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2 COUNCIL OF THE CITY OF PHILADELPHIA
3 CONTINUED PUBLIC HEARING
4 COMMITTEE ON LAW AND GOVERNMENT

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Room 696, City Hall
Philadelphia, Pennsylvania
Monday, May 5, 2003
5:20 p.m.

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8 BILL 030117 - Resolution authorizing the City
9 Council Committee on Law and Government to hold
10 hearings to investigate the failure of the
11 Philadelphia Housing Authority and four union
12 locals: AFSCME District Council 47 Locals 2186
13 and 2187, AFSCME District Council 33 Local 934,
14 and Fraternal Order of Housing Police, to
15 negotiate new contracts and authorizing the
16 Chairperson of the Committee in furtherance of
17 such investigation to issue subpoenas or other
18 process as the Chairperson deems necessary or
19 appropriate to compel the attendance of witnesses
20 and the production of documents to the full extent
21 authorized under Section 2-401 of the Home Rule
22 Charter.

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16 BILL 030227 - Resolution authorizing City
17 Council's Committee on Law and Government to
18 investigate the effectiveness and efficiency of
19 the delivery of public housing resources and
20 services to the low and moderate income residents
21 of Philadelphia by the Philadelphia Housing
22 Authority in cooperation with the City of
23 Philadelphia, and the available legislative
24 remedies for inadequacies that may be found
25 including, but not limited to, the reallocation of
City-controlled and/or appropriated housing funds
to other agencies, and authorizing the Chairperson
of the Law and Government Committee in furtherance
of such investigation to issue subpoenas or other
process as the Chairperson deems necessary or
appropriate to compel the attendance of witnesses
and the production of documents to the full extent
authorized under Section 2-401 of the Home Rule
Charter.

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PRESENT:

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COUNCILMAN DAVID COHEN, Chair
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO
COUNCILMAN W. WILSON GOODE, JR.

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8 Also Present:

9

JOEL M. SWEET, ESQUIRE
WOLF BLOCK

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1650 Arch Street, 22nd Floor
Philadelphia, PA 19103

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Telephone - 215-977-2044

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Counsel for Philadelphia Housing Authority

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

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4 COUNCILMAN COHEN: The Committee on
5 Law and Government is now in order.

6 At the recessed meeting that we've
7 held today at the request of the Mayor, who asked
8 us two weeks ago to not proceed with the
9 meeting -- He actually asked the Council
10 President, who came to another hearing that I was
11 conducting at 4:30 in the afternoon, just a half
12 an hour before the 5 o'clock meeting, and asked us
13 to not take any action with respect to Mr. Greene
14 not having appeared, not being ready to appear
15 that day; and that the Mayor would intervene and
16 that he would try to prevent the problem, in his
17 words, from escalating and producing a result that
18 would include Mr. Greene testifying.

19 He said he would participate. He
20 needed about a week.

21 The Committee, at the request of the
22 Council President, accommodated the Mayor, and we
23 gave the Mayor 13 days.

24 I have to report to you that nothing
25 happened in between, except an offhand comment at

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2 the Democratic dinner earlier, a week ago tonight,
3 that he would be later in touch with me, but
4 nothing happened.

5 And so we're here today at 5
6 o'clock, and I'm asking Mr. Greene to take the
7 stand, and see if he's here tonight.

8 Mr. Greene, Carl Greene, if you're
9 in the room, please take the witness stand.

10 (No response.)

11 COUNCILMAN COHEN: I don't see any
12 movement anywhere in the room, so I have to assume
13 that Mr. Greene is not present.

14 And the Committee notes that once
15 more Mr. Greene has refused to recognize the
16 authority of The City Council and has decided that
17 he has the right to determine whether or not he
18 appears and that he'll make the rules and not City
19 Council. There will be further episodes that
20 we'll be following on that score.

21 Now, in addition to Mr. Greene
22 having been subpoenaed, we also subpoenaed
23 documents. And I'm going to ask -- You can sit
24 where you are. I'm going to ask one of the
25 counsel to the Committee, Robert Jaffe, to give us

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2 a very general report on whether anything was
3 produced; and if anything was produced, was it all
4 that was requested.

5 Now, the Committee present here at
6 moment is Councilwoman Blackwell, to my left;
7 Councilman Ortiz; and Council Member Rizzo to my
8 right. And Councilman Nutter will be with us very
9 shortly. I don't know as to the other two Members
10 of the Committee.

11 Mr. Jaffe?

12 MR. JAFFE: Sir?

13 COUNCILMAN COHEN: Will you report
14 with respect to what was submitted to us in
15 response to our subpoena duces tecum.

16 Duces refers to documents and tecum
17 means bring with you. And what it was, in
18 addition to asking Mr. Greene or requiring his
19 attendance today, we also required him to produce
20 certain documents.

21 Some things came in a box late
22 Friday afternoon, about 4 o'clock, it was
23 delivered to my office, maybe a thousand sheets or
24 more of paper, nothing saying it's in response to
25 a specific question, although the subpoena duces

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2 tecum... Would you read that?

3 MR. JAFFE: Should I read that?

4 COUNCILMAN COHEN: Read the whole
5 subpoena duces tecum.

6 MR. JAFFE: "Subpoena, The Council
7 of The City of Philadelphia, to Carl R. Greene,
8 Executive Director, Philadelphia Housing
9 Authority.

10 "You are ordered by the Council of
11 The City of Philadelphia to come to Room 696, City
12 Hall, Broad and Market Streets, Philadelphia,
13 Pennsylvania, on May 5, 2003, at 5:00 p.m., to
14 testify before the Committee on Law and Government
15 in connection with Resolution Number 030227, and
16 to remain until excused.

