and a member of the Board of
8 Governors of the Bar Association.

9 And David Rosenblum, who is a trial
10 attorney at the Equal Opportunity Employment
11 Commission and the current Chair of the Gay and
12 Lesbian Lawyers of Philadelphia, referred to as
13 "GALLOP."

14 I, of course, am the Chancellor of the
15 Philadelphia Bar Association, which is an
16 organization of 14,000 lawyers in the City of
17 Philadelphia.

18 I'm pleased to be here. I've been here
19 many times, as you know. I used to be the City
20 Solicitor for the City, but I'm particularly
21 pleased to be here because wherever we -- meaning
22 our organization -- and you stand on this issue, I
23 know that we and you and your City Council have
24 worked together on so many things to make this one
25 of the greatest cities in the world.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 And it's been under your leadership,
3 with this extraordinary group people around you --
4 and I can't imagine a -- let me put it this way:
5 I think you're the best legislative body in the
6 free world.

7 (Laughter.)

8 PRESIDENT STREET: I understand the
9 significance of that.

10 MR. ARONCHICK: Council President
11 Street, I am pleased to be here on this issue and
12 speaking on behalf of our organization in support
13 of the legislation. The Philadelphia Bar
14 Association, I think, maybe has a few different
15 perspectives to add to the matter before you. And
16 I'm going to tick them off quickly.

17 First of all, in terms of the legal
18 profession -- and this is a rather conservative
19 organization, the legal profession is fairly
20 conservative -- there is a trend that is evident
21 in bar associations generally toward recognizing
22 committees and sections and activities of our gay
23 and lesbian members.

24 And we have in our own association a
25 section that leads the way on many issues, not

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 just issues pertinent to gay and lesbian lawyers.

3 And that, sectioned together with GALLOP, for

4 example, it's a political force.

5 For example, in the recent controversy

6 surrounding the nomination of Judge Fredericka

7 Messiah-Jackson to the federal bench, one of the

8 very first groups that weighted in on behalf of

9 Judge Messiah-Jackson was GALLUP. In fact, they

10 helped organize several other groups, led the

11 charge with the barristers and the Asian bar and

12 the Hispanic bar within days to produce the first

13 resolution in support of that nomination.

14 And so I think it's important to

15 understand that there is a political -- not only a

16 moral but a political reality that we have here.

17 And the Bar Association certainly understands

18 that.

19 There's another issue, and that is that

20 we understand it because we see it in-house. We

21 have insurance that covers domestic partners for

22 our own bar staff. And I tell you that I know

23 specifically -- I'm thinking -- I'm visualizing

24 specifically people that we have on our staff who

25 produce an enormous amount of work, who, I wonder

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 if they would be there.

3 They are people who could work in any
4 number of places. I wonder if they would be there
5 doing all the things that they do in terms of
6 putting our bar association in the midst of all
7 the good issues that going on this the City.

8 I don't think that I could have
9 accomplished a lot of what I've done without
10 specific people I'm thinking of, and one in
11 particular who I doubt very much would find it a
12 comfortable place if we didn't have this benefits
13 package.

14 And that is a political reality, a
15 moral reality, and a workplace reality that we
16 know that employers throughout the Delaware Valley
17 are facing. In fact, corporations, one after
18 another, are facing that to have the best talented
19 work pool, we have to provide benefits in a
20 work-friendly environment.

21 And that work pool is a work pool that
22 improves the lives of citizens throughout this
23 City. The people that are for this and that are
24 against this, their lives are being improved by
25 the work pool that those organizations are

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 attracting.

3 That includes the University of
4 Pennsylvania. And there isn't a person isn't this
5 room who would say that the University of
6 Pennsylvania isn't improving the lives of every
7 single person in this room by what it is doing for
8 our region.

9 So I think we have to be very careful
10 to understand that we in Philly could be limiting
11 our talent bank if we don't provide these kinds of
12 packages. And I think we have to understand that
13 -- and I know you understand, Council President
14 Street, and I know everyone in this room
15 understands that this City Council leads the way
16 as a example for most of the employers, and for
17 many of the other institutions in town.

18 (Jeers from the audience.)

19 MR. ARONCHICK: Even that fellow's life
20 is being improved by the University of
21 Pennsylvania.

22 (Applause.)

23 MR. ARONCHICK: And there's no
24 question, whether he understands it or not, by our
25 Bar Association, the things we've been doing for

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 him.

3 Now, in addition, Your Honor -- and I
4 call you "Your Honor" because you are, you are one
5 of our leaders in this city -- there is an
6 absolute inevitability to this issue. Let's face
7 it, there is an inevitability to this issue
8 whether we do something about it in this City
9 Council today, it will be done next year or the
10 year after or the year after.

11 We see it in all of our cultural
12 institutions. We see it -- we see an acceptance,
13 an acceptance of all kinds of ways people are
14 choosing to live with each other, properly and
15 fairly. In other words, we don't want
16 criminality, but properly and fairly, all over the
17 place.

18 And I know and I tell you -- and my
19 final comment is, I see it in our bar association.
20 It is there, it is obvious. One of the most
21 conservative institutions that America can produce
22 is a bar association, and it is there.

23 Council President Street, if you would
24 permit me one very small personal reflection, and
25 that is this, and I think you might very well

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 understand the import of this, and I know that
3 Councilman Nutter does, and I know that there are
4 certain other Councilmembers that do. And that is
5 this:

6 Very long ago, when I was a young pup,
7 before I even got to City Council, before you and
8 I and several others participated, in the early
9 eighties, in what was an absolute revolution in
10 this City Council -- and you know what I'm talking
11 about -- there was a City Council member that I
12 worked for and that worked for me named John
13 Anderson.

14 And there was a day when I actually had
15 the opportunity to be named City Solicitor in the
16 Green administration. And there were a few City
17 Councilmembers who didn't like that Mayor and so
18 -- maybe they liked me but they wanted to make an
19 example of the Mayor. And so my hearing got a
20 little rocky.

21 I had Carl Singley with me -- that
22 helped. I had you there -- that helped. But the
23 person who absolutely shut it all down got up and
24 said, "Enough. He's not the issue whatever, you
25 think of Mayor Green." And that was John

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Anderson.

3 He stood right over there and said,
4 "Let's just end this nonsense because Mark will
5 make an incredibly good first deputy, he will be
6 add to the good of this City. Let's just approve
7 him."

8 And you all did unanimously, and I've
9 always appreciated that. Thank you very much.

10 (Applause.)

11 PRESIDENT STREET: John P. Stanton.

12 (John P. Stanton comes forward.)

13 MR. STANTON: Good afternoon, Mr.
14 Street, Members of City Council.

15 The Family Life Educational Foundation
16 appreciates the opportunity here to speak against
17 the so-called domestic partners bill.

18 (Applause.)

19 MR. STANTON: Those who back these
20 bills claim they're only about fairness. They say
21 they are not out to dismantle society. Many
22 insist that these bills in City Council are just
23 about treating everyone the same.

24 If you listen, you will even hear the
25 term "civil rights" thrown in. The more separate

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 will go further and make an attempt to correlate
3 racial justice with the alleged plight of those
4 City employees who are unmarried but who demand
5 that the City treat them as such.

6 The zeal of some backers have brought
7 them to issue threats against Roman Catholics
8 priests. We know about church burnings in
9 Philadelphia. We don't intend to have any more,
10 and we don't intend to have our priests hunted
11 down.

12 (Applause.)

13 MR. STANTON: So why are scores of
14 Black Protestant ministers thundering against
15 domestic partners? Why are dozens and dozens of
16 Evangelical leaders opposing domestic partners?
17 Why has Cardinal Bevilacqua gone to the City
18 square once again to preach and to teach about the
19 evil effect of domestic partners?

20 Are they onto something critical? Or
21 are they just mean-spirited and looking for a
22 family?

23 No, they and we are here because of the
24 gospel and because we need order in our society.
25 We are not mounting a campaign of personal

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 condemnation against homosexual people for their
3 sexual behavior. Rather, the message is about
4 family -- marriage, family, and the common good of
5 society. And for these stakes, all of our
6 opposition is justified and demanded by theology
7 and sociology.

8 During the past 40 years, we have
9 watched the primary enemies to the family gain
10 ascendancy in the U.S. Divorce, open sex,
11 abortion, out-of-wedlock births have inflicted
12 huge wounds on our society.

13 As we observe growth in crime, poverty
14 illiteracy, and the abuse of humans, do we not get
15 the message to rebuild the family, the institution
16 fundamental to the life of every society? To give
17 status to same-sex unions is another strike
18 against the family. It would be insane.

19 Some Councilmembers who support these
20 bills may deny their true purpose, but they are
21 aware, they know that only a man and a woman can
22 be married.

23 (Applause.)

24 MR. STANTON: They know that the State
25 has and should affirm its special status, the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 special status of the family with financial aids.
3 They know because it's self-evident that no other
4 sexual liaison is a marriage. They also know that
5 domestic partners is not about economics or wages
6 or fairness. Anybody who really listens will
7 quickly learn it is about social approbation.

8 Supporters of domestic partners want
9 approval and equality with marriage, period. They
10 want to eliminate the special status of marriage.
11 They are demanding nothing less from government
12 than blessings for homosexual behavior.

13 In seeking to destroy marriage, ACT UP,
14 and other groups promoting domestic partners, have
15 powerful collaborators, such as Planned
16 Parenthood. Their founder, Margaret Sanger,
17 pronounced that the marriage bed is the most
18 degenerating influence in the social order, and
19 they made that dictum a vital part of their
20 organization.

21 Marriage and family are priorities for
22 human society. They give dignity to bonded
23 partners and their children.

24 Councilmembers should take immediate
25 steps to dispose of domestic partners on the basis

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 of the facts. They know that the majority, the
3 vast majority of their constituents, oppose it.

4 Every member of Council has a
5 dictionary which describes marriage as a voluntary
6 union for the life of a man and a woman,
7 solemnized in accordance with local law by a
8 wedding ceremony and the filing of a certificate
9 of marriage.

10 A vote for domestic partners is a vote
11 against marriage and the family.

12 Thank you very much.

13 (Jeers from the audience.)

14 (Applause.)

15 PRESIDENT STREET: Thank you very much.

16 Larry Gross.

17 (Larry Gross comes forward.)

18 MR. GROSS: Thank you, President Street
19 and Members of City Council. My name is Larry
20 Gross, and I'm Cochair of the Philadelphia Lesbian
21 and Gay Task Force.

22 (Applause.)

23 MR. GROSS: When I first appeared here,
24 it was to testify in favor of bills that would
25 provide domestic partnership benefits to all City

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 employees in May 1993. As you know, that
3 legislation did not emerge from the Rules.

4 However, the Task Force and the lesbian
5 and gay community remain committed to the basic
6 principles of equity that we proclaimed at that
7 time, and we intend to pursue the original goal of
8 achieving full benefits for all employees and,
9 indeed, all citizens of Philadelphia.

10 Let me try once more to bring some
11 clarity to issues that have been obscured this
12 morning by clouds of theological rhetoric.

13 Who are domestic partners? They are
14 the lesbian and gay couples; and, in many places,
15 unmarried heterosexual couples in a committed
16 relationship, sharing both emotional and economic
17 bonds.

18 Domestic partnerships have been given a
19 legal definition in many cities across the
20 country. And in these cities, city employees with
21 domestic partners are eligible for spousal
22 benefits.

23 In the private sector, domestic
24 partnership benefits are provided by scores of
25 major corporations across the country as well as

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 colleges and universities, including my own
3 University of Pennsylvania.

4 Why should domestic partnerships be
5 recognized? Society has historically believed
6 that personal relationships characterized by
7 mutual affection and commitment and financial
8 interdependence advanced the public welfare by
9 promoting the happiness, physical and emotional
10 health, and financial stability of its members.

11 However, the only form of committed
12 relationship that receives social recognition and
13 financial and legal benefits is that of
14 heterosexual marriage; despite the reality that
15 this so-called traditional nuclear family -- two
16 parents living with their children -- now only
17 comprise 27 percent of the nation's more than 90
18 million households.

19 At present, a heterosexual couple who
20 have been married for ten minutes have innumerable
21 legal financial privileges denied to lesbian or
22 gay couples who have lived together for ten years
23 -- or, I should say, to my partner and myself, who
24 have been together for more than 22 years.

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. GROSS: Yet lesbian women and gay
3 men who are part of a couple take on added
4 responsibilities as the relationship grows, just
5 as married heterosexuals do. Home ownership,
6 health care, emotional support, and, in many
7 cases, child care become realities.

8 The lack of employment benefits and
9 other protections, such as inheritance and pension
10 rights and hospital-visitation rights, puts
11 lesbian and gay couples and their children at
12 greatly increased risk of financial and emotional
13 disaster and places an unequal burden on them,
14 though their needs are essentially the same as
15 married couples', who are entitled to benefits.

16 Will recognition for domestic
17 partnership undermined the own traditional
18 family? People decide to marry because of their
19 feelings for their intended spouse and because of
20 their commitment to historical and religious
21 traditions that marriage represents; although they
22 also may be motivated by the legal and financial
23 benefits that society provides to married
24 couples.

25 It is ludicrous and offensive to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 suppose that heterosexual couples marry because
3 lesbian and gay couples are not eligible for those
4 same benefits. If the survival of heterosexual
5 marriage is dependent on continued discrimination
6 against lesbian and gay couples, then the
7 institution is indeed in deep trouble.

8 (Applause.)

9 MR. GROSS: The requirements of
10 domestic partnership are in some ways more
11 stringent than the marriage criterion for
12 benefits. Heterosexual employees do not need to
13 produce a marriage certificate to obtain spousal
14 benefits.

15 Currently, the City of Philadelphia
16 does not require heterosexual employees seeking
17 benefits for a spouse to prove that they are
18 legally married, they don't have to affirm that
19 they share expenses and do not have to share a
20 residence.

21 What arguments are being used to oppose
22 domestic partnership benefits? The finance
23 issue. On May 27, 1993, President Street issued a
24 statement in opposition to the bills then
25 considered.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 In that statement, President Street
3 stressed that budgetary considerations have not
4 been a factor in forming his opinion of the
5 partnership bills.

6 "Some have seen this issue as a
7 budgetary or fiscal matter," said President
8 Street. "I disagree strongly with that
9 position." In this instance, I completely agree
10 with President Street.

11 The experience of city governments'
12 incorporations across the country has
13 unequivocally resolved the issue. Domestic
14 partnership benefits do not impose financial
15 hardships on employers. To the contrary, it is
16 the denial of equal benefits to domestic
17 partnerships that constitutes a hardship.

18 Based on the experience of other
19 municipalities and private employers,
20 out-of-pocket costs will be relatively small given
21 the overall benefits budget.

22 We are aware that such practical
23 considerations cannot be ignored. However, they
24 must inevitably be weighed against the moral
25 arguments for extending coverage. The arguments

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 for extending benefits on fairness grounds, the
3 heavier the burden to show the practical
4 considerations outweigh it.

5 Were employers to pay a different cash
6 salary to employees based on their sexual
7 orientation would clearly violate current
8 nondiscrimination policy. The effect of the
9 current benefit system is on its face identical.

10 Employee benefits are a form of
11 compensation currently representing roughly 30
12 percent of total compensation. By providing
13 benefits to married complies that are not
14 available to unmarried employees living in
15 domestic partnerships, the City therefore
16 discriminates in compensation on the basis of
17 sexual orientation and/or marital status.

18 While we would strongly prefer more
19 inclusive legislation that would provide domestic
20 partner benefits to all employees, the narrower
21 bills, as proposed, would redress the most
22 egregious discrimination in the current benefits
23 system, that faced by lesbian and gay people who
24 do not have the option of legal marriage. A
25 public registry system will be necessary to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 implement any domestic partnership ordinance.

3 Morality. The attacks on domestic are
4 motivated by the desire to intrude religious
5 principles into public policy in flagrant
6 disregard for the Constitutional separation of
7 church and state.

8 (Applause.)

9 MR. GROSS: We believe that there is a
10 strong claim on behalf of gay men and lesbians to
11 have their long-term committed relationships
12 treated with the same respect as marriage for
13 purposes of employee benefits.

14 First, we believe the City has already
15 implicitly committed itself to treat domestic
16 partnerships as equivalent to marriage for these
17 purposes in the Fair Practices Act.

18 While that act, as currently written,
19 has no legal force in determining benefits policy,
20 we believe it is significant moral force. If we
21 conclude otherwise, we are, in effect, saying that
22 while unmarried heterosexual, gay and lesbian
23 employees are entitled to equal treatment and
24 respect with married, the intimate long-term
25 committed relationships they form are not.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 At least in the case of gay and lesbian
3 employees for whom such relationships are the core
4 fact of group identity, we do not think it is a
5 morally persuasive reading of the City's
6 nondiscrimination policy.

7 In the case of heterosexual partners
8 who have the legal option to marry, the question
9 is more complicated. We believe the argument for
10 covering heterosexual partnerships,
11 notwithstanding the availability of marriage, is
12 for some heterosexual partners, the decision not
13 to marry reflects a political or ideological
14 opposition to marriage, not merely the absence of
15 commitment.

16 The argument that the City ought not to
17 penalize such political or ideological convictions
18 is reasonably powerful, but we believe that the
19 argument that it ought not to penalize long-term
20 relationships of those gay and lesbian employees
21 who do not have the option to marry at all is much
22 more compelling.

23 Second, we think that redefining family
24 for purposes of the benefits program, to include
25 long-term committed domestic partnerships,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 appropriately reflects the changing social reality
3 and recognizes the diverse values of a pluralistic
4 society.

5 Here I would like to quote the Reverend
6 Paul Washington: Can two persons of the same sex
7 enter into a life of marriage? I would say they
8 can. The day is not in the too-distant future
9 that we will open our eyes to see that which today
10 some cannot. There are still scales to be
11 removed, and you and we have the burden of
12 responsibility to remove them. End quote.

13 (Applause.)

14 MR. GROSS: We condemn the
15 hatemongering and intolerance of those who are
16 using our lives as a platform for their agendas.
17 We can only speculate about the role that the
18 bigotry of politicians and church leaders has
19 played in licensing and encouraging acts of
20 discrimination and violence against lesbian and
21 gay people.

22 What is undeniable is their
23 unforgivable betrayal of fundamental principles of
24 justice and respect for the rights of all people.
25 We will resist the efforts of opportunistic

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 politicians and preachers who wish to make the

3 Bill of Rights a footnote to the Bible.

4 (Applause.)

5 MR. GROSS: Finally, as I said here in

6 1993 and in 1996, and I hope I will not have to be

7 back in a few years to say once again, the issue

8 is one of fairness. Equal pay for equal work.

9 Thank you.

10 (Applause.)

11 PRESIDENT STREET: Thank you very much.

12 At this time we will hear from Rabbi

13 Sue Elwell.

14 (Rabbi Elwell comes forward.)

15 RABBI ELWELL: President Street,

16 members of the City Council, I am Rabbi Sue Levy

17 Elwell.

18 I serve as a Director of the Union of

19 American Hebrew Congregations, the reformist

20 movement of Jews in the United States and in the

21 world. We are the largest denominational group of

22 Jews in the world. And in America alone, I

23 represent and we comprise, over one and a half

24 million households. In the greater Philadelphia

25 area we, have 21 congregations.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I am here today because we reformed
3 Jews passionately believe that each human being is
4 it created (Hebrew phrase) -- in God's image.
5 Honoring the essential holiness and worth and
6 dignity of every individual is why my movement
7 supports bills such as these.

8 (Applause.)

9 RABBI ELWELL: The Union of American
10 Hebrew congregations has for decades provided
11 moral leadership to the Jewish community and to
12 our nation, recognizing our differences and
13 diversity while acknowledging that we are one
14 family equal before God.

15 In this spirit, the Union of American
16 Hebrew Congregations forcefully support monogamous
17 domestic relationships of gay men and lesbians.

18 Legal recognition of monogamous gay and
19 lesbian relationships goes hand in hand with our
20 congregational honoring of such couples.
21 Together, state and synagogues, state and church,
22 provide these men and women and their families
23 with dignity and self-esteem.

24 We, therefore, unequivocally support
25 monogamous domestic relationships judicially and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 statutorily, and now urge the City of Philadelphia
3 to grant gay and lesbian the nondiscriminatory
4 economic, legal, and social right equal to those
5 under law enjoyed by monogamous heterosexual
6 couples. These bills move our city in that
7 direction.

8 (Applause.)

9 RABBI ELWELL: We Jews have just
10 completed recently the celebration of our holiday
11 of Passover. The Passover seder teaches us to
12 speak out against injustice. One of the retrainings
13 of the Passover seder is (Hebrew phrase) -- the
14 time has come.

15 So in support of these three bills, we
16 reform Jews say (Hebrew phrase) -- the time has
17 come to make provisions for all of our families,
18 to share the basic rights that today only some of
19 our families enjoy.

20 (Hebrew phrase) -- the time has come to
21 recognize the richness of the families who work in
22 and give their best energies to this, our beloved
23 City.

24 (Hebrew phrase) -- the time has come to
25 ensure justice for all people. These domestic

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 partnership bills represent that justice.

3 (Hebrew phrase) -- the time has come.

4 (Applause.)

5 PRESIDENT STREET: Thank you very much.

6 At this time, Council will stand in recess for 30
7 minutes.

8 (Council stands in recess.)

9 - - -

10 (Proceedings resume.)

11 PRESIDENT STREET: This is a public
12 hearing on the Council Committee of the Whole. I
13 would appreciate very much if Councilmembers would
14 please come to the chamber. We have another 60 or
15 so witnesses, 70 witnesses, to hear. And I would
16 appreciate very much if Councilmembers would come
17 to the chamber. I would appreciate it very much
18 if Councilmembers would come to the Council
19 chamber.

20 (Councilmembers come to Council
21 chambers.)

22 PRESIDENT STREET: This is a recessed
23 hearing of the Council Committee of the Whole on
24 Bill No. 970745, 970749, 970750.

25 Our next witness will be Andrew Park,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Mr. Andrew Park.

3 (Andrew Park comes forward.)

4 (Applause.)

5 MR. PARK: Thank you for the

6 opportunity to testify. My name is Andrew Park.

7 I'm the Executive Director of the Center for

8 Lesbian and Gay Law and Public Policy. I also

9 testify on behalf of the Philadelphia Partnership

10 Coalition. That group includes:

11 POPEC, the Pride of Philadelphia

12 Election Committee, several board members of which

13 are in the audience today;

14 The Liberty City Lesbian and Gay

15 Democratic Club -- both of the cochairs are

16 standing behind me;

17 The Log Cabin Republicans of

18 Philadelphia;

19 And the Log Cabin Federation of

20 Pennsylvania;

21 And other groups who have given support

22 to the Coalition.

23 You will be hearing today the testimony

24 of Alfonso Rainey, and every Member of this

25 Council has this blue packet, which is his story

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 of how he and his partner bought a house in West
3 Philadelphia, though it was only put in his
4 partner's name. The house was valued at \$134,000,
5 and they just busted themselves to make the
6 mortgage payment.

7 They are Town Watch leaders,
8 neighborhood coordinators, very important civic
9 leaders in West Philadelphia.

10 Seven weeks ago, Alfonso's partner Joe
11 died. And because the real estate transfer tax
12 was too expensive, Alfonso is losing his home.
13 Joe died without a will, and that house is going
14 to Joe's mother, who is currently evicting
15 Alfonso.

16 In front of the packet, you have two
17 statements of taxation: one that says "Tax Due -
18 \$2,680," and that's the tax that Alfonso could not
19 pay to retain his home.

20 The other is a dramatized but
21 all-too-real example of what happens every day,
22 where straight couples want to transfer half of
23 their home to one another so that both of the
24 names can be placed on the deed, and no tax is
25 due. Right now, the real estate transfer tax is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 essentially a gay tax.

3 And let me tell you, aside from the
4 very tragic human effects of this transfer tax,
5 there's another reason why you should pass the
6 real estate transfer tax ordinance, and that's
7 simply to modernize it. It should be clear that
8 the real estate transfer tax was never meant to
9 prevent a transfer or the tax a transfer between
10 Jim and his partner Alfonso.

11 We're seeking an exemption of a
12 transfer between two people, both of whom already
13 live together in a house which they pay for, and
14 both of whom are financially interdependent.
15 That's what a life partner is.

16 As a matter of policy, the focus of the
17 tax is arm's length transactions -- you know, the
18 kind that we think of, commercial transactions,
19 housing sales between two strangers with a
20 broker. That's what the tax is focussed towards.
21 And across the Commonwealth, exemptions have been
22 given for transactions that are not arm's-length
23 transactions.

24 Now, it's no wonder that our transfer
25 tax exemption, when it was devised decades ago,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 didn't take into account life partners, but today,
3 in Philadelphia, people are coming out and forming
4 interdependent relationships. We should have the
5 operation of the transfer tax be in line with its
6 intent.

7 And that's all this bill would do, is
8 simply continue the intent of the transfer tax to
9 tax commercial and arm's-length transactions and
10 to keep family-type transactions exempt.

11 Now, this issue, of course, is unique
12 to Philadelphia because we have a uniquely high
13 transfer tax. We vie for the title of the highest
14 transfer tax in the country.

15 The other title we vie for is biggest
16 city with no domestic partnership health benefits.
17 In the past hundred years, we've seen two trends
18 in the American workplace. One is an eradication
19 of unfair working conditions.

20 Now, I was very pleased to be able to
21 work with the legacy of this trend as an
22 administrative judge with the U.S. Equal
23 Employment Opportunity Commission. Unfortunately,
24 it remains legal, under State and federal law, to
25 fire somebody because they're gay.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Second, we've seen a trend to increase
3 the diverse means of compensating and retaining
4 employees. We no longer assume that workers are
5 the bread-winning males, with no child-care
6 responsibilities in the family. We have the
7 Family & Medical Leave Act, flex time, creative
8 compensation packages, telecommuting. These all
9 ways that the American workplace is competing for
10 good workers.

11 Benefits are a central part of this
12 compensation. According to the Society for Human
13 Resource Management, benefits compromise about 40
14 percent of compensation. Since benefits are such
15 a significant part of the modern workplace, a
16 basic unfairness exists, and this is what it is:
17 Workers in common law or a marital relationship
18 are compensated more than those in same-sex
19 relationships.

20 Hinging benefits on marital or common
21 law status puts gay and lesbian employees at a
22 tremendous disadvantage. They get compensated
23 less because of something that has nothing to do
24 with how good work, that has nothing to do with
25 how productive they are, how loyal they are, or

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 how important they are to the workforce.

3 Thus, one standard of the American
4 modern workplace to respond to this unfairness are
5 domestic partnership programs. And these programs
6 make sense.

7 We've heard all kind of things about
8 cost. But let me tell you this, according to the
9 U.S. Census Bureau, in '92, only 10.2 percent of
10 the 95 million households consisted of 2 married
11 living parents with their children. Millions of
12 households consist of unmarried couples, millions
13 of them same-sex couples, and many people need
14 these benefits. These domestic partnership
15 programs continue the American trend toward
16 workplace fairness.

17 Included in this blue packet also is
18 pages and pages of cities and counties which have
19 adopted domestic partnership programs. Hundreds
20 and hundreds of employers are listed, and these
21 are employers that you know.

22 You have purchased products from these
23 employers, you have them in your own, you've eaten
24 food that has been produced, you've used services
25 from these employers. Look down this list, and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 you will see people that you know and employers
3 that you're familiar with. Universities where you
4 want your children and grandchildren and nieces
5 and nephews to go.

6 Thirteen percent of all firms of 200 or
7 more employees offer health benefits to domestic
8 partners of the same sex. And the bigger the
9 employer and the more efficient the employer, that
10 number goes up. Four employers with more than
11 5,000 employees, 1 out of every 4 employers now
12 offers coverage to same-sex spousal equivalent.
13 Domestic partnerships are becoming part of the
14 fabric of the modern American workplace.

15 And, you know, I think that private
16 companies and some municipalities really do not
17 care to make a moral statement. They care about
18 fiscal responsibility, as should this City
19 Council. They want a better bottom line, as
20 should you.

21 And in the private sector, even with
22 this motivation, we see domestic partnership
23 policies being added at a rate of one new company
24 every three and a half days.

25 World-class employers have these

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 programs because it makes sense. It's easy to
3 attract good employees, even those who will not
4 claim the benefits. And everybody will see the
5 workplace as a more compassionate place and more
6 welcoming. Health benefits are also, basically, a
7 pretty cheap way to provide workers with something
8 of value.

9 World-class cities have these programs
10 because it makes good policy sense. Citizens,
11 voters, tourists, we all feel welcomed by cities
12 with these policies because we know that city is
13 welcoming and compassionate and recognizes the
14 diversity of all of us.

15 It is no coincidence -- and I have to
16 state this with seriousness because yesterday, I
17 just looked at The Advocate Magazine and saw pages
18 and pages of advertisement for Philadelphia by the
19 Convention and Visitors Bureau. This a national
20 gay and lesbian magazine.

21 But it's no coincidence that Cobb
22 County, Georgia lost tourist dollars, county
23 revenues, as well as the international
24 headquarters of Home Depot and the American Office
25 of the International Olympic Committee after it

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 rejected a gay rights bill. And we have seen that
3 all across the country every time localities and
4 municipalities consider measures like this.

5 Believe me, the eyes of many in this
6 country are on this City Council today to see if
7 it will Cobb County or if it will join other
8 cities and employers in the modern American
9 workforce, to see if Philadelphia really thinks of
10 itself as a world-class city and to see if it will
11 continued in the direction of equity and fairness
12 for all of its citizens.

13 Thank you.

14 (Applause.)

15 PRESIDENT STREET: Thank you.

16 Jim Nolan.

17 (Jim Nolan comes forward.)

18 PRESIDENT STREET: Please identify
19 yourself for the record.

20 MR. NOLAN: My name is Jim Nolan. I am
21 a lifelong resident of Philadelphia, and I am a
22 retired psychotherapist and school teacher. I
23 have been married for 48 years, and I am the
24 father of 6 children and the grandfather of 13
25 children.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I speak today as a veteran combat
3 infantryman from the second World War, during
4 which I was three times wounded and awarded a
5 bronze star medal for valor as well as a combat
6 infantryman badge which is a great honor among
7 combat veterans. I am the Chaplain of the
8 Military Order of the Purple Heart and a member of
9 the Disabled Veterans of America.

10 Also, I am the former Democratic
11 Committeeman of some 24 years' experience -- all,
12 of course, in the City of Philadelphia.

13 Additionally, I am a 42-year member of
14 the Knights of Columbus and a 38-year member of
15 the Fourth Degree Assembly, and a member of the
16 Philadelphia Chapter of the Knights of Columbus,
17 where I serve as the Chairman of Legislative
18 Committee for the 36 councils which make up the
19 Philadelphia Chapter.

20 In this latter capacity I represent
21 upwards of 40,000 fellow knights, their ladies,
22 other immediate members of their families. It is
23 for these 40,000 people that I am here to speak
24 today.

25 My committee has carefully examined all

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 of the bills to be brought before this Council
3 today and we have come to a unanimous decision:
4 Knights of Columbus stands unalterably and
5 unequivocally opposed to any legislation that
6 would weaken the bonds of marriage that have been
7 the backbone --

8 (Applause.)

9 MR. NOLAN: -- of this nation since its
10 inception.

11 The bills before this Council, in our
12 view, constitute threats to the family, as we know
13 it and love it.

14 Therefore, on behalf of these 40,000
15 Knights of Columbus and their wives and children,
16 I urge you Councilmembers to vote to preserve the
17 sanctity of marriage and the family by voting no.

18 (Applause.)

19 MR. NOLAN: In addition, I am also a
20 member of the Ancient Order of Hibernians, a
21 Catholic organization devoted to the defense of
22 the Catholics in this country, particularly the
23 Pope.

24 (Applause.)

25 MR. NOLAN: I have here a short letter

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 from Tom O'Donnell, who is the President of
3 Division No. 39, which is up on 7229 Tulip Street,
4 in Northeast Philadelphia, and this is addressed
5 to the Councilmembers.

6 This is to advise you that the Ancient
7 Order of Hibernians, Division No. 39, is opposed
8 to the proposed legislation currently being
9 debated in City Council regarding the so-called
10 life partner domestic partner matter.

11 As we understand, these ordinances
12 would extend benefits traditionally reserved to
13 married couples. Ordinances of this type are
14 destructive to our City's moral and social
15 structure because they undermine the importance of
16 marriage, weaken the family, and ultimately harm
17 society.

18 While Catholic teaching calls us to
19 love all human beings, homosexuals as well as
20 heterosexuals, nonetheless, this call in faith to
21 love everyone does not include endorsing as public
22 actions all relationships which will erode the
23 very fabric of society.

24 The Ancient Order of Hibernians is an
25 organization of Catholic persons with Irish roots.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 There were 12 different divisions in the City of
3 Philadelphia, with over 2,000 members. Division
4 No. 39 has over 700 members and is unanimously
5 opposed to this proposed legislation, and we
6 respectfully request that you vote to oppose these
7 bills.

8 I thank you very much for your time,
9 ladies and gentlemen. And God bless you all.

10 (Applause.)

11 (Jeers.)

12 PRESIDENT STREET: The Chair recognizes
13 Councilman Kenney.

14 COUNCILMAN KENNEY: A point of
15 information. The Philadelphia County Board of the
16 AOH has taken no position on these bills. The
17 division that I am a member of, Division No. 87,
18 has not voted, nor has any other division, with
19 the exception of Division 39, voted to oppose
20 these bills.

21 Basically the AOH, on its county board
22 level, has taken no position on the issue, for the
23 record, sir.

24 (Applause.)

25 PRESIDENT STREET: Thank you.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Denise Kulp.

3 (Denise Kulp comes forward.)

4 MS. KULP: My name is Denise Kulp, and
5 I am the Cochair of Liberty City Lesbian and Gay
6 Democratic Club. And I also, right now, want to
7 thank all of these City Councilmembers who are
8 here in the room, I appreciate your being here to
9 be an audience to these important hearings.