17 "Second, and to bring with you the
18 following: All documents and information
19 requested by the Law and Government Committee on
20 April 22, 2003, during a hearing on Resolution
21 Number 030227, including but not limited to the
22 following." And there's a list of nine items.
23 At least four of the items clearly have not been
24 brought.

25 One, a document identifying the

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2 name, address, title, term of office for all
3 members of the P.H.A. Pension Board or Governing
4 Body.

5 We did receive that.

6 Two, all documents detailing the
7 governing rules, procedures, and authority for the
8 actions, appointment, and removal of the P.H.A.
9 Pension Board or Governing Body.

10 We may or may not have. We need to
11 look at it more.

12 Three, all documents and/or
13 contracts detailing the duties, responsibilities,
14 compensation, and fringe benefits of Carl R.
15 Greene, as Director of P.H.A. and the ten other
16 highest compensated P.H.A. employees, including
17 identification of all compensation, benefits,
18 options, pension, deferred compensation, and
19 bonuses.

20 We did not receive that.

21 Four, all documents describing or
22 evaluating the performance of the P.H.A. pension
23 plan during the past five years.

24 We received that.

25 Five, all documents and/or contracts

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2 detailing the duties, responsibilities,
3 compensation and fringe benefits of Carl R. Greene
4 as the Director of P.H.A. in the first/original
5 year of employment.

6 I did not see that, if it came. We
7 believe we did not receive it.

8 Six, all contracts and/or
9 cooperation agreements in effect presently or any
10 time during the previous five years with The City
11 of Philadelphia or any of the City's agencies.

12 We did not receive that, to the best
13 of my knowledge.

14 Seven, any and all documents
15 describing, examining or evaluating the pension
16 plans and the of other housing authorities.

17 We did not receive any comparative
18 materials or materials that show why the Housing
19 Authority is taking the actions they are, compared
20 to the other major housing authorities in the
21 country.

22 Any and all evaluations and plans
23 drafted by or for P.H.A. related to revenue
24 shortfalls during the previous two years or
25 shortfalls that P.H.A. anticipates experiencing

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2 any time during the next five years.

3 We did receive accounting and
4 financial reports. If there are full written
5 narratives, that was not included, even though
6 certain actuarial reports were included.

7 Nine, any and all evaluations and
8 plans drafted by the P.H.A. Pension Board related
9 to revenue or investment shortfalls during the
10 previous two years of such shortfalls that the
11 P.H.A. Pension Board anticipates experiencing any
12 time during the next five years.

13 We received some past material, but
14 I don't believe we received any future projections
15 or any narrative that gives an analysis of your
16 future pension plan.

17 COUNCILMAN COHEN: Was the
18 information, the documents submitted, were they
19 directed to a particular...

20 MR. JAFFE: No. They were
21 generalized materials that we have to go through,
22 contained within a box.

23 COUNCILMAN COHEN: So I question to
24 what extent any of it met the requirements, but
25 we'll find out later on.

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2 It's too bad that Mr. Greene
3 continues to persist and that the Mayor seemingly
4 joints him in the myth that we're trying to
5 negotiate a contract publicly.

6 Both the Mayor and the Director of
7 Housing both know that that is at best a figment
8 of their own imagination because at no point has
9 the Council ever requested, by way of a particular
10 question, anything having to do with negotiation
11 of a union contract.

12 But at the same time, the fact that
13 pensions may be a subject of a union negotiation
14 does not insulate that subject and take away the
15 power of City Council to legislate.

16 We are very concerned about what's
17 happening in the pension system of P.H.A. We want
18 to know whether that is a plan proposed just by
19 Carl Greene or is it a precursor to an effort by
20 The City Administration to set up a precedent
21 which will then apply to all City employees.

22 Because the attack on pension
23 systems is a nationwide attack by employers
24 generally. And the government, particularly
25 government which associates itself with a

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2 political party that claims to represent working
3 people and has as its base the labor movement, it
4 is a particular shame that that kind of a
5 government would be part of the parade raining
6 down upon the working class, taking away their
7 benefits that they've secured after many years of
8 struggle.

9 So we are very concerned about any
10 effort by this government to lower working
11 standards. We think City government ought to be a
12 model employer, not in the fashion of the Chamber
13 of Commerce desires for labor, but rather, in the
14 way in which labor groups understand the needs of
15 working people.

16 Everybody knows that two-thirds of
17 the Gross National Product comes from consumer
18 demand, yet employers continually and stubbornly
19 and in a self-defeating manner, continue their
20 efforts to lower the standards by which people can
21 buy things.

22 It's important for the health of
23 Philadelphia to stem the outflow of population,
24 for us to strengthen the neighborhoods; and
25 therefore, it's important for a government based

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2 upon labor principles to have policies that
3 support purchasing power. And that's the reason
4 we're so concerned about the taking of a wrong
5 turn by The City Administration.

6 Now, having heard this... I'm
7 reminded I think also to bring people up to date,
8 we ought to hear the letter that The City Council
9 sent to the P.H.A. Director when a letter came
10 from their law office, informing us that they
11 believe that Mr. Greene did not have to respond to
12 the subpoena of The City Council.

13 I must say I'm amazed that a major
14 law firm, such as that which represents
15 Philadelphia Housing, would attempt to indicate
16 that it justifies the contemptuous behavior of
17 Mr. Greene. But here is the letter we've sent to
18 Mr. Greene.

19 MR. JAFFE: Councilman, this is a
20 letter that was sent by fax machine, and was put
21 in the First Class Mail on May 1st. And it's to
22 Carl Greene, Executive Director, P.H.A., from you.

23 Dear Mr. Greene: I've read your
24 letter of April 25, 2003, relating to the Law and
25 Government Committee's investigation of P.H.A.,

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2 P.H.A.'s current pension proposals, and the impact
3 these proposals will have on the overall
4 effectiveness of P.H.A.

5 The issues are of paramount
6 importance to all the people of Philadelphia.
7 Your letter presents interesting detail on these
8 matters about which Committee Members will
9 undoubtedly wish to pose a variety of questions.

10 I look forward to your appearance
11 before the Law and Government Committee on Monday,
12 to enable you to respond to these questions.

13 In addition, as you know, I have
14 subpoenaed a number of documents which I look
15 forward to reviewing, for the additional light it
16 will shed on the shaping of P.H.A.'s pension plan
17 and the overall relationship of P.H.A. to the
18 City.

19 I must tell you that I am puzzled by
20 your last sentence in Carl Greene's letter, in
21 which you request that City Council not inject
22 itself into these negotiations.

23 As I have indicated numerous times,
24 including at the time of our meeting in my office
25 several weeks ago, Council has no interest in

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2 influencing the negotiation of labor contracts.

3 We will inquire neither into your internal

4 deliberations, your negotiating strategies, or the

5 actual process of collective bargaining, relating

6 to the contracts with your unions.

7 We do continue to assert, however,

8 that the mere fact that a matter of concern to

9 Council is also the subject of bargaining does not

10 insulate that subject matter from Council review.

11 We are interested in the policy

12 goals and analysis of your Administration,

13 relating to pensions, and we will continue to

14 explore them, in the interest of the citizens of

15 our City.

16 I look forward to seeing you on

17 Monday in this room, and in response to the

18 subpoena issued to you, along with the documents

19 described in that subpoena.

20 And it was signed: Sincerely, David

21 Cohen, Councilman-at-large.

22 COUNCILMAN COHEN: Thank you.

23 One of the concerns that Mr. Greene

24 expressed, as I went over the transcript of

25 previous testimony.

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2 COUNCILMAN ORTIZ: Councilman, if I
3 may...

4 COUNCILMAN COHEN: Yes.

5 COUNCILMAN ORTIZ: Councilman Rizzo
6 wants to know what the ramifications are of not
7 following the subpoena.

8 COUNCILMAN COHEN: Well, the Home
9 Rule Charter provides that anyone who fails to
10 comply with a subpoena issued by The City Council
11 is subject to having the matter raised in Common
12 Pleas Court. That will be pursued by the
13 Committee.

14 Council will be directed, since
15 Mr. Greene is not here, and since he's not
16 complied fully either with the duces tecum portion
17 of the subpoena, that will be reviewed.

18 And we expect in short order if the
19 conclusion remains the same that he's in violation
20 of the order, we will be pursuing an action in
21 Common Pleas Court to enforce the subpoena.

22 The Court will have the power to
23 order compliance with the subpoena or to reverse
24 City Council and agree with Mr. Greene. We have
25 every confidence that the Court will sustain the

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2 City Council, because if it doesn't it's saying in
3 effect that City Council has no subpoena powers.

4 I've never known of any government
5 official before who has acted in this contemptuous
6 manner that Mr. Greene is acting in in just
7 refusing to come.

8 And just before Councilman Ortiz
9 raised the question on behalf of Councilman
10 Rizzo -- I don't know why Councilman Rizzo didn't
11 do it directly.

12 COUNCILMAN RIZZO: I did.

13 COUNCILMAN COHEN: Oh, you did. I
14 didn't see. I'm sorry, then.

15 Just before I was going to indicate
16 that it came to me through the transcript that Mr.
17 Greene was very bothered by the fact of the timing
18 of the hearing at 5 o'clock.

19 Now, I don't know whether he does
20 not believe in working overtime and he considers
21 his day's work ended at 5 o'clock or whether he
22 was concerned that he would lose an ability to
23 keep people from coming to the hearing during the
24 day.

25 The reason for the hearing at 5

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2 o'clock was that hearings should be available to
3 people interested in them. And we did not want to
4 interfere with the work of P.H.A. And therefore,
5 we called it at a time when everybody who was
6 interested could come without interfering with
7 work.

8 Now, I've also since understood that
9 there is a question as to whether requests for
10 time off during the day to go to a hearing would
11 be honored by Mr. Greene. And so it may well be
12 that he thought he could prevent any employees
13 from coming by instituting a policy of no leave
14 during the day. I don't know what, because he's
15 not here to give us an answer to those questions.

16 But I want to make very clear that
17 this Committee and Council will take very
18 seriously any efforts by Mr. Greene or any P.H.A.
19 supervisors who attempt to take unfair advantage
20 of workers and penalize them in any way, as they
21 seek to exercise their democratic rights to go to
22 meetings.

23 So I hope that those who are here,
24 perhaps his attorneys, will make clear to him that
25 that will further complicate the issue for

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2 Mr. Greene.

3 I just am totally at a loss to
4 explain how anybody connected with City government
5 can feel he's larger than the whole City of
6 Philadelphia, and that he can flout their will --
7 They're the elected representatives -- and he can
8 conduct public business in a private way.

9 That cannot be done, and this
10 Committee is determined to follow every legal step
11 open to it to compel Mr. Greene to appear and
12 account for his actions publicly.

13 And among those that he will now
14 have to account for will be for his contemptuous
15 behavior of City Council.

16 (Applause.)

17 COUNCILMAN COHEN: Now, is there
18 anyone here who wishes to be heard, since
19 Mr. Greene is not present? All right. You can't
20 speak... Unfortunately, to speak you have to come
21 forward, sit down at the table, give your name,
22 spell your last name, and make your statement.
23 That's for the purpose of the record so that the
24 court reporter can get your full name down.
25 Please sit down and identify yourself. Speak into

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2 the microphone.