10 Previously, I was a legislative
11 assistant to former Congressman Bob Edgar, of the
12 Pennsylvania 7th Congressional District. And I
13 was also the program director at Bread and Roses
14 Community Fund, in Philadelphia.

15 I was elected as a delegate to the 1996
16 Democratic Convention in Chicago, from the 2nd
17 Congressional District. I own a home in Mt. Airy,
18 with my partner of ten years.

19 Currently, I serve as the Director of
20 the Sexual Minority Youth Center of Greater
21 Philadelphia, which provides GED classes and job
22 training for lesbian, gay, bisexual, and
23 transgender youth.

24 I come before you today to express
25 Liberty City's support for the life partnership

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 bills pending today.

3 Liberty City's the largest, most active
4 lesbian and gay political organization here in
5 Philadelphia. Our membership includes lesbians,
6 gay men, and straight supporters of all races. We
7 make endorsements, work in campaigns, and are
8 currently working to elect openly gay candidates
9 as Democratic Committeepople in wards throughout
10 this City.

11 We also work in favor of progressive
12 legislation and against legislation that we view
13 as aggressive or discriminatory. We have been
14 particularly vocal in support of the legislation
15 before us today.

16 I would like to remind the Democratic
17 members of Council that the Democratic party has
18 an inclusive vision of who is part of the American
19 family, and lesbians and gay men are members of
20 that family.

21 (Applause.)

22 MS. KULP: The 1996 Democratic platform
23 included support for domestic partnership
24 legislation. The National Democratic Committee
25 recently passed a resolution that called for

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 greater outreach to the gay and lesbian community,
3 and assurances that lesbians and gay men would be
4 represented in greater numbers at the next
5 Democratic convention.

6 Liberty City is especially concerned
7 with passage of the proposed health benefits bill.
8 One of the long-term goals of Liberty City, as a
9 progressive Democratic organization, is full
10 health care for every person, not limited by or
11 based on employment or marriage. Life partnership
12 legislation is a step towards that goal.

13 The lesbian and gay community want the
14 life partner legislation that would address the
15 real needs of all people in this City, not just
16 same-sex couples.

17 We want life partnership legislation
18 that would extend to all City workers, to
19 grandmothers raising their grandchildren because
20 the parents aren't unable to, to aunts and uncles
21 raising their nieces and nephews, to a grown son
22 or daughter who wants to care for a needy parent
23 not yet protected by Medicare.

24 And what I want is someone to explain
25 to me how that is an attack on family values.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 MS. KULP: This is how domestic
4 partnership legislation has been enacted in other
5 cities -- in New York, in Seattle, in Washington,
6 D.C. As a way to protect and assist people who
7 need help, and this is how life partnership
8 legislation should be seen in Philadelphia -- as a
9 way to increase the number of people who receive
10 vitally important health care coverage.

11 Additionally, by extending health-care
12 coverage to some key workers and their dependents
13 and not to others, the City is engaging in
14 discriminatory employment practices.

15 If one worker's allowed to provide
16 coverage to a spouse, denying this opportunity to
17 other workers based on their sexual orientation,
18 is discrimination. Philadelphia has a Fair
19 Practices Act which prohibits discrimination in
20 employment.

21 Obviously, the pension bill, which
22 would allow City employees to name whomever they
23 like as their beneficiary would also go a long way
24 towards ending discrimination against lesbian and
25 gay workers.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Domestic partnership benefits have been
3 granted by major corporations in cities and small
4 towns across the country to make it clear that
5 lesbian and gay workers and citizens are valued
6 businesses and to make it clear that these
7 businesses and towns do not discriminate but, in
8 fact, welcome diversity.

9 Boston, New York City, Washington,
10 D.C., Durham, North Carolina, Seattle, Washington
11 Detroit, Michigan just last week and Los Angeles,
12 California all offered domestic partner benefits.

13 At the Democratic Convention in
14 Chicago, I met people from all over the state;
15 labor leaders from Pittsburgh, old ladies from
16 Erie, school teachers from Wilkes Barre,
17 congressional candidates from Montgomery County,
18 and state representatives from Lackawanna County.

19 Now, I was wearing enough buttons that
20 made it clear I was a lesbian. No one told me I
21 didn't belong there. No one winced when I talked
22 about lesbian and gay rights, and no one booed
23 when President Clinton, in his acceptance speech,
24 included lesbian and gay men as part of the fabric
25 of America.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I am committed to the Democratic party
3 because of its commitment to the poor, to working
4 people, to people of color, to women, to a
5 health-care system that covers everyone, and an
6 end to discrimination against everyone, including
7 lesbians and gay men.

8 (Applause.)

9 MS. KULP: I felt welcome in Chicago.
10 Don't tell me that the city where I was born and
11 baptized a Catholic, where I learned important job
12 skills, where I work getting funds to grass-roots
13 organizations, where I nursed my dying father in
14 the dining room of our house along with my partner
15 as he died from cancer, don't tell me that
16 Philadelphia, my hometown, doesn't welcome me.

17 Thank you for allowing me to testify
18 today.

19 (Applause.)

20 PRESIDENT STREET: Rita Addessa.

21 (Rita Addessa comes forward.)

22 MS. ADDESSA: Good afternoon. Thank
23 you very much for the opportunity to be here.

24 PRESIDENT STREET: Good afternoon.

25 MS. ADDESSA: Excuse me one moment.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 It's been a long walk.

3 I have testimony to share. Would you
4 like it, Mr. Street?

5 PRESIDENT STREET: Yes.

6 MS. ADDESSA: Am I allotted a specific
7 amount of time, sir?

8 PRESIDENT STREET: Well, we have tried
9 not to restrict people. As Councilwoman Clark has
10 said, your briefest message.

11 MS. ADDESSA: I had the pleasure of
12 shaking Cardinal Bevilacqua's hand as he left
13 after his 20-minute testimony this morning. We
14 hope perhaps we will meet with the cardinal soon.

15 I would like to begin -- and I am Rita
16 Addessa. I'm Executive Director of the
17 Philadelphia Lesbian and Gay Task Force, a civil
18 and human rights organization that is celebrating
19 or commemorating, depending upon one's point of
20 view, 20 years of civil and human rights advocacy.

21 The Task Force is the organization that
22 lead in cooperation in Council the amendments to
23 the Fair Practices Act in 1982, adding sexual
24 orientation to that act, so we are pleased to be
25 here today, 15 or 16 years later, still arguing

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 around the definition of what constitutes
3 employment, the scope and range of employment
4 rights.

5 And I would like to in my testimony
6 just share with you some useful remembrances,
7 share some very brief background, and then share
8 with you a review and analysis of the five bills
9 before us, if I may.

10 First, those remembrances. I'm sure I
11 understand that the Chancellor spoke this
12 morning. I'm sure he did share with you, but I
13 will again, this wonderfully ovular quote from
14 Braschi, in New York, a definition of family. And
15 that is that the term "family" should not be
16 rigidly restricted to those people who have
17 formalized their relationship by obtaining, for
18 example, a marriage certificate or an adoption
19 order.

20 It should not rest on fictitious legal
21 distinctions or genetic history; but, instead,
22 should find its foundation in the reality of
23 family life.

24 I also quote in this testimony, as we
25 all recall, the Virginia Code, and contrast it to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the still Penn DOMA, which is the code reading:

3 All marriages between a white person and a colored
4 person -- this is a quote -- shall be absolutely
5 void, without any decree of divorce or other legal
6 process.

7 And in distinct contrast to, and the
8 intersections between and among will be clear,
9 Pennsylvania's version of DOMA which cites that
10 marriage is a union of one man and one woman.

11 I do not have to describe the
12 extraordinary discrimination and violence that gay
13 and lesbian people face. We've had that
14 discussion many time before.

15 I am focussing this discussion very
16 narrowly on an marriage. And it is our position
17 that as long as marriage exists an institution,
18 then gay and lesbian people should have that
19 right, but do not. Marriage --

20 (Applause.)

21 MS. ADDESSA: Marriage is a right and
22 privilege reserved for heterosexual couples who do
23 not have to promise to procreate children and do
24 not have to promise to cohabitate.

25 And attendant to marriage as, we all

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 know, is as wide a range of social, legal, and
3 economic benefits which are denied systematically
4 and to gay and to lesbian people; and, frankly, to
5 non-gay people who live in couple relationships.

6 Marital status -- and as long as
7 marital status continues to drive workplace
8 benefits where they exist -- account for 30 to 40
9 percent of an employee's compensation package.
10 And of those various benefits, as each of us well
11 know, health care, which is a privilege, not yet a
12 universal entitlement, is particularly critical.

13 Perhaps people have shared with you an
14 analysis of Tom Coleman's work, who appeared
15 before City Council last year. Tom noted that in
16 Philadelphia, married-couple households only
17 represent about 40 percent of all households, and
18 we know from various census data that less than 30
19 percent of the nation's 91 million households
20 represent the traditional definition of family --
21 two parents living with their children.

22 It is time for this Philadelphia City
23 Council to respect the family forms of this City,
24 and to support Philadelphia's diverse families.

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. ADDESSA: In many ways, we're
3 arguing on moral grounds, and in many ways, we're
4 arguing for simple economic equality within this
5 narrow paradigm. It is not fair to ask people to
6 work for unequal pay for equal or for comparable
7 work. Even corporations, universities, and many
8 municipalities, as you know, have extended
9 domestic partnership benefits to both gay non-gay
10 family units, and they have found nominal benefit
11 cost increases.

12 This has been a six-year protracted
13 struggle, as I recall, has it not, Mr. President?
14 And I think the time to vote is frankly now.

15 Our review and analysis of the five
16 bills -- I'm going to summarize very, very
17 quickly. We prefer, without any question,
18 Councilmember Ortiz et al.'s bill -- and the
19 numbers elude me sometimes -- 970140. This is
20 inclusive legislation.

21 Is Bill No. 970140 still on the table,
22 sir?

23 PRESIDENT STREET: Yes.

24 MS. ADDESSA: Great.

25 PRESIDENT STREET: Wait a minute, wait

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 a minute, whoa, hold on -- no, it's off the table.

3 MS. ADDESSA: I'm sorry?

4 PRESIDENT STREET: No, it's off the
5 table.

6 MS. ADDESSA: It's off the table.

7 PRESIDENT STREET: It's been on, it's
8 been off, it's been off, it's been on, and I've
9 gotten a little confused, but it is off, off the
10 table.

11 MS. ADDESSA: I share that confusion.

12 But let me share with you the
13 disappearing bill. We strongly support that the
14 legislation because it is, indeed, inclusive.

15 We are concerned about gender-based
16 Constitutional challenges, which we would find
17 also, I must say, to be very ironic, because --
18 such a challenge would be ironic because sexual
19 orientation discrimination against the gay and
20 lesbian community is well-documented and remains
21 legal in most states, including Pennsylvania.

22 But if the majority of City Council and
23 the Mayor of Philadelphia are unwilling to support
24 the inclusive -- still narrowly confined to gay
25 and lesbian life partners and non-gay unmarried

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 heterosexuals. This is still narrow, yes?

3 But if you, as City Council, and the
4 Mayor refuse to do that, then the least you can do
5 is adopt with the amendment the bills: 970750,
6 the Fair Practice Act amendment; 970749, the
7 realty transfer tax; and 970745, the retirement
8 system ordinance.

9 But these changes, I think, will be
10 absolutely essential, and I hope that you can make
11 these amendments without too much delay and simply
12 vote on these bills.

13 The language of all of the proposed
14 legislation is strikingly different from the Ortiz
15 et al. legislation. It seems to protect men only.
16 That would need to be corrected immediately so
17 that the language is gender-neutral or that you
18 say you want to protect men only, and then we will
19 launch a gender-based constitutional challenge, I
20 promise you.

21 If it's Council's intent to extend
22 these rights and benefits to gay and lesbian life
23 partners and our families, as well as non-gay life
24 partners and their families, I think it would be
25 helpful if you said so.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I suppose there's been hot debate on
3 the matter of the uniform public registry. It's
4 absolutely necessary. How else would you
5 implement the ordinance unless there is a public
6 registry so that affidavits can be centrally to
7 establish and dissolve such partnerships.

8 And, also, I would like not to move
9 back to another century. We need to avoid
10 legitimizing gender discrimination, and it's not
11 clear to me who entered a new BFOQ into the text
12 of the new Fair Practices amendments, but the text
13 of that exemption has to be qualified to say that
14 said application is not a subterfuge to evade the
15 purposes of this law.

16 This BFOQ is at section 9-1103, Section
17 4(c)(1) one. If you don't do that, you will be
18 enabling gender discrimination.

19 To promote fairness, the municipal
20 retirement system should allow now-retired
21 employees to exercise their right, and it might be
22 very helpful if the lawyers who advise you would
23 make it clear that the definition of marital
24 status, inclusive of life partner, is applicable
25 retroactively, so that unfair housing practices

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 are clearly prohibited on the basis of life
3 partnership as well as the traditional standard
4 definitions of marital status.

5 And I know controversial that this has
6 also been controversial, but I do hope Council, at
7 some point, will come to the realization that
8 contract compliance is absolutely essential to
9 expand the reach and the importance of this
10 legislation.

11 And I want noted in the record there is
12 appended to my testimony a summary of this
13 protracted unnecessary struggle for the 1992 new
14 1998 period.

15 And, Mr. President, you talk about the
16 disappearing bill. I talk about the endless game,
17 this endless game that we have played for six
18 years to reach what I consider and many people
19 consider minimalist benefit extended to gay and
20 lesbian, and, I would hope, to non-gay families as
21 well. These are minimalist benefit. It is a
22 small thing for you to do.

23 And I would close with reminding all of
24 us, after being subjected to this morning's
25 Christian sermons, which I found personally

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 extremely offensive -- never mind anti-gay and
3 extremely anti-Semitic on their face -- I would
4 remind us that this is the United States of
5 America.

6 And as imperfect as that may, this is
7 still be purportedly to be a country that prides
8 itself, at least theoretically, on pluralism and
9 diversity. Theocracy has absolutely no place in
10 the United States of America.

11 (Applause.)

12 MS. ADDESSA: We encourage you to
13 support Philadelphia's diversity, our diverse
14 families, to assure public registry, to
15 delegitimize gender discrimination, to enable
16 retired city workers to take advantage of this
17 choice of beneficiary opportunity, and one day to
18 assure contract compliance with the law.

19 Thank you very much.

20 (Applause.)

21 PRESIDENT STREET: Thank you very much.
22 Larry Frankel.

23 (Larry Frankel comes forward.)

24 PRESIDENT STREET: The Chair recognizes
25 Councilman Nutter.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN NUTTER: Thank you, Mr.

3 President. Just one item.

4 There was material handed out just
5 before, I believe, the 1 o'clock break, which is
6 on each Councilmember's desk. It's a copy of one
7 of the two opinions issued by the City Solicitor.
8 Both opinions essentially say the same thing; they
9 were just addressed to two different people.

10 A complete copy of Chapter 9-1100,
11 which is the Fair Practices Act in Philadelphia; a
12 copy of a letter from Linda Seyda, our personnel
13 director, as a follow-up to a previously-issued
14 letter of about two weeks before then; and the
15 amendments, as drafted by the Law Department for
16 each of the three bills.

17 Those amendments have been attached to
18 the Solicitor's opinion that was distributed
19 yesterday. But now they are in their own separate
20 form and packaged with a very brief explanation of
21 what those amendments are and what they do.

22 Thank you, Mr. President.

23 PRESIDENT STREET: Thank you.

24 Mr. Frankel, please identify yourself
25 for the record.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. FRANKEL: My name is Larry Frankel.

3 I'm the Executive Director of the American Civil
4 Liberties Union of Pennsylvania.

5 And here with me, as I testify is,
6 Dabney Miller from the Women's Law Project. We
7 promise to be very brief, Mr. President.

8 (Applause.)

9 PRESIDENT STREET: And what's the other
10 witness's name?

11 MR. FRANKEL: Dabney Miller.

12 PRESIDENT STREET: Dabney? Can you
13 spell that.

14 MS. MILLER: Dabney, D-A-B-N-E-Y,
15 Miller.

16 PRESIDENT STREET: And you're with the
17 Women's Law Project?

18 MS. MILLER: That's correct.

19 PRESIDENT STREET: Thank you. Please
20 proceed.

21 MR. FRANKEL: I have prepared
22 testimony, which I will offer for the record. I
23 will note just a couple points from that
24 testimony.

25 The ACLU is strongly supportive of the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 legislation that would establish domestic
3 partnerships and give recognition to them. I
4 would note that both here in Philadelphia, across
5 the street, and around the nation, the ACLU has
6 thousands of happily-married members who
7 understand that legal recognition of same-sex
8 relationships will not undermine strength or
9 validity of their marriages.

10 (Applause.)

11 MR. FRANKEL: Now, frankly, I've been
12 listening to the testimony here today, and I
13 understand that some people feel that this is a
14 threat to marriage. But we haven't heard any
15 anecdotes, much less any facts and any statistics
16 which indicate that anywhere domestic partnership
17 benefits have been granted, that all of a sudden,
18 there's an increase in divorce rates, with
19 families, you know, being broken up, any kind of
20 data that actually indicate there's any impact.

21 In fact, I recall reading earlier this
22 week that the rate of marriage in this country --
23 lawful marriage between heterosexual people -- has
24 gone up, so I don't know how there's a claim that
25 there's a threat to the family.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 It just reminds me of testifying in
3 Harrisburg a couple years ago on proposals to
4 change the no-fault divorce laws, and people were
5 claiming that the no-fault divorce laws caused
6 rate of divorce to go up in Pennsylvania.

7 Well, the data that was supplied
8 indicated that in Pennsylvania, the rate of
9 divorce increased faster in the decade before
10 no-fault was enacted than in the decade after
11 no-fault was enacted.

12 These phenomena go on, but the law
13 really doesn't change that. And without some
14 facts or figures that show that there's been a
15 threat, I don't think that there's been any
16 evidence.

17 And, in fact, one would suppose that
18 the promotion of loving, stable relationships,
19 regardless of the gender of the parties, really is
20 something society benefits from in multiple ways
21 and probably helps strengthen families in many
22 regards.

23 And, after all, I know many married
24 people who consider the development of domestic
25 partnerships to be a good phenomenon. After all,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 they feel that imitation is the sincerest form of
3 flattery. And they don't feel their marriages are
4 weakened; they feel they are strengthened.

5 (Applause.)

6 MR. FRANKEL: And it's stated in my
7 testimony, but I'll just mention it briefly that
8 we've looked at the issue of whether there's a
9 Constitutional problem with just granting benefits
10 to same-sex couples as opposed to couples of
11 opposite gender as well as same sex.

12 And we do not believe that there's a
13 Constitutional problem, that the City could
14 lawfully act to take one step at a time.

15 Thank you very much.

16 PRESIDENT STREET: Thank you.

17 (Applause.)

18 MS. MILLER: My name is Dabney Miller.
19 I'm the Associate Director of the Women's Law
20 Project.

21 I am here on behalf of the Women's Law
22 Project to testify in support of the bills now
23 before Philadelphia's City Council, which provide
24 equity and benefits for lesbian and gay employees
25 with domestic partners.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Since 1974, the Women's Law Project has
3 been fighting to eradicate gender discrimination
4 and to promote the rights of women in a range of
5 areas. Issues on which we have focussed include
6 reproductive rights, the new welfare restrictions,
7 insurance discrimination, workplace equity, and
8 numerous aspects of family law, including the
9 rights of lesbian and gay parents.

10 The intersection of lesbian and gay
11 rights and workplace equity is what brings me here
12 today. I will briefly highlight two important
13 aspects of the bills before you, health insurance
14 and pensions.

15 First, provision of health insurance
16 coverage to employees' dependents allows families
17 to afford preventive health care, keeping them
18 healthier and enabling them to avoid emergency
19 care, which is far more costly.

20 To limit such coverage only to people
21 related by marriage is both counterproductive and
22 fundamentally unfair. This is true as it applies
23 both to the domestic partner of an employee and to
24 any children in a family for whom the domestic
25 partner and not the employee is the legal parent.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 These children deserve the same access to health
3 care as their counterparts, with heterosexual
4 married parents, already receive.

5 Secondly, the right to select the
6 beneficiary of one's pension is a fundamental
7 matter of equity for workers.

8 In particular, a lesbian or gay
9 employee who has designated her or his life
10 partner as the guardian of the employee's legal
11 children should have the right to designate that
12 partner as the beneficiary of a pension so as to
13 assure the future support of the children in the
14 event of the employee's death. Marriage should
15 not be a prerequisite to such a critical
16 protection of an employee's family.

17 The Women's Law Project fully supports
18 and indeed urges City Council to adopt the life
19 partnership bills before it. The importance of
20 fighting bigotry and discrimination against
21 lesbian and gay employees and of providing equal
22 benefits to all workers cannot be overstated.

23 Federal, state, and local laws have
24 advanced considerably over the past three decades
25 in their efforts to prevent discrimination against

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 women and many minorities with regard to
3 compensation, hiring, promotion, and other terms
4 and conditions of employment.

5 Lesbian and gay employees have
6 heretofore not been included in many of these
7 legislative steps toward equity.

8 Because women continue to earn less
9 money than their male counterparts, workplace
10 unfairness based on sexual orientation hits even
11 harder on couples where both members are women.
12 It is time to extend fundamental fairness to
13 lesbian and gay employees. Providing workers in
14 same-gender relationships with the same workplace
15 benefits as those provided to workers in
16 opposite-gender relationships will help reduce
17 existing inequities in workplace benefit programs.

18 Successful employers have begun to pay
19 particular attention to recognizing needs and
20 differences among workers and are seeking to
21 fairly meet those needs.

22 Studies have shown that such equity
23 significantly boosts worker morale, and workers
24 who feel valued respond with higher productivity
25 and greater loyalty, thus furthering the profit

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 goals of businesses.

3 Municipalities across the country as
4 well as hundreds of employers, both large and
5 small, including Penn as has been mentioned by
6 many people today, have recognized the
7 desirability of domestic partnership benefits
8 programs.

9 We ask the City Council to join these
10 employers in adopting similarly workplace
11 programs.

12 Thank you.

13 PRESIDENT STREET: Thank you very much.
14 (Applause.)

15 PRESIDENT STREET: Andrew S. Park.

16 UNIDENTIFIED SPEAKER: He already
17 testified.

18 PRESIDENT STREET: Oh, okay. Thom
19 Nickels.

20 UNIDENTIFIED SPEAKER: He's no longer
21 here. He had to leave.

22 PRESIDENT STREET: Okay. Laura
23 Tomassetti.

24 UNIDENTIFIED SPEAKER: She's not here.

25 PRESIDENT STREET: Richard Liu, L-I-U.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Richard L-I-U.

3 (Not present.)

4 PRESIDENT STREET: Suzanne Blanchard.

5 (Suzanne Blanchard comes forward.)

6 (Applause.)

7 MS. BLANCHARD: Good afternoon. My
8 name is Suzanne Blanchard. I'm an attorney in
9 private practice, in Pennsylvania and New Jersey,
10 and I live in Morrisville. I service elder for
11 music and worship at the First Presbyterian Church
12 of Stockton, New Jersey, and I am a member of the
13 Task Force for Gay and Lesbian Concerns of the
14 Presbyterians of New Brunswick.

15 I am here to present testimony on
16 behalf of attorney Thomas F. Coleman, Executive
17 Director of the Family Diversity Project of
18 Spectrum Institute, supporting a more inclusive
19 approach to domestic partnership and family
20 issues.

21 You may recall that last year, Mr.
22 Coleman conducted an informational briefing for
23 City Councilmembers and staff, at the request of
24 Councilman Angel Ortiz.

25 Mr. Coleman is unable to be here in

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 person today because last night, he attended an
3 evening session in the City Council in Oakland,
4 California. At that meeting, the Council voted to
5 end the restriction on domestic partnership
6 medical benefits to gays only, and opened the
7 program to all domestic partners, regardless of
8 gender.

9 (Applause.)

10 MS. BLANCHARD: Mr. Coleman has asked
11 me to place into the record and to give each
12 Councilmember a booklet entitled "Religious
13 Support for Inclusive Definitions of Family and
14 Domestic Partnership." You have copies of those
15 on your desks, I believe.

16 You'll find supporting documents in
17 this pamphlet which reflect that, contrary to some
18 of the testimony that you've heard here today,
19 there is quite a wide diversity of views on family
20 domestic partnership and marriage, both among
21 people of faith and among gays and lesbians.

22 It is not necessary for the
23 Philadelphia City Council to engage in a religious
24 debate over the domestic partnership bills being
25 considered here today.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Looking west, to the city of Detroit,
3 and even further west, to the state of California,
4 the Council can find model programs that are
5 immune from moral criticism because they are
6 ethically and legally inclusive.

7 Just two weeks ago, the Detroit City
8 Council adopted a resolution to provide health
9 benefits to extended family members of city
10 employs. The measure did not spark a religious
11 controversy because it used a broad definition
12 that showed respect for family diversity by
13 encompassing a wide variety of household
14 relationships.

15 Under the Detroit definition, which was
16 modeled after the Bank of America new benefits
17 program, an employee may designate one adult
18 member of his or her household to receive health
19 and other benefits, so long as the beneficiary is
20 either, one, a spouse; or, two, a domestic
21 partners of the same or opposite sex, as defined;
22 or, three, a parent, grandparent, sister, brother,
23 or adult child who is under age 65 and is a
24 dependent of the employee, as defined by the IRS.

25 The Bank of America definition has

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 received the blessing, so to speak, of San
3 Francisco Archbishop William Levata.

4 Since the Bank had copied and slightly
5 refined the approach used by Catholic charities to
6 comply with San Francisco's far-reaching domestic
7 partnership law, the Catholic church had no
8 problem praising Bank of America's program.

9 The current definition of "life
10 partner" in the Philadelphia bills is narrow. And
11 some religious leaders, such as Cardinal Anthony
12 Bevilacqua view them as an attempt to create a
13 substitute form of local marriage for gay couples.

14 This opposition should evaporate if the
15 bills would protect a larger class of people,
16 including unmarried senior citizens, who often
17 live together for companionship, safety, and
18 economic necessity.

19 A group of 11 ministers in California
20 -- Catholic, Lutheran, Methodist, Episcopal, and
21 Presbyterian -- recently endorsed statewide
22 legislation to make health coverage more available
23 to domestic partners.

24 They told the legislature that the
25 biblical concept of family is much broader than

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the modern family, which has been characterized as
3 husband, wife, and children. The biblical concept
4 centers around the obligation one has to one's
5 household. The ministers pointed out that a
6 biblical family includes persons related by blood
7 or marriage, as well as unrelated persons who are
8 members of the household.

9 As a result, they told California's
10 legislators, those who are living together in
11 domestic partnerships are certainly one icon of
12 what it means to be a family.

13 The Conference of Roman Catholic
14 Bishops in California said they would not oppose
15 laws giving health benefits to domestic partners
16 so long as the definition of domestic partnership
17 is inclusive. Blood relatives are excluded, as
18 they are from civil marriage, under the theory
19 that marriage is a sexual relationship, the
20 bishops oppose domestic partnership legislation.
21 But if blood relatives can be domestic partners,
22 the bishops would withdraw their objections.

23 Of course, the Philadelphia City
24 Council would be justifiably concerned about the
25 potential cost of using inclusive definition for

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 employee benefits. There's no need to worry.

3 Bank of America just reported that
4 enrollment increased by only 1.4 percent as a
5 result of its inclusive extended family benefits
6 program. About 1 percent were domestic partners
7 of either sex, while 0.4 percent included
8 dependent blood relatives.

9 And you'll find in your packet
10 additional data supporting this from other
11 domestic partner programs.

12 A short historic anecdote provides an
13 example of how the Catholic Church supports an
14 inclusive definition of "family," at least when
15 it's beneficial to the church.

16 In the late 1960s, a group of nuns
17 wanted to live in a large house, in a single-
18 family zone in Miami. The city objected because,
19 since the nuns were not related by blood,
20 marriage, or adoption, officials argued that they
21 are not a family, as that term is commonly
22 understood.

23 Bishop Coleman F. Carroll sued the
24 city. The district court of appeals of Florida
25 agreed with the bishop that so long as a household

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 functions as a family unit, the law should
3 consider its members to be a family, even though
4 they are not related.

5 The nuns were allowed to live together
6 in harmony with others families in the
7 neighborhood. Some --

8 (Applause.)

9 MS. BLANCHARD: Some 30 years later,
10 the definition of "family" arises again -- only
11 this time in Philadelphia.

12 Limiting the definition of life
13 partners to gay and lesbian couples has created
14 unnecessary religious debate.

15 If Councilmembers would broaden their
16 vision and adopt a more inclusive Bank-of-America
17 definition, opposition from certain clergy should
18 disappear.

19 National polls show that the public
20 believes in equal pay for equal work. Most also
21 believe that a family is a group people who love
22 and care for each other, and not merely persons
23 related by blood or marriage.

24 While employees should receive health
25 benefits for same-sex life partners, adopting a

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 broad definition that includes opposite-gender
3 partners and dependent blood relatives would be
4 morally just, politically prudent, and fiscally
5 sound.

6 Thank you.

7 PRESIDENT STREET: Thank you very much.

8 (Applause.)

9 (Not present.) Excels not present.)

10 PRESIDENT STREET: Kali Morgan. Kali
11 Morgan.

12 (Not present.)

13 PRESIDENT STREET: Richard Kirk.

14 (Richard Kirk comes forward.)

15 (Applause.)

16 MR. KIRK: Thank you. My name is Rich
17 Kirk. I'm a manager of data processing at the
18 Regional Insurance Veterans Affairs, here in the
19 City of Philadelphia. I am a veteran. I served
20 honorably in the U.S. Army, from 1968 to 1972. I
21 live in West Philadelphia.

22 For two years I served as Chairperson
23 of the 18th Police District Advisory Council. I
24 was elected to that post by an African-American
25 majority of that organization.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 For three years, I served as Vice
3 President of the Spruce Hill Community
4 Association.

5 I'm a founder of the University City
6 Community Council, which is an umbrella
7 organization of those two groups and 22 more
8 groups that work in the University City area.

9 I'm a member of Calvary United
10 Methodist Church. I serve on their Board of
11 Trustees.

12 I love my neighborhood because my
13 neighborhood is one of the most diverse and
14 vibrant neighborhoods in the United States of
15 America.

16 Let me say one more thing. My parents
17 were married for 65 years. So I fully,
18 unequivocally, completely, and openly support
19 heterosexual marriage.

20 (Laughter.)

21 (Applause.)

22 MR. KIRK: I have one major problem
23 with the current domestic partnership bills before
24 the City Council today. They aren't comprehensive
25 and inclusive enough. I agree that these bills

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 are minimalist, but I'm aware of nothing in any of
3 them that represents anything other than equal
4 protection under the laws.

5 (Applause.)

6 MR. KIRK: Honorable Members of City
7 Council, I'm here to tell you that this issue is
8 not going to go away. If you do not pass these
9 bills, we'll just be back with different and new
10 bills faster than you can say "domestic
11 partnership."

12 (Applause.)

13 MR. KIRK: How much longer do we have
14 to sit and argue these points? All of us -- all
15 of us have more important things to do in our
16 homes and in our communities.

17 Thank you very much.

18 (Applause.)

19 PRESIDENT STREET: Robert Malagesi,
20 M-A-L-A-G-E-S-I.

21 (John Malagesi comes forward.)

22 PRESIDENT STREET: All right, Mr.
23 Malagesi.

24 MR. MALAGESI: My name is Robert
25 Malagesi. It's M-A-L-A-G-E-S-I. And thank you,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Mr. President, for allowing me to speak, and
3 Members of City Council.

4 I don't have the skills and experience,
5 as a lot of the other people that were here
6 today. I'm just a simple person, but I believe
7 that there's something within my heart that isn't
8 right here, in other words.

9 Not that it's not a love. I mean I
10 love the people here, in other words, as brothers
11 and sisters. But there is truth, and truth isn't
12 subjective to be changed from moment to moment.

13 When I read the introduction to the
14 ordinance, to just go ahead and change definitions
15 as become necessary just to suit doesn't seem
16 right. I mean, there is objective truth. And
17 truth is a person and, his name is Jesus Christ.

18 (Applause.)

19 (Jeers from the audience.)

20 MR. MALAGESI: And while I understand
21 that -- I'm a single City employee also. And
22 while I understand that the nature of these bills
23 are for benefits, we must always look to the
24 truth, and if I may just use like a simple
25 analysis of things.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 In different areas of our lives, if we
3 need our cars fixed, we go to a mechanic. If we
4 have legal trouble, we go to an attorney. And for
5 issues of mortality, we go to the church. And
6 while there is that separation of church and
7 state, we must always use the gifts God has given
8 to those who have that ability.

9 And the ministers -- and Cardinal
10 Bevilacqua and the ministers that spoke this
11 morning truly are ministers of Christ, and
12 administrators of the divine mysteries.

13 And I want to encourage you to please
14 listen to them and to what they say because, like
15 I said, Mr. President, as I sit here, nervous,
16 because I'm not used to this, but there's that
17 honesty in my heart to please ask you and the
18 Members of City Council really to consider this,
19 because I see it as -- Philadelphia as being
20 blessed in a lot of ways.

21 And I really see that if this goes
22 through, that it would begin the downfall of our
23 City. Not to take anything away from them because
24 it's --

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Jeers from the audience.)

3 MR. MALAGESI: I encourage the Members
4 of City Council. I mean, in reading the newspaper
5 one time and seeing that your faith should not
6 interfere with your job, but you're baptized into
7 your faith and not baptized into job.

8 And your faith should make you the
9 person that you are within your job, use it for
10 the betterment of society.

11 And I guess that's it. Thank you, Mr.
12 President.

13 (Applause.)

14 (Jeers from the audience.)

15 PRESIDENT STREET: Thank you very much.

16 John Culhane, C-U-L-H-A-N-E.

17 (Not present.)