3 MS. WILKES: Good afternoon,
4 everyone. My name is Virginia Wilkes. I'm
5 President of the Richard Allen Resident Council,
6 as well as the President of the City-wide Tenant
7 Action Coalition.

8 I just have one question: In the
9 real world that I'm used to, when a subpoena is
10 issued to someone and you don't show up, you get
11 locked up.

12 So I want to know: What's the
13 difference between Mr. Greene, that he's been
14 subpoenaed all these times by Council, he's in
15 contempt by not coming... If it was us, you would
16 have locked us up or do something.

17 It's just like saying: You don't
18 have any powers to do anything. It's become a
19 joke. We come down here every week to see
20 something happen for these employees.

21 I mean, it's not that we're getting
22 tired, but we do want to see some results out of
23 this whole thing. This thing is going on just
24 about two years, and it's the whole -- the bottom
25 line is --

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2 COUNCILMAN COHEN: He has not been
3 subpoenaed for as long as two years.

4 MS. WILKES: No; I'm not saying
5 that, Councilman Cohen.

6 What I'm saying is that these
7 negotiations have been going on just about two
8 years. So, without Council's intervention, the
9 Law Committee's intervention, we probably wouldn't
10 even have got this far. Okay?

11 So, I'm just saying, but it seems as
12 though it's still being prolonged even longer.
13 And for what reason?

14 The last thing we read in the
15 paper -- and we have all the articles here -- that
16 the Mayor wanted it to be this way, that way, or
17 the other.

18 And you told him basically he can
19 come. You're not going to talk about the
20 negotiations, but he has to come.

21 And it seems as though he's saying
22 to this Council, and to the employees and the
23 residents, that I ain't got to come to City
24 Council; simple as that.

25 COUNCILMAN COHEN: That's right.

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2 But I must tell you: We have no authority to
3 cause his arrest. And I doubt whether much...
4 Depends on when the subpoena is issued, and the
5 nature of the subpoena, and who's doing it.

6 MS. WILKES: Mm-hmm.

7 COUNCILMAN COHEN: The Council has
8 the authority given to it by the Home Rule
9 Charter, and that specifically provides for the
10 procedure we are following.

11 MS. WILKES: So to keep on asking
12 him that over and over, to keep coming to a
13 hearing.

14 COUNCILMAN COHEN: Well, I guess you
15 didn't hear my explanation a moment before when I
16 said that Council will take the action provided
17 for in the Home Rule Charter.

18 MS. WILKES: Mm-hmm.

19 COUNCILMAN COHEN: And will take the
20 action that will bring him before the Common Pleas
21 Court. That court would have the power. If it
22 ordered him to appear and he did not appear, he
23 would then be in contempt of Court.

24 MS. WILKES: Okay.

25 COUNCILMAN COHEN: And would then

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2 suffer the consequences of a fine, a prison
3 sentence, or whatever punishment the court
4 decided.

5 In all likelihood, the court's first
6 sanction will be to order him to appear. And if
7 he appears at that time under the court order, the
8 court will probably regard that as a satisfactory
9 conclusion. That's what the law provides in these
10 proceedings. Council has no power to change that
11 procedure whatever.

12 I also have to say to people:
13 Sometimes people get overanxious and like to have
14 everything happen quickly. We would like that,
15 too, but there are very orderly procedures that
16 have to be obeyed.

17 And just as we require and want
18 Mr. Greene to obey the law and come when he's
19 subpoenaed, so we too have to go in that same
20 direction. We have legal procedures that have to
21 be followed.

22 And we are moving as rapidly as is
23 possible to move and building as firm a case as I
24 know how to build.

25 So we're sorry for the delays, but

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2 that will all be taken up in court, if the matter
3 is presented there, and I expect it will be from
4 everything I know. But I have to wait for the
5 attorneys on The Council to study this record and
6 then to take the necessary action?

7 MS. WILKES: So you don't know how
8 long it's going to take before we go to Court?

9 COUNCILMAN COHEN: I have no idea
10 whatever.

11 MS. WILKES: Okay. I'm clearer now
12 than I was before. I just thought you all was
13 going to lock -- Don't get me wrong. I don't want
14 to see Mr. Greene arrested.

15 CHORUS OF VOICES: We do.

16 MS. WILKES: I don't want that. I'm
17 just saying I think it's disrespectful.

18 COUNCILMAN COHEN: Well, we
19 understand your indignation. We have that
20 indignation, except that we have to follow the law
21 and we want to follow the law.

22 And under the legal proceedings,
23 this is actually moving very rapidly, I must tell
24 you.

25 MS. WILKES: Okay.

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2 COUNCILMAN COHEN: Not slowly.

3 Because usually this does take a couple of years.

4 But we're moving very rapidly but in a way

5 consistent with good government.

6 We wanted to be courteous to the

7 Mayor. He made the request. It was my

8 judgment -- and I would repeat it today if it were

9 coming up for the first time -- to give the Mayor

10 time to settle it. It's only a matter of proper

11 respect for the Office of Mayor. He had his

12 opportunity, but he defaulted on it.

13 So that's the time that was wasted.

14 But it will look awfully good in court, because it

15 shows that the Council acted respectfully toward

16 the Mayor and toward Mr. Greene.

17 MS. WILKES: Is there any

18 justification why Mr. Greene is not here?

19 COUNCILMAN COHEN: The only

20 justification given to us comes from him and his

21 lawyers who state that they believe that we are

22 trying to negotiate a contract in public, and that

23 under those circumstances he's under no

24 responsibility to come. That's what they say.

25 MS. WILKES: Okay.

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2 COUNCILMAN COHEN: And we know
3 that's not so. And we've made it very clear from
4 the beginning on.

5 But everybody knows when you battle
6 strong powers, that it takes some time to do that.
7 And that's what we're doing.