18 PRESIDENT STREET: Marilyn Rivers.

19 Marilyn Rivers.

20 (Not present.)

21 PRESIDENT STREET: Dr. James Dougherty,
22 D-O-U-G-H-E-R-T-Y.

23 (Dr. James Dougherty comes forward.)

24 (Applause.)

25 MR. DOUGHERTY: Thank you, Mr.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 President. My name is James E. Dougherty. I am a
3 veteran, a lifelong resident of Philadelphia, a
4 lifelong registered Democrat, and a professor
5 emeritus of political science, having taught that
6 subject at St. Joseph's University for 46 years.

7 I will not make some of the arguments
8 that have been made over and over again today.
9 Those who favor this legislation do so in the name
10 of equality and justice, arguing that they're
11 being discriminated against.

12 Those who oppose the legislation do so
13 in the name of equality and justice and their
14 religious beliefs, which we all have a right, as
15 American citizens, to express clearly and openly
16 in a Democratic society like this.

17 I oppose any laws which discriminate
18 against gays and lesbians or restrict their civil
19 rights, but I do not believe that this is the
20 issue here.

21 I have no quarrel with any church or
22 any business corporation that bestows employee
23 rights upon domestic partners. But by defining
24 "life partners" in a manner that excludes blood
25 relationships -- that is, genuine traditional

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 family relationships, such as those between a
3 mother and a daughter, a brother and another
4 brother or sister, an aunt or a nephew, a grandson
5 and an aged grandmother -- and by elevating
6 non-family persons to family status, according to
7 the traditional definition of "family," the
8 proposed legislation is tantamount in its present
9 form to reverse discrimination based upon sexual
10 orientation.

11 These ordinances would establish an
12 equality with marriage which does contravene the
13 long-standing tenets of our legal system. They
14 violate the spirits of our law which prohibits or
15 conferring or denying economic benefits and legal
16 privileges apart from the traditional heterosexual
17 marriage relationship, solely on the basis of sex
18 and sexual preference.

19 I urge the Council to consider
20 carefully the serious dilemma which it faces. It
21 can redesign the legislation to be fair to all
22 genuine longtime life partners -- and in this
23 regard, I'm in partial agreement with the next to
24 the last speaker.

25 It can carefully redefine "life

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 partner" to specify a period of time -- I don't
3 think that is specified in the current definition
4 -- and establish some kind of a limit on the
5 amount of time involved, include dependent blood
6 relatives and require perhaps some demonstration
7 of actual economic dependency and need.

8 PRESIDENT STREET: Sir, I don't want to
9 interrupt your testimony except to say that there
10 are those amendments that pretty much address the
11 questions that you have just raised.

12 DR. DOUGHERTY: Thank you, Mr.
13 President.

14 But that, I think, would become
15 eminently equitable. It will avoid the political
16 controversy and social conflict that are bound to
17 ensue from bestowing a special public
18 tax-supported subsidy upon intellectuals -- upon
19 homosexuals.

20 (Jeers from the audience.)

21 DR. DOUGHERTY: Bringing legislation
22 like this into a city council invariably
23 exacerbates social tensions. And I don't think
24 that most of the people gathered here today are
25 interested in exacerbating social tensions.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Granted, extending such benefits more
3 inclusively will certainly increase the cost to
4 the City and to business firms, if the legislation
5 includes all businesses in the City. But real
6 justice and equal treatment often do cost a lot
7 more.

8 On the other hand, the Council can pass
9 the legislation in its present form of separate
10 ordinances, crafted to circumvent our legal
11 prohibitions against same-sex marriages. I think
12 there is a strong possibility that the latter
13 alternative will leave the City of Philadelphia
14 open to court challenges on the grounds that the
15 term "life partners" in the present legislation,
16 as I've seen it, is defined much too narrowly for
17 the benefit of a certain group, while excluding
18 others in traditional family relationships whose
19 needs are real and whose rights are being ignored.

20 And I would call attention to the
21 lawyers who are interested to the case of Moore
22 versus Cleveland in the Supreme Court,
23 431-U.S.-494, in 1977.

24 Thank you, President Street.

25 PRESIDENT STREET: Thank you very much.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 PRESIDENT STREET: Jared Boigon, from
4 the American Jewish Congress.

5 (Jared Boigon comes forward.)

6 (Applause.)

7 MR. BOIGON: Mr. President, I have
8 written copies of my testimony, which are being
9 distributed to City Councilmembers now.

10 Good afternoon. My name is Jared
11 Boigon. I'm the Director of Programming for the
12 American Jewish Congress, Pennsylvania Region.

13 I'm here on behalf of the American
14 Jewish Congress to submit testimony to the
15 Philadelphia City Council regarding Bills 970745,
16 970749, and 970750, concerning the treatment of
17 life partners under sections of City Code which
18 govern City employee pensions, the realty transfer
19 tax, and the Fair Practices Code.

20 The American Jewish Congress, founded
21 in 1918 by Rabbi Stephen Wise, Justice Louis
22 Brandeis, and other distinguished Americans,
23 specializes in combatting all forms of bigotry
24 through law and legislation.

25 Considered the legal voice of American

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Jewish community, we work to safeguard Jewish
3 interests, protect basic freedoms enshrined in the
4 American Bill of Rights, and to advance the
5 security of Israel. The Pennsylvania Region
6 boasts over 1100 active members, most of whom live
7 and/or work in the City of Philadelphia.

8 On April 30, 1995, the American Jewish
9 Congress adopted the following resolution. The
10 American Jewish Congress has established
11 fundamental positions supporting equal rights,
12 under law, and separation of church and state.

13 As an expression of these positions the
14 American Jewish Congress strongly supports ending
15 discrimination on the basis of sexual orientation.

16 (Applause.)

17 MR. BOIGON: Lesbian and gay couples
18 have historically been denied the basic human
19 right to civil legal recognition of their personal
20 relationships on the same basis that heterosexual
21 relationships are recognized in civil law.

22 Partners in committed gay and lesbian
23 relationships should be able to legally
24 acknowledge their relationships and become
25 eligible for spousal benefits, including health

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 care and survivor entitlements.

3 Our legal system should not deny such
4 couples equaling access to housing and public
5 services, equal treatment under tax laws, equal
6 ability to create families and raise children, and
7 equal ability to participate in the full range of
8 community transactions.

9 And that's the national policy adopted
10 by the American Jewish Congress three years ago,
11 in 1995.

12 (Applause.)

13 MR. BOIGON: And we in the Pennsylvania
14 Region, as well as our 15 other regions around the
15 country, have worked actively to support it.

16 Consistent with that national policy,
17 we, therefore, support the concept of amending The
18 Philadelphia City Code in the following respects:

19 First, to permit life partners to be
20 beneficiaries of pensions of City employees;

21 Second, to permit the exclusions of
22 transfers of real estate between life partners
23 from the realty transfer tax;

24 Third, to assure that life partners
25 have the same right as others to secure health

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 insurance and other employment benefits; and

3 Based on the amendments which are
4 before City Council, which I have not seen, any
5 other legislation which would extend benefits to
6 life partners that City Council may see fit to
7 consider today.

8 We appreciate the concerns of segments
9 of the religious community for the protection of
10 the institution of marriage. However, we believe
11 strongly that individual rights must be protected
12 by the laws of our land.

13 (Applause.)

14 MR. BOIGON: Family religious values
15 are, by nature, extremely personal and
16 individual. We do not believe that any religious
17 institution should seek to promulgate its
18 particular viewpoint through governmental
19 requirements. Therefore, we are not convinced by
20 those opponents who simply oppose giving legal
21 rights to life partners.

22 Rabbi Hillel, one of our great
23 scholars, one of the greatest scholars ever to
24 study the Old Testament, is commonly quoted as
25 having said that the entire Old Testament, the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 Torah, can be reduced to the precept, Do unto
3 others as you'd have them do unto you. And that
4 the rest is commentary.
5 Thank you for your time.
6 (Applause.)
7 PRESIDENT STREET: Thank you very much.
8 Darryl Mills.
9 (Not present.)
10 PRESIDENT STREET: Reverend Lou Temme,
11 T-E-M-M-E.
12 (Not present.)
13 PRESIDENT STREET: Colleen O'Connell.
14 (Not present.)
15 PRESIDENT STREET: Travis Poe.
16 (Not present.)
17 PRESIDENT STREET: I think Marie
18 Summers was already here to testify.
19 Dr. Dan Gottlieb.
20 UNIDENTIFIED SPEAKER: He already
21 testified.
22 PRESIDENT STREET: David Garifo.
23 (Not present.)
24 PRESIDENT STREET: June Krebs,
25 K-R-E-B-S.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (June Krebs comes forward.)

3 PRESIDENT STREET: Please identify
4 yourself for the record.

5 MS. KREBS: I'm June Krebs, Chair of
6 the Germantown Branch of Women's International
7 League for Peace and Freedom.

8 I'm also a member of the Social Action
9 Committee of the Unitarian Society of Germantown.
10 I'm a mother of six, none of whom is a homosexual,
11 and I celebrated my 30th wedding anniversary this
12 year.

13 (Applause.)

14 MS. KREBS: I was raised in a truly
15 multi-cultural neighborhood, in Mt. Airy. Our
16 block began with a Unitarian family, Orthodox
17 Jews, Quaker Pacifists, and several varieties of
18 Christians. We were also mixed in race and age.
19 And there were homosexuals.

20 As kids, we felt safe in this
21 neighborhood of cooperation. We ate in every
22 kitchen, we played in each yard, and this was our
23 family.

24 (Applause.)

25 MS. KREBS: I later attended an

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 all-girls private school where women were in
3 charge, some of whom were lesbians. It was an
4 excellent school. We never asked whether women
5 were entitled to be supervisors, to retire, and to
6 receive full benefits.

7 And I want to thank Mayor Rendell for
8 his proclamation of several years ago which
9 addressed this. No one can be without a safety
10 net. No one should be, in this, the wealthiest
11 country in the world.

12 (Applause.)

13 MS. KREBS: I then attended the
14 Philadelphia College of Art, which was attended by
15 many gays and lesbians, openly and in your face,
16 as they knew they would be employed in fields,
17 fashion fields, which were dominated by gays.

18 Their work was good. And today, we
19 benefit from it. We benefit by the clothes we
20 wear, by the graphic designs we see, and by the
21 products we use every day.

22 And, lastly, I grew up in a Unitarian
23 Universalist Church where we were very carefully
24 instructed in the dignity and worth of all people.

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. KREBS: I said "all people," not
3 just those whose life-style pleased a particular
4 religious denomination or a particular political
5 party or a particular City Council.

6 I thank you for receiving my testimony.

7 PRESIDENT STREET: Thank you very much.

8 (Applause.)

9 PRESIDENT STREET: I'd like to make an
10 announcement at this time. What we'd like to do
11 now, we have several witnesses from the City who
12 are here, and they have some fairly technical
13 testimony to offer about how all this would work
14 and what, if any, problems are associated with it.

15 I have a strong preference to try to
16 get on the record the witnesses who have come here
17 today, which is the reason why we haven't heard
18 them, and I appreciate their willingness to be a
19 part of this hearing. There are people who take
20 off work, who make special arrangements to
21 testify.

22 Our City witnesses, generally, have a
23 lot more flexibility. So what we are trying to do
24 is get all of the -- get as much of the public
25 testimony as we can, and then we will shift and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 get the testimony of the City witnesses, and then
3 come back to the public witnesses.

4 And I wanted to explain that there's
5 some Councilmembers who have some questions for,
6 you know, for the public witnesses -- the Finance
7 Director, the Personnel Director, and people like
8 that.

9 I have a strong preference to try to
10 get the general public on the record at this time.
11 And so what I would like to do is plod along here
12 with the general public until maybe about 4
13 o'clock, and then have the City witnesses for a
14 while, and then come back to the general public.

15 Right now, that's the plan. And unless
16 any Councilmember has any problem with that, I'd
17 like to continue on with the members of the
18 general public.

19 Thank you very much.

20 Harry Byrne.

21 UNIDENTIFIED SPEAKER: He's not here.

22 COUNCILMAN COHEN: He'll be here in ten
23 minutes, Mr. President. He's on his way.

24 PRESIDENT STREET: Rita Vitale,
25 V-I-T-A-L-E.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Not present.)

3 PRESIDENT STREET: Christine McMenamin,
4 M-C-M-E-N-A-M-I-N.

5 (Christine McMenamin comes forward.)

6 MS. MCMENAMIN: My name is Christine
7 McMenamin. I am the mother of three grown
8 children and I am a citizen of Philadelphia, and I
9 speak in that capacity.

10 I'm also a graduate of Penn. I'm not
11 sure God is, but I am. And I'm very happy to say
12 that I am a graduate of Penn.

13 It is a fact of anthropology that all
14 that we know as culture has grown out of our human
15 condition of interdependence. Our contemporary
16 emphasis in this country on individual freedoms
17 must always be seen in the context of the good of
18 the group. Our individual freedoms are rooted in
19 the truth that we need each other to survive as
20 individuals and also as a human family.

21 It takes both the male and the female
22 genders to adequately reflect the fullness of
23 humanity.

24 (Applause.)

25 MS. MCMENAMIN: It is our blessing and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 also our challenge that we, as men and women, need
3 each other to grow fully and to provide for the
4 future of our shared human race. Even more do our
5 children need the presence, the clarity, and the
6 interaction of male and female gifts to grow into
7 human wholeness.

8 Marriage of one man to one woman, like
9 anything of value, requires respect, support, and
10 protection from both the secular and the religious
11 communities to survive in a society that
12 challenges commitment of any kind.

13 There is a saying that states, "the two
14 things our children need most from us are roots
15 and wings."

16 As a woman, as a parent, and as a
17 citizen of Philadelphia who lives in and loves the
18 City, I ask you to give our children roots in law
19 that affirms the respect that the marriage of one
20 man to one woman deserves.

21 (Applause.)

22 MS. MCMENAMIN: Marriage stands or
23 falls on the commitment of the two persons
24 involved and the support of the human community.
25 Our children now, and yet to be born, ask you to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 come alongside and strengthen in law the
3 institution rooted so deeply in our human history.

4 I ask you to vote no to the life
5 partners bills before you. Marriage is not
6 perfect, but it is the longest-standing and best
7 option we have. In a matter so crucial, please
8 don't settle for less than the best.

9 Thank you.

10 (Applause.)

11 PRESIDENT STREET: David Acosta,
12 A-C-O-S-T-A.

13 (David Acosta comes forward.)

14 (Applause.)

15 MR. ACOSTA: Good afternoon, President
16 of City Council John Street, Members of City
17 Council, and citizens of Philadelphia.

18 My name is David Acosta. I am the
19 Founder and the Executive Director of the
20 Philadelphia Gay and Lesbian Latino AIDS Education
21 Initiative. It is a program in the City designed
22 to educate the Latino sexual minority community
23 around issues of HIV, AIDS, STDs, and other
24 health-related matters.

25 I am also a son, a brother, an uncle,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 and a member of multiple communities, all of which
3 make up my definition of self. And I am here to
4 request the passage of domestic partnership
5 legislation.

6 The issue before us is the recognition
7 of domestic partnership benefits to same-sex
8 couples. The recognition of gay and lesbians
9 unions is, sadly enough, seen by the church as a
10 deliberate threat to their narrow and out-of-touch
11 conception of the family; when, in truth, the
12 landscape of America and of the American family
13 has been slowly changing for the last seven years
14 to accommodate new and more realistic family
15 structures.

16 These family structures, whether
17 heterosexual, single-parent households,
18 heterosexual non-married household, or same-sex
19 couples speak to love, dignity, and respect,
20 something which, sadly enough, the church has
21 forgotten in its own bigoted and hateful attempt
22 at holding on to medieval outdated concepts of
23 what constitutes a family, as well as its hatred
24 and contempt for other human beings like myself,
25 who ask for nothing more and nothing less than to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 be recognized as equal partners by a system into
3 which we all pay taxes.

4 (Applause.)

5 MR. ACOSTA: The erroneous and false
6 notion that gay and lesbian couples earn higher
7 incomes is nothing more than a misinformation
8 campaign to divert the citizens of Philadelphia,
9 by portraying us as radically different from the
10 rest of the citizenry.

11 Not all gay and lesbian people only
12 fall into high-income brackets. Gay and lesbian
13 people of color and blue-collar working whites do
14 not earn high incomes.

15 Furthermore, gay and lesbian people of
16 color continue to experience the same hardships,
17 both from within our community and outside of it,
18 that communities of color have experienced in a
19 polarized racist, sexist, classist, and
20 heterosexual society.

21 The reality is this: Not all gay and
22 lesbian people are white, educated, and affluent.
23 The majority of us are hard-working minimum-wage-
24 earners who pay taxes into a system that belittles
25 our experiences, persecutes us, excludes us, and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 fails to recognize our financial contributions
3 through taxes to the health, stability, and
4 well-being of our city.

5 (Applause.)

6 MR. ACOSTA: The reality is also that
7 Latino and African-American reflect a wide
8 diversity of family structures, many of them gay
9 and lesbian, with individuals who are emotionally
10 and economically committed to one another. Many
11 are single-parent households and/or households
12 with extended families.

13 The truth of the matter is that the
14 argument before us is not one of special rights or
15 concessions. It is the ability to recognize that
16 gay and lesbian people, regardless of economic
17 status, have the right to create family structures
18 based on love, caring, community, respect, and
19 commitment to the health and well-being of our
20 families, our city, our neighborhoods, and our
21 fellow citizens.

22 As taxpaying citizens, we ask for
23 nothing more than that our elected officials
24 extend to us the same courtesy, civility, or
25 privilege, which are current law afford those whom

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the church allows to marry.

3 Since our unions are excluded from such
4 recognition, both religious and civic, it is up to
5 our elected officials to recognize our financial
6 contributions to our great City.

7 We are not asking for special rights;
8 we are asking that the State do what it supposed
9 to do. We are asking you to do the right thing,
10 the moral thing, the civil thing.

11 Since the church won't do it, I am here
12 to ask you, as elected officials, to honor an
13 increasing concept in the foundation of this
14 nation. Separate the interests of the church from
15 those of the state, and pass domestic partnership
16 legislation.

17 (Applause.)

18 PRESIDENT STREET: Thank you very much.

19 Linda Rhymm, District Council 47, is
20 she here?

21 (Linda Ryhm comes forward.)

22 MS. RHYM: Good afternoon, President
23 Street and distinguished Councilmembers. Thank
24 you for allowing me to participate in this
25 hearing.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Since 1995, AFSCME District Council 47
3 Health and Welfare Fund has provided same-sex
4 domestic-partner health-care benefits.

5 The Council has 4,400 active and
6 retired members. To date, only 13 members have
7 applied for same-sex domestic-partner health-care
8 benefits. This is less than 1 percent of our
9 covered members.

10 To be eligible for same-sex health care
11 benefits at D.C. 47, a certification of domestic
12 partner application must be completed. This
13 document is detailed and stringent, and it has a
14 stringent criteria.

15 D.C. 47 realizes that a great deal of
16 myth and fictions exist regarding this issue.
17 However, many health-care plans that offer the
18 same benefits have very similar experiences, and
19 an extremely low number of covered members apply.

20 It also should be noted that other
21 municipalities in California, Oregon, Washington,
22 Texas, Wisconsin, Maryland, Illinois, Florida, and
23 New York, among other states, also offer domestic-
24 partner health benefits.

25 The major health insurers in the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 Pennsylvania region, Independence Blue Cross, U.S.
3 Health Care, Aetna, and Qual Med also offer
4 same-sex domestic-partner health-care benefits.
5 These huge insurers are the foremost experts on
6 health care, and they offer the benefits, fully
7 aware of the financial impact.

8 We at District Council 47 offer this
9 for our members, and we would like to see the City
10 of Philadelphia offer it for their employees.

11 Thank you.

12 (Applause.)

13 PRESIDENT STREET: Thank you very much.

14 Harry Byrne, B-Y-R-N-E.

15 (Harry Byrne comes forward.)

16 MR. BYRNE: Good afternoon, President
17 Street. Thank you for giving me the opportunity
18 to speak, and thank you to the other Members of
19 City Council and guests today.

20 My name is Harry Byrne, B-Y-R-N-E. I
21 am an attorney licensed to practice law in the
22 Commonwealth of Pennsylvania and have been since
23 1981.

24 I had given to one of the staff a copy
25 of my resume which, I believe, may be being handed

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 out, and also a copy of the remarks that I have
3 prepared.

4 I am currently a principal in the law
5 firm of Dolchin, Slotkin & Todd, located at 2005
6 Market Street, in Philadelphia. Prior to that
7 time, I was with the Philadelphia firm of Blank,
8 Rome, Comisky & McCauley. And since 1981 to 1988,
9 with the Philadelphia firm of Abrams & Lowenstein.

10 I have, since 1981 concentrated my
11 practice of law strictly in the area of family
12 law, including topics like divorce, property
13 distribution, support, custody, and related
14 matters.

15 I've been admitted to practice before
16 the Eastern District of Pennsylvania and in the
17 Supreme Court of Pennsylvania.

18 Although I am not here in any official
19 capacity, I am currently the Articles and Comments
20 Editor of the Pennsylvania Family Lawyer, a
21 quarterly magazine published by the Pennsylvania
22 Bar Association, with a circulation of
23 approximately 2500.

24 I am currently Secretary of the Family
25 Law Section of the Philadelphia Bar Association.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Prior to that time, I have held two different
3 terms on the Section's Executive Counsel, and I
4 have also chaired the Section Committees on
5 custody, divorce and equitable distribution, and
6 continuing education.

7 I am a Member of the Pennsylvania Bar
8 Association's Family Law Section and was Cochair
9 of their Program and Continuing Legal Education
10 Committee, from 1993 to 1995.

11 I also served two terms on the
12 Executive Counsel of the Pennsylvania Bar
13 Association Family Law Section.

14 Previously, I have been appointed as a
15 master pro tem to help resolve custody cases in
16 the Court of Common Pleas of Philadelphia County.
17 That was a temporary volunteer appointment in 1995
18 and the beginning of 1996.

19 Prior -- on another occasion, I served
20 as a Volunteer Hearing Officer in the Court of
21 Common Pleas of Philadelphia County to resolve
22 child-custody matters.

23 I have published articles in law
24 journals, in the Pennsylvania Family Lawyer. I
25 have published chapters or have been a

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 contributing author for textbooks by the
3 Pennsylvania Bar Institute.

4 And in the last ten years, I have
5 participated in no less than 30 seminars and
6 lectures on topics on family law, in places like
7 Toronto, Williamsburg, Washington, and throughout
8 Pennsylvania.

9 I am here today to indicate that my
10 review of the life partner ordinances pending in
11 City Council does not constitute a marriage
12 relationship or a marriage and is not the
13 equivalent of a marriage or a marriage
14 relationship.

15 Marriage has been defined as "the legal
16 union of one man and one woman as husband and
17 wife." This is the legal definition. And
18 marriage is distinguished from an agreement to
19 marry and from the act of becoming married is the
20 legal status, condition, or relation of one man
21 and one woman united in law for life or until
22 divorced, from the discharge to each other in the
23 community of the legal duties incumbent on those
24 whose association is founded on that distinction.

25 A contract, according to the form

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 proscribed by law, by which a man and woman
3 capable of entering into such contract mutually
4 engage with each other to live their lives, or
5 until divorce, together in a state of union which
6 ought to exist between husband and wife.

7 The word also signifies the act,
8 ceremony, or formal proceedings by which persons
9 take each other for husband and wife. I've
10 omitted the citation, but the quotation is from
11 Black's Law Dictionary.

12 In the treatise law of marriage and
13 divorce in Pennsylvania, it's been said that the
14 word "marriage," although frequently employed
15 without nice discrimination as to its precise
16 meaning, has a dual significance.

17 In one sense, it is the act or ceremony
18 by which a man and woman are joined together in
19 wedlock. In another sense, it describes their
20 status, which is created by that act. Marriage is
21 both a contract and a status.

22 The contract of marriage is a threshold
23 over which the parties reach the status of
24 marriage. That status bears the characteristics
25 imposed upon it by law, which cannot be altered at

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the mere whim of the parties. It is no more a
3 contract than fatherhood or sonship. Even the
4 contract of marriage, because of its special
5 character contract, is not governed entirely by
6 law but is contract law, but is a contract sui
7 generis.

8 And that's a quotation from The Law of
9 Marriage and Divorce in Pennsylvania, the
10 well-known treatise by Friedman.

11 While its historical origins are rooted
12 in Ecclesiastical law, it has long been clear that
13 marriage falls within the State's police power.
14 It has been held to be of paramount State
15 concern. Both the marriage contracts and the many
16 characteristics of the marriage status are within
17 the control and are governed by the State, and not
18 under its police power.

19 Pennsylvania recognizes two different
20 kinds of marriages -- statutory or ceremonial
21 marriage and common-law marriage; although one
22 becomes married in a different way in a ceremonial
23 as opposed to a common-law marriage, where one is
24 just as married. And the conditions of the status
25 of such marriage are the same.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The impediments, rights, and
3 obligations of marriage apply equally to either
4 kind of marriage ceremony. And under the law, one
5 is simply married.

6 In the case of Manfredes Estate, the
7 Supreme Court of Pennsylvania discussed statutory
8 and common-law marriages. The court noted that
9 marriage in Pennsylvania is a civil contract by
10 which a man and woman take each other for husband
11 and wife.

12 Two different kinds of marriages,
13 ceremonial and common law. Ceremonial marriage is
14 a wedding or marriage performed by a religious or
15 civil authority, with the usual or customary
16 ceremony or formalities. A common-law marriage is
17 a marriage by the express agreement of the
18 parties, without ceremony, and almost invariably
19 without witnesses, by words not in futuro or
20 postio but in presenti, uttered with the view and
21 for the purpose of establishing the relationship
22 of husband an wife. And the citation for that is
23 the Knute case.

24 Although common-law marriage continues
25 to exist in the Commonwealth of Pennsylvania, the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 legislature could choose to modify or abolish it,
3 but it has not done so.

4 While the common law of Pennsylvania
5 continues to govern the applicable principles of
6 common-law marriage, the ceremonial marriage is
7 governed by statute, as set forth in Title 23.

8 Now, the status of being married
9 creates attendant rights and responsibilities
10 between the marriage partners. These include but
11 are not limited to the following rights and
12 duties:

13 The ability to own property as tenants
14 by the entireties;

15 Certain preferences in the cases of in
16 testate succession;

17 Certain testamentary rights, including
18 the right to take against a will;

19 The duty to provide spousal support and
20 the right to seek such support;

21 Certain kinds of testimonial
22 privileges;

23 The ability to seek a divorce and to
24 request, in conjunction with the divorce,
25 equitable distribution of marital property,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 alimony pendente lite, and other relief;

3 Certain limited consent rights with
4 respect to medical treatment for a spouse;

5 Limited preferential treatment with
6 respect to Pennsylvania and federal inheritance
7 tax;

8 Limited Internal Revenue preferential
9 treatment with respect to dependency exemptions;

10 Capital gains exclusions and other
11 tax-related issues;.

12 Limited COBRA rights with respect to
13 applicable health insurance coverage eligibility;

14 Limited preferences with respect to
15 ERISA pension, beneficiary, and survivor benefits;

16 And preferential treatment with respect
17 to the tax-free transfer, incident to a divorce,
18 of applicable retirement plans by way of a
19 qualified domestic relations order.

20 While some of the characteristic rights
21 and obligations of the status of marriage are
22 governed by federal law, most are governed by
23 State law.

24 Bill 970745 concerns pension ordinance
25 amendments. It expands the existing definition of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 "beneficiary" to permit the designation of any
3 person so designated as a beneficiary.

4 The proposed amendments are not related
5 to any issue remotely related to the question of
6 marriage or marriage relationship. The ordinance
7 does not establish a priority for beneficiary or
8 survivor purposes for a spouse or a former spouse
9 whose marital property rights may not yet have
10 been adjudicated.

11 This may present a conflict with
12 certain portions of the 1980 Divorce Code with
13 respect to marital property rights, as enunciated
14 by the case law interpreting those rights.

15 Bill 970749 deals with the Pennsylvania
16 real estate transfer tax and the expansion of the
17 classification of excluded transactions. The
18 proposed amendment expands the class of excluded
19 transactions to include transactions, quote,
20 between any life partners, end quote. And then
21 defines the term, quote, life partner, end quote.

22 Bill 750750 (sic) deals with amendments
23 to the Philadelphia Code Fair Practices by
24 prohibiting discrimination and employment in
25 places of a public accommodation based upon an

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 expanded definition of, quote, marital status
3 period, end amendment quote.

4 The amendment adds the term, quote,
5 life partner to the already-named statuses of
6 single, married, separated, divorced, and widowed.

7 Since the definitions of life partner
8 are identical in the two bills, they will be
9 discussed together.

10 The proposed definition is lengthy and
11 involves no fewer than 15 and possibly as many as
12 30 different criteria, some of which are objective
13 criteria, some of which appear to be subjective
14 criteria.

15 The proposed life partner definition
16 does not provide a clear and simple bright-line
17 test to determine those who fall within the life
18 partner classification, nor does it provide any
19 clear bright-line test for determining when one is
20 no longer a life partner.

21 The existing transfer tax exclusion is
22 not limited to spouses, and the proposed
23 legislation merely expands an already fairly broad
24 category of exclusions.

25 The life partner classification, for

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 purpose of the real estate transfer tax, does not
3 attempt to constitute the equivalent of a marriage
4 or the equivalent of a marriage relationship.

5 The life partner classification, for
6 purposes of the Fair Practices, expands the
7 marital status definition and includes that with a
8 long list of existing prohibited classifications
9 for race, color, sex, sexual orientation,
10 religion, national origin, ancestry, age, or
11 handicap.

12 Although included within the definition
13 section under marital status, life partner does
14 not constitute the state of being married any more
15 than the already-existing classifications of being
16 single or being divorced that constitute the state
17 of being married.

18 As previously noted, the power to
19 regulate and control the marriage contract and the
20 status of marriage rests solely with the
21 legislature. The life partner classifications do
22 not constitute or attempt to constitute a
23 common-law marriage or a statutory ceremony
24 marriage. Only the legislature can do this.

25 The classification does not in and of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 itself create a duty to provide support or the
3 right to seek support.

4 It does not create a parallel
5 classification to tenants by the entirety, it
6 does not create any spousal estate rights or
7 provide for any rights in the event of intestate
8 succession.

9 It does not create any limited
10 testimonial privilege.

11 It does not create any rights under the
12 Pennsylvania Divorce Code.

13 It does not create any rights in
14 so-called marital property or in a consequent
15 equitable distribution of marital property.

16 It does not create a parallel class of
17 marital property.

18 It does not create rights to seek
19 alimony pendente lite, or alimony. It does not
20 create any preference for life partners for
21 Pennsylvania inheritance tax purposes or for
22 federal inheritance tax purposes.

23 It does not provide for any rights
24 under federal law with respect to continuation of
25 health insurance benefits under COBRA.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 It does not create any limited
3 preference for capital gains tax treatment or for
4 any other state or federal tax purpose.

5 It does not create any beneficiary or
6 survivor rights under the federal pension law for
7 ERISA-type plans.

8 While some of the characteristics of
9 the life partner might be definition in a separate
10 lawsuit of the creation of certain private
11 contract rights or certain private equitable
12 claims between two individuals, those possible
13 claims exist independent of whatever Council may
14 or may not do with respect to these ordinances,
15 and are grounded in existing theories of private
16 contractual actions and private claims for
17 equitable relief, under certain detrimental
18 reliance or injustice enrichment theories.

19 Such actions are already fairly common
20 in the Courts of Common Pleas of Philadelphia
21 County and in the surrounding counties.

22 For the foregoing reasons, the
23 ordinances in question do not attempt to create --
24 do not create or attempt to create a marriage.

25 Thank you very much.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Thank you very much.

3 (Applause.)

4 PRESIDENT STREET: Melina Naldo.

5 (Melina Naldo comes forward).

6 (Applause.)

7 MS. NALDO: Good afternoon, everybody,
8 President Street, members of the City Council. I
9 am here as a Regional Director for PFFLAG,
10 Parents, Families and Friends of Lesbians and
11 Gays.

12 (Applause.)

13 MS. NALDO: PFFLAG is a national
14 organization, with a Chapter here in Philadelphia.
15 PFFLAG offers support to families with gay,
16 lesbian, bisexual, or transgender members, and
17 seeks to educate an ill-informed public and
18 advocates for equal rights on behalf of our gay
19 and lesbian loved ones.

20 I am here as a lifelong devoted
21 Catholic, who is greatly distressed to see a few
22 in my own church using their time, considerable
23 talent, and our collective treasure to
24 discriminate against their fellow citizens who ask
25 nothing more than to be treated fairly and live

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 their lives in peace.

3 (Applause.)

4 MS. NALDO: We parishioners and
5 taxpayers with homosexual children must pay the
6 salaries, pensions, and benefit to those who would
7 deny them to our children.

8 (Applause.)

9 MS. NALDO: But, above all, I am here
10 as a mother an grandmother to tell you how this
11 affects me and my family, which includes a gay
12 child.

13 My family is not unique. It is
14 estimated that one out of four families has a gay,
15 lesbian, bisexual, or transgender member. Someone
16 you know is gay or lesbian, perhaps your own
17 family member.

18 Please understand that when you decide
19 an issue concerning the lives of gay and lesbian
20 citizens, you are affecting families like mine and
21 those we love.

22 As a mother of four children, I am
23 naturally most concerned with the lives of our
24 young people. Imagine the effect the atmosphere
25 of hate and intolerance fostered by those who

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 oppose this legislation has on young people whose
3 sexual identity is emerging as homosexual, not
4 heterosexual.

5 No wonder a recent study in Minnesota
6 schools, 28.1 percent of gay and bisexual boys
7 have attempted suicide -- 7 times the rate as for
8 heterosexual boys.

9 Public controversies like this send the
10 message loud and clear to these children that they
11 are worthless and unworthy of our protection.
12 Thus these families are encouraged to reject them,
13 and they are driven further away from their
14 families, teachers, and clergy who should be their
15 natural protectors.