8 MS. WILKES: I just feel for the
9 employees. I really do. Because I know of other
10 employees that have got cost of living raises.
11 These folk ain't got nothing yet. Everybody went
12 up to the bank and they still sitting back
13 waiting, you know. And it's just, like, somebody
14 got to do something here.

15 COUNCILMAN COHEN: Miss Wilkes.

16 Councilman Ortiz.

17 COUNCILMAN ORTIZ: Miss Wilkes, the
18 reason we're having these hearings are because of
19 our concern about the employees.

20 And it is obvious that Mr. Greene,
21 on the advice of his attorneys, has taken on a
22 tack that they do not have to answer to City
23 Council.

24 I think it is obvious that they have
25 decided that City Council has no jurisdiction over

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2 P.H.A., and that we therefore have no authority to
3 subpoena him. That's, I believe, what they have
4 decided upon and the track that they are on.

5 So, they ignored the subpoena or
6 they haven't been subpoenaed yet. They ignore the
7 request from this Council to come here.

8 At the last hearing, at the request
9 of the Mayor, we decided to hold back and not
10 subpoena Mr. Greene to come.

11 It was my understanding that there
12 were going to be some meetings that were going to
13 be set up by the Mayor during that period of time
14 with The Chairman, with Mr. Cohen. Obviously,
15 those meetings never took place.

16 We have only one alternative left,
17 it seems, that the actions of Mr. Greene and his
18 attorneys have left The City Council and This
19 Body. And that alternative that has been left to
20 us is to issue the subpoena and to enforce it.

21 Now, where that goes is something
22 that is going to cause, I believe, quite a
23 difficult problem for the City, I mean, because it
24 is going to put in place or on the table whether a
25 body such as P.H.A., that has thousands of our

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2 citizens within its housing properties, can glibly
3 ignore the invitation of the legislative body of
4 The City of Philadelphia to come in and discuss
5 the issues, the problems with P.H.A, everything
6 from Section 8 on down; and how they are dealing
7 with their unions and why, in a period of two
8 years, they have not been able to come to a
9 decision and a contract with the labor unions that
10 work for P.H.A.

11 We don't want to negotiate the
12 contract. That is not our job. Our job is, I
13 believe, to make sure that the table and the
14 ground rules are set fairly. Fairly.

15 (Applause.)

16 COUNCILMAN ORTIZ: And that's what
17 we're trying to achieve.

18 I believe the Chairman and this
19 Council have shown incredible patience?

20 MS. WILKES: Ya'll have.

21 COUNCILMAN ORTIZ: Incredible
22 patience.

23 MS. WILKES: More than I have.

24 COUNCILMAN ORTIZ: I can tell you
25 that I don't believe, if I had been the Chairman,

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2 I would have been as patient as Councilman Cohen
3 has been.

4 But I believe that we're getting to
5 a point in which Mr. Greene wants to force a
6 confrontation. It seems that he enjoys forcing
7 confrontation.

8 MS. WILKES: The maximum confusion.

9 COUNCILMAN ORTIZ: It seems like
10 that is the only way he negotiates or seems to be
11 able to debate an issue, is through the manner of
12 confrontation.

13 And I believe Mr. Cohen and this
14 Council are ready for a confrontation, if that's
15 what it takes.

16 (Applause.)

17 MS. WILKES: Thank you.

18 COUNCILMAN COHEN: Please identify
19 yourself for the record.

20 MR. LITTLE: Rodney Little, Vice
21 President, Fraternal Order of Housing Police.

22 First let me give recognition to
23 City Council, everyone who is in attendance this
24 evening. I first want to start out by saying
25 that, you know, to Carl Greene: This is not

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2 personal; this is business.

3 Okay. And for Carl Greene to
4 continue to be in denial only because he doesn't
5 want to accept responsibility, because in fear of
6 liability that's coming down the pipe.

7 Now, one of the things that we been
8 coming constantly, Councilman, you know, week in,
9 whenever you asked to us come.

10 And I'm saying it's starting to
11 really bother me, because you have a man that just
12 comes from another state to come. And not only
13 does he disrespect the House of Representatives;
14 he comes and disrespects the City of Philadelphia
15 and City Council, because I think that he believes
16 that he's above all.

17 (Applause.)

18 MR. LITTLE: That he can't be
19 touched.

20 And what I'm saying is, you know,
21 we've been here, and we observed -- I mean, prime
22 sample of an example of his ventriloquist dummies.
23 You know, as I was growing up, you know, a
24 ventriloquist dummy sits on the lap, and you have
25 an individual who pulls his strings, and the dummy

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2 begins to move his lips, but his master is
3 talking.

4 Now, he's dispatched all of his
5 attorneys here, you know, for these Council
6 hearings.

7 Now, as I was growing up -- I mean,
8 these are new improved ventriloquist dummies.
9 Now, when I grew up, you had G.I. Joe with the
10 Kung Fu Grip.

11 But these ventriloquist dummies are
12 well paid. They come, and all they do is repeat
13 what their boss has instructed them to repeat.
14 Oh, I can't answer that question. I don't know
15 the answer to that question.

16 But we continue to allow this to
17 take place. And I'm saying that one of the
18 problems that I have in regards to our pension is
19 that my pension, Councilman, is a lifetime
20 commitment.

21 And I mean that when we sit here and
22 they think that it's a joke, we know the election
23 is coming. Election Day is coming. And for those
24 of them who forget us, we're going to remember
25 them.

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2 VOICE IN THE AUDIENCE: Exactly.

3 (Applause and cheers.)

4 MR. LITTLE: You know, one of the

5 most interesting things is to observe his

6 attorneys here today. He continues to send

7 attorneys. And guess who's paying for?