16 The Catholic bishops' recent wise and
17 compassionate advice on the subject is welcome
18 news for those who are concerned about gay and
19 lesbian youth. I thank God that the sideshow of
20 bigotry was not going on in a time and place when
21 our son was struggling with his sexual identity,
22 unbeknownst to my husband or me.

23 As a parent, the other issue that
24 concerns me is the safety of my son and other gay
25 and lesbian people. A hate campaign like this

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 encourages violence against the demonized group.
3 Violence-prone individuals take this as an open
4 invitation to harass gays and lesbians, or even
5 those whom they perceive to be gay or lesbian.
6 Believe me, that when my son visits next month, I
7 will worry more than usual about his safety.

8 How curious that the opponent have
9 seized upon this particular modest legislation to
10 launch a moral crusade. Surely more compelling
11 moral issues exist in our time than people of the
12 same gender living in committed relationships. I
13 wonder if people would have been bussed here today
14 had we been discussing legislation to improve our
15 schools, or helping those poor souls wandering our
16 streets as we speak.

17 (Applause.)

18 MS. NALDO: I asked this question
19 before, and I will ask it again since no one has
20 answered it, at least not to my satisfaction: How
21 do these same-gender relationships threaten my
22 marriage of 38 years?

23 (Applause.)

24 MS. NALDO: The fact that their brother
25 is gay, in a committed relationship for seven

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 years, eligible for domestic partnership benefits
3 from the university which employs him has not
4 deterred our three daughters from marrying.

5 (Laughter.)

6 (Applause.)

7 MS. NALDO: Now, the gentleman from the
8 ACLU had it exactly right. I have the Sunday
9 Philadelphia Inquirer here before me with the
10 banner headline, "Is That Love in the Air? More
11 People Are Saying 'I do'."

12 So certainly, marriage is doing very
13 well. I guess these people just haven't heard
14 about this domestic partnership legislation.

15 (Laughter.)

16 (Applause.)

17 MS. NALDO: The answer to my question
18 may be that no one expects anyone to care if a
19 marginalized and largely hidden group is
20 discriminated against.

21 Well, I am here to tell you today that
22 there is a small but growing army of us who are
23 sick and tired of the treatment of our gay and
24 lesbian loved ones, and we aren't going to take it
25 anymore.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Standing ovation.)

3 MS. NALDO: We are sick and tired --
4 sick and tired of our beloved children used as
5 pawns and scapegoats. Scapegoating unpopular
6 minorities has a long and tragic history. This is
7 nothing new.

8 Jerry Falwell and Pat Robertson
9 regularly use the, quote/unquote, homosexual
10 menace in their fund-raising appeals. You may
11 believe whatever you will about homosexuality, but
12 you will not go unchallenged when you use the
13 public domain to harass our children. Enough!

14 (Applause.)

15 MS. NALDO: Let's get beyond the
16 hysteria and rationally consider what is really
17 going on here. You are being asked -- you, City
18 Council, are being asked to deny benefits to a
19 certain class of citizens, gays and lesbians
20 living together a committed relationship because
21 they love one another and want to establish a home
22 together.

23 They choose to form a family following
24 their God-given nature. You are to single them
25 out -- yet, everyone else, as long as he or she is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 heterosexual and married, gets a pass.

3 These heterosexuals can be unfaithful
4 to their spouses, married and divorced a dozen
5 times, deal drugs or be an ax murderer, and yet no
6 one is clamoring to deny them benefits.

7 We do not impose our standard of
8 mortality on any other group.

9 (Applause.)

10 MS. NALDO: Please, please, I ask you,
11 put an end to this circus, which is an
12 embarrassment to this great City of Philadelphia,
13 and pass this eminently fair legislation.

14 In your heart, you know this is the
15 right to go thing to do.

16 (Applause.)

17 MS. NALDO: This legislation will
18 pass. The march of history is ever toward
19 equality and justice.

20 My fervent hope today is that when my
21 precious little grandchildren grow up, there will
22 be no need for PFFLAG and certainly no need for a
23 hearing to debate whether or not to pass
24 legislation that will make the world a little more
25 fairer for everyone.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Standing ovation.)

3 PRESIDENT STREET: Beverly Scott.

4 Beverly Scott.

5 (Not present.)

6 PRESIDENT STREET: Joseph Evans.

7 (Not present.)

8 PRESIDENT STREET: Eve St. Girard,

9 PFFLAG.

10 (Not present.)

11 PRESIDENT STREET: Joe Ciavarella.

12 (Joe Ciavarella comes forward.)

13 MR. CIAVARELLA: I may be home in time
14 for Wheel of Fortune.

15 I'm here on behalf of myself, Joe
16 Ciavarella. That's C-I-A-V-A-R-E-L-L-A. I'm a
17 gay Catholic citizen of Philadelphia. I'm here
18 with my partner of two years, Tim.

19 (Applause.)

20 MR. CIAVARELLA: Thank you. I promise
21 to be brief. Can you hear me okay? This is new
22 to me.

23 I just want to mention that when we
24 came here this morning, before 12, we were
25 approached by a representative of the gay

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 community who asked us please not to embrace; it
3 was making members of the City Council
4 uncomfortable.

5 With all due respect, I'm not here to
6 make anyone comfortable; I'm here to assert my
7 right as a gay man.

8 (Applause.)

9 MR. CIAVARELLA: I'd also like to
10 address all those in relationships, both
11 heterosexual and homosexual. The things that Tim
12 Schwarz and I have been through, which includes
13 the loss of my mother, a stroke by his mother, and
14 Alzheimer's disease, the way we got through those
15 things were pulling closer together.

16 This is how we made it and this is how
17 we'll continue to go.

18 MR. CIAVARELLA: (Asks to borrow
19 reading glasses.)

20 Unfortunately, being here, my eyes were
21 dried out. Thank you very much.

22 I speak to you on behalf of myself and
23 also in dedication of my mother, who died two
24 years ago. Dear City Council President and
25 Councilmembers, I am here today to ask for your

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 support of the domestic partnership bills now
3 being considered by City Council.

4 It my hope that Philadelphia will
5 require companies doing business in our city to
6 provide health and insurance benefits for
7 employees' life partners. I don't know if that's
8 still up for review, but that's my wish.

9 There are some people, particularly
10 those in the Catholic Church, who believe that our
11 gay and lesbian citizens should be denied the
12 benefits and privileges afforded to married
13 heterosexual couples. They are afraid that it
14 would somehow lead to the disintegration of
15 marriage and the family.

16 I am sadly reminded that this is the
17 same Catholic Church that denied my mother access
18 to the sacraments because she had divorced and
19 remarried. In the eyes of this church, it would
20 have been better for her to remain in a physically
21 and emotionally abusive marriage or to struggle as
22 a single parent. That to me is wrong.

23 My partner Tim and I have been together
24 for two years. In the fall of 1997, we had our
25 union blessed in a ceremony held at a local

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Episcopal Church. We now desire to have our
3 union legally-recognized. But under current law,
4 we cannot marry.

5 Ironically, if I would be willing to
6 undergo surgical alteration and legally change my
7 sex, we could apply for a marriage license as a,
8 quote, heterosexual couple. Is that correct?

9 This would be somewhat like cutting off
10 my penis to spite my face.

11 (Laughter.)

12 MR. CIAVARELLA: It is my belief that
13 passage of a domestic partnership bill in
14 Philadelphia is a simple matter of justice and
15 equality.

16 (Applause.)

17 MR. CIAVARELLA: Again, it will help us
18 to go one step closer to ending discrimination
19 based on sexual orientation and help balance the
20 scale of equality for us and our gay and lesbian
21 children.

22 Thank you.

23 (Applause.)

24 MR. SCHWARZ: I am Tim Schwarz, Joe's
25 partner. Thank you for letting me speak.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 This is my first time at a political
3 function. I must say, it's a bit longer than I
4 thought it would be, but I will make this very
5 brief.

6 I just want to say that I have the most
7 wonderful family in the world. A few days before
8 my commitment ceremony to Joe, my dad pulled me
9 aside and he said, Son, you know I have always
10 accepted your union with Joe, and now I want you
11 to know why I'm so grateful for it.

12 When I was in my early 20s, I
13 discovered that my own father was gay. I had
14 always wondered why my parents were so distant
15 with each other. It also probably explains why
16 both of my parents were alcoholics.

17 To my knowledge, my father never acted
18 on his natural desires, but he was obviously
19 miserable and died before his 50th birthday. I
20 knew you were gay a long time ago, and I am so
21 relieved that you did not choose the same path my
22 father did.

23 I am also part of the most wonderful
24 church in the world. In 1992, I decided to end my
25 studies as a Franciscan priest and resume my

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 career as a musician. The Franciscans remain some
3 of my closest friends and spiritual advisors.
4 When I left their community, they gave me their
5 blessings and encouraged me to pursue my dream of
6 meeting a lifelong. And, yes, they did know that
7 it would be a male.

8 Upon finding out that I had at last met
9 someone that I wanted to share my life with, they
10 praised God. Priests and pastors, both Catholic
11 and Protestant, blessed my union with Joe. Many
12 have said that they wished more heterosexual
13 marriages had the love and commitment that we do.

14 My family and my church have both
15 supported my commitment to Joe. And now I ask
16 that City Hall do the same.

17 Thank you very much.

18 (Applause.)

19 PRESIDENT STREET: Thank you very much.

20 Reverend Isaac Miller.

21 (Reverend Isaac Miller and Rabbi
22 Rebecca Alpert come forward.)

23 REVEREND MILLER: Good afternoon. My
24 name is Isaac Miller, Pastor of the Church of the
25 Advocate, in North Philadelphia. And with me is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Rebecca Albert. And, hopefully, we can testify
3 together.

4 I'd just like to briefly, as pastor of
5 a church, urge Council to vote affirmatively on
6 the resolutions that are before you.

7 There is no question about it that
8 there are people in the religious community that
9 would take a position that is different from the
10 one that I would urge upon you.

11 In my experience and in my opinion as
12 pastor, however, it seems that there is a very
13 definite need in the community that my church
14 serves for us to struggle in any way possible to
15 support loving and caring relationships.

16 I am proud that at the Advocate, there
17 are some who are in committed same-sex
18 relationships, who embody in that relationship the
19 kind of love and caring that the church hopes for
20 and would urge for us all.

21 There's no way in the world that
22 same-sex committed relationships challenge the
23 institution of marriage, challenge those of us who
24 are committed to heterosexual marriage
25 relationships.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The church's business, it seems to me,
3 is to encourage genuine love. And out of that
4 spirit, I would ask that you vote affirmatively.

5 Thank you.

6 (Applause.)

7 RABBI ALPERT: President Street, this
8 is not the first time I have come to City Council
9 to present testimony.

10 PRESIDENT STREET: I'm sorry, ma'am,
11 please identify yourself for the record.

12 RABBI ALPERT: Yes. My name is Rabbi
13 Rebecca Alpert.

14 (Applause.)

15 RABBI ALPERT: This is not the first
16 time that I have come to City Council to present
17 testimony in support of domestic partnership or
18 life partnership legislation.

19 The bills before you today are
20 certainly more thoughtfully crafted than those of
21 years before, but they should be. Since we had
22 this conversation several years ago, almost every
23 major municipality and many large corporations
24 have adopted some form of domestic partnership
25 legislation.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 We have learned in the interim that
3 domestic partnership legislation costs little and
4 provides significant benefits for taxpayers and
5 employees.

6 What is news today is only that
7 Philadelphia finds itself outside the main stream
8 and much behind the times, the only major U.S.
9 city that has failed to pass domestic partnership.

10 I could speak to you again about the
11 religious issues involved in this legislative
12 initiative since I come here today not only as an
13 open lesbian and former Cochair of the Mayor's
14 Commission on Sexual Minorities, but also as an
15 ordained Reconstructionist rabbi and professor of
16 religion.

17 I could tell you at length about the
18 denominations, Christian and Jewish, who have come
19 to embrace the gay men and lesbians in their midst
20 about same-sex marriages heroically -- and I
21 underline heroically -- performed by clergy of
22 various groups around the country in defiance of
23 outbursts and archaic laws that do not recognize
24 the long-term committed relationships of two women
25 or two women to one another.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Or I could speak to you about the
3 healthy children I and others have raised who,
4 although avowedly heterosexual in their practice,
5 proudly identify as members of gay and lesbian
6 families.

7 But this is not a conversation about
8 religious beliefs, despite efforts to make it so.
9 It's a conversation about expanding benefits for
10 working people.

11 This society has grown increasingly
12 aware that it is unjust to provide pensions and
13 health-care pensions to workers and tax breaks to
14 individuals who are married that we deny to
15 workers and citizens with identical living
16 arrangements who are prohibited from getting
17 married.

18 I believe domestic partnership
19 legislation is a first step towards recognizing
20 the need for universal health care in our society
21 and for benefits for all.

22 And although it is only a first step,
23 we in Philadelphia should get ourselves in sync
24 with the rest of the cities and companies in the
25 United States who have made this first step a

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 reality, pass this legislation, and then get on
3 with our real business of providing education --

4 (Applause.)

5 RABBI ALPERT: -- housing, jobs, health
6 care, and a safe environment for everyone,
7 regardless of their marital status, sexual
8 orientation, age, race, or religion.

9 Thank you.

10 (Applause.)

11 REVEREND MILLER: Thank you very much.

12 PRESIDENT STREET: Thank you very much.

13 Joseph Needham, N-E-E-D-H-A-M.

14 (Joseph Needham comes forward.)

15 MR. NEEDHAM: Thank you. My name is
16 Joseph Needham, and I would like to preempt my
17 remarks, which will -- my homily will only take
18 about two minutes.

19 I am not going to discuss other
20 organizations; I do not represent any of them. I
21 am here on my own accord for this moral issue.
22 And I am disappointed that a lot of these tables
23 are empty.

24 We elect these officials to appear and
25 listen to us, and they're walking around and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 talking. I think when people, including myself.

3 Present myself, I should be heard and not have a
4 lot of walking around and talking.

5 (Applause.)

6 MR. NEEDHAM: Good afternoon, Mr.

7 President. This is an honor for me to be here.

8 I'm a little nervous, so bear with me.

9 I'd like -- as I come with a heavy
10 heart, after reading The Inquirer of Monday, about
11 the childish behavior and the politicking by a
12 member of this City Council about a bill that will
13 determine the morality of this City, and I think
14 it might affect future travellers and conventions
15 coming to this City.

16 This bill, if signed, would disregard
17 the natural law. Even animals do not mate with
18 the same sex.

19 (Applause.)

20 (Jeering from the audience.)

21 MR. NEEDHAM: To get on to marriage,
22 which has been the topic of this discussion, it's
23 evident that the people are not aware that a
24 marriage is just a ceremony. The act of marriage
25 is consummated by a male and female. That's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 marriage. And I'm sure that members of this
3 Council that are here understand and know that to
4 be facts.

5 As I said, it would only take two
6 minutes, so I guess that will be it.

7 Before closing, though, the money to
8 fund this endeavor comes out of the pockets of the
9 City -- the people of the City of Philadelphia.

10 (Jeers from the audience.)

11 MR. NEEDHAM: It would be two minutes
12 if there was no interruptions.

13 And it should be on the ballot in
14 November, as all money matters are.

15 I leave by quoting a commandment:
16 "Honor your mother and father."

17 Thank you.

18 (Applause.)

19 PRESIDENT STREET: Tim Schwarz.

20 UNIDENTIFIED SPEAKER: He already
21 spoke.

22 PRESIDENT STREET: Fernando Chang-Muy,
23 please take the witness stand.

24 (Kathy Barlow comes forward in place of
25 Fernando Chang-Muy.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. BARLOW: Fernando was here for most
3 of the hour and asked me to speak in his place.

4 PRESIDENT STREET: I need you to
5 identify yourself for the record and say that
6 slower.

7 MS. BARLOW: I'm Kathy Barlow. I'm a
8 resident of Germantown, and I'm presenting the
9 testimony of Fernando Chang-Moy.

10 Fernando apologizes for the need to
11 leave the hearings. He very much wanted to give
12 this testimony himself, but his daughter Isabella
13 needed to go to the doctor because she has an ear
14 infection.

15 These are his remarks?

16 I am here today, thanks to my
17 upbringing and education in the Catholic Church,
18 which taught me two important principles: that of
19 charity and respect for other, and that of
20 justice.

21 At Corpus Christy Elementary School,
22 the Sisters of the Order of St. Francis taught me
23 that of the three -- faith, hope, and charity --
24 the most important is charity. That is respect
25 and assistance to other.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 At LaSalle High School, the Brothers of
3 LaSalle continued to teach me the same principles
4 with the community-service programs that the high
5 school offered.

6 At Loyola University in New Orleans and
7 at Georgetown University, both Jesuit
8 institutions, the Jesuits priests taught me about
9 the primacy of justice through their teachings and
10 their work in Latin America, especially in their
11 liberation theology where Jesuit priests, some
12 were even murdered because of their convictions of
13 promoting justice to the under-represented.

14 And I support this bill granting
15 justice and recognizing equality to lesbian and
16 gay people, not because of my Catholic school
17 background, but because my partner and I have been
18 a family for over 16 years.

19 And one of the reasons we were
20 attracted to each other was our strong desire to
21 be nurturing parents. Our dream was fulfilled
22 five years ago when we adopted a ten-month-old
23 baby from Texas. She is now five years and three
24 quarters old, as she says.

25 Len and I have enrolled her in a Quaker

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 school where we hope she will learn some of the
3 same values I learned in Catholic schools, plus
4 some other values such as welcoming and even
5 celebration of diversity, including sexual
6 orientation.

7 (Applause.)

8 MS. BARLOW: Both Len and I are aware
9 that this is not a democracy where there is a
10 separation of church and state. The City is
11 really a theocracy where the Church still rules.

12 As such, I will not fight it but join
13 it, and urge you, since you are held hostage to
14 the teachings of the Church, to follow those
15 teachings of the Church which call for equality,
16 liberation, and justice, and vote for the domestic
17 partnership act.

18 Thank you.

19 (Applause.)

20 PRESIDENT STREET: Thank you very much.

21 Joseph Evans. Joseph Evans.

22 (Joseph Evans comes forward.)

23 MS. EVANS: Hello, ladies and
24 gentlemen. Hello, Council President and Members
25 of City Council.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 My name is Joseph Evans. I'm in
3 support of the domestic partnership bill because
4 discrimination against anybody is discrimination
5 against all people. And it's a idea that's been
6 long in coming and should have been done a long
7 time ago.

8 (Applause.)

9 MR. EVANS: In the meantime, I'd like
10 to say that there have been some religious leaders
11 and those to the far right who have made scripture
12 that's been selective, if anything, and very
13 inaccurate.

14 And this scripture is like -- it's
15 ineffective because it's contradictory and
16 hypocrisy. And like I'd like to quote some
17 scripture myself.

18 Love thy neighbor, love thy neighbor.
19 Do unto others as have others do unto you. Judge
20 not lest ye be judged. Let he who has not sinned
21 cast the first stone.

22 (Applause.)

23 MR. EVANS: And then also I'd like to
24 say to one person that the one comment I heard
25 that Adam and Eve, the original people, were the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 first sinners as well. But then the first sin was
3 committed by heterosexual people.

4 (Laughter.)

5 MR. EVANS: And it's also true that
6 Adam and Eve was also the only people on earth so
7 they had nobody else but just themselves.

8 There is no evidence that God hates
9 homosexuals. God loves everybody. There is no
10 scripture in the Bible that says -- outright says
11 that Sodom and Gomorrah was destroyed by
12 homosexuality, and I would like anybody to point
13 out to me where it says that it was destroyed by
14 homosexuality.

15 Therefore the conclusion is that God
16 hates homosexuals. That is a personal opinion.
17 Like the other things I've heard today on this
18 hearing has been personal opinions, not backed up
19 by facts by those anti-domestic partnership people
20 basically and almost conclusively.

21 And, also, I would like to say too that
22 people have used -- I have known for a fact that
23 this will not bring about what I heard another
24 speaker say. It will not bring about discord in
25 the city or any other city by passage of this

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 domestic partnership bill.

3 I've seen racists -- I know for a fact
4 racists have used bigotry as a cover, they have
5 used it as a cover and also as a cover for
6 anti-Semitism. It's not fair to paint everybody
7 as a racist people, and I know other people other
8 than anti-gay people use it as a cover for their
9 racism. But, basically, anti-gay people use it as
10 a cover for their racism.

11 And, therefore, passage of the bill for
12 equal rights for homosexuals will in fact bring
13 about more peace and equality in this country
14 instead of less.

15 (Applause.)

16 MR. EVANS: There are straight allies
17 who support domestic partnership. I'm one of
18 those straight allies. I support domestic
19 partnership, and there have been other speakers at
20 this hearing who have supported domestic
21 partnership who are straight.

22 So it's not like it's just a gay
23 situation where only gays support it. There are a
24 lot of straight supporters for this bill.

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. EVANS: And -- and also -- there's
3 no way you could have any kind of equality for one
4 person or one group without equality for the
5 other.

6 I've heard people say that they were
7 born a certain color or a certain religion. But a
8 person is not born a certain sexual orientation.
9 Your sexual orientation is determined even while
10 you're still a virgin.

11 So, therefore, there is the fact that
12 sexual orientation like race, class, religion is
13 all connected. It's all the same. And anybody
14 who says differently is not telling you like it
15 is.

16 (Applause.)

17 MR. EVANS: People have said that
18 homosexuality is a sin, but they have no way they
19 can say that conclusively. For instance, there
20 are people who are fornicators, adulterers,
21 rapists, murderers, liars, cheats, and pedophiles,
22 and also those who are -- those who tell -- who
23 drink who are also sinners.

24 And, therefore, they are also sinners,
25 but this is just identified, this is condoned by

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 these same hypocrites because these are supposedly
3 heterosexual things. You will see heterosexual in
4 nature, so therefore they condone 'em and they
5 condemn homosexuality, but they condone those
6 other things.

7 (Applause.)

8 MR. EVANS: So I feel that passage of
9 this domestic partnership bill is definitely long
10 overdue and is something that will do more towards
11 -- it won't destroy the family because when
12 public transportation was invented, it did not
13 stop people from buying cars. People still bought
14 cars, and they still use cars, whether there is
15 public transit or not.

16 So there is no evidence that this will
17 -- in fact, speakers for the pro-domestic
18 partnership side have brought up evidence and good
19 arguments that it will not destroy the family.

20 So, in closing, I'd like to say don't
21 be intimidated, vote your conscience, don't let
22 anybody deter you for any reason, intimidate,
23 threaten you, or try to scare you into not passing
24 the domestic partnership legislation.

25 Thank you.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 (Applause.)

3 PRESIDENT STREET: Thank you very much.

4 At this time, I'd like to take this
5 opportunity to ask the City witness to come
6 forward -- oh, I'm sorry. There's one other
7 witness that I need to get in here before the City
8 witnesses. Reverend Dwight Lundgren.

9 (Reverend Dwight Lundgren comes
10 forward.)

11 REVEREND LUNDGREN: I'm Reverend Dwight
12 Lundgren from the first Baptist Church in
13 Philadelphia. Councilman Street and other members
14 of the City Council of Philadelphia, I won't be
15 long at this.

16 I want just to refer -- I've come to
17 speak on behalf of the legislation and in support
18 of it. And I simply want to refer to one of the
19 findings in Bill 970181. It's a simple sentence.
20 Not recognizing the existence, legitimacy, and
21 importance to community stability of the
22 non-traditional family relationships is not sound
23 public policy.

24 And I agree with that, and I think
25 that's a simple statement of why these bills ought

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 to be passed.

3 A society that is willing to accept the
4 gifts, the skills the contributions and the acts
5 of responsibility of a portion of its citizenry
6 has the duty to show equity to them in terms of
7 the benefits that the society affords.

8 (Applause.)

9 REVEREND LUNDGREN: I think that there
10 are theological issues related to justice here,
11 which are most pertinent to the passage of these
12 bills. And my speech would be longer were it not
13 for the fact that it followed the rabbi and the
14 Episcopal priest who were more eloquent than I
15 could ever be about the reasons why these bills
16 should ought to be passed.

17 So thank you for allowing me to speak.
18 Once again, I am here to speak on behalf of
19 passing these bills.

20 PRESIDENT STREET: Thank you very much.

21 (Applause.)

22 PRESIDENT STREET: Can we now the City
23 witnesses.

24 (Panel of City witnesses comes
25 forward.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: What I would like --
3 do all of you have your statements?

4 MR. HAYLLAR: Yes.

5 PRESIDENT STREET: Can we make sure
6 that every Councilmember has the Council.

7 MR. HAYLLAR: I believe they were
8 delivered yesterday.

9 PRESIDENT STREET: Well, but that
10 doesn't mean we have 'em. Sometimes we leave 'em
11 places. Just make sure -- let's just distribute
12 all the statements again. Make sure everybody has
13 it.

14 And I think what I'd like to do is just
15 have all of the statements read and then open the
16 floor up for questions of the witnesses, all of
17 them sort of at the same time so that we can try
18 to get through the City witnesses.

19 MR. HAYLLAR: Let's do 'em in order.

20 Mr. President, Members of Council I'll
21 proceed. My name is Ben Hayllar. As the Director
22 of Finance for the City, I serve as chairman of
23 the Pension Board and am here to testify on Bill
24 No. 970745. With me is Jim Kidwell, who's the
25 Program Administrator for the Pension Board.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The bill before you simply extends the
3 right of participants in the City pension to name
4 any person as a beneficiary and survivor for their
5 pension. Currently, only relatives by blood or
6 marriage may be named as beneficiaries or
7 survivors. However, that relationship can be a
8 very distant cousin.

9 Those folks that have opposed this bill
10 during the course of the day do not appear to have
11 read it. Nowhere in the bill is the term "life
12 partner" or "domestic partner" used.

13 The bill simply recognizes that there
14 are participants in the Philadelphia Pension Fund
15 and Retirement System that have no relatives by
16 blood or marriage. Under the current terms of the
17 law, they are unable to name anyone as their
18 beneficiary.

19 In my time as chairman, we've had
20 cases, one which dealt with -- which was quite
21 sad. It was a City pensioner who had left her
22 pension to a neighbor because she had no
23 relatives, and she was -- the neighbor was unable
24 to claim that pension because the law did not
25 provide for them.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The amendment presented in the bill
3 recognizes that there are such people, that
4 they're unable to name a family member as a
5 beneficiary and allows them to direct their
6 pension benefits to whomever they please.

7 There has been some discussion today
8 about costs. You have attached to my testimony
9 the actuarial report on this bill that shows that
10 there is no material cost in extending this
11 benefit to our participants.

12 One member of the Pension Board has
13 written you a letter stating that he believed that
14 it would be expensive, but you have both the
15 actuarial report concerning this matter and a
16 direct response to the Pension Board members'
17 concerns showing that the costs are minimal.

18 Under the current pension law, a
19 participant has the right to simply have their
20 entire pension paid to them for as long as they
21 live. They also have the option of having their
22 pension benefit expended beyond their life, into
23 the life of their survivor beneficiary.

24 In order to keep this option from
25 costing the Pension Fund -- and ultimately the tax

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 payer -- additional money, the monthly pension
3 payment to the participant and survivor is reduced
4 by a formula that reflects the age of the
5 participant and the beneficiary.

6 The Pension Board has discussed this
7 matter in some detail, and we believe Council
8 should pass Bill No. 970745.

9 Thank you.

10 (Applause.)

11 MS. KAMMERDEINER: President Street and
12 Members of City Council, I am Nancy Kammerdeiner,
13 Revenue Commissioner, and I'm here to testify on
14 Council Bill 970749 that would amend Chapter
15 19-1400 of The Philadelphia Code, to provide for
16 an exclusion from the realty transfer tax for real
17 estate transfers between life partners.

18 At the present time, transfers of real
19 estate between husband and wife, parent and child,
20 brother and sister, grandparent and grandchild are
21 excluded from the realty transfer tax.

22 This ordinance would extend the
23 exclusion of transfers -- to transfers between
24 life partners. For purposes of this exclusion,
25 the ordinance defines a "life partner" and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 indicates that to use this exclusion, the parties
3 to the transfer would be required to jointly sign
4 a Philadelphia real estate transfer tax
5 certification affidavit provided by the Department
6 of Revenue.

7 This affidavit would basically be an
8 amended version of the current certification form
9 that lists the various categories of exclusion
10 from the realty transfer tax.

11 As you are undoubtedly aware, the
12 Department of Records processes the current
13 certification forms and collects the realty
14 transfer tax for revenue. Neither the Department
15 of Records, nor the Department of Revenue are in a
16 position to determine the accuracy of the
17 relationship information provided on these
18 certification forms.

19 The Department of Revenue does review a
20 cross section of the form as part of its audit
21 process in order to determine whether the
22 appropriate tax liability has been paid, or an
23 appropriate exclusion identified on the form.

24 The Department does not general audit
25 the accuracy of the relationship information

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 presented in the form, but could and would do so
3 if there were any reason to believe that the
4 information provided was not correct.

5 Annual statistics are not available for
6 the certification forms processed by Records, so I
7 cannot accurately report on the number and dollar
8 value of the exclusions currently granted.

9 However, Revenue has reviewed
10 approximately 16,500 real estate transfers from
11 five monthly periods between February of '95 and
12 April of '97.

13 Of these 16,500 transfers,
14 approximately 4,200 of them were family
15 transactions that were excluded from the tax. And
16 of those, about 500 transactions were transfers
17 between husband and wife. Those resulted in an
18 exclusion of about \$1.3 million in realty transfer
19 tax.

20 Adding another category of transactions
21 to those that are already excluded from the tax
22 will cost the City some revenue. However, at this
23 time, we have no way to estimate the number of
24 additional exclusion transactions that might occur
25 each year or the value of these transactions. We

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 would assume, however, that that number of
3 transfers -- that is transfers between life
4 partners -- would be considerably lower than the
5 number of related-party transactions that we
6 currently experience.

7 Revenue has some concerns about whether
8 the definition of "life partner" that's used in
9 the legislation has broader implications than
10 intended. But I will defer to the City Solicitor
11 on this issue, and I believe you've already
12 received some information from her in that regard.

13 MS. SEYDA: Good afternoon, Mr.
14 President and Members of Council. I am Linda
15 Seyda, Personnel Director of the City of
16 Philadelphia.

17 I am here today to present testimony on
18 Bill No. 970750. This bill would amend the Fair
19 Practices Ordinance by extending the provision of
20 certain benefits to life partners.

21 Under the proposed amendment, a life
22 partner is defined as a person of the same gender,
23 not related by blood, who meets stated criteria.
24 As an employer, the amended ordinance would
25 require the City of Philadelphia to offer medical

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 and leave benefits to employees with same-sex life
3 partners.

4 As you may be aware, in 1996, Mayor
5 Rendell signed an Executive Order and the
6 Administrative Board approved policies extending
7 these benefits to life partners of exempt
8 employees in the executive branch of the
9 government.

10 Since January 1, 1997, 8 of
11 approximately 500 employees covered by the
12 Executive Order had applied for covered leave
13 benefits. Of that number, 6 -- or approximately
14 1.2 percent -- have also requested the extension
15 of medical benefits for a partner.

16 Under the Executive Order and
17 Administrative Board rules, to qualify for medical
18 benefits, the employee must meet the eligibility
19 and proof of interdependence requirements of both
20 the employer and the health-care provider.

21 Given the City' enrollment experience
22 and the registration requirements of the current
23 Executive Order, we would not expect a large
24 number of employees to apply for life partner
25 benefits under the amended ordinance.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 For example, if we assume that 1.2
3 percent of the employees in the City-administered
4 plan were to opt for life-partner coverage, the
5 amended ordinance would affect about 100
6 employees.

7 I do note that this does not include
8 employees who would be covered if the ordinance is
9 interpreted to include those in medical plans
10 administered through the unions.

11 Municipal governments that cover
12 benefits for life partners include the cities of
13 New York City, Los Angeles, Baltimore, Seattle,
14 San Francisco, Ann Arbor, Michigan, and Chapel
15 Hill, North Carolina, are among a few.

16 Locally, the University of
17 Pennsylvania,, Bell Atlantic, and several smaller
18 employers offer a life-partner benefit for their
19 employees.

20 This concludes my testimony I will turn
21 the microphone over to Kevin Vaughan.

22 (Applause.)

23 MR. VAUGHAN: Good evening, Council
24 President Street and Members of City Council. My
25 name is Kevin Vaughan. I'm an African-American

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 gay man. I'm the Executive Director of the
3 Philadelphia Commission on Human Relations. And I
4 am here for the third time to speak in favor of
5 domestic partner life partnership bills.

6 I am here this evening to testify in
7 support of bills 970750, 970745, and 970749, on
8 behalf of the Administration, the Commission on
9 Human Relations, and myself.

10 The Philadelphia Commission on Human
11 Relations has been enforcing the City's Fair
12 Practices Ordinance for more than 45 years. The
13 Fair Practices Ordinance protects people's civil
14 right on the bases of race, color, sex, religion,
15 religion, national origin, age, sexual orientation
16 and disability in employment, housing, public
17 accommodations, and the provision of City
18 services.

19 Presence of children, source of income,
20 and marital status are also additional protected
21 bases in housing.

22 City Council has historically been
23 sensitive and responsive to minority communities'
24 needs to be protected from majority conventional
25 norms. The Fair Practices Ordinance has been

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 amended in the past to add protection for single
3 parents, children, people with disabilities, older
4 citizens, and women.

5 In 1982, City Council amended the
6 ordinance to include sexual orientation. We were
7 one of the first cities in the country to do so.
8 Since that time, gay and lesbian women have
9 enjoyed the civil rights long denied them to work,
10 live, and participate fully in the civil and
11 commercial life of the City.

12 Thousands and thousands of people's
13 lives improved by that one piece of civil rights
14 legislation. To the best of my knowledge, not one
15 individual can say that they have had any rights
16 taken away from them as a result of that bill.

17 Today, City Council is once more
18 reviewing the Fair Practices Ordinance, the
19 retirement system ordinance, and the realty
20 transfer tax, to determine whether vital benefits
21 are being denied individuals who are in loving,
22 committed, and long-term relationships, those in
23 which people happen to be the same sex, with no
24 legal right to marry.

25 Domestic partnership is not currently

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 covered under the sexual orientation provision of
3 the Fair Practices Ordinance. Once again, the
4 issue of fairness and equality presents itself.
5 Should individuals be provided different and
6 unequal benefits simply because of the gender of
7 their loved ones?

8 On behalf of the Administration, the
9 Commission on Human Relations, and myself, the
10 answer is no.

11 We are joined in that opinion by others
12 who have already taken steps to acknowledge the
13 rights of life partners. To date, a total of 64
14 states and municipalities have passed similar
15 domestic-partnership laws, including the states of
16 Massachusetts, New York, Oregon, and Vermont; and
17 the cities of Baltimore, Boston, Chicago, Denver,
18 Los Angeles, Madison, Portland and Rochester.

19 In Philadelphia, Mayor Rendell's
20 Executive Order covers employees in the executive
21 and administrative branches of government, and
22 District Council 47 provides its members with
23 domestic-partner benefits.

24 A total of 69 colleges and universities
25 offer the domestic partners of employees health

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 insurance benefits, including Brown, Dartmouth,
3 Harvard, Princeton, Stanford, and our own Thomas
4 Jefferson University Hospital, and the University
5 of Pennsylvania, my alma mater.

6 A total of 229 private employers offer
7 domestic-partnership benefits, including American
8 Express, the American Friends Service Committee,
9 Apple Computers, Border's Books, the Disney
10 Corporation, Eastman Kodak, IBM, Knight-Ridder,
11 Microsoft, New York Telephone Company and Time
12 Warner.

13 Why? They do so because federal law
14 permits in private employers to set the level of
15 benefits for their employees. They are governed
16 by laws which exempt them in benefits issues from
17 laws enacted by ordinance at a local level.

18 These provisions, therefore, would not
19 apply to private businesses in the City of
20 Philadelphia. These businesses have elected to
21 add domestic partnership benefits anyway because
22 these benefits have increased their ability to
23 attract talented employees, and more importantly,
24 because it is the right thing to do.

25 (Applause.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. VAUGHAN: It is now time -- it is
3 now time for Philadelphia to join the ranks of
4 these world-class cities, states, and
5 universities, and major corporations which have
6 domestic partnership provisions for all of their
7 employees.

8 The demographics of the American home
9 have shifted over the years, and the current
10 legislation must be amended to protect the right
11 of domestic partners.

12 In asking Council to support this
13 legislation, we are requesting that Bills 970749
14 and 97050 be amended to do include language that
15 would make eligibility for life partnership
16 enumerated in the Executive Order 296.

17 This is the Executive Order which
18 extended medical leave and benefits to life
19 partners of civil service exempt employees in the
20 executive branch of City government. Of course,
21 the employee benefits provision of these bills
22 would be limited in application to City of
23 Philadelphia employees.

24 Studies of cities with domestic
25 partnership provisions have shown that the extra

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 cost of such benefits have been minimal. The
3 Philadelphia Commission on Human Relations is
4 prepared to enforce these bills as they relate to
5 the Fair Practices Ordinance, under current
6 staffing and funding levels.

7 Before I conclude, I'd just like to
8 make some personal observations. And that is that
9 -- and I worked in Council for six years. And
10 that's about only a few less months than I've
11 worked at the Commission on Human Relations.

12 And I think in that time that I got to
13 know the Councilmembers and to see them work
14 together on legislation. I have a great and deep
15 and abiding respect for this institution and the
16 work that you do and the way in which you go about
17 doing it.

18 And I've grown to have faith in the
19 ability of City Council to take on these hard
20 issues and to make decisions that are going to be
21 right for the people of this City.

22 I count on you all to do that, and I
23 count on you because of the people who I've grown
24 to know in this Council and to have such deep and
25 abiding respect.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I was thinking earlier today of a
3 meeting I had with former Councilman Blackwell,
4 who was here earlier. I don't know if he's here
5 now,, but in 1982, when the Fair Practices
6 Ordinance was amended to include sexual
7 orientation, I was not working here in Council,
8 and I was organizing a small party of people to
9 write postcards to City Council representatives
10 urging them to support that bill.

11 And Councilman Blackwell wrote me back
12 a terrific letter saying that he would do that,
13 and to thank me for my support for his position.

14 And many years -- six years later, I
15 had an opportunity to talk to him about some other
16 things about political campaign for president.
17 And as we were having this conversation, he said
18 to me, You know, Kevin, your position is right,
19 and time is on your side.

20 I'm asking City Council to make this
21 that time. I, therefore, urge you to recognize
22 the civil rights and fairness of these
23 domestic-partnership bills and to vote yes.

24 (Applause.)

25 PRESIDENT STREET: The Chair recognizes

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Councilman Nutter.

3 COUNCILMAN NUTTER: Thank you, Mr.

4 President.

5 Mr. President, I would like to be able
6 to ask these witnesses questions relative to the
7 various bills, but I would like to be able to
8 engage in discussion with them about the bills as
9 they are proposed to be amended. So that at least
10 for the record, with the government witnesses, we
11 are not talking about something that is either not
12 proposed or not relevant, should the bills be
13 amended.

14 So with that in mind, there is a
15 proposed amendment to Bill No. 970745, and that
16 reads:

17 Re-number the new subsection of section
18 114.1 of the municipal retirement benefit plan
19 1987 ordinance that is added by Section 2 of the
20 bill, comma, as follows. Strike the letter (d),
21 replace with the letter (e), to then read any
22 other person as designated by the employee.

23 That is, Mr. President -- there was a
24 technical drafting error, and the (e) should have
25 been an (e), and it was printed as a (d). That is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 the only proposed amendment for that bill.

3 With that amendment being read into the
4 record and put forward, Mr. Hayllar, I would like
5 to ask you and the other Pension Board
6 representatives a question with regard to the
7 current pension system and provision for
8 designation by public employees.

9 Again, this amendment is correcting a
10 drafting error.

11 Presently, a public employee has the
12 right to give their benefits to a certainly
13 category of people; is that correct?

14 MR. HAYLLAR: Yes.

15 COUNCILMAN NUTTER: And does that the
16 category generally include either a spouse,
17 dependent children, other children that may become
18 dependent, or any other person that they are
19 related to by blood or marriage?

20 MR. HAYLLAR: Yes. Including an
21 extremely distant cousin if documents can be
22 produced showing that there is a relationship.

23 COUNCILMAN NUTTER: And under the
24 current pension ordinance, is that employee
25 required --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Excuse me,
3 Councilman. I notice that a couple of
4 Councilmembers are looking for this amendment --
5 frantically looking for the amendment.

6 COUNCILMAN NUTTER: The memos were
7 distributed around about the 1 o'clock break.
8 There's a cover sheet on them that says from
9 myself to the Council President and all Members,
10 amendments to Bills No. 970745, 970749, and
11 970750, dated April 22, 1998, with a very brief
12 explanation of the individual amendments.

13 They could also be found attached to
14 the City Solicitor's opinion that was distributed
15 yesterday, and we can get additional copies.

16 PRESIDENT STREET: The Chair recognizes
17 Councilwoman Clark.

18 COUNCILWOMAN CLARK: I was ably
19 assisted so that now, I am on the right page.

20 PRESIDENT STREET: Councilwoman Clark,
21 look at Bill No. 970745, turn to the very last
22 page. And on that page, you will see, at the top
23 of the page, a (d) in parentheses. That (d), by
24 this amendment, would be changed to (e) because it
25 was a typographical --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILWOMAN CLARK: Is this a
3 re-numbering?

4 PRESIDENT STREET: A re-lettering.

5 COUNCILWOMAN CLARK: A re-lettering?

6 PRESIDENT STREET: Yeah. When the bill
7 was printed, there were two (d)'s, and one of them
8 should have been an (e).

9 It has now been called to your
10 attention. Now the Councilman wishes to ask
11 questions of the Pension Board representatives
12 about this bill. But, in all fairness, he wanted
13 to call to your attention that there was an
14 amendment, no matter how insignificant, it's still
15 an amendment.

16 COUNCILMAN NUTTER: Well, just to be
17 technically correct, Mr. President, I didn't
18 solely call it to the Members' attention to
19 correct the misprinting of the (e) by way of the
20 (d). The amendment is the underlying language
21 that any other person is designated by the
22 employee is the new (e).

23 PRESIDENT STREET: I understand, but
24 that's already in the bill.

25 COUNCILMAN NUTTER: Yes. And that's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 what I want to talk about.

3 PRESIDENT STREET: I understand that,
4 but it's already there.

5 COUNCILMAN NUTTER: It is there.

6 Mr. Hayllar, I think I was going to ask
7 you, under the current pension ordinance, given
8 the list of people that the public employee can
9 give his or her pension to presently, is the
10 public employee required to give the pension to
11 any particular individual on the list of people
12 that they can give the pension to today?

13 MR. HAYLLAR: No. It has to be a blood
14 relative or a relative by marriage.

15 COUNCILMAN NUTTER: But they choose who
16 that person is.

17 MR. HAYLLAR: Yes.

18 COUNCILMAN NUTTER: They are not
19 required to leave to any particular individual on
20 the list.

21 MR. HAYLLAR: No.

22 COUNCILMAN NUTTER: And by this bill,
23 the employee would have a larger universe of
24 people that he or she could give their pension to
25 that they earn. Is that correct?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. HAYLLAR: Their survivorship, that
3 is correct.

4 COUNCILMAN NUTTER: And do you know
5 presently or have any information or does Mr.
6 Kidwell have information regarding the current or
7 historical practice of who public employees
8 generally designate as their survivor?

9 MR. HAYLLAR: The majority of pension
10 survivors are the spouse of the participant.

11 COUNCILMAN NUTTER: Do you have any
12 information as to what the numbers may be on
13 there?

14 MR. HAYLLAR: No, we don't.

15 Mr. Kidwell informs me, since he works
16 with this on a day-to-day basis, that it's well
17 within the 90 percent of all pensions, the spouse
18 is the survivor.

19 COUNCILMAN NUTTER: So upwards of 90
20 percent of current public employees choose to
21 leave their pension to their surviving spouse,
22 even though they are not required to?

23 MR. HAYLLAR: That is true.

24 COUNCILMAN NUTTER: And do you have any
25 reason to believe that that practice would

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 significantly change as a result of this
3 particular amendment to the Code?

4 MR. HAYLLAR: We do not.

5 COUNCILMAN NUTTER: Okay, thank you
6 very much.

7 I don't have any more questions on the
8 pension bill, Mr. President. If you'll just allow
9 me to go -- thank you.

10 The second proposed amendment, and I'd
11 like to be able to ask questions in this area, has
12 to do with Bill No. 970749, the real estate
13 transfer tax bill.

14 It has been proposed that the bill be
15 amended to read: Delete the last sentence of
16 Section 19-1405, No. 6, of The Philadelphia Code,
17 as amended by Section 1 of the bill, and add a new
18 last sentence to read as follows: For purposes of
19 this paragraph, comma, the term, quote/unquote,
20 life partner shall mean a member of a life
21 partnership that is verified pursuant to Section
22 9-1106, No. 2.

23 Miss Kammerdiener, in your testimony,
24 is it also correct that in addition to the
25 individuals that were listed as being exempt from

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the real estate transfer tax, does that also

3 include brother-in-law and sister-in-law?

4 MS. KAMMERDIENER: Yes, it does. Right

5 now the relationships by marriage are also

6 included. I just didn't include them in the

7 litany of the related-party transactions that are

8 currently exempted from the tax.

9 COUNCILMAN NUTTER: So just again for

10 the record, an individual can have a property

11 transfer or a sale of property to his or her

12 brother-in-law, and would that transaction be

13 exempt from the real estate transfer tax?

14 MS. KAMMERDIENER: Yes, that is

15 correct.

16 COUNCILMAN NUTTER: And was it your

17 testimony earlier that in any of those

18 transactions, the Department of Revenue, nor the

19 Department of Records requires or seeks any

20 particular documentation as to the nature of the

21 relationship between any of the parties who choose

22 to sign the form and check the box, under penalty

23 of perjury, that they are in fact eligible for the

24 exemption of the real estate transfer tax based on

25 those transactions.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. KAMMERDIENER: The actual forms are
3 filed with records, and -- so I don't have
4 day-to-day oversight of that. But it's my
5 understanding that they accept the information
6 that is on the form.

7 My staff does a review of forms and a
8 spot-check audit and review. But, once again,
9 they are looking primarily for other problems and
10 other types of issues primarily related to the
11 exclusions from tax that are not related-party
12 transactions. There's some economic-development-
13 related transactions or situations where there
14 would be a -- two transfers.

15 COUNCILMAN NUTTER: Right.

16 MS. KAMMERDIENER: And they look
17 primarily --

18 COUNCILMAN NUTTER: Primarily
19 commercial or industrial --

20 MS. KAMMERDIENER: And they're
21 primarily commercial transactions as opposed to
22 the residential.

23 COUNCILMAN NUTTER: And so under the
24 proposed amendment, is it your understanding that
25 if there were an application for an exemption by

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 life partners, they would, in fact, have to
3 provide -- or there would actually be
4 documentation available for either the Department
5 of Records or the Department of Revenue to, in
6 fact, check to verify the nature of the
7 relationship between those two particular parties
8 in that transaction.

9 MS. KAMMERDIENER: If this proposed
10 amendment were approved and the ordinance, as
11 amended, were approved, that is correct. There
12 would be more of a cross-check or an easier
13 ability to check it because there would be on file
14 with the Human Relations Commission a life
15 partnership certification, so there would be an
16 easier cross-check.

17 That doesn't mean that if we had a
18 question about a related-party transaction now
19 that we wouldn't or couldn't ask for that, but
20 it's just not done on a case-by-case basis.

21 And I would suspect that if someone
22 signed the certification form, indicating that
23 they had the life partnership certificate on file
24 with the Commission, we, in most cases, would not
25 be going to the Commission case by case and

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 checking that. We would be accepting their

3 statement.

4 COUNCILMAN NUTTER: I understand. But

5 under these circumstances, you would virtually

6 have almost instantaneous ability to verify what

7 it is that these two individuals are claiming in

8 terms of a tax exemption versus any of the other

9 non-arm's-length transactions.

10 MS. KAMMERDIENER: Correct. We would

11 have an easier situation for verification.

12 COUNCILMAN NUTTER: Okay, all right.

13 Thank you.

14 Lastly, on Bill No. 970750, there are

15 three proposed amendments, and I would just like

16 to read them into the record.

17 Amend Section 1 of the bill by

18 inserting the following amendment to Section

19 9-11039, letter B of the Philadelphia Code

20 immediately after the amendment to Section 9-1103,

21 letter A, number 5.

22 B. Exceptions. It shall not be an

23 unlawful employment practice for, number 5, an

24 employer, an employment agency or labor

25 organization to observe the terms of a bona fide

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 seniority system or any bona fide employee benefit
3 plan such as retirement, comma, pension, comma, or
4 insurance plan, comma, which is not a subterfuge
5 to evade the purposes of this Chapter, comma,
6 except that no such employee benefit plan shall
7 excuse the failure to hire any individual, comma,
8 and no such seniority system or employee benefit
9 plan shall require or permit the involuntary
10 retirement of any individual because of the age of
11 such individual, comma, and no such employee
12 benefit plan shall excuse the failure to provide
13 to the life partner of any employee any benefit
14 that is provided to the dependent of any employee,
15 period.

16 The second proposed amendment to Bill
17 No. 970750 reads as follows:

18 One, delete Section 9-1102, letter P,
19 of The Philadelphia Code, as added by Section 1 of
20 the bill, and add a new subsection, Section 9-1102
21 P to read as follows:

22 Letter P. Life partner. A member of a
23 life partnership that is verified pursuant to
24 Section 9-11062, period.

25 Number 2, at the end of Section 1 of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the bill, add the following amendment to Section
3 9-1106 of the Philadelphia Code. Section 9-1106
4 of the Philadelphia Code. Section 9-1106, period.
5 Administration and enforcement.

6 Number 2, life partnerships, small
7 letter a, definition. For the purposes of this
8 chapter, comma, life partnership shall mean a
9 long-term committed relationship between two
10 unmarried individuals of the same gender who,
11 small letter i, are at least 18 years old and
12 competent to contract, semicolon, two small letter
13 i's, are not related to the other life partner by
14 blood in any way which would prohibit marriage in
15 the Commonwealth of Pennsylvania, semicolon.
16 Three small letter i, or the sole life partner of
17 the other person, semicolon.

18 Small Roman numeral iv, have not been a
19 member of a different life partnership for the
20 past 12 months, parentheses, unless the prior life
21 partnership ended as a result of the death of the
22 other life partner, close parentheses, semicolon.

23 Small Roman numeral v, agree to share
24 the common necessities of life and to be
25 responsible for each other's common welfare,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 semicolon

3 Small Roman numeral vi, share at least
4 one residence with the other life partner,
5 semicolon.

6 And small Roman numeral vii, agree
7 under penalty of law to notify the Commission of
8 any change in the status of the life partnership.

9 Letter B, verification. No life
10 partnership shall be recognized as such under this
11 Chapter unless the members of the life partnership
12 have verified the life partnership by, colon.

13 Small 1, filing with the Commission a
14 verification statement, comma, in the form and
15 manner required the Commission, which states,
16 comma, on penalty of perjury, comma, that the life
17 partnership meets all of the provisions of Section
18 9-1106, parenthesis 2 parenthesis, small a,
19 semicolon.

20 And small double letter i, filing with
21 the Commission proof that the life partnership has
22 been interdependent for at least six months prior
23 to the date the verification statement is filed,
24 comma, such proof to include at least three of the
25 following.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 .1 common ownership of real property or
3 a common lease hold interest in property,
4 semicolon

5 .2 common ownership of a motor vehicle,
6 semicolon

7 .3 driver's licenses listing a common
8 address, semicolon

9 .4 proof of joint bank accounts,
10 semicolon

11 .5 proof of designation as a
12 beneficiary for life insurance or retirement
13 benefits, comma, or beneficiary designation under
14 a partner's will

15 .6 assignment of a durable power of
16 attorney or health-care power of attorney, period.

17 Letter C, termination. Either life
18 partner may terminate the life partnership by
19 filing a sworn termination statement with the
20 Commission, comma, in the form and manner required
21 by the Commission, comma, stating that the life
22 partnership is to be terminated, period .

23 Termination shall become effective 60,
24 parenthesis, 60, parenthesis days from the date
25 the termination statement is filed, comma, if it

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 is signed by both life partners, period. If it is
3 not signed by both life-partners, comma, the
4 termination statement shall become effective 60,
5 parenthesis, 60, parenthesis, date from the date
6 proof as filed with the Commission that a copy of
7 the termination statement was served, comma,
8 either personally by certified or registered mail,
9 comma, on the other life partner, period.

10 The last amendment, number 3 to bill
11 970750. Number 1, amend section 1 of the bill by
12 inserting following new subsection, Section
13 9-1103, letter C of The Philadelphia Code
14 immediately after the amendment to Section 9-1103
15 letter A, parentheses 5.

16 Letter C. Employee benefit. Nothing
17 in this section shall apply with respect to
18 employee benefits offered by an employer whose
19 employee benefits plan is governed by the Employee
20 Retirement Income Security Act of 1974,
21 parentheses, quotations, ERISA, parentheses,
22 comma, including, comma, but not limited to,
23 comma, employ benefits that are part of a,
24 quote/unquote, employee benefits plan as defined
25 by ERISA.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Miss Seyda, the City of Philadelphia
3 currently has, by Executive Order, a domestic
4 partnership program; is that correct?

5 MS. SEYDA: That is correct.

6 COUNCILMAN NUTTER: And are you the
7 administrator or a participant in the
8 administration of that program?

9 MS. SEYDA: Yes. The program is
10 administered through my office.

11 COUNCILMAN NUTTER: How many public
12 employees are covered by the current Executive
13 Order?

14 MS. SEYDA: Approximately 500.

15 COUNCILMAN NUTTER: And just again for
16 the record, do you know how many employees signed
17 up for those benefits?

18 MS. SEYDA: Yes. Eight employees
19 signed up for the benefits. Of that eight, six
20 also applied for health benefits, medical
21 benefits, under the Executive Order.

22 COUNCILMAN NUTTER: How is the matter
23 of unmarried heterosexual single employees handled
24 with regard to health benefits in the City of
25 Philadelphia?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. SEYDA: Under the City's health
3 plans for heterosexual couples who are in a
4 common-law marriage, they are eligible for
5 coverage, and we do cover them.

6 COUNCILMAN NUTTER: How do they access
7 that coverage?

8 MS. SEYDA: They must file a notarized
9 affidavit. They file it with us, we maintain it
10 in our files, and we also provide it to the
11 health-care provider.

12 COUNCILMAN NUTTER: So two unmarried
13 heterosexual employees, if one is -- or if one
14 unmarried heterosexual employee decides that they
15 would like their cohabitating opposite-sex person
16 to get health benefits, they come in, and both
17 people agree to sign an affidavit. And at that
18 point in time, the non-City employee cohabitating
19 person is then granted health benefits; is that
20 correct?

21 MS. SEYDA: If they give us an
22 affidavit and provide appropriate documentation
23 that they are in a common-law marriage. We also
24 advise them at that time that they will not be
25 eligible to sign up another spouse unless they

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 provide with us documentation of a divorce. We
3 recognize it as a formal marriage.

4 COUNCILMAN NUTTER: Is it your
5 understanding that as a result of -- or should the
6 bill be amended with the amendments, as read, that
7 the extension of life-partner health benefits will
8 only be for public employees?

9 MS. SEYDA: That is my understanding
10 based upon the City Solicitor's opinion that was
11 provided to Council today -- or yesterday.

12 PRESIDENT STREET: Councilman, could
13 you repeat that question.

14 COUNCILMAN NUTTER: I asked Miss Seyda
15 it was her understanding that if the bills are
16 amended as the amendments were read that the
17 provision of health benefits as a result of any
18 changes in the Fair Practices Act would only
19 require the City of Philadelphia to provide health
20 benefits to life partners, as opposed to private
21 employers.

22 MS. SEYDA: I believe that was
23 addressed in the City Solicitor's' opinion. And I
24 believe that, in that opinion, she opined that the
25 benefit would only apply to City employees.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN NUTTER: And is that
3 primarily because, one, if a company has a defined
4 benefit program, they are covered by ERISA, and
5 the City of Philadelphia has no ability to
6 override the ERISA provisions of any private
7 employer?

8 MS. SEYDA: That is correct.

9 PRESIDENT STREET: Councilman may I
10 interrupt you on that point? 'Cause I think that
11 there may be a misunderstanding.

12 It is my understanding that the City of
13 Philadelphia or local governments are preempted
14 only insofar as the benefits are covered by
15 ERISA. If an employee decided to give benefits --
16 that are above and beyond anything covered by
17 ERISA, then under the ordinance, that employer
18 would be required to make those benefits available
19 to life partners.

20 MS. SEYDA: That would be correct. In
21 my answer, I was addressing the medical benefits
22 that we had mentioned.

23 PRESIDENT STREET: Right. So to the
24 extent that the employer's plan covers those
25 things that are covered by ERISA, then there's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 nothing that this Council can do by ordinance to
3 interfere with that because we're preempted.

4 But if, for example, an employer had
5 eight or nine other benefits that it gave, then
6 those benefits would be required under this
7 ordinance to life partners.

8 MS. SEYDA: That -- I would defer to
9 the City Solicitor to respond to that.

10 COUNCILMAN NUTTER: Mr. President, a
11 point of order, if I can provide any
12 clarification. The amendment, as drafted, with
13 the assistance of the Law Department was drafted
14 in order to cover the non-ERISA-provided benefits
15 that a company may provide.

16 And that is the reason for the language
17 at the end of the third amendment, letter C,
18 employee benefits that reads including but not
19 limited to employee benefits that are not part of
20 an employee benefits plan as defined by ERISA.

21 PRESIDENT STREET: So it's the intent
22 of this amendment to limit any requirement that
23 those benefits be extended be to the ERISA-covered
24 benefits?

25 COUNCILMAN NUTTER: I need you to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 restate the question.

3 PRESIDENT STREET: I just want to make
4 sure I understand that it the intent of this
5 amendment --

6 COUNCILMAN NUTTER: The purpose of the
7 amendment is to, one, recognize that the City
8 cannot impose anything on private companies that
9 have an ERISA plan.

10 PRESIDENT STREET: Right.

11 COUNCILMAN NUTTER: For their defined
12 benefits that are covered by ERISA.

13 PRESIDENT STREET: Right.

14 COUNCILMAN NUTTER: But it is further
15 amended to acknowledge that we do not want to
16 impact on non-ERISA-covered benefits.

17 PRESIDENT STREET: Okay. Also.

18 COUNCILMAN NUTTER: Also that the
19 company would not have to provide those either.

20 So this amendment takes away the
21 concern the private employer may have about
22 providing economic benefits, whether covered by
23 ERISA or not.

24 PRESIDENT STREET: I think I
25 understand.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN NUTTER: I know you do.

3 PRESIDENT STREET: Councilman, I'd just
4 like to interrupt the hearing. I would like to
5 have my staff notify the City Solicitor that we
6 will need her here for questions after the break.

7 Please proceed.

8 COUNCILMAN NUTTER: I think, Mr.
9 President, for the individuals who are at the
10 table -- the only other person I might potentially
11 -- excuse me -- at least at the moment have
12 additional questions for could be the City
13 Solicitor, although any of my colleagues'
14 questions might generate additional questions for
15 these current witnesses.

16 Thank you.

17 PRESIDENT STREET: The Chair recognizes
18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you very
20 much, Mr. President.

21 I just want to go over one issue that
22 Councilman Nutter has raised with the Personnel
23 Director. And I want to make sure that the
24 record's clear and that we have an expanded
25 discussion about this issue.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Heterosexual -- non-married

3 heterosexual couples who are City employees now,
4 my understanding from your testimony and from what
5 I have been able to gather, have basically three
6 options in an effort to get their spouses or
7 significant others medical benefits that are
8 afforded to them by virtue of their bargaining
9 under their contract as City employees.

10 The first is going basically through a
11 traditional marriage, where two individuals go
12 into a synagogue, a church, or any other type of
13 religious institution, with a license from the
14 City and perform a marriage ceremony with a
15 Justice-of-the-Peace or something like that.

16 The second is simply getting a marriage
17 certificate or a marriage license without
18 ceremony.

19 The third, as I understand your
20 testimony, a simple declaration, without ceremony
21 and without license, still affords the partner --
22 or now the spouse, the common-law spouse of the
23 City employee full range of benefits that any
24 other married couple would have.

25 Is that accurate?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. SEYDA: That is accurate. I mean,
3 the state of Pennsylvania recognizes common-law
4 marriage so that we do provide benefits for
5 employees who give us an affidavit that they are
6 in a common-law marriage. It is a legally-binding
7 marriage.

8 COUNCILMAN KENNEY: Based on their
9 affirmation and notarization of that affirmation.

10 MS. SEYDA: And that --

11 COUNCILMAN KENNEY: Are there any other
12 elements that need to be provided similar to
13 what's outlined on the amendments that have been
14 offered about joint ownership of property or joint
15 ownership of automobile or bank accounts, life
16 insurance, will, anything?

17 MS. SEYDA: With the notarized
18 statement, we also ask that they provide us with
19 documentation of common ownership of property,
20 ownership of motor vehicle, proof of joint bank
21 accounts, credit, or joint tax returns.

22 COUNCILMAN KENNEY: They're all
23 required as part of this notarized affidavit
24 process of creating a marriage?

25 MS. SEYDA: That's correct.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN KENNEY: And the City
3 recognizes that and provides health benefits,
4 pension benefits, bereavement benefits, family
5 leave benefits, based on their say so.

6 MS. SEYDA: That is -- that is correct.

7 COUNCILMAN KENNEY: So what is being
8 proposed in these bills as it relates to pension,
9 transfer tax, and health benefits is no different
10 than what exists today despite a marriage
11 ceremony, despite a license, a simple declaration
12 of marriage or spousal relationship, what we are
13 suggesting through these bills today is that we do
14 the same thing for same-sex couples?

15 Is there any difference that you can
16 see other than the fact that the two people
17 involved in these bills happen to be both men or
18 both women?

19 MS. SEYDA: That is essentially
20 correct.

21 COUNCILMAN KENNEY: Okay. And during
22 the course of the recognition of the common-law
23 relationship -- and I say this knowing the answer
24 -- we do not require any proof of sexual activity
25 or procreation or the desire to have children or

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 anything else of that nature.

3 MS. SEYDA: No, we do not.

4 COUNCILMAN KENNEY: No, we do not.

5 So my question rhetorically is, with
6 the exception of the sex of the individuals
7 involved, what is the difference?

8 And the issue is for me -- and just
9 learning this through the course of this process
10 -- is that a marriage in a church, synagogue, a
11 Justice-of-the-Peace, a formal public declaration
12 to the world that we are married or a marriage
13 license around the corner here on the fourth floor
14 are two steps that people take to create a family
15 or a marriage.

16 We don't even require that now of
17 heterosexual couples. We have less of a standard,
18 basically a declaration of spousal relationship is
19 enough to get these people all the benefits we're
20 talking about here for same-sex couples?

21 MS. SEYDA: That is -- that is correct.
22 There is also the -- in order to terminate the
23 relationship, a formal divorce is required to a
24 common-law marriage.

25 COUNCILMAN KENNEY: And the reason that

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 we cannot require that in the same-sex
3 relationship is that the State does not recognize
4 the relationship, therefore, it would no recognize
5 the divorce proceeding, and a near affidavit of
6 this union is what would be would be required to
7 end, to terminate that relationship.

8 MS. SEYDA: That is correct.

9 COUNCILMAN KENNEY: Thank you very
10 much.

11 (Applause.)

12 PRESIDENT STREET: Mr. Hayllar, on the
13 pension benefits, is it fair to say that as the
14 law stands now, only relatives would be eligible
15 for survivorship benefits?

16 MR. HAYLLAR: Yes. And "relative" can
17 be a very broad definition.

18 PRESIDENT STREET: I understand that.
19 There must be people who are relatives of some
20 kind, and it can go far as cousins.

21 MR. HAYLLAR: Absolutely. It can be
22 very distant cousins, if you can prove the
23 relationship. And it can be by marriage as well
24 as by blood.

25 PRESIDENT STREET: Assuming no one else

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 is -- do these relatives have a right to claim
3 these benefits if they're not a named
4 beneficiary?

5 MR. HAYLLAR: No?

6 PRESIDENT STREET: So they have to be
7 named.

8 MR. HAYLLAR: Yes.

9 PRESIDENT STREET: So even if this --
10 even under this bill, if no one is named, the
11 benefits are lost?

12 MR. HAYLLAR: The Board would
13 ultimately decide if there was a claim, but the
14 Board would probably rule that there's no claim,,
15 there's no dependent, no survivor.

16 PRESIDENT STREET: So even if this bill
17 were passed, if there were no one named and there
18 was the death of the employee, the benefit would
19 be lost.

20 MR. HAYLLAR: It would go to the estate
21 of the employee, basically, or some portion of it.

22 COUNCILMAN NUTTER: On that point, I
23 believe the -- going to the State or lost benefit
24 only comes as a result of their being no one in
25 the pension code in categories, I believe, A, B,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 and C. In the survivorship section, there is a
3 rank order.

4 MR. HAYLLAR: In a death situation,
5 that would be correct.

6 COUNCILMAN NUTTER: In a death
7 situation, where no one is named, the first person
8 to get the benefit, I believe is the spouse. The
9 second person to get the benefit is the child.
10 And the third person, I believe, may be the
11 parents.

12 So if an employee dies and has not
13 designated with the Board of Pension and
14 Retirement who they want to get the benefit, there
15 is a mechanism in a rank order for people to get
16 benefits. I think the example that Mr. Hayllar
17 laid out earlier a person that had --

18 PRESIDENT STREET: No relatives.

19 COUNCILMAN NUTTER: -- no spouse, no
20 relatives, no kids.

21 MR. HAYLLAR: Right.

22 PRESIDENT STREET: So if you have no
23 relatives and if you haven't named anyone, even if
24 this bill passes, it's still lost.

25 MR. HAYLLAR: It goes to the estate of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the deceased. If you have not named anyone -- if
3 this passes and you have not named anyone --

4 PRESIDENT STREET: Listen, I'm just
5 trying to understand this just like everybody
6 else.

7 We are advised that if -- upon the
8 death of the employee, and there's no named
9 person, right? There's no named person.

10 COUNCILMAN KENNEY: They died in
11 testate.

12 PRESIDENT STREET: Then there's a rank
13 order in the Code which gives the priority to the
14 survivors as to who gets this survivor benefit,
15 right?

16 MR. HAYLLAR: Correct.

17 PRESIDENT STREET: You're saying that
18 if there's no living relative among that list,
19 then whatever it is goes into the estate.

20 MR. HAYLLAR: Let me ask Mr. Kidwell to
21 try 'cause I'm obviously not explaining to your
22 satisfaction. Mr. Kidwell deals with this every
23 day and might be able to be a little more clear on
24 it.

25 PRESIDENT STREET: Mr. Kidwell, it's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 your shot at this.

3 MR. KIDWELL: I will try. The question
4 from Councilman Nutter dealt with the death of an
5 employee.

6 PRESIDENT STREET: You'll understand,
7 most of us don't even want to even think about
8 this.

9 MR. KIDWELL: That's right. I
10 understand, but. . .

11 We are dealing here with the death of
12 an employee, okay. And under current pension
13 ordinance, there is a rank order if an employee
14 does not have a named beneficiary or a valid
15 beneficiary.