8 VOICE IN THE AUDIENCE: We are.

9 MR. LITTLE: Residents in public

10 housing, taxpayers. He continues to defy anything

11 or anyone.

12 But I'm saying that we're here

13 today, I mean, in total support of one another.

14 You see the Tenant Council leaders.

15 I gave you a letter earlier where he

16 had his Tenant Council leader from R.A.B.,

17 Resident Affairs, to submit a letter to The

18 Council, appealing to The Council to step back, to

19 have the resident leaders to call you and ask you

20 to step down and disregard these hearings.

21 Now, first of all, if Carl Greene

22 doesn't want to come here and thinks that we're

23 trying to negotiate this contract in public, then

24 come here and address the issues of the contracts

25 you already signed.

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2 Now, you want to talk about those
3 pensions, now you've got signed contracts by
4 District Council 33, 437, and 332. Now, you want
5 to talk about pensions? Talk about the pension
6 deals that you just signed with them.

7 There was a resolution that the
8 Board of Commissions signed back in March, giving
9 him the authority to negotiate pensions, to have
10 sole control over our pensions.

11 VOICE IN THE AUDIENCE: Preach to
12 'em.

13 MR. LITTLE: Now, I'm saying that
14 there's something wrong with that picture.
15 There's something wrong with that.

16 And he continues to think that we're
17 going to sit down and lay down and allow him to
18 rape me, you understand, when he wants to.

19 VOICE IN THE AUDIENCE: Not in this
20 day and time.

21 MR. LITTLE: No, not today; not
22 tomorrow.

23 (Applause and cheers.)

24 MR. LITTLE: Because as we said
25 before, Council, if he wants war, then we declare.

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2 Because we're not going to lay down and let him
3 continue to strip us, you understand, of all
4 rights.

5 We're going to see righteousness and
6 justice prevail.

7 And I mean, my mother used to tell
8 me, you know, as I was growing up as a kid, there
9 once was a pig and a chicken traveling a journey.

10 And at that journey they came to an
11 intersection. And at that intersection the pig
12 said to the chicken: You know, Mr. Chicken, what
13 can you give God today?

14 Because there was a church having a
15 bazaar. And outside that bazaar there was a sign
16 that said: "What can we give God?"

17 And the pig turned to the chicken
18 and said: "Oh, Mr. Chicken, I don't know." u And
19 the pig said: "Oh, I don't know either,
20 Mr. Chicken."

21 And all of a sudden, the chicken
22 caught an ideology. And the pig said, "Hold up,
23 Mr. Chicken. I know what we can give God."

24 And the pig said, "What?"

25 He said, "We can give him some bacon

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2 and some eggs."

3 And the pig said, "Some bacon and
4 some eggs?" And he thought about it.

5 So he said, "Hold up, Mr. Chicken.
6 Wait a minute. For you to give eggs is a token
7 gesture, but for me to give bacon is a lifetime
8 commitment." In essence meaning: You got to kill
9 the pig to get the bacon. Chickens lay eggs all
10 day long.

11 And I'm saying that my pension is a
12 lifetime commitment. And I'm not just going to
13 let him take my pension.

14 (Standing ovation.)

15 MR. LITTLE: You know, a wise man
16 once said: A person who believes in nothing will
17 accept anything.

18 And all I'm saying right now, I'm
19 fearing that when I get there, my pension won't be
20 there when I got to the rightful age, Councilman,
21 when I'm blessed to be your age.

22 And all I'm saying is, the fight is
23 on. However he want to take it: To the
24 streets... You know, it's not about negotiating
25 this contract in the media, because they have yet

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2 to come to these unions and say: "Sit down at the
3 table."

4 The only person that has been trying
5 to do that is Councilwoman Blackwell, who's been
6 trying to mediate and act as an intercessor. But
7 no one else besides this Council.

8 So, they ain't trying to negotiate
9 no contract. All I saw in my office was a
10 subpoena that Carl Greene has filed an unfair
11 labor charge against these unions, because he
12 stated that we are negotiating in the media.

13 But, no. He's negotiating in the
14 media, because all he talks about on his radio
15 show on WURD 900 is all the unions. He talks
16 about how great he is, all about himself, how he
17 sit up here and took police officers at the
18 negotiating table and hauled them up to Internal
19 Affairs, to humiliate them, to talk about who was
20 at the negotiating table, what you talked about,
21 what phone you used, who did you call, did you
22 call Carl Greene on his radio show.

23 So he wants to continue to play this
24 game. We're not playing no more.

25 VOICES IN THE AUDIENCE: That's

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2 right.

3 MR. LITTLE: So as we stress,
4 Councilman... You know, we appreciate all that
5 this Council is doing, and what you're trying to
6 do.

7 But the bottom line is, Carl Greene
8 must go.

9 (Applause and cheers.)

10 MR. LITTLE: We'll get rid of the
11 problem that way. Thank you.

12 (Applause and cheers.)

13 COUNCILMAN COHEN: The Chair wants
14 to note the presence of Councilman Nutter, who has
15 joined us.

16 Is there anyone else who wishes to
17 be heard?

18 (No response.)

19 COUNCILMAN COHEN: Mr. Little, would
20 you go back to the stand for a minute.

21 (Mr. Little complies with request.)

22 COUNCILMAN COHEN: I think everybody
23 understands the depth of your feelings, and I
24 think they all share them. And this procedure is
25 aimed at getting to the bottom and compelling

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2 Mr. Greene to answer, as he's required to under
3 the law.

4 Now, one thing I want to note. I
5 believe it's not that Mr. Greene is acting on his
6 lawyer's advice. I think the lawyers are
7 attempting to defend Mr. Greene's position.