16 PRESIDENT STREET: Or if the
17 beneficiary predeceases the employee, and then you
18 have nothing, right, so you go to the rank.

19 MR. KIDWELL: We go to the rank. And
20 first in line is a spouse, next in line is a child
21 or children, and third in line is the parent.

22 If there is no automatic A, B, C, then
23 there is a death benefit that is due. That
24 benefit become payable to the employee's estate.
25 And it's a lump-sum payment consisting of the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 employee's pension contributions.

3 PRESIDENT STREET: And then what
4 happens after that if there are no relatives?

5 MR. KIDWELL: Well, I would hope that
6 employee had a will; in which case, he may have
7 designated in that will who is to receive the
8 proceeds of his pension benefits.

9 PRESIDENT STREET: Well, if he did
10 that, he probably would have had a beneficiary.
11 This is a guy who had nothing.

12 COUNCILMAN COHEN: (Makes a comment off
13 mike.)

14 PRESIDENT STREET: Right. It seems to
15 me then you lose it.

16 And I raise that because it was
17 mentioned earlier that, oh, if you don't have, you
18 know, if you don't have a relative, then here's
19 this person that, you know, can't leave this
20 benefit to anybody. But the person could leave a
21 benefit to somebody under the current code.

22 I mean, if you didn't have a relative
23 and if you had a will and if you -- couldn't you
24 just make provision through that will?

25 MR. KIDWELL: Yes. The difference

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 would be that if there was a named beneficiary,
3 the potential exists that beneficiary could
4 receive a lifetime annuity.

5 PRESIDENT STREET: I understand that.
6 All I'm saying to you is, it is unfair to say that
7 if a person doesn't have -- and inaccurate, if a
8 person doesn't have a relative, a distant cousin
9 or somebody, that person is unable to make
10 provision for his or her pension survivorship
11 benefits, because it sounds to me like all he has
12 to do, if he thinks about it, and he says, Oh,
13 well, you know, I don't have a relative, he just
14 puts him in the will.

15 I mean, am I understanding this?

16 MR. KIDWELL: Yes.

17 COUNCILMAN NUTTER: But they don't have
18 control over that.

19 PRESIDENT STREET: Pardon me?

20 COUNCILMAN NUTTER: I don't think the
21 Pension Board has any control over that.

22 PRESIDENT STREET: I understand. But
23 the person can just put a will -- just have a will
24 and leave it to that person, that neighbor that
25 took care of him or whatever.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 You know, in other words, you don't
3 have -- there is a way to solve this problem
4 without changing the pension ordinance if somebody
5 believes that it's a problem that's worth
6 solving. That's all I'm trying to establish.

7 Is there any way -- because I get
8 troubled when somebody says, there would be no way
9 that a person would be able to make any provision
10 for his or her survivor benefits if we don't pass
11 this bill because there's no provision.

12 But there is a way. It might be a
13 little more difficult, but there is a way.

14 COUNCILMAN KENNEY: A point of
15 information. The gentleman testifying now had
16 indicated that there may be a problem if the
17 pension benefits are disbursed through the method
18 of a will, that there may be a loss of annuity, is
19 that right?

20 MR. KIDWELL: That is correct.

21 PRESIDENT STREET: He gets a lump sum.

22 MS. SUBER-FRANKLIN: An annuity.

23 MR. KIDWELL: But lump sum is a
24 substantially reduced amount versus the amount
25 than --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Well, it is --

3 MR. KIDWELL: The lifetime annuity --

4 COUNCILMAN KENNEY: But what this
5 pension change would do now is allow the
6 designated individual, who is not a spouse and who
7 is not a blood relative, the opportunity for that
8 annuity.

9 MR. KIDWELL: That is correct.

10 PRESIDENT STREET: That's right. And
11 what is also does is, it allows the employee to
12 cut out the family, all of the family. It allows
13 him to cut off the family.

14 (Applause.)

15 PRESIDENT STREET: Under the current
16 ordinance, the family can't be cut out. If there
17 are living family members, they have to get the
18 pension.

19 But under the new ordinance, anybody in
20 the entire world could get the pension, anybody.

21 COUNCILMAN COHEN: Anybody that's
22 designated as the choice by the --

23 PRESIDENT STREET: I understand that.

24 Look --

25 COUNCILMAN COHEN: Just like in a

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 will. The same as in a will, right?

3 PRESIDENT STREET: Councilman, I'm just
4 trying to understand this.

5 Under the current law, you would not be
6 able to give the pension, to a non-relative over
7 the wife, to a non-relative over the children, to
8 a non-relative over the brothers and sisters, to a
9 non-relative over any of those family members.

10 If the bill passes, an employee would
11 be able to cut out the family, the brothers, the
12 children, and dependent children, and give it to a
13 non-family member. And that's what it does.

14 MR. HAYLLAR: Council President, you
15 can do that now. That doesn't change, you can do
16 that now.

17 PRESIDENT STREET: How can you do it
18 now? You can't do it now. Maybe you can do it
19 now. Tell me how can do it now.

20 COUNCILMAN COHEN: Well, in the first
21 place --

22 PRESIDENT STREET: You'll get a
23 chance. I want to clarify this. You'll get an
24 opportunity to clarify. I want to make the
25 record clear. People will do what they want to do

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 they want to do.

3 MR. KIDWELL: Well, the one way that it
4 is possible now is by naming your estate as your
5 beneficiary, which is a valid nomination. So,
6 even if you did have a family member and perhaps
7 you didn't want to leave your pension to that
8 family member, you could name your estate.

9 Again, I want to make sure that we're
10 clear, that we're talking here about the death of
11 an employee, and we haven't reached about what
12 happens at the time of the employee's retirement,
13 which is a little bit different.

14 PRESIDENT STREET: I understand that.
15 All I -- I just want the record to be clear
16 because there have -- people have gone to some
17 length to suggest that there's no protection now
18 for the spouse or the children or the family
19 members, but that a spouse and a child,
20 independent children could be cut out.

21 That may be true, but they'd have to be
22 cut out for other family members. If this bill is
23 approved in its current form, then that wife, that
24 those dependent children, those cousins and nieces
25 and nephews and all of those family members, all

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 of them could be cut out completely, and some
3 other non-family relatives, right -- in this case,
4 we're thinking of a domestic partner or life
5 partner, some other person could be put in there
6 in place of those people.

7 COUNCILMAN ORTIZ: But that's their
8 family.

9 PRESIDENT STREET: All I want to know
10 -- I just want to verify that that's the case.

11 And I guess another follow-up question
12 I'd like to ask is -- Mr. Hayllar told us of a
13 situation of a person who couldn't -- who didn't
14 have anybody to whom this employee could leave his
15 or her survivor benefit.

16 MR. HAYLLAR: Yes.

17 PRESIDENT STREET: How many times have
18 you seen that?

19 MR. HAYLLAR: We only know of it one
20 time because it came before the board.

21 PRESIDENT STREET: One time that you
22 know about.

23 MR. HAYLLAR: Yeah, because it came
24 before the Board. But, clearly in the workforce
25 of 30,000 people, people who do not have --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Mr. Hayllar, I need
3 you to speak closer into the mike.

4 MR. HAYLLAR: Clearly, in a workforce
5 of 30,000 people, there are people who do not have
6 relatives by blood or marriage.

7 PRESIDENT STREET: And that's true, and
8 that's all fair. But there is a way -- I mean,
9 all the Board has to do is tell them what they
10 have to do and then they's know how to get around
11 that.

12 MR. HAYLLAR: But the distinction is
13 that the value of the death benefit is less than
14 the value of the pension of the survivor.

15 PRESIDENT STREET: Well, doesn't that
16 depend on how long the person lives?

17 MR. HAYLLAR: Both parties, yes.

18 PRESIDENT STREET: Well, you see,
19 there, Mr. Hayllar --

20 MR. HAYLLAR: The potential of the
21 survivor --

22 PRESIDENT STREET: Mr. Hayllar, let's
23 not confuse this. If a person takes survivor
24 benefits, survivor benefits, and I want payments,
25 when that person dies, don't the payments end?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. HAYLLAR: When the survivor dies?

3 PRESIDENT STREET: Yes.

4 MR. HAYLLAR: Yes.

5 PRESIDENT STREET: So that if I have an
6 option of taking lump sum of 2, \$300,000 or taking
7 the payments, the payments, depending upon the age
8 of the survivor, the age of the survivor, you
9 might want that lump sum as opposed to the
10 payment.

11 So it is unfair for you to say that the
12 survivor payments are worth more than the lump
13 sum. Because you don't know that because none of
14 us knows how long we're going to live. Is that
15 fair?

16 MR. HAYLLAR: We're missing a
17 distinction. I'm going to ask Mr. Kidwell to --

18 PRESIDENT STREET: Yeah, maybe we are
19 'cause this is tough stuff. I don't know.

20 MR. KIDWELL: No. I just want to make
21 sure that we understand that the value of the lump
22 sum would only consist of an employee's pension
23 contributions, which would be approximately, let's
24 say, 3 percent to 4 percent of his City earnings.

25 The additional death benefit is his

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 three-year average earnings, so the total lump sum
3 benefit available would be the employee's pension
4 contributions, plus his three-year average
5 earnings. That would be the total lump sum
6 benefit payable.

7 PRESIDENT STREET: Right.

8 MR. KIDWELL: Whereas a lifetime
9 annuity, generally the lifetime annuity that
10 would be available after approximately two years,
11 it would well exceed the lump-sum benefit.

12 PRESIDENT STREET: Well, we don't know
13 that now, do we? I mean, we just don't know how
14 long that survivor will live.

15 And, in some respects, it's a roll of
16 the dice. In addition to which, isn't it fair to
17 say that if you took the lump sum, you'd also be
18 able to earn interest on it? I mean, you could
19 invest it. There are other things you could do
20 with it.

21 I just -- I don't think this record
22 ought to reflect a bias. And I regard the
23 testimony that the lump sum is not worth what the
24 payments are to be a bias, because we don't know
25 what the payments will amount to. A person could

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 live for one month, a person could live for six
3 months, a person could live for three years or ten
4 years.

5 You just don't know. Is that fair?

6 MR. HAYLLAR: Well, your argument wants
7 to suggest that the survivor lives a very short
8 time; and our argument suggests that the survivor
9 lives a longer time. The actuarial tables can
10 tell you what the projected life of the survivor
11 will be.

12 So, I mean -- it's not generally -- and
13 every year, it gets longer and longer.

14 PRESIDENT STREET: Well, I understand
15 you use actuarial tables for a bunch of purposes.
16 But for purposes of this hearing, we do not know
17 how long any individual survivor will last; and,
18 therefore, it's a matter of choice on the survivor
19 whether or not to take a lump sum.

20 MR. HAYLLAR: I couldn't tell you off
21 the top of my head. Every year, it gets longer.
22 The life of our retirees and survivors gets longer
23 every year, we all know that.

24 And what the danger is, if you just get
25 the death benefit, you will run out of money

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 before run out of the life. With the pension and
3 the survivorship, you will have the benefit until
4 the survivor dies.

5 That is a tremendous value compared to
6 the death benefit.

7 PRESIDENT STREET: I understand that, I
8 understand that. But you still can't conclude one
9 thing or the other. It's still a matter of
10 probability.

11 MR. HAYLLAR: That's correct.

12 PRESIDENT STREET: It's all a matter of
13 probability.

14 MR. HAYLLAR: And the probability every
15 year is that the survivor will live longer.

16 PRESIDENT STREET: Well, all of us are,
17 hopefully, living longer and healthier.

18 MR. HAYLLAR: And we would like to have
19 them have a benefit every month up until the time
20 they die.

21 PRESIDENT STREET: Well. . .

22 We are going to have to take a recess.

23 COUNCILMAN ORTIZ: Could I clarify
24 something?

25 PRESIDENT STREET: What I would like to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 do is recognize Councilman Ortiz for a clarifying
3 point, and then I'd like to take a recess.

4 COUNCILMAN ORTIZ: I just want to make
5 the point that in terms of the --

6 PRESIDENT STREET: Excuse me. I'll
7 announce the length of time of the recess.

8 COUNCILMAN ORTIZ: I just want to make
9 the point that in terms for the purposes of this
10 legislation, when we speak about family, that a
11 life partner becomes part of that family.

12 So that if he's designated as such,
13 you're not eliminating the aunts, uncles because,
14 obviously, the purpose of this amendment is to
15 make it possible for a life partner to be able to
16 get the pension.

17 And so life partner becomes added, and
18 the term "family" is in essence broadened to
19 include that.

20 PRESIDENT STREET: Councilman, I think
21 that --

22 (Applause.)

23 PRESIDENT STREET: I have to tell you
24 -- I have to tell you, it is my understanding
25 that everything that you just said is basically

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 not true, and that "life partner" isn't mentioned
3 in the pension ordinance, and that the only thing
4 that the amendment does is to allow a person to
5 name -- it adds to the list of names of anybody so
6 that you can list all those other people.

7 COUNCILMAN ORTIZ: No, no --

8 PRESIDENT STREET: But that has -- but
9 "life partner" isn't in the pension bill.

10 COUNCILMAN ORTIZ: I understand that.
11 But in your presentation, you were saying that if
12 this pension allows the elimination of the
13 family,. Well, the individual can designate --

14 PRESIDENT STREET: Blood relatives.

15 COUNCILMAN ORTIZ: -- can designate the
16 family. And at this time, your life partner can't
17 be part of that family designation, so that a life
18 partner can't be --

19 PRESIDENT STREET: That's a very
20 confusing statement, Councilman. That's
21 inconsistent with what it is that's in the bill,
22 and I'm afraid to let it go unchallenged because
23 somebody will think that now life partners, the
24 so-called life partner or domestic partner is in
25 the list of people that are now eligible to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 receive the survivorship rights, and that's not
3 true.

4 Councilman Nutter has explained that
5 this bill only amends the bill so as to provide
6 that the pensioner can now leave the survivor
7 benefits to anybody else.

8 COUNCILMAN ORTIZ: Including the life
9 partner.

10 PRESIDENT STREET: No, doesn't say
11 "life partner." It's just anyone in addition to
12 all of the other people that he has previously
13 been eligible.

14 Councilman Nutter.

15 COUNCILMAN NUTTER: Thank you, Mr.
16 President.

17 The primary purpose of this particular
18 bill is to allow a public employee to give his or
19 her earned pension to any person that they decide,
20 outside of a now-constrained universe of people,
21 spouse, children, dependent children, anyone else
22 the person becomes responsible for, anyone that
23 they are related to by blood or marriage.

24 There is no distinction made in this
25 amendment as to who that person may be, what the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 nature of their relationship may be or anything
3 else. It does not ask, it does not require.

4 It only asks the person to designate
5 someone. It could be anyone. It could be a
6 next-door neighbor, it could be an old army buddy,
7 it could be a person that -- well, it's not going
8 to be Councilman Kenney, but it could be anybody
9 that the person wishes to choose because some
10 employees feel either constrained by the present
11 list of designees, or, for some other reason,
12 don't want to put down or can't put down the
13 current list that is available.

14 And that is the sum and substance of
15 this particular bill. It does not make any
16 definition or require you -- anyone to meet any
17 particular test at all.

18 It could include anyone. You and
19 Councilman Ortiz at some level are saying similar
20 things, different things. Anyone would qualify,
21 under this particular bill.

22 PRESIDENT STREET: That's right, but
23 it's a little bit deceptive to say the life
24 partner is now a part of the family because
25 someone might erroneously conclude that the order

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 of family relationships that is already contained
3 in the pension ordinance is now somehow
4 supplemented with life partner. That's not in it.

5 COUNCILMAN NUTTER: It is not changed
6 by life partner designation. The pension Board
7 would not ask, it is not required, it does not
8 show up anywhere.

9 I mean I believe that this bill, quite
10 frankly, had it been introduced at any other
11 particular point in time, would not be the subject
12 of much of the discussion that has taken place
13 around it as a result of other bills, but that was
14 that decision.

15 The legislation says any other person
16 as designated by the employee, period. No
17 qualifiers, no family person is put in a lesser
18 position as a result of this particular amendment.

19 There is no guarantee that the employee
20 today, under the current pension system, will
21 choose any particular person, but they are
22 restrained from choosing people outside of the
23 list.

24 PRESIDENT STREET: That's true.
25 Councilman, I would like at this time for this

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Committee to stand in recess until the 6:30. This

3 Committee will stand in recess till 6:30. And we

4 will need the City witnesses back at this time.

5 (Recess taken at 5:44 p.m.)

6 (Proceedings resume.)

7 PRESIDENT STREET: Good evening, ladies

8 and gentlemen. This is a recessed hearing the

9 Council Committee of the Whole. We are taking

10 testimony on three bills: Bill No. 970745,

11 970749, and 970750.

12 At this time, I'd like to ask that the

13 City witnesses resume the witness table.

14 (City witnesses come forward.)

15 PRESIDENT STREET: Is the City

16 Solicitor available?

17 The Chair recognizes Councilman Nutter.

18 COUNCILMAN NUTTER: Thank you, Mr.

19 President.

20 Mr. President, when we ended the

21 hearing before the break, we were having -- or, I

22 believe, finishing up a discussion about Bill No.

23 970745, which, of the three bills, one would think

24 would be the least controversial and the easiest

25 understood. It has also the simplest amendment.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I want to make sure that the record is
3 clear and that there is no lingering confusion
4 about the intention of Bill No. 970745. Again,
5 the amendment to this bill would read, "any other
6 person as designated by the employee."

7 And I'd like to go back, if at all
8 possible, either to the pension people or possibly
9 to the City Solicitor to make sure that all
10 Members are clear that this bill creates no other
11 distinction or definition or category for this any
12 other person as designated by the employee.

13 I'd like to make sure that this part of
14 the record is as clear as the earlier part of the
15 record was and then possibly became confused.

16 Mr. Hayllar, the amendment to Bill
17 970745 creates a new category called "any other
18 person that's designate by the employee." Is that
19 correct.

20 MR. HAYLLAR: Yes.

21 COUNCILMAN NUTTER: And is there any
22 distinction or definition created to identify who
23 that person is, could be, would be, may be, or can
24 be, under any circumstance?

25 MR. HAYLLAR: No. It's a person chosen

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 by the participant, as their survivor.

3 COUNCILMAN NUTTER: And could this
4 amendment provide the public employee who, by
5 right and by their work, create a circumstance for
6 that employee to give his or her pension to any
7 individual they decide?

8 MR. HAYLLAR: Yes.

9 COUNCILMAN NUTTER: And under the
10 present pension ordinance, that employee now has a
11 right to give his or her pension to any person
12 they determine as long as they are on a list that
13 is contained within the Pension Code that lays out
14 generally spouse, child or children, other
15 dependents, or any person related to them by blood
16 or marriage. Is that correct?

17 MR. HAYLLAR: I didn't hear the
18 question the same way you did. We heard it
19 differently.

20 MR. KIDWELL: The current pension
21 ordinance allows an employee to name anyone
22 related to them by blood or marriage as a
23 beneficiary.

24 COUNCILMAN NUTTER: And they are --
25 they must stay within that group of people today?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MR. KIDWELL: Yes.

3 COUNCILMAN NUTTER: And they are not
4 required to give any particular individual who
5 fits that definition their pension today?

6 MR. KIDWELL: No.

7 COUNCILMAN NUTTER: I didn't hear the
8 answer.

9 MR. KIDWELL: I believe the answer is
10 yes.

11 COUNCILMAN NUTTER: Do you want me to
12 rephrase the question?

13 MR. KIDWELL: If you would.

14 COUNCILMAN NUTTER: A public employee
15 can give his or pension to anyone on that list of
16 people, but they are not required to give it to
17 any particular person on that list.

18 MR. HAYLLAR: That is correct.

19 MR. KIDWELL: That is correct.

20 COUNCILMAN NUTTER: Okay, thank you.

21 On that bill, yes, Mr. President, I'm
22 finished.

23 PRESIDENT STREET: So if the bill
24 passes as amended, anybody who now designates a
25 pension survivor -- a person other than people who

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 are on the list will be taking a family member off
3 and putting someone else on.

4 MR. HAYLLAR: If it passes, you would
5 have the ability to do that.

6 PRESIDENT STREET: That's right.

7 MR. HAYLLAR: You have the ability now
8 to name a brother instead of a spouse.

9 PRESIDENT STREET: So that there could
10 be a situation where people now have family
11 members who are their survivors. If the bill
12 passes, they can take those family members off and
13 they can put non-families on to get their survivor
14 benefits.

15 MR. HAYLLAR: The difference is that
16 they can take a family member off now and replace
17 it with another family member -- a cousin, a--

18 PRESIDENT STREET: Mr. Hayllar, I don't
19 need you to rephrase my question. I just need you
20 to answer my question, I just need you to answer
21 my question.

22 MR. HAYLLAR: The answer is correct. I
23 thought I would clarify it.

24 PRESIDENT STREET: I can ask my own
25 clarifying questions. I just need you to answer

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 my questions.

3 And the fact of matter that if this
4 bill passes with the amendments, there will be
5 people who will now have the opportunity and the
6 right to take family members off, they could take
7 a spouse off, they could take dependent children
8 off, they could take cousins and nephews off, and
9 they could put non-family members on. They cannot
10 now do that.

11 MR. HAYLLAR: The answer is yes, much
12 as they can now by moving one family member to
13 another.

14 PRESIDENT STREET: All right, thank
15 you.

16 To the City Solicitor, what's the legal
17 issue raised by our changing these -- the right to
18 change the beneficiaries, to give -- to add
19 additional survivors to the list of people that
20 are eligible to get these rights?

21 MS. FRANKLIN-SUBER: For the record,
22 this is Stephanie Franklin-Suber, City Solicitor.
23 As I understand your question, Mr. President,
24 please correct me if I'm wrong, you are asking if
25 there's a legal reason --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Are there any legal
3 issues raised by the potential adoption of this
4 bill as amended, as proposed to be amended?

5 MS. FRANKLIN-SUBER: Mr. President, I
6 have formal testimony available for Members of
7 Council, if you like for me to distribute it.

8 But the short answer to your question
9 is that I see no legal reason why Council may not
10 extend the class of pension beneficiaries to any
11 person.

12 Frankly, I think this broad approach
13 avoids any issues that might be raised if only
14 life partners were added to the list of
15 beneficiaries.

16 I also understand that there's been
17 some concern with regard to the fact that the bill
18 will somehow divest spouses and children of
19 existing rights. I believe --

20 PRESIDENT STREET: Actually, we've
21 covered that.

22 MS. FRANKLIN-SUBER: I believe that has
23 been covered.

24 The only other legal issue that I would
25 bring to Council's attention at this point would

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 be with respect to labor issues and possible
3 implementation delay.

4 The City may have an obligation to
5 bargain with unions representing City employees
6 before it can implement bill since it impacts on
7 pension rights, which are a term and condition of
8 employment.

9 However, this would not preclude
10 Council from enacting the bill.

11 PRESIDENT STREET: Is there any other
12 Councilmember that has any other question at this
13 time?

14 (No questions from other Councilmembers
15 at this time.)

16 PRESIDENT STREET: I would like for you
17 to turn your attention to -- and I would like to
18 make some references to the legal opinion that was
19 issued to me, dated April 21, 1998.

20 And I'd like for all of to us turn our
21 attention -- do the members of the press have
22 copies of this opinion?

23 (Members of the press respond in the
24 affirmative.)

25 PRESIDENT STREET: Let's turn our

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 attention to page 3. And at the bottom under
3 deficiencies and definition life partners, there's
4 a sentence that says since the definition of life
5 partners is limited to same-sex couples only and
6 an opposite-sex unmarried couple could challenge
7 this bill, Bill 970750, as a violation of a
8 constitutional guarantee of equal protection under
9 the laws.

10 Then you say, however, the bill may be
11 defensible, although it's a novel issue, and it's
12 impossible to predict the outcome of any legal
13 action.

14 And I guess what I'd like for you to do
15 -- it is my understanding, for example, that
16 whereas the bill -- this bill provides, you know,
17 same-sex benefits for life partners, those life
18 partners have to be same sex, of course.

19 And that it is possible that
20 heterosexual life partners will go down and
21 attempt to register and try to get the benefits.
22 They would not be eligible for the benefits under
23 the bill, and they could file -- they could
24 challenge the bill? Is that correct?

25 MS. FRANKLIN-SUBER: Yes.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Can you tell us what
3 would happen if such a challenge -- I mean,
4 roughly, what would happen? Although some of it
5 is covered in the opinion.

6 Who would make a determination that
7 whether or not Bill 970750 and its application
8 only to same-sex domestic partners was a violation
9 of the bill and, therefore, could the Human
10 Relations Commission or some other entity order
11 domestic partnerships or same-sex partnership
12 rights to opposite-sex domestic partners?

13 MS. FRANKLIN-SUBER: Mr. President, in
14 response to your question, it would be up to the
15 Human Relations Commission, and ultimately the
16 courts, to determine whether or not there -- any
17 of the employment practices are discriminatory on
18 the part of a private employer.

19 PRESIDENT STREET: I'm not talking
20 about a private -- well, maybe I am talking about
21 a private employer.

22 MS. FRANKLIN-SUBER: Mr. President, I
23 apologize. I'm not following your question. If
24 you could repeat it, please, I'll try to respond.
25 You were on the Fair Practices Ordinance

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 Amendment.

3 PRESIDENT STREET: I was on the Fair
4 Practices ordinance.

5 MS. FRANKLIN-SUBER: Correct.

6 PRESIDENT STREET: If this ordinance is
7 passed and signed into law --

8 MS. FRANKLIN-SUBER: Correct.

9 PRESIDENT STREET: -- life partners are
10 now entitled to the rights under the bill to get
11 the health benefits.

12 MS. FRANKLIN-SUBER: Correct.

13 PRESIDENT STREET: Some opposite-sex
14 domestic partnership or a person who is in an
15 opposite-sex domestic partnerships says, Oh, this
16 is -- I can't -- they go down and they register,
17 they try to register, they to make application for
18 the benefits.

19 They get denied. You know, the
20 personnel department, whoever has to do it, says,
21 No, you're an opposite-sex unmarried couple and
22 you got a domestic partnership, you're not
23 covered.

24 An appeal is taken to the Human
25 Relations Commission, is that correct?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. FRANKLIN-SUBER: Well, Mr.

3 President, a couple of things could happen.

4 First of all -- which is why I
5 apologize for my confusion at your original
6 question. In terms of a potential equal
7 protection challenge, certainly that would be
8 before the courts. And an unmarried opposite-sex
9 couple could certainly challenge the bill as a
10 violation of the Constitutional rights under --

11 PRESIDENT STREET: I want to know if
12 they would have to go to the Human Relations
13 Commission first.

14 MS. FRANKLIN-SUBER: For an equal
15 protection challenge? If it's an equal protection
16 challenge, not necessarily.

17 But for a claim of discrimination on
18 the basis of marital status, which is a
19 possibility, the couple would file a complaint
20 with Human Relations Commission. And it would be
21 up to the Commission to interpret the ordinance
22 and to determine full scope of what is meant by
23 discrimination on the basis of marital status.

24 PRESIDENT STREET: But would the Human
25 Relations Commission have the discretion to say

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 it's discrimination and the City must give the
3 same-sex benefits to opposite-sex couples under
4 the ordinance?

5 MS. FRANKLIN-SUBER: Yes. The Human
6 Relations Commission could make a determination
7 that there was, in fact, discrimination on the
8 basis of marital status. It could issue an order
9 directing an employer to pay the benefits.

10 PRESIDENT STREET: An employer of the
11 City?

12 MS. FRANKLIN-SUBER: Yes. That order
13 could then be appealed to Common Pleas Court.

14 PRESIDENT STREET: Who would have
15 standing to appeal that?

16 MS. FRANKLIN-SUBER: The lawyer. If,
17 in that case, it's the City, the City. The City
18 could then appeal to Common Pleas Court and --

19 PRESIDENT STREET: Now, let me get
20 straight.

21 City Council passes a bill, the Mayor
22 signs the bill, somebody tries to get benefits
23 under the bill, appeals to the Human Relations
24 Committee -- Commission, which is the City.

25 And then the Human Relations

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Commission, all of whom are appointed by the
3 Mayor, would say, We think that the benefits
4 should be given to heterosexual couples.

5 And then the City is going to take an
6 appeal from its order granting the benefits?

7 MS. FRANKLIN-SUBER: Mr. President, I
8 am answering your question by saying that it
9 certainly could happen, that is correct.

10 In theory, the Human Relations
11 Commission could, in fact, determine, based on its
12 interpretation of the ordinance that there's been
13 discrimination on the basis of marital status.

14 PRESIDENT STREET: I accept that.

15 So the Human Relations Commission
16 orders heterosexual couples to have these rights.

17 MS. FRANKLIN-SUBER: Well, the
18 Commission would be acting on that particular
19 complaint involving those parties.

20 PRESIDENT STREET: I understand that.
21 And the Human Relations Commission could say, You
22 have been discriminated against. You now -- the
23 City is ordered to provide the benefits. I mean,
24 wouldn't that be the order? I mean, wouldn't the
25 Human Relations Commission be ordering --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. SUBER-FRANKLIN: That's correct.

3 PRESIDENT STREET: -- the benefits to
4 be given?

5 MS. SUBER-FRANKLIN: That's correct.

6 PRESIDENT STREET: Now, since the Human
7 Relations Commission, in my judgment, is the City,
8 since all of them were appointed by the Mayor, if
9 the City decided not to appeal, who would have
10 standing to appeal?

11 MS. FRANKLIN-SUBER: In that case, Mr.
12 President, the parties that had filed the
13 complaint, obviously, would have obtained the
14 relief they sought. The City, as the employer,
15 would obviously have standing to appeal.

16 And if the City elects not to appeal,
17 because you're dealing with a specific complaint
18 at that point and not a challenge to the bill in
19 its entirety, there would be no one else to have
20 standing to appeal in that situation.

21 PRESIDENT STREET: That's right. So
22 that, one-at-a-time heterosexual couples could try
23 to get the benefits, I guess the Personnel
24 Department would deny them the benefits, they take
25 an appeal to the Human Relations Commission. The

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Human Relations Commission could just grant them
3 the benefits one at a time, and there's never
4 anybody to appeal it.

5 So if it's 10, 50, 100 -- so is it -- I
6 mean, it just seems to me that there is a basic
7 internal inconsistency in the bill when you say,
8 We are only going to apply -- we are going to
9 provide life partnership rights to same-sex
10 couples at the same time you amend the provision
11 in the bill which makes it illegal to discriminate
12 against all of the other people who might want to
13 have those benefits, and the only people who can
14 say yea or nay is the Human Relations Commission,
15 right, the Executive Director of which came here
16 and testified in favor of the bills and has also
17 said he essentially would like -- as a lot of
18 other people did -- said that the bills should be
19 broadened to include heterosexual couples.

20 It seems to me that if this bill is
21 passed, in advance, we know, based on your opinion
22 and your testimony, right -- I mean, this is a
23 bill that, in effect, is providing domestic
24 partnership rights to same-sex as well as
25 heterosexual couples, which might not offend some

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 people.

3 You know, I mean, people could be all
4 over the lot on it, but I think it's a serious,
5 serious concern that we ought to have about what
6 is the scope of the action that is being
7 considered here.

8 MS. FRANKLIN-SUBER: Mr. President, if
9 I might, I do think it's fair to point out that
10 while -- while this appears to be an internal
11 inconsistency, it may be possible to cure that
12 with regard to the Human Relations Commission by
13 amendment to the legislation.

14 It would not obviate potential equal
15 protection claims or potential Title 7 claims in
16 the courts. But to the extent that there is a
17 concern with regard to the Human Relations
18 Commission, it may be possible to cure that with
19 an amendment to the legislation.

20 PRESIDENT STREET: Well, maybe, maybe,
21 I don't know. I mean. That's really not my
22 issue.

23 My concern is that on the face of it,
24 it appears that this bill is providing for one set
25 of actions, but the reality is, we don't know what

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 could happen as a result of the passage of this

3 bill.

4 I mean, we could be in a position where
5 any number of different couples -- well, let me
6 pose this hypothetical.

7 We aren't -- if this bill passes, the
8 City is not going to be able to discriminate on
9 the basis of marital status, is that correct?

10 MS. FRANKLIN-SUBER: That is correct.

11 PRESIDENT STREET: Marital status.

12 Suppose there was a person who had wanted to have
13 more than one wife, and he says, I want to put
14 this other person on my benefits, and I think I
15 ought to be able to because to not let me do it is
16 discriminating on the basis of marital status.

17 Back to marital status. And I don't
18 want to be discriminated on the basis of marital
19 status. I mean, what happens?

20 COUNCILMAN NUTTER: A point of
21 information.

22 PRESIDENT STREET: Councilman.

23 COUNCILMAN NUTTER: What was the
24 hypothetical again?

25 PRESIDENT STREET: The hypothetical is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 -- the hypothetical is that you can't
3 discriminate on the basis of marital status in any
4 way, shape, or form.

5 COUNCILMAN NUTTER: Right.

6 PRESIDENT STREET: A person comes and
7 says, I want to have two spouses on the benefits.
8 Is there any issue about whether or not there is
9 discrimination on the basis of marital status?

10 I just want to know how far it is we
11 are opening up the door to potential challenges
12 and to concerns about what is happening here.

13 MS. FRANKLIN-SUBER: Mr. President, I
14 understand your concern. I think the hypothetical
15 is somewhat problematic. I think the Law
16 Department would advise that there's no problem
17 there because it's illegal to have more than one
18 spouse.

19 (Applause.)

20 PRESIDENT STREET: Well -- well, you
21 know, that's real easy to say, but I have a spouse
22 and I want a domestic partner. I'm only asking.
23 All you have to do is say it's not a problem. And
24 if it isn't a problem, it isn't a problem.

25 MS. FRANKLIN-SUBER: If your question

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 is whether or not the City, as an employer, can
3 extend benefits to life partners, then I believe
4 that the answer to that question is yes.

5 And under that circumstance, the
6 individual presumably would not have a basis for
7 claiming discrimination on the basis of marital
8 status.