8 Because no lawyer, I believe, would
9 assert the position that Mr. Greene is asserting.
10 No lawyer would urge a client to show this kind of
11 disrespect for a legislative body.

12 But you know that history tells us
13 that struggles of working people are long, the
14 people they have to fight to get justice are
15 powerful people, and that somehow the wheels of
16 justice always move relatively slowly when it
17 comes to affording justice to working people.

18 And so, the group that doesn't want
19 you to have justice hopes that you will get
20 discouraged. They hope you will say: Well, we've
21 come to these meetings and nothing's happened.
22 Therefore, what's the use of fighting? Let's give
23 in and let's surrender.

24 That's the reason I was so sharp to
25 my dear friend Virginia Wilkes, who I've known for

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2 many years, because I'm concerned if you're going
3 to fight for your rights, you've got to be ready
4 for a long hall.

5 (Applause.)

6 COUNCILMAN COHEN: The history of
7 legislative bodies and the history of courts is
8 not one of friendliness toward ordinary working
9 people or poor people. Generally they show
10 friendliness only to the rich and the powerful.

11 And what we're trying to do is to
12 get justice for working people. We believe that
13 they have a right to be treated fairly, as
14 Councilman Ortiz has made clear. And we're
15 determined to see that that's done.

16 And we just urge all of you: Don't
17 lose faith. Don't get tired of the battle.
18 Because if you get tired of the battle, the other
19 side wins. So stay firm, stay committed.

20 If Mr. Greene's actions anger you
21 and make you bitter, have that bitterness work in
22 the direction of strengthening your determination
23 to keep on battling until you win. Because if you
24 battle and continue to battle, you surely will
25 win.

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2 What Carl Green is attempting to do
3 is to discourage you from battling. He's trying
4 to make it clear that's why he doesn't like the
5 5 o'clock meeting. In my judgment, he wants to
6 show that he can stop Council from having a
7 meeting during the day, because he will forbid
8 people from leaving work at all for no reason at
9 all.

10 He will attempt to deny your rights.
11 And rather than extend the battle in that
12 direction, we want to make it easy for everybody,
13 and we want to make sure that there's no
14 interference with P.H.A. work, because the work is
15 important to get done. That's the reason for
16 these meetings at 5 o'clock.

17 And we do that whenever there's a
18 matter that involves the interest of working
19 people during the day, particularly when it
20 involves City workers.

21 This is not the first time I've
22 called meetings at 5 o'clock. I call them
23 whenever I'm concerned that if we don't call them
24 at 5 o'clock, there might be interference with
25 their ability to get to the meeting, whether it's

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2 from the denial of the right to have time off or
3 for any other reason. And so therefore that's why
4 the meetings take place at 5 o'clock.

5 But I commend you, Mr. Little, for
6 the strength of your feeling. And I hope that you
7 infect many other people with that same feeling.

8 MR. LITTLE: Thank you, Councilman.

9 COUNCILMAN COHEN: Because that's
10 the only way righteousness ultimately prevails.

11 MR. LITTLE: Absolutely.

12 COUNCILMAN COHEN: Thank you,
13 Mr. Little.

14 MR. LITTLE: Thank you, Councilman.

15 (Applause.)

16 COUNCILMAN COHEN: All right. Is
17 there anybody else who wishes to be heard? Okay.
18 Mr. Cronin.

19 MR. CRONIN: Councilman Cohen, I
20 want to echo the things that have been said before
21 that we appreciate.

22 COUNCILMAN COHEN: Identify yourself
23 for the record.

24 MR. CRONIN: Thomas Paine Cronin,
25 President, AFSCME, District Council 47.

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2 We appreciate what Council has done,
3 because we believe that had there not been these
4 hearings, there wouldn't be any press attention or
5 any media attention that we've had. And so, we
6 are grateful at least that the word is slowly
7 starting to get out to more and more people.

8 And I want to say that as you've
9 outlined what could occur after you talk with the
10 City Council folks, in terms of going to court --
11 and I see that as one avenue -- it is also clear
12 to me that the unions involved and the Tenant
13 Councils may have to take action above and beyond
14 the court.

15 We will try to do whatever we can to
16 encourage City Council to take that avenue, the
17 legal route. But it also seems like that we as
18 workers of P.H.A., as for the unions, City
19 Council, the Tenant Council, we'll have to see if
20 we can get together and really extend this.

21 Because I don't think the only
22 battle that is going to be fought is going to be
23 fought in the courts, because there's very little
24 place for us in the courts.

25 I think where the battle for us has

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2 to be fought is whether it's at the bargaining
3 table, whether it's on the streets, whether it's
4 at the polls, this is where it has to be fought.

5 And I think that if Mr. Greene or
6 the people that pull Mr. Greene's strings...
7 Because I look at it a little different way. We
8 talked about Mr. Greene pulling the lawyers'
9 strings. I think there's people that pull
10 Mr. Greene's strings. And I think we know who
11 they are.

12 So that we have a Primary Election
13 coming up May the 20th. And we're always talking
14 about low voter turnouts and the lack of issues.
15 Maybe we can generate some interest in the Primary
16 Election, and if need be, continue it to the
17 November election.

18 Because we hear an awful lot of talk
19 about regime change in Iraq. Maybe we need some
20 regime change in different parts of this country.

21 (Applause.)

22 MR. CRONIN: And I say that
23 seriously because I think we're taught, you know,
24 whether it's in history or civics, that a
25 government is supposed to represent us, that we're

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2 supposed to have a certain amount of faith in the
3 government, that we're supposed to try to address
4 our grievances through petitions and in a
5 non-violent way and bring it to government.

6 And with all due respect, with the
7 exception of a few people that sit on City
8 Council, I do not see government addressing our
9 needs.

10 (Applause.)

11 MR. CRONIN: And you know, it gets
12 to the point where it's ridiculous, where we hear
13 the President of the United States talking about
14 giving universal health care to the Iraqis, when
15 people here, 41 or 42 million of our citizens
16 don't have health care; and for the employees that
17 we have, whether the police union or District
18 Council 33 or 47 or whoever else, are losing their
19 health care. Now that to me is absolutely
20 ridiculous.

21 So perhaps we really need to make
22 this a big, big issue; stay on the streets; make
23 sure it gets talked about by politicians. Maybe
24 there shouldn't be a political meeting that goes
25 on in this City, whether it's Republicans or

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2 Democrats, where this issue isn't discussed.

3 Because you know what? My feeling
4 is if there were enough pressure put now, between
5 now and May and between May and November, and
6 there were enough people in the streets and enough
7 people raising holy hell, this issue would get
8 resolved; this issue would get resolved.

9 (Applause.)

10 MR. CRONIN: So let me just say that
11 we're going to continue to do what we're doing.
12 But we're not limiting it to Court. Because
13 Mr. Greene was upset about demonstrations. He
14 better get used to demonstrations.

15 (Applause and cheers.)

16 MR. CRONIN: He better get used to
17 them.

18 The Mayor has said to us, through
19 you, through letters, what have you, that he
20 wanted to be able to intervene. He wanted to be
21 able to use his good offices to try to bring a
22 resolution to this.

23 And what's been done? Nothing.
24 Nothing. The material that you asked for, that
25 you asked for, it's interesting what comes back is

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2 a deliberate avoidance on what the highest
3 salaries of people are, what their compensation
4 packages are, et cetera, et cetera.

5 But yet, everybody in the City of
6 Philadelphia knows what we're paid. We have to
7 put it right out in front.

8 And I just want to say, with all due
9 respect to what you said before about City
10 Council -- and my sister has said this from the
11 Tenants Council.

12 I've been on the other side and on
13 many, many picture lines for my entire life, like
14 you have. And I've been arrested many, many times
15 for all kinds of activities, whether it's civil
16 rights activities, or union struggles, what have
17 you.

18 And I know damn well that if there
19 was a subpoena issued for me, if I did not show
20 up, they would put me under the jail, under the
21 jail.

22 (Applause.)

23 MR. CRONIN: And it makes me sick to
24 see that this guy can turn around and thumb his
25 nose time after time at City Council, but yet go

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2 around and take taxpayers' money and our money,
3 and hire attorneys, all kinds of attorneys, all
4 kinds of additional staff. Okay. And won't
5 honor, won't honor a subpoena from this City
6 Council.

7 Something's terribly wrong here.
8 And I think it not only has to go to Greene, but I
9 think it has to go to the people that protect
10 Mr. Greene and pull his strings.

11 (Applause and cheers.)

12 MR. CRONIN: And let me tell you:
13 More and more publicity is going to have to be
14 directed that way because this isn't just
15 Mr. Greene. Okay?

16 There's people above Mr. Greene that
17 this is going have to be taken to. And I know
18 this makes a lot of people in this room squirm.
19 But let them squirm because the people here, if
20 they lose their pensions, are going to be
21 squirming until they take their last breath, so
22 let's make everybody squirm.

23 (Applause and cheers.)

24 COUNCILMAN COHEN: Mr. Cronin, go
25 back to your seat for a moment.

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2 I just want you to know there's no
3 mystery to whom Mr. Greene reports. He reports to
4 the Mayor. The Mayor has appointed him. And the
5 one person who could settle the whole problem in
6 one second would be the Mayor of the City of
7 Philadelphia.

8 (Applause and cheers.)

9 COUNCILMAN COHEN: All the Mayor has
10 to do is to direct Mr. Greene to appear, and he
11 would appear. Or the Mayor could say: Goodbye;
12 go back to Detroit or Atlanta.

13 (Applause.)

14 COUNCILMAN COHEN: Or wherever you
15 want to go to; but you can't be in Philadelphia
16 and disrespect City Council.

17 So it's no mystery who actually
18 controls Mr. Greene's action and could resolve
19 this in a split second.

20 MR. CRONIN: Well, you're absolutely
21 right. And I don't think it's -- Certainly it's
22 not lost on anyone in here who's pulling the
23 strings. So we agree with you that if the Mayor
24 of this City said to Mr. Greene: You appear, he'd
25 appear. Or he'd be on his way back to Detroit.

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2 So the Mayor has to get off the dime
3 here and decide where he is. As the old labor
4 adage goes: He's either with us or he's against
5 us.

6 (Cheers.)

7 COUNCILMAN COHEN: Is there anyone
8 else who wishes to be heard? There's one hand up.
9 Would the hand approach the table if you want to
10 be heard.

11 VOICE IN THE AUDIENCE: He's just
12 holding a sign.

13 COUNCILMAN COHEN: Oh, you're just
14 holding a sign. All right. You can't speak from
15 your chair. You have to approach here or not.
16 It's just a sign. Good.

17 All right. I think the business of
18 today is completed.

19 Well, does anybody want to say
20 anything on the record on behalf of Mr. Greene?
21 We understand there are three attorneys here. The
22 Chair notices nobody coming forward.

23 The hearing will be recessed until
24 the call of the Chair. Thank you.

25 (Hearing recessed at 6:30 p.m.)

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2 CERTIFICATE

3

4 I HEREBY CERTIFY that the proceedings, and
5 evidence are contained fully and accurately in the
6 stenographic notes taken by me upon the City
7 Council hearing taken on May 5, 2003, and that
8 this is a true and correct transcript of same.

9

10

11

12

13

14 _____
15 DAVID A. DEIK, RPR and
16 Commissioner of Deeds

16

17

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