9 If -- if your question goes to
10 particular employment practices, beyond the
11 extension of benefits, I think what you are
12 concerned about are the types of claims that an
13 individual may make because --

14 PRESIDENT STREET: That's not what I'm
15 concerned about. I'll get to that later.

16 MS. FRANKLIN-SUBER: Okay.

17 PRESIDENT STREET: I do have that
18 concern, but I'm not going to yield -- I'm not
19 going to take up all the time like this.

20 I'll recognize Councilman Kenney at
21 this point.

22 COUNCILMAN KENNEY: Thank you, Mr.
23 President.

24 As was testified to earlier, before you
25 got here, the Personnel Director indicated that

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 there were opportunities for heterosexual couples
3 outside the traditional route of marriage, i.e.,
4 religious or civil ceremony or simply the
5 obtaining of a marriage license, that the option
6 that those heterosexual couples also had was a
7 simple declaration notarized and filed with the
8 Personnel Office that they were in fact common-law
9 spouse, and that that would enable those
10 individuals to obtain the full range of benefits
11 that any other married person under the City
12 employ would have an opportunity to gain.

13 Is the hypothetical or the situation
14 that the Council President raised relative to two
15 unmarried heterosexual persons; one, a city
16 employee?

17 MS. FRANKLIN-SUBER: Mm-hmm.

18 COUNCILMAN KENNEY: Claiming
19 discrimination based on the Fair Practices Act
20 that we are going to amend, could be cured by a
21 simple registration and declaration of the
22 partnership, which is available to them now.

23 For example, if -- would you need to go
24 to the Human Relations Commission or to the courts
25 if the remedy -- if the remedy for that situation

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 was a simple notarized statement of commitment,
3 which is what exists now for heterosexual
4 unmarried couples?

5 MS. FRANKLIN-SUBER: Councilman Kenney,
6 I will try to answer your question.

7 There is a distinction between
8 unmarried heterosexual couples that are legally
9 common-law spouses and unmarried heterosexual
10 couples that are not. So that not all unmarried
11 heterosexual couples that cohabitate are
12 common-law spouses. So there is a distinction in
13 terms of that universe.

14 If your question is whether or not some
15 of the concerns with regard to the definition of
16 "life partner" could be cured by some kind of
17 verification process, the idea simply being, with
18 marriage, you're issued a certificate of marriage,
19 someone can check the relationship, when it
20 started, when it ended, to ensure there's no abuse
21 or fraud.

22 The same with common-law spouses. They
23 can get a certificate through personnel. You can
24 verify the relationship. They have to provide
25 proof that there is a relationship, and that

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 they're cohabiting and are financially
3 interdependent.

4 COUNCILMAN KENNEY: Similar to what's
5 being asked for in the registration process --

6 MS. FRANKLIN-SUBER: Correct.

7 COUNCILMAN KENNEY: -- same-sex
8 partners.

9 MS. FRANKLIN-SUBER: Correct. So I
10 believe that the answer to your question generally
11 is yes. And certain of the amendments, I
12 understand, that are at least under discussion
13 currently would address that issue in terms of
14 simply verifying for the City's purposes to ensure
15 that what you have is a mutually committed
16 couple.

17 While they may have philosophically
18 elected not to hold themselves out as being
19 married or have elected not to marry, they may be
20 financially interdependent, they may be
21 cohabiting, so in order to make sure that there's
22 a legitimate relationship, you have a process.

23 COUNCILMAN KENNEY: Does the court take
24 into consideration the need to impose a remedy
25 when there are no other options for the people who

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 are making the complaint?

3 For example, is a potential remedy for
4 the hypothetical that the president raised
5 relative to being excluded from participating in
6 these benefits, would a remedy be that they simply
7 register with the Personnel Department that they
8 have a committed relationship, that they share a
9 bank account and car and house; and, in effect,
10 are common-law husband and wife?

11 MS. FRANKLIN-SUBER: The short answer
12 to your question really is no.

13 The definition of "common-law spouse,"
14 under Pennsylvania law is a marriage by the
15 express agreement of the parties, without ceremony
16 and almost invariably without a witness, by words
17 uttered with a view and for the purpose of
18 establishing the relationship for husband and
19 wife.

20 COUNCILMAN KENNEY: Pretty
21 wide-ranging.

22 MS. SUBER-FRANKLIN: As I started out,
23 not all unmarried heterosexual couples would, A,
24 choose to hold themselves out as being married and
25 so, therefore, they wouldn't qualify as being

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 common-law spouses. Common-law spouses for
3 purposes of our discussion are treated as
4 spouses.

5 So, yes, there are certain individuals
6 that would fall into that category, but not all.
7 And so because the definition of "life partner" is
8 limited to same-sex couples, you still have that
9 universe of individuals that they could not simply
10 sign up with the Personnel Department using that
11 affidavit. And they would not be included for
12 purposes of this legislation and the extension
13 into that.

14 COUNCILMAN KENNEY: But on the face of
15 their relationship, life partners and common-law
16 spouses are the same, by virtue of their
17 relationship. They're a sharing, committed,
18 economically-related, interrelated relationship.

19 Why would an individual who refuses to
20 acknowledge all of those factors in their
21 relationship even need to be considered as
22 domestic partners unless they really were?

23 I mean, you have to cohabitate in the
24 same residence, you have to share the day-to-day
25 toils of life, you have to have shared bank

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 accounts and other types of things, you have to
3 buy your groceries together.

4 I mean, it's as ridiculous as two
5 people living in two separate cities saying, Well,
6 we're domestic partners. No, you're not. We
7 don't live together, we don't do all the things
8 that common-law spouses or domestic partners do.

9 Now, you can argue that. But on the
10 face of that, the court would say, Well, yeah, you
11 really are domestic partners, even though you
12 don't share any of those issues, you don't live
13 together. I mean, basically, life partner and
14 common-law spouse are basically the same.

15 MS. FRANKLIN-SUBER: Unfortunately,
16 Councilman Kenney, they are not.

17 Under Pennsylvania law -- and the real
18 core of it here is State law -- the definition of
19 "marriage" is very simple. It is a civil
20 contract by which one man and one woman take each
21 other for husband and wife. It's a statutory
22 definition.

23 Under Pennsylvania law, common-law
24 spouses, it's the same, the distinction being that
25 you have a union by ceremony and a union without

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 ceremony by express words of the parties holding
3 themselves out as being married.

4 If the definition of "life partner" is
5 limited to same-sex couples, then you still have a
6 universe of unmarried heterosexual couples that do
7 not fall within the category of common-law spouses
8 who --

9 COUNCILMAN KENNEY: Even though they
10 share many of the elements of both.

11 MS. FRANKLIN-SUBER: That is correct.

12 COUNCILMAN KENNEY: Okay, thank you.

13 PRESIDENT STREET: Miss Suber, can we
14 talk a little bit about dependents of partners.

15 It is my understanding that if the
16 bill, as amended, were passed, that the dependents
17 of any of the partners that were eligible for
18 coverage under the bill, those dependents would
19 also be covered.

20 So that if a male City employee had a
21 domestic partner and that domestic partner had
22 dependents, those dependents would now be covered;
23 is that correct?

24 MS. FRANKLIN-SUBER: Mr. President, it
25 is my understanding that is the intent. I believe

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 that is, in fact, correct.

3 It might be more appropriate for the
4 Personnel Director to respond to the question.

5 MS. SEYDA: To make sure that I
6 understand your question, your question is, would
7 dependents of a --

8 PRESIDENT STREET: If I'm a City
9 employee, and I'm single, and I put Councilman
10 Nutter on my benefits, and he's got five children,
11 right, and those five children don't have any
12 coverage or anything, he comes on, the children
13 come on; is that correct?

14 MS. SEYDA: That is correct.

15 PRESIDENT STREET: They're all covered.

16 COUNCILMAN NUTTER: Just for the
17 record, Mr. President --

18 PRESIDENT STREET: Just for the
19 record. I knew you were going to have something
20 for that record.

21 COUNCILMAN NUTTER: You won't and I
22 don't.

23 PRESIDENT STREET: All right. I just
24 thought it would be an interesting hypothetical to
25 brighten up what's going to be a long night.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. SEYDA: In most cases, when a
3 domestic partner is.

4 PRESIDENT STREET: Miss Seyda, I don't
5 want you to say "in most cases." I want you to
6 tell me what happens under the bill.

7 An employee gets a domestic partner,
8 that domestic partner has a bunch of kids. If the
9 domestic partner goes on the benefits and the
10 children, the dependents go on, I don't want to
11 say "the children," 'cause it could be -- my
12 understanding is it could be dependents other than
13 just minor children, the dependents go on.

14 MS. SEYDA: Dependents would be covered
15 in the same way that they would be covered if it
16 was a spouse.

17 PRESIDENT STREET: All right. Now, is
18 that what happens in private industry? Does
19 anybody know what happens in private industry if
20 the dependents -- if the life partner, not
21 employee, has children, it is my understanding,
22 and I'm not even sure where I got this from. It
23 is my understanding that those children would be
24 eligible for coverage but there would be a payment
25 that would have to be made in order to get those

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 children coverage.

3 MS. SEYDA: Well, it would depend upon
4 the plan. I mean, it conceivably -- it could --
5 in a City-administered plan, there could be an
6 additional cost involved too. It depends upon if
7 the --

8 PRESIDENT STREET: You mean to tell me
9 if this bill passed and a life partner has
10 dependents in one of our -- in our
11 City-administered, in order for those dependents
12 to be covered, there would be a premium that would
13 have to be paid by the employee? Which one of our
14 plans is that?

15 MS. SEYDA: It would be -- the City's
16 Blue Cross PPO Plan does have an employee
17 contribution, and the employee would be
18 responsible for paying whatever critics would
19 apply in a marriage situation.

20 The same rules -- the same rules would
21 apply for a domestic-partner relationship as would
22 apply to a marriage relationship.

23 PRESIDENT STREET: And I just want to
24 make sure I understand this. So that you could
25 have -- we set up a situation where the City

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 employee has a domestic partner, that partner has
3 children, whether or not there is anything -- any
4 premium has to be paid or not, those dependents
5 and children are covered.

6 But under the amendment, in 61 days,
7 they could all be off. It just takes 61 days to
8 terminate a domestic partnership under the
9 proposed amendment, is that correct? In 61 days?

10 MS. SEYDA: Under -- yeah --

11 PRESIDENT STREET: Under the proposed
12 amendment to the bill, it takes 61 days in order
13 for a City employee to eliminate -- to change
14 domestic partners or life partners, is that
15 correct?

16 MS. SEYDA: The proposed amendment was
17 60 days to terminate a relationship, yes.

18 PRESIDENT STREET: So in 60 days, the
19 relationship could be terminated, that life
20 partner could be off, the dependents, the children
21 of that life partner could be off. And then when
22 could another life partner be put on the benefits,
23 the next day?

24 MS. SEYDA: No. I believe in the
25 proposal, there is a waiting period, I believe

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 it's --

3 MS. FRANKLIN-SUBER: I believe the
4 waiting period is one year, Mr. President.

5 PRESIDENT STREET: So that under the
6 proposed amendment, you could only have one
7 domestic partner in any one year?

8 Councilman Nutter, does anybody know?
9 Is that the amendment?

10 COUNCILMAN NUTTER: It's proposed
11 amendment number 2, number 2 under the definition
12 under the definition of life partnership, Section
13 A, small Roman numeral iv, if they have not been a
14 member of a different life partnership for the
15 past 12 months, parentheses, unless the prior life
16 partnership ended as a result of the death of the
17 other life partner. Otherwise, there is a
18 one-year waiting period, and also there is a
19 requirement of at least a six-month proof of
20 interdependence.

21 PRESIDENT STREET: Is the six months
22 added to the year, or can that be included within
23 the year?

24 COUNCILMAN NUTTER: It's within the
25 year. But you do have to wait a year.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: So now how does that
3 work? When the life partner is no longer covered
4 the dependents are no longer covered?

5 MS. SEYDA: That is correct.

6 PRESIDENT STREET: Is it possible -- is
7 it possible for -- is it possible for life
8 partners -- well, no, I'll save that question.

9 I see Councilman Kenney's light's on.
10 Councilman Kenney.

11 COUNCILMAN KENNEY: I'd like to follow
12 up on that line of questioning with two additional
13 hypotheticals.

14 An individual single person,
15 heterosexual male, enters into a common-law
16 registration process with a heterosexual female
17 with four children, not his. Those children are
18 covered by his employee plan? He is the
19 employee.

20 MS. SEYDA: If it's a common-law
21 relationship, it is a marriage relationship, and
22 the answer would be yes.

23 COUNCILMAN KENNEY: Yes. And if they
24 absolve that relationship through divorce, those
25 children are off, because they're not his kids.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. SEYDA: I would. . . I would defer
3 to somebody who has a little more familiarity with
4 family law than I do.

5 PRESIDENT STREET: I think they're off.

6 COUNCILMAN KENNEY: They're off.

7 PRESIDENT STREET: Unless they were
8 adopted.

9 COUNCILMAN KENNEY: No, a single man
10 enters into a common-law registration with a woman
11 who has four children, none of them are his. They
12 are on his health benefits as a City employee.

13 MS. SEYDA: Right.

14 COUNCILMAN KENNEY: If that
15 relationship absolved or dissolved by divorce,
16 through divorce, those children are then off.

17 MS. SEYDA: Yeah, logically, yes.

18 PRESIDENT STREET: They're all off.

19 COUNCILMAN KENNEY: An additional
20 situation, if an individual enters into a
21 common-law registration relationship with an
22 individual who's a heterosexual female, and the
23 male is the employ, and they produce four children
24 in that relationship, and then they divorce, those
25 four children stay on, correct? They're his kids.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 It would be --

3 MS. SEYDA: That's dependent upon what
4 the agreement was in the divorce in terms of which
5 parent has responsibility for the medical coverage
6 for the children would be. . .

7 COUNCILMAN KENNEY: Is that a custody
8 issue or is that --

9 MS. SEYDA: No, not at all a custody in
10 terms of who was legally responsible for providing
11 those benefits.

12 COUNCILMAN KENNEY: So -- that's.

13 MS. FRANKLIN-SUBER: If they're
14 independent.

15 COUNCILMAN KENNEY: In the first
16 situation, where they're not his children, they
17 came, they were existing before a common-law
18 marriage. They are off.

19 MS. SEYDA: They would be off because
20 they were not his children before, they're not his
21 children now.

22 COUNCILMAN KENNEY: If they are his
23 children, dependent upon the agreement in the
24 divorce, they could be on or off.

25 MS. SEYDA: That is correct.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN KENNEY: If he enters into
3 another common-law relationship and had three more
4 children and then dissolves that relationship,
5 they could be on or off.

6 I mean, basically, my point is, from a
7 common law perspective and from a marriage
8 perspective, we could go on hypothetical to a 20-
9 or 25-children dependency on the City health
10 benefits and other issues legally, as we stand
11 now.

12 MS. SEYDA: Well, the same rules apply
13 for domestic partnership relationships as apply in
14 a marriage relationship.

15 COUNCILMAN KENNEY: But --

16 MS. SEYDA: Or a common-law
17 relationship. They're the same.

18 COUNCILMAN KENNEY: But in a same-sex
19 domestic partnership relationship, you might only
20 have one set of kids; you're not going to produce,
21 unless something changed in biology that I don't
22 know about.

23 In that domestic partnership, even if
24 there were existing children from another
25 heterosexual relationship, that same-sex

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 relationship is not going to produce any
3 additional dependents.

4 MS. SEYDA: Generally not.

5 COUNCILMAN KENNEY: Okay.

6 MS. SEYDA: But it's not a hundred
7 percent.

8 MS. SUBER-FRANKLIN: We were qualifying
9 that be reference to artificial insemination.

10 MS. SEYDA: Or adoption.

11 COUNCILMAN KENNEY: Okay, that's a good
12 point. Thank you. They are issues that I just
13 wanted to make sure that I try understand all the
14 different permutations.

15 Thank you.

16 PRESIDENT STREET: On the real estate
17 transfer tax exemption bill, I'd like to get a
18 little more clarity on how that works.

19 Suppose two people come in and say, We
20 want to transfer real estate from one of us to
21 another of us, and they fill out a form, an
22 affidavit of some kind and say, We're domestic
23 partners. And then the transfer is made
24 nontaxable?

25 MS. KAMMERDEINER: As the ordinance is

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 drafted, they would be required to complete an
3 affidavit or certification that indicated the
4 relationship.

5 We presently have a form, a
6 certification form, that's used for the realty
7 transfer tax, that lists the number of different
8 types of the exclusions from the tax.

9 And I would expect that if this
10 ordinance were enacted, we would add an additional
11 category to that certification form, and that is
12 what would be used and be signed by both parties.

13 PRESIDENT STREET: Is there length of
14 time a domestic partnership or life partnership
15 has to be in effect in order to be able to
16 transfer for -- qualify for the real estate tax
17 exemption?

18 MS. KAMMERDEINER: I'm sorry. I don't
19 understand the question.

20 PRESIDENT STREET: Well, is there any
21 length of time that the partnership, life
22 partnership -- does the domestic partnership have
23 to be in effect for any length of time in order to
24 qualify for this transfer?

25 MS. KAMMERDEINER: The amendment that's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 proposed to the realty transfer tax ordinance
3 would invoke the same definition for a life
4 partner as is included in the Fair Practices
5 Ordinance. It references that.

6 PRESIDENT STREET: How does that work?
7 How would that work.

8 MS. SUBER-FRANKLIN: The relationship
9 would have to be in existence for six months. I
10 believe that's --

11 Is that the answer to your question,
12 Mr. President?

13 PRESIDENT STREET: I don't know, I
14 don't know the answer to my question.

15 MS. KAMMERDEINER: As I understand your
16 question, the relationship would have to have been
17 approved or certified -- whatever the proper term
18 is -- by the Human Relations Commission after a
19 filing with them of the life partnership.

20 And in order to use the exclusion in
21 the realty transfer tax, they would need to be
22 included among those registered with the Human
23 Relations Commission.

24 PRESIDENT STREET: I don't understand
25 that. I have to tell you, I do not understand

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 that.

3 MS. FRANKLIN-SUBER: Mr. President, if
4 I might. I believe your question relates to how
5 long the relationship has to be in existence
6 before they can qualify for the exemption.

7 PRESIDENT STREET: That's too limiting
8 a view on the question.

9 MS. FRANKLIN-SUBER: Okay.

10 PRESIDENT STREET: I want to know how
11 it works. There are two people who decide that
12 they want to transfer property among and between
13 them because they have a domestic or a life
14 partnership. What happens?

15 MS. FRANKLIN-SUBER: They would have to
16 file with the Human Relations Commission.

17 PRESIDENT STREET: You can't say they
18 would have to file. They would have had to file?
19 Would it have had to be on file at the time that
20 they --

21 MS. FRANKLIN-SUBER: Yes, in order to
22 qualify for the exemption, yes.

23 PRESIDENT STREET: So let me get this
24 straight. If the bill is passed, the Human
25 Relations Commission has to set up some kind of

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 registry because anybody who may want to transfer
3 real estate in this way now has to go and register
4 that domestic partnership so that at the time the
5 transfer is getting ready to be made, it's already
6 on file.

7 MS. FRANKLIN-SUBER: That's correct.
8 The Human Relations Commission would administer
9 the verification procedure and process.

10 The Revenue Department would get that
11 information, the verification, the actual
12 confirmation that the relationship is, in fact,
13 legitimate from the Human Relations Commission.

14 PRESIDENT STREET: Well, I never seen
15 -- I have been to a lot of real estate
16 settlements. I have never seen the Revenue
17 Department at any of them.

18 MS. KAMMERDEINER: No. The form is
19 filed with the Department of Records after the
20 transfer takes place, but there is an opportunity
21 to review and to confirm the information that's on
22 the form.

23 PRESIDENT STREET: Well, now, I do not
24 wish to play lawyer here 'cause I am -- I'm just
25 -- the last time I was at a settlement, the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 settlement clerk from the title company made a
3 judgment based on information that that title
4 clerk had that this was a transaction that was
5 exempt.

6 The Revenue Department wasn't in it,
7 they didn't go check anyplace with anybody. The
8 title clerk had the information.

9 Now, I need you to try this again.

10 MS. KAMMERDEINER: Okay. As I
11 indicated during my testimony, we generally do
12 accept the information that's provided by the
13 parties to the transfer when they describe the
14 relationship that they have. If they indicate
15 that they're --

16 PRESIDENT STREET: When you say "we,"
17 the Revenue Department isn't there, it's the title
18 clerk.

19 MS. KAMMERDEINER: We audit or review
20 the forms after the fact. And if there are any
21 questions about the transfer that has taken place,
22 if there is any reason to question that there was
23 a related-party transfer that is covered by the
24 existing code, that would be reviewed, and we will
25 follow up in terms of enforcement and --

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: I thank you for that
3 answer. It's irrelevant to my question. I want
4 to try a lawyer here.

5 Two people decide that they want to
6 transfer this property. In order to transfer the
7 property, whether it's a mortgage involved or it's
8 not a mortgage involved, there's got to be --
9 there's a settlement, and they go to a
10 settlement.

11 And there is a title clerk, and the
12 title clerk has the responsibility of conducting
13 the transaction with the assistance of the
14 lawyers. There is -- there are forms that the
15 title clerk -- if it's a taxable transaction, the
16 title clerk on the settlement sheet lists what the
17 transfer tax is and writes out checks to the City
18 of Philadelphia and the Commonwealth of
19 Pennsylvania for the amount of the settlement the
20 Revenue Department isn't even involved in it.

21 I want to know how's the title clerk
22 going to know? How is anybody going to know about
23 this?

24 MS. KAMMERDEINER: I guess I can only
25 answer with a question. How do they know today

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 that it's two brothers who are transferring the
3 property. They accept the information that they
4 are provided at the time of the settlement.

5 It would be a similar situation here,
6 that the two parties would indicate they were life
7 partners.

8 PRESIDENT STREET: Ma'am, I'm --

9 MS. KAMMERDEINER: This way, we at
10 least have a way to go and check it. There would
11 be a registration --

12 PRESIDENT STREET: Ma'am, I'm not
13 disputing what you say, and I agree with
14 everything you say.

15 It's just that what you're telling me
16 is way further back in the transfer. I mean, the
17 transfer was made, right? You check the -- well,
18 if --

19 MS. KAMMERDEINER: That's when it
20 happens today too, under the existing exclusions
21 in the Code. This would be no different.

22 PRESIDENT STREET: The Revenue
23 Department -- the Revenue Department never comes
24 to settlements.

25 MS. KAMMERDEINER: I'm not saying it's

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 at settlement; it's after the fact. We get the
3 forms after they've been filed -- the title
4 company files those forms with the Department of
5 Records as part of the deed transfer.

6 PRESIDENT STREET: Now we're getting on
7 the same page. I'm asking you, how is the title
8 clerk going to know anything about any of this?

9 MS. KAMMERDEINER: They probably are
10 accepting the word of the parties at the
11 settlement table. We get those forms, we review
12 them.

13 In the case of the life-partner
14 situation that's been proposed here, we at least,
15 in reviewing a form that has an indication of a
16 life partnership transfer, could go to the Human
17 Relations Commission and see whether or not those
18 two parties were in fact part of a life
19 partnership that had been registered.

20 PRESIDENT STREET: But won't there have
21 been there have to be some mechanism whereby title
22 clerks, and insurance companies and lawyers and
23 all those people who do these transactions, won't
24 they have to be able to know or verify? What will
25 they do?

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. KAMMERDEINER: The form that we
3 have now would be modified to include that
4 relationship, and there would have to be
5 additional information provided to them on how a
6 life partnership was established.

7 And I believe Stephanie has some
8 additions.

9 MS. FRANKLIN-SUBER: Mr. President, an
10 alternative way would simply be for the parties to
11 produce the certificates that they will be issued
12 by the Human Relations Commission. That will
13 constitute also evidence that there is a
14 legitimate relationship so that they can -- they
15 can submit that information in connection with the
16 settlement.

17 PRESIDENT STREET: Look, I'm just
18 trying to find out if this bill is passed, what is
19 that going to mean to the City, what's it going to
20 mean to the Human Relations Commission, what's it
21 going to mean to the Revenue Department? Are we
22 going to have to hire people to run around and
23 check up on stuff?

24 I just -- I mean, when we pass these
25 bills, that can get complicated. It's always easy

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 to pass the bills and say, Well, you know, let's
3 hope -- it's just a simple matter. You know,
4 forms will have to be developed, notices will have
5 to be gotten out to people, the procedures will
6 have to be put in place, and then, you know there
7 are going to have to be people to administer this
8 program.

9 This real estate transfer tax program
10 is a program that's a Citywide program, that has
11 nothing whatsoever to do with health benefits or
12 anything else. So what we are doing is, just so
13 we understand here what we're doing here is, we're
14 providing a situation where every couple,
15 same-sex, forms a domestic partnership, transfers
16 that property.

17 Now -- and that's got to be my -- and I
18 need to ask the City Solicitor this question. Is
19 it possible that heterosexual couples who want to
20 transfer property among and between them can say,
21 This is a form of discrimination. It is a form of
22 discrimination based on marital status.

23 You can't tax us, you can't charge us
24 the transfer tax because the only reason why we're
25 being required to pay the transfer tax is because

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 we're not a life partner, and we're not -- or
3 we're not married, and that's a violation of the
4 Fair Practices Act. You can't charge us any real
5 estate transfer tax.

6 MS. FRANKLIN-SUBER: Mr. President, in
7 response to your question, the short answer is
8 yes, it is possible for opposite-sex unmarried
9 couples to challenge the bill on a couple of
10 different grounds.

11 First, as a violation of equal
12 protection. Secondly, it could also be challenged
13 under the uniformity clause of the Pennsylvania
14 Constitution. That requires taxes to be uniform
15 upon the same class of subjects.

16 While we believe that the bill may be
17 defensible on both grounds, I certainly know that
18 you are aware that these are novel issues, and
19 it's impossible to predict with any certainty what
20 a court might ultimately rule.

21 PRESIDENT STREET: Well, let me ask the
22 Revenue Department, if we were to get in, and I --
23 I'm not sure who would have standing to challenge
24 any of this.

25 I mean, if all of a sudden one day,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 this bill passes and now, all of a sudden, you
3 know, couples around the City are -- heterosexual
4 couples are saying, You can't, you can't
5 discriminate against me on the basis of marital
6 status. We're not paying the tax.

7 Who has standing to challenge that
8 practice? I mean, is that -- I mean, do we end up
9 in court? I mean, how does that become an issue
10 that gets litigated?

11 MS. FRANKLIN-SUBER: If it's a
12 uniformity challenge for this particular bill,
13 then the claim would be brought by the taxpayer or
14 any other party that claims they are aggrieved,
15 which could possibly be --

16 PRESIDENT STREET: Well, the tax is
17 \$500, \$1,000, the taxpayer is going to have a
18 right -- I mean, couldn't a court just say, You
19 can't -- you don't have a standing?

20 I mean, how's an individual taxpayer
21 going to show that he or she is injured because
22 the City waives or exempts this lone transaction
23 from the real estate transfer tax?

24 MS. FRANKLIN-SUBER: Well, the
25 challenge here would be in connection with

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 possible claims of unmarried heterosexual
3 couples. For example, that claim that they have
4 been discriminated against by virtue of the
5 definition of "life partner."

6 So, therefore, they could bring an
7 equal protection challenge. They could certainly
8 allege that they have been aggrieved --

9 PRESIDENT STREET: I understand that.

10 MS. FRANKLIN-SUBER: -- as could a
11 taxpayer.

12 PRESIDENT STREET: I understand that,
13 and I don't have any question --

14 MS. FRANKLIN-SUBER: They would have
15 standing.

16 PRESIDENT STREET: I don't have any
17 questions that if the heterosexual couple who have
18 formed the domestic partnership that went down
19 tried to register it, maybe it got registered and
20 maybe it didn't, right, but they went, and then
21 they wanted to transfer this property.

22 MS. FRANKLIN-SUBER: Right.

23 PRESIDENT STREET: They wanted to
24 transfer this property. If the Revenue
25 Department, in conjunction with the title company,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 and all those folks say, We're not going to exempt
3 the transaction, you're not covered.

4 MS. FRANKLIN-SUBER: Correct.

5 PRESIDENT STREET: Right? I understand
6 what happens with that. I mean, they just -- they
7 just -- they're aggrieved because they had to pay
8 the tax.

9 The question is -- the question is,
10 what happens if the Revenue Department decides
11 Well, maybe they're right, let's exempt the
12 transaction.

13 Do they appeal to the Human Relations
14 Commission? And does the Human Relation
15 Commission say, Oh, this is -- this is
16 discrimination on the basis of marital status?

17 The Human Relation Commission says you
18 have to give the exemption, right? And so now the
19 people are happy, they got the exemption. Is that
20 what happens here?

21 MS. FRANKLIN-SUBER: Your hypothetical
22 starts with unmarried heterosexual couples who
23 could not qualify for the exemption.

24 PRESIDENT STREET: Let me try this
25 again.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 MS. SUBER-FRANKLIN: So the Revenue
3 Department --

4 PRESIDENT STREET: Let me try this
5 again. This bill passes, it gets wide publicity
6 because everyone will be talking about it. And
7 after this discussion, heterosexual showed up at
8 other hearings and said we want the benefit too.
9 Now, we've had that.

10 Now, a heterosexual couple knows that
11 there's a transfer they want to make, and it's a
12 lot of money involved. I mean, it's anywhere from
13 500 to 2, 3,000 dollars. We don't know what the
14 transfer tax is going to be. Our transfer tax is
15 a high transfer tax.

16 So they go down and they try to
17 register 'cause they know -- because they have
18 talked to a lawyer in this, to go down and try to
19 register. They're not allowed to register, but
20 they've made an effort to register.

21 They go and they do the transaction.
22 They want to transfer property. They make
23 application at the settlement table for the
24 exemption, right? The title company says, You
25 can't get this exemption.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 They talk to lawyers, they put off the
3 -- they postpone the settlement, they delay it for
4 60 days. They run down to the Human Relations
5 Commission, they file a complaint.

6 Now, the complaint is sitting in front
7 of Mr. Vaughan, right? He has to decide, What are
8 we going to do here? The Human Relations
9 Commission -- if the Human Relations Commission
10 says it isn't discrimination, we know what they
11 can do, they're aggrieved, they have to pay the
12 tax.

13 But if the Human Relation Commission
14 says, Oh, the only reason why you have to pay the
15 tax is because you're not married, that's
16 discrimination on the basis of marital status.
17 That violates the Fair Practices Act.

18 You don't have to pay the tax, what
19 happens then? Who can challenge any of that?

20 MS. FRANKLIN-SUBER: Mr. President, we
21 might advise the Human Relations Commission that
22 the complaint is not properly before it, there's
23 no violation of the Fair Practices Ordinance
24 because of the scope of that ordinance deals with
25 discrimination in employment practices,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 discrimination in public accommodation,
3 discrimination in housing, and I don't think it
4 falls within any of those categories with regard
5 to --

6 PRESIDENT STREET: But you might not.
7 I mean, you don't know what will happen. That's
8 the bottom line.

9 MS. FRANKLIN-SUBER: Correct.

10 PRESIDENT STREET: And so if the City
11 started being required -- if the City started
12 being required to give those exemptions, do we
13 have any idea what that could cost us?

14 MS. KAMMERDEINER: Not at this point,
15 no, no.

16 PRESIDENT STREET: Is there any way to
17 figure any of that out?

18 MS. KAMMERDEINER: I don't know how we
19 would do that. We wouldn't have any idea how many
20 transactions might be involved or the dollar value
21 of each transaction.

22 PRESIDENT STREET: Let me ask another
23 question.

24 What happens -- what happens if the --
25 if heterosexual couples just go down and start

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 trying to establish life partnerships with the
3 view toward some of this other stuff? I mean,
4 what would what -- would happen? How would that
5 be handled?

6 I don't know who to direct that
7 question to. The City Solicitor. Everybody's --
8 we're handing this baby off here.

9 MS. FRANKLIN-SUBER: If heterosexual
10 unmarried couples apply to the Human Relations
11 Commission for verification, they would not
12 qualify because they would not come within the
13 definition of life partner, assuming the bill is
14 enacted with the proposed amendments.

15 PRESIDENT STREET: Could they challenge
16 that in court. That determination?

17 MS. FRANKLIN-SUBER: Yes, Mr.
18 President. They could claim that they have been
19 discriminated against based on marital status,
20 they could claim that they have been discriminated
21 -- their Constitutional rights to equal
22 protection have been violated. There are any
23 number of possible claims or challenges that could
24 be made.

25 PRESIDENT STREET: All right.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The Chair recognizes Councilman Nutter.

3 COUNCILMAN NUTTER: Thank you, Mr.
4 President.

5 Madame Solicitor, for many of the
6 hypotheticals as laid out by the President with
7 the unmarried heterosexual couple, would it be
8 fair to say that one of the primary remedies to
9 any of those situations is that they could avail
10 themselves of the opportunity to just get married,
11 and then they wouldn't time have to deal with any
12 of these potential claims or problems under
13 potential discrimination on marital status?

14 (Applause.)

15 MS. FRANKLIN-SUBER: Councilman Nutter,
16 certainly in connection with a possible equal
17 protection challenge, the standard under
18 Pennsylvania law is whether or not there is a,
19 quote/unquote, rational basis for City Council's
20 decision to treat same-sex life partners
21 differently from opposite-sex unmarried couples.

22 In defending against any potential
23 challenge, we would certainly argue that there is
24 a sufficient basis for different treatment since
25 opposite-sex couples may marry and, therefore, are

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 not in need of legislative protection.

3 (Applause.)

4 COUNCILMAN NUTTER: With regard to the
5 real estate transfer tax proposed exemption -- and
6 this is just more of the mechanics of how it works
7 because I understood the question and the example
8 as laid out by the President with regard to --
9 you're at settlement.

10 Is it my understanding that there is a
11 form that is -- if the two brothers or brother and
12 sister or any of the presently covered people, if
13 they claim that they are eligible for the
14 exemption, as I recall seeing the form, there are
15 at least a dozen specific categories for
16 exemption. And the current form, I believe, has
17 the last category technically is listed as
18 "other."

19 And is the common practice that it's
20 the "other" box that gets checked, and then the
21 two individuals write out on, I believe, two lines
22 on that form what their claim of exemption is? Is
23 that correct, Miss Kammerdeiner?

24 MS. KAMMERDEINER: Yes, that's correct.

25 COUNCILMAN NUTTER: And, as laid out by

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the President's example, the title company or the
3 title clerk then takes that form and they do
4 whatever it is they do with it, but eventually, it
5 ends up over at Revenue. Is that correct?

6 MS. KAMMERDEINER: It's file with the
7 Department of Records.

8 COUNCILMAN NUTTER: Department of
9 Records.

10 MS. KAMMERDEINER: And they actually
11 collect the transfer tax on behalf of the
12 Department of Revenue. The funds are turned over
13 to us and deposited, and the forms are given to us
14 for our review in the audit process.

15 COUNCILMAN NUTTER: And by your current
16 audit process -- and I don't know -- when you say
17 "audit," I don't know whether you mean you look
18 at 20 percent of the forms or you look at 100
19 percent of the forms, but whatever the number is,
20 if you're just trying to do a spot audit to kind
21 of check people, if the person's, I believe again,
22 signed the form and I believe it's listed that
23 there are -- they could be charged with either
24 unsworn falsification or sworn falsification
25 subject to perjury if they sign the form

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 inappropriately, is that correct?

3 MS. KAMMERDEINER: It basically says
4 that under penalties of law, so that's basically
5 correct.

6 COUNCILMAN NUTTER: And when you do
7 your audit, if you found or had reason to believe
8 or questioned what the nature of the relationship
9 was and dug into it and made a determination that
10 the people had signed falsely, what do you do?

11 Or would you go after them for the
12 now-falsely-claimed exemption and try to go back
13 and collect the real estate transfer tax?

14 MS. KAMMERDEINER: We would really two
15 things. We would pursue the collection of the
16 tax, and in consultation with the Law Department,
17 determine whether there were any legal remedies
18 that we wanted to pursue as a result of the
19 falsification, but we would certainly pursue
20 collection of the tax.

21 COUNCILMAN NUTTER: Okay. And under
22 the proposal in front of us, if a person fills out
23 the form and makes a claim based on life
24 partnership, and the form gets sent in, you would
25 then contact the Human Relations Commission to

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 ensure that they have a verification statement on
3 file.

4 And if they did not, similar to the
5 current practice for all the covered people, you
6 would go after them?

7 MS. KAMMERDEINER: That's right.

8 COUNCILMAN NUTTER: For falsely filing
9 the document and you would seek payment of tax, is
10 that correct?

11 MS. KAMMERDEINER: Yes, that is
12 correct.

13 COUNCILMAN NUTTER: Okay. I wanted to
14 just ask one very brief question, and it goes back
15 to -- strike that.

16 Is it my understanding that with regard
17 to this real estate transfer tax, and I think you
18 may have answered it in some of the questions and
19 answers with the President.

20 Is it my understanding that you,
21 because it is apparently considered to be somewhat
22 de minimus, that you have not tried to calculate
23 the total value of all of the exempt transactions
24 under this program?

25 Although I believe earlier in your

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 testimony, you may have tried to do some
3 calculations on just the husband-wife type
4 transfer. Is that right?

5 MS. KAMMERDEINER: That's basically
6 correct. We don't have complete statistics from
7 the Department of Records on all of the exemptions
8 that are approved right now. We only do it on a
9 sampling basis. There's no system information
10 available to us, but we have done a sampling of
11 transactions, some 16,500 transactions, and have
12 determined that it was a relatively small number
13 of those transactions that were husband-wife
14 transactions that were excluded from the tax.

15 We think that the number of transfers
16 between life partners would be an even smaller
17 number than that. Though we have no real evidence
18 to base that on, we think that that number would
19 be small.

20 And I guess really the only thing we
21 could base that on is the number of people who
22 have come forward on the health benefits side has
23 been a small number. We think that we would see
24 something similar to that.

25 COUNCILMAN NUTTER: Okay, thank you

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 very much.

3 Thank you, Mr. President.

4 PRESIDENT STREET: To the City

5 Solicitor, in the proposed amendment, in No.

6 2-A-5, it says the life partner -- under

7 definition of life partnerships, it says, "Agree

8 to share the common necessities of life and to be

9 responsible for each other's common welfare."

10 What does that mean?

11 MS. FRANKLIN-SUBER: The short answer

12 to your question, Mr. President, is that it's not

13 entirely clear from the language.

14 It is expected that the Human Relations

15 Commission would issue regulations. The

16 regulations would set forth proof requirements

17 that individuals seeking verification as life

18 partners would have to submit to indicate that

19 there is financial interdependence.

20 (Applause.)

21 MS. SUBER-FRANKLIN: That could mean --

22 that could mean, for example, that the common

23 necessities of life would involve sharing a

24 residence, sharing medical expenses, sharing

25 expenses for food.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Does it give -- does
3 that -- does that -- does that language give the
4 right of one life partner to sue the other life
5 partner for the common necessities of life and for
6 their welfare? Does it raise any obligation of
7 support?

8 MS. FRANKLIN-SUBER: The ordinance
9 itself does not create an obligation of support.
10 The ordinance simply seeks verification from the
11 parties that they have mutually agreed amongst
12 themselves to share financial obligations and
13 expenses.

14 PRESIDENT STREET: But what I want to
15 know is -- is it -- do you think as a result of
16 two people entering into this arrangement, would
17 it be possible for one person, as is the case
18 with, I think, with common-law marriages for a
19 person to petition a court for support on the
20 basis of this provision?

21 MS. FRANKLIN-SUBER: Not on the basis
22 of the ordinance.

23 For example. If you look at the
24 common-law spouse situation, there is a definition
25 of "common-law spouse" under Pennsylvania law. To

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 the extent those parties seek remedies with regard
3 to mutual obligations, they do so not because the
4 Personnel Department requires them to submit a
5 form indicating proof of financial
6 interdependence. The same would be the case here.

7 PRESIDENT STREET: All right. Now I
8 would like for you to explain a little bit on this
9 record, on page 6, you say that the prohibition --

10 MS. FRANKLIN-SUBER: Excuse me, Mr.
11 President, page 6?

12 PRESIDENT STREET: Page 6 of the
13 opinion you sent to me. In addition, the full
14 scope of bill 970750 in its prohibition against
15 discrimination on the basis of marital status is
16 not clear and would have to be clarified through
17 complaints file by individuals before the Human
18 Relations Commission.

19 The bill prohibits any employer,
20 including a private employer, from firing or
21 hiring any individual on the basis of marital
22 status or status as life partner.

23 It also prohibits any employer,
24 including a private employer, from discriminating
25 against any individual on the basis of marital

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 status with respect to tenure promotions, terms,
3 conditions, and privileges of employment.

4 Can you explain what that means?

5 MS. FRANKLIN-SUBER: Yes, Mr.

6 President, I can try to do that by way of example.

7 We have spent some time discussing
8 potential challenges that opposite-sex unmarried
9 couples could assert by way of discrimination.

10 Because the ordinance, as amended,
11 prohibits any employer from discriminating against
12 an individual on the basis of marital status --
13 and that covers tenure, promotions, terms,
14 conditions or privileges of employment --
15 conceivably, the Human Relations Commission could
16 receive complaints from single individuals who may
17 claim that by providing certain benefits or work
18 assignments or special privileges only to married
19 employees, that somehow these individuals have
20 been discriminated on the basis of marital status.

21 So the possible challenges are not
22 limited to the universe of unmarried heterosexual
23 couples.

24 PRESIDENT STREET: So is it fair to say
25 that marital status is now being set up under this

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 bill as something akin to a suspect classification
3 in the sense that people now have a right, in a
4 very general way, to look at everything that
5 happens to them at the workplace and say, as
6 people do, on the basis of age and other forms of
7 discrimination, I think that supervisor
8 discriminated against me on the basis of marital
9 status. He favors the married people in the
10 company, as opposed to the single people in the
11 company.

12 And could they then file a complaint
13 and then subsequently a lawsuit and allege
14 marriage discrimination because they say -- they
15 allege that the supervisor favored married people
16 over single people?

17 MS. FRANKLIN-SUBER: Mr. President, it
18 is certainly possible that we will entertain
19 similar complaints or complaints similar to those
20 that we see in the context of racial
21 discrimination or age discrimination.

22 I hesitate only because I would be
23 reluctant to use the phrase "suspect
24 classification."

25 I would agree with you to the extent

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 that I think we will see similar kinds of claims,
3 whether it's from single individuals, divorced
4 individuals. It could be based on perceived
5 differences in treatment in employment practices.

6 So the point simply being that we could
7 certainly see the same kinds of claims, a panoply
8 of claims, not simply limited to unmarried
9 heterosexual couples.

10 PRESIDENT STREET: Thank you very
11 much.

12 This Committee will stand in recess for
13 ten minutes.

14 (Committee stands in recess.)

15 (Proceedings resume.)

16 PRESIDENT STREET: Can I have your
17 attention, please. This is a recessed hearing of
18 the Council Committee of the Whole. We are
19 continuing to take testimony on Bill No. 970745,
20 970749, 970750.

21 Does any other Member of Council have
22 other questions for any of the City witnesses at
23 this time?

24 (No questions.)

25 PRESIDENT STREET: Okay. Pete

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Matthews.

3 (Not present.)

4 PRESIDENT STREET: Renee English.

5 (Not present.)

6 PRESIDENT STREET: Do I see a witness
7 coming?

8 (Nicole Burton comes forward.)

9 MS. BURTON: Council President Street,
10 other Members of City Council, Mr. Matthews was
11 unable to be here this evening. For the record,
12 my name is Nicole Burton, AFSCME, District City
13 Council 33.

14 PRESIDENT STREET: I'm sorry. Can I
15 get you to spell your last name.

16 MS. BURTON: B-U-R-T-O-N.

17 PRESIDENT STREET: Okay, Burton.

18 MS. BURTON: This will be very, very
19 brief.

20 In reference to bills 970745, 970749,
21 970750, AFSCME District Council 33 is examining
22 the possible economic effect of this legislation
23 on or bargaining unit, specifically concerning
24 health and welfare benefits.

25 Taking into consideration the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 reductions in health and welfare payments to our
3 fund in recent years, we respectfully request
4 these bills be tabled until their review and
5 process can provide definitive number on how this
6 legislation will affect our members.

7 And that's all I have to say, and I
8 have copies of this for Council.

9 PRESIDENT STREET: Thank you very much.

10 (Applause.)

11 PRESIDENT STREET: Joel Barnaby.

12 (Not present.)

13 PRESIDENT STREET: Benjamin Fisher.

14 (Not present.)

15 PRESIDENT STREET: Charles Hart.

16 (Not present.)

17 PRESIDENT STREET: Reverend R.T. Jones,
18 Senior.

19 (Not present.)

20 PRESIDENT STREET: Charles Bradley.

21 (Charles Bradley comes forward.)

22 MR. BRADLEY: My name is Charles
23 Bradley. I want to thank you for allowing me to
24 be here tonight. I'm glad everybody was able to
25 stick around.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: I'm sorry, Mr.

3 Bradley, I'm going to have to ask you to speak
4 much louder and much more directly into the
5 microphone.

6 MR. BRADLEY: All right. I said my
7 name is Charles Bradley. I'm not representing
8 anyone but myself. I live in the 4th Councilmatic
9 District of River Park, in West Philadelphia.

10 Let me begin by stating I have never
11 been nor have I associated with people affiliated
12 with the Nazi party, skinheads militia or Ku Klux
13 Klan. I am not blind or deaf, and my I.Q. Of 160
14 assumes I am not dumb.

15 I may acquire a slight attitude when
16 offended, but I have never been considered a cruel
17 or mean person. I say this right off because
18 homosexuals label, intimidate, and accuse anyone
19 disagreeing with their terrorist requests as
20 haters, bigots, idiots, or stupid.

21 Once, not too long ago, I was a member
22 of their ranks, but by the grace of the lord, my
23 God, and the power of the Gospel, I no longer
24 engage in such abominable behavior.

25 Let no one fool you, it can and does

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 happen. Just don't expect to hear if from your
3 local gay or lesbian who's too busy believing a
4 lie to admit the truth. Homosexuals play on
5 people's emotions with their demands of equal
6 rights, but they deceptively confuse the issues.

7 On one hand, many of them disavow the
8 existence of God due to their massive guilt
9 burden, while, all the time, demanding legal
10 rights to be married, which Webster's defines as
11 the institution whereby men and women are joined
12 in a special kind of social, legal dependence for
13 the purpose of founding and maintaining a family.

14 God created and sanctioned marriage, as
15 stated in Genesis 2:24. Therefore, shall a man
16 leave his father and his mother and cleave onto
17 his wife, and they shall be one flesh. And since
18 God created man in his own image and explicitly
19 told them to be fruitful and multiply, the big guy
20 knew what he was doing.

21 Many homosexuals treat the rally cry of
22 Stonewall as the basis for their coming out of the
23 closet en mass. However, the few who remember the
24 event in that dilapidated Greenwich Village dive
25 mentioned that it wasn't the preppy boys you see

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 now running things; it was the so-called dregs of
3 society that the GUPPIES of today cringe at if
4 they were allowed to mingle inside the Camac
5 Street bars in Philadelphia.

6 Stonewall rebellion was the result of
7 government intrusion into the privacy of the
8 bedroom. So if homosexuals are adamant about
9 policemen in their bedrooms in the sixties, why in
10 the nineties are they inviting the tax man in
11 their bedrooms, to monetarily reward them for
12 their actions, to put a microscope on their lewd
13 affairs?

14 They holler equal rights, but the
15 queens and kings of the movement rarely practice
16 what they profess. They are liars and connivers.
17 And I, like many people, find it very asinine to
18 so passionately identify oneself with a sex act
19 that is still illegal in several states.

20 The phrase "domestic partnership"
21 evokes in my mind the image of two amicable
22 couples, such as Ralph Kramden and Ed Norton
23 sharing the expenses of a rented cabin with their
24 wives in the Poconos or in a condo at the shore.

25 This euphemism Mitchell for the word

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 "marriage" is unjustified and should not even be
3 considered a debate. The only reason homosexuals
4 share household, or whatever else their choice may
5 be, is because of their sexual desire to lust for
6 each other; not to start a family, but to party
7 like it's 1999 or to expensively increase the size
8 of their wardrobes.

9 God created everything in this earth to
10 reproduce. And if something doesn't act according
11 to His plan, they become extinct. Now, has anyone
12 ever heard of the passenger pigeon? It's extinct.

13 How about the Shakers, those pleasant
14 and crafty people who possessed a life style of
15 chastity, even within a marriage. The only thing
16 they cranked out were the innovative household
17 furniture that cost an arm and a leg, and that is
18 their legacy, which isn't in God's plan.

19 Marriage exemptions are not a right.
20 But a benefit. Benefit applies to see people who
21 qualify for special privileges due to special
22 moral and social factors, such as senior citizens,
23 veterans, children, and married heterosexual
24 couples.

25 In this country, the only benefits we

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 provide for sexual deviants is a place to live and
3 food to eat until their term of incarceration
4 expires. It is not cruel by any means to equate
5 passing any of the domestic partnership bills with
6 rewarding John Wayne Gacey or Jessie Timmendiquas,
7 the molester of Megan Kanka. Please note, the
8 distinction should not be missed in this analogy.
9 This country is systematically reducing privileges
10 of sexual deviants, not expanding them.

11 Since the beginning of time until 30 or
12 40 years ago, a family consisted of a husband and
13 wife and one or more child. It was considered
14 abnormal to be a single parent unless you were
15 widowed. Now in this new age of the nuclear
16 family, single parenthood is the norm. And people
17 look at married couples with children as union
18 between Wonder Woman and Superman.

19 You can get the conditions that prevail
20 in our City today. The tolerance level of
21 formerly scornful behavior is preposterous on
22 their own, but to add to the moral confusion about
23 right and wrong and extending benefits to a couple
24 of men who refuse to naturally procreate is just
25 irrational.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 To add to this already-enormous amount
3 residual decay of the upheavals of the seventies
4 by extending rights to people whose mock marriages
5 typically do not last longer than the wedding cake
6 in the freezer, this begs the question, who really
7 benefits and who really loses?

8 I know firsthand partnerships are a
9 dime a dozen and worth less to these impulsive
10 people than the caterer's invoice.

11 Let me tell everyone a story or two of
12 prisoners said to be executed based on tolerance
13 and how tolerance is taken by some people. One
14 was hauled out of cell by burly guards and hauled
15 into a cauldron of boiling water. Severely
16 scalded, he died within minutes.

17 The other prisoner, handled by a
18 different, by meeker group of guards was locked in
19 a little white tile lining the walls. The
20 prisoner thought he was being given a stay of
21 execution, and four hours later, when a guard
22 returned to retrieve the prisoner from his locked
23 room, they opened the door, and the steam cleared.
24 The prisoner's withered body lay on the floor in a
25 ball. He died just as horribly as the prisoner

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 tossed into the boiling water. He only tolerated
3 his execution easier.

4 With all the new patterns of turmoil
5 happening in the world today, many people are
6 talking about this being the last days, the world,
7 as we know it, ending. But let me remind you of
8 what God said through his prophet Isaiah 400 years
9 or more before the birth of Jesus.

10 For the city stumbled and the nation is
11 falling, because their tongues and their doings
12 are against the Lord. To provoke the eyes of his
13 glory. The look on their countenance witnessed
14 against them, and they declared their sin as
15 Sodom. They do not hide it. Woe to their soul,
16 for they have brought evil upon themselves.

17 I ask City Council to defeat these
18 bills.

19 (Jeers from audience.)

20 (Applause.)

21 PRESIDENT STREET: Mary Campbell. Mary
22 Campbell.

23 (Not present.)

24 PRESIDENT STREET: Douglas Powell.

25 (Not present.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Ann Marie Mulligan.

3 (Not present.)

4 PRESIDENT STREET: Virginia Hance
5 Byers.

6 (Not present.)

7 PRESIDENT STREET: Jesse Walters.

8 (Not present.)

9 PRESIDENT STREET: Anthony Marachi.

10 (Anthony Marachi comes forward.)

11 MR. MARACHI: My name is Anthony

12 Marachi, and I am a lifelong citizen of

13 Philadelphia. Good evening, President Street,

14 Members of City Council, citizens of Philadelphia.

15 I make my presence known here today for
16 the sole purpose of voicing my opposition to the
17 life partners bills. My goal here tonight is to
18 convey to you the many reasons which will prove
19 conclusively and beyond the shadow of a doubt the
20 terrible ramifications and consequences which
21 arise as a result of the promotion and practice of
22 homosexuality. The clear and uncompromising
23 position of the Catholic church with regard to
24 homosexuality will also be reflected in my
25 testimony.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 I am of the firm testimony (sic) that
3 if these bills become laws, that they would only
4 hasten the rapid disintegration and destruction of
5 our civilization, and ultimately lead to the
6 extinction of the human race.

7 (Laughter.)

8 MR. MARACHI: Sins of homosexuality cry
9 to heaven for vengeance, as the Catholic Church
10 teaches, not only because God has often and
11 explicitly condemned them through his revelation
12 in sacred scripture, but also because they are
13 against the very law inscribed in the hearts of
14 men, namely the natural law.

15 What exactly is the natural law? you
16 might ask. According to St. Thomas Aquinas,
17 quote, natural law is nothing other than the
18 rational creature's participation in the eternal
19 law the, light of natural reason whereby we
20 discern what is good and what is evil, which is
21 the function of the natural law is nothing else
22 than the imprint on us of the divine life, closed
23 quotes.

24 Basically, the author of our nature has
25 imprinted on our souls in order to naturally,

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 quote, do good and avoid, evil closed quotes. It
3 is called the natural law for three reasons.

4 Number one, man is subject from it from
5 the moment of birth.

6 Number two, it contains from the very
7 nature of man. I'm sorry -- excuse me. Number
8 two, it contains only those precepts which are
9 derived from the very nature of man.

10 Number three, it can be grasped by the
11 natural light of man's reason without the aid of
12 human authority.

13 Pope Leo XIII concisely summed this up
14 in following words: Quote, the natural law is
15 imprinted and engraved in the hearts of all men,
16 closed quotes.

17 Now, applying this to homosexual
18 practices, we can clearly see that they are in no
19 way, quote, alternates, closed quotes, or even
20 remotely normal, but rather gravely sinful, for
21 they are grave perversions of nature.

22 The reproductive organs have been given
23 to men and women by nature in order to be used by
24 one of each for the propagation of the human
25 species. Homosexuality, however, use these organs

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 for an end other than that ordained by nature
3 itself.

4 As St. Thomas Aquinas says, quote, an
5 act arising from deliberative reason which is not
6 related to its due end has the character of
7 something evil, close quotes.

8 Herein lies the deviance of homosexual
9 acts. The use of the reproductive mechanism,
10 essentially good in marriage between man and
11 woman, with the end of procreation in mind is
12 terribly perverse and blatantly unnatural between
13 members of the same sex. Homosexual activity,
14 then, is both deviant and destructive. It
15 undermines society itself by attacking its basic
16 unit, the family.

17 So while the souls of these poor
18 sinners must be saved, their so-called, quote,
19 life-style, closed quotes, and militant crusade
20 to, quote, educate, closed quotes, and the public
21 and liberate themselves must be forcefully
22 condemned as contrary both member to nature and
23 the author of that nature.

24 I will now give you two quotes from the
25 Bible itself whereby God clearly expresses his

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 malediction for those who practice this
3 abomination. Quote, if anyone lie with a man as
4 with a woman, both have committed an abomination.
5 Let them be put to death, their blood be upon
6 them, closed quotes. Leviticus, Chapter 20, verse
7 13.

8 As we can see here, God almighty
9 himself is proscribing the death penalty for those
10 who engage in homosexual activity. By doing so,
11 he's equating homosexuality to murder. In a
12 spiritual sense, a homosexual is a murderer, for
13 he is murdering -- that is killing the soul of him
14 with whom he is engaging in forbidden sexual
15 relations.

16 From the New Testament, quote, the men
17 also having abandoned the natural use of the woman
18 have burned in their lust one towards another.
19 Men with men doing shameless things and receiving
20 in themselves the fitting recompense of their
21 perversity, closed quotes, Romans, Chapter 1,
22 verse 27.

23 There are many quotes in the Bible
24 which condemn homosexuality. I would just give
25 you a few of them. I will briefly go over them:

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 Genesis, Chapter 19, Verses 1 through
3 11. Leviticus, Chapter 18, Verses 22 through 25.
4 Deuteronomy, Chapter 23, Verse 18. Judges,
5 Chapter 19,, Verses 22 through 24. Three Kings,
6 Chapter 14, Verse 24. Three Kings, Chapter 15,
7 verse 12. Three Kings, Chapter 22, Verse 47.
8 Four Kings, Chapter 24, Verse 7. Wisdom, Chapter
9 14, Verse 26 and 27.

10 And in the New Testament: 1
11 Corinthians Chapter 6, Verses 9 and 10. 1
12 Timothy, Chapter 1, 9. 2 Peter, Chapter 2, Verses
13 6 through 10. And Jude, Chapter 7, Verse 8.

14 All of you who favor homosexuality
15 should research these quotes for yourselves and
16 see with your own eyes and read with your own lips
17 God's revulsion for this abominable evil.

18 I am firmly convinced that if
19 Christians in the past had stood up against the
20 practice and promotion of homosexuality along with
21 other evils proposed for legislation, society
22 today would not be so corrupt, and the human race
23 would not be headed for extinction.

24 However, due to the moral indifference
25 of so many Christians, the promoters of license

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 have been successful in spreading their most
3 abominable sins throughout this land of ours.
4 America the beautiful has become America the
5 Godless.

6 What has become of our nation? We, as
7 a nation, have become demoralized. We have lost
8 the sense of sin. How, how have we allowed this
9 to happen? you might ask. I believe that there
10 are various factors which have effected the
11 erosion of the morals of the people of this
12 country.

13 First of all, by kicking God out of the
14 public schools, out of the social institutions,
15 out of the Council chambers, out of the homes, out
16 of our own lives, man has become a depraved
17 individual. Man without God, man without morals,
18 is an animal.

19 Are we better off today as a result of
20 testing God out of the our society, or are we
21 worse off? The answer is quite obvious. The
22 dramatic increase of the crime rate has occurred
23 as a result of the dethroning of God and of a
24 disregard for his divine law. Where God does not
25 reign, Satan takes the throne. How true, how true

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 this is. All we have to do is look all around
3 us. Evil is rampant everywhere.

4 PRESIDENT STREET: Mr. Marachi, we
5 would appreciate it if you would summarize.

6 MR. MARACHI: Okay. In conclusion --
7 (Applause.)

8 MR. MARACHI: -- I would like to say
9 that all legislators have a grave obligation to
10 forbid the passage of any laws which would
11 contribute to the corruption of a people.

12 There is such a thing as moral
13 absolutes, and if these must be -- and these must
14 be adhered and conformed to if true peace and true
15 justice is reign in our. Society God will not
16 allow the sins of a nation to go unpunished.

17 Thank you and God bless you all.

18 (Applause.)

19 PRESIDENT STREET: Jessie Walters.

20 (Not present.)

21 PRESIDENT STREET: Reverend White.

22 UNIDENTIFIED SPEAKER: He testified.

23 PRESIDENT STREET: Barbara Dowdall.

24 (Barbara Dowdall comes forward.)

25 MS. DOWDALL: My name is Barbara

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 McDowell Dowdall. I am a lifelong resident of the
3 City of Germantown. I am presently in the 13th
4 Ward, 4th Division, 8th Councilmatic District.

5 I want to summarize and say I am a
6 straight surviving sister-in-law of a gay man. He
7 was a wonderful brother to my husband, uncle to
8 his nieces. He felt the opprobrium of his church,
9 but he was still attached to his church in spite
10 of the fact that it rejected him, the person that
11 he was.

12 My marriage was never, ever threatened
13 by him. In fact, it was supported by him, and it
14 has been supported by gay friends, neighbors.

15 And I endorse the passage of at least
16 three bills.

17 (Applause.)

18 PRESIDENT STREET: David Greer.

19 (Not present.)

20 PRESIDENT STREET: Len Rieser.

21 (Not present.)

22 PRESIDENT STREET: Tamela Luce.

23 (Not present.)

24 PRESIDENT STREET: Tom Cardell.

25 (Not present.)

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 PRESIDENT STREET: Is there anyone else

3 here from Citizens for a Better Northeast?

4 (No response.)

5 PRESIDENT STREET: Is there anyone else

6 here to testify on the bills?

7 UNIDENTIFIED SPEAKER: Yes.

8 PRESIDENT STREET: Please come to the

9 table and identify yourself.

10 (Andrea Furtek comes forward.)

11 MS. FURTEK: Hi, President Street.

12 Good evening. The good news is I will be brief.

13 My name is Andrea Furtek, and I'm a citizen of

14 Philadelphia.

15 PRESIDENT STREET: I'm sorry. Can you

16 spell your last name.

17 MS. FURTEK: F-U-R-T-E-K.

18 PRESIDENT STREET: F-U-R-T-E-K?

19 MS. FURTEK: Correct.

20 PRESIDENT STREET: First name?

21 MS. FURTEK: Andrea.

22 PRESIDENT STREET: Okay, please

23 proceed.

24 MS. FURTEK: I am here as a citizen of

25 Philadelphia and a seeker of truth and justice. I

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 do not claim to represent the truth, only to seek
3 it so, therefore, I thank each of you for your
4 thoughtful consideration of this testimony.

5 The decision made here will have
6 financial and moral implications for this City of
7 Brotherly Love. The financial decision will
8 impact our cultural definition of marriage and
9 family.

10 Although I cannot speak for God, God
11 has revealed through nature that it takes a man
12 and a woman to create a child. Raising that child
13 is the work of family. It is not just a matter of
14 genetics that a man and woman are needed; but
15 rather, God has ordained, regardless of
16 reproductive modality that it is maleness and
17 femaleness that is needed for the care and support
18 of that child.

19 Since the conception of human life
20 requires 23 chromosomes from the man and 23
21 chromosomes from the woman, each human being is a
22 committed partnership of the union of male and
23 female.

24 Since these financial decisions have
25 moral implications, let us look to money for the

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 answer to this debate. "In God we trust" is
3 printed on each piece of American currency so let
4 us put our trust in God and invest in God's plan
5 for creation, which is the eternal joining of the
6 male and the female. It is imperative that our
7 civil laws support natural laws.

8 Therefore, I urge all Councilmembers to
9 vote no for the partnership act. The only
10 partnership that nature has ordained to be
11 sexually creative and thereby create a family is
12 that of a man and a woman. Our laws need to
13 support that creative union. Vote no.

14 Thank you for your thoughtful
15 attention. And to paraphrase Tiny Tim, may God
16 bless us all, especially those that boo the
17 loudest.

18 Thank you.

19 (Applause.)

20 PRESIDENT STREET: Thank you very much.

21 Is there anyone else here to testify?

22 Is there anyone else to testify here this
23 evening?

24 Councilman Longstreth's light is
25 flashing. I assume that that's a mistake.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 COUNCILMAN LONGSTRETH: Yes, sir.

3 PRESIDENT STREET: Council will stand
4 at ease.

5 (Council stands at ease.)

6 - - -

7 (Proceedings resume.)

8 PRESIDENT STREET: Will Councilwoman
9 Verna please approach the Chair.

10 (Councilwoman Verna approaches the
11 Chair.)

12 Could I have your attention,
13 please. May I have your attention, please.

14 This brings us to the end of our public
15 hearing.

16 - - -

17 PRESIDENT STREET: We will now go into
18 our public meeting.

19 First bill for consideration will be
20 Bill No. 97075 -- are we ready? 9707 -- are we
21 ready?

22 A quorum is present motions to bill --
23 amendments to Bill No. 970750. Yeah, 750.

24 COUNCILMAN ORTIZ: Amend it?

25 COUNCILMAN NUTTER: I'd like to go in

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 order, I guess, Mr. President.

3 PRESIDENT STREET: It doesn't really
4 matter. I had them in my hand in this order. You
5 wish for me to call them up in the order that
6 they're listed on the notice? Oh, a
7 technicality.

8 Bill No. 970745. The Chair recognizes
9 Councilman Nutter.

10 COUNCILMAN NUTTER: Mr. President, I'm
11 sorry if I missed this. We are in the public
12 meeting now?

13 PRESIDENT STREET: We are in public
14 meeting. The Chair recognized you to move the
15 amendment that's already been read into the record
16 to Bill No. 970745.

17 COUNCILMAN NUTTER: Mr. President, I
18 move the adoption of the amendment, as read in the
19 public hearing, on Bill No. 970745.

20 (Duly seconded.)

21 PRESIDENT STREET: All in favor, let it
22 be known by saying aye.

23 Those opposed, say nay.

24 The ayes have it. The amendment is
25 adopted.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The Chair recognizes Councilman Nutter
3 for a motion to amend Bill No. 970749.

4 COUNCILMAN NUTTER: Mr. President, I
5 move the adoption of the amendment as read in the
6 record in the public hearing on Bill No. 970749.

7 (Duly seconded.)

8 PRESIDENT STREET: All in favor, let it
9 be known by saying aye.

10 Those opposed, say nay.

11 The ayes have it. The amendment is
12 adopted.

13 The Chair recognizes Councilman Nutter
14 for a motion on the proposed amendments, as read
15 in the record, to Bill No. 970750.

16 COUNCILMAN NUTTER: Mr. President, I
17 move the adoption of the three amendments,
18 amendment number 1, amendment number 2, and
19 amendment number 3, as read into the record in the
20 public hearing, on Bill No. 970750.

21 (Duly seconded.)

22 PRESIDENT STREET: All in favor, let it
23 be known by saying aye.

24 Those opposed, say nay.

25 The ayes have it. And the amendments

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750
2 are adopted.

3 The Chair recognizes Councilwoman Verna
4 for a motion on Bill No. 970745.

5 COUNCILWOMAN VERNA: Thank you, Mr.
6 Chairman. I move that Bill No. 970745 be reported
7 out of committee as a amended, without
8 recommendation.

9 (Duly seconded.)

10 PRESIDENT STREET: All in favor, let it
11 be known by saying aye.

12 Those opposed, say nay.

13 The ayes have it. Then it is so
14 ordered.

15 The Chair recognizes Councilwoman Verna
16 for a motion on Bill No. 970749, as amended.

17 COUNCILWOMAN VERNA: Thank you, Mr.
18 Chairman. I move that Bill No. 970749 be reported
19 out of committee, as amended, without
20 recommendation.

21 (Duly seconded.)

22 PRESIDENT STREET: All in favor, let it
23 be known by saying aye.

24 Those opposed, say nay.

25 The ayes have it. It is so ordered.

1 COUNCIL OF THE WHOLE - BILL NO.'S 970745, 970749, 970750

2 The Chair recognizes Councilwoman Verna
3 for a motion on Bill No. 970750.

4 COUNCILWOMAN VERNA: I move that Bill
5 No. 970750 be reported out of committee, as
6 amended, without recommendation.

7 (Duly seconded.)

8 PRESIDENT STREET: All in favor, let it
9 be known by saying aye.

10 Those opposed, say nay.

11 The ayes have it. It is so ordered.

12 I'd like to thank everybody for
13 spending the day with us. Have a good evening,
14 whatever's left of it.

15 (Applause.)

16 (Adjourned at 10:01 p.m.)

17 - - -

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, April 23, 1998 were
reported and accurately by me, and that this is a
correct transcript of same.

RE: COUNCIL COMMITTEE OF THE WHOLE

BILL NO.'S 970745, 970749, 970750

JOSEPHINE CARDILLO, RPR