

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, March 31, 2011
9:35 a.m.

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO, JR.
COUNCILWOMAN MARIAN B. TASCO

RESOLUTION 110188 - Resolution confirming the
appointment of Michael H. Reed as a member of
the Board of Ethics, to serve in the term
ending November 16, 2015.

RESOLUTION 110189 - Resolution confirming the
appointment of Judge Phyllis W. Beck as a
member of the Board of Ethics, to serve in the
term ending November 16, 2012.

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1
2 COUNCIL PRESIDENT Verna: Good
3 morning, everyone. This is a public
4 hearing of the Committee of the Whole.

5 I would ask Mr. McPherson to
6 please read the two resolutions that we
7 will be considering this morning.

8 MR. McPHERSON: Resolution
9 110188, confirming the appointment of
10 Michael H. Reed as a member of the Board
11 of Ethics, to serve in the term ending
12 November 16, 2015.

13 Resolution No. 110189,
14 confirming the appointment of Judge
15 Phyllis W. Beck as a member of the Board
16 of Ethics, to serve in the term ending
17 November 16, 2012.

18 COUNCIL PRESIDENT Verna: May I
19 ask the two nominees to please come to
20 the witness table.

21 (Witnesses approached witness
22 table.)

23 COUNCIL PRESIDENT Verna:
24 Welcome.

25 MR. REED: Good morning.

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2 COUNCIL PRESIDENT VERNA: Good
3 morning.

4 Judge, I'd like to say ladies
5 first, so, Your Honor, would you identify
6 yourself for the record and proceed with
7 your testimony.

8 JUDGE BECK: All right. My
9 name is Judge Phyllis W. Beck, retired.

10 Good morning, Council President
11 Verna and members of City Council. I
12 thank you for this opportunity to testify
13 on the occasion of my nomination by Mayor
14 Michael Nutter to the Ethics Board.

15 I wish to serve on the Ethics
16 Board because I believe it is the duty of
17 every citizen to participate in the
18 community to better the life of its
19 citizens. The part of my family that
20 live in this region share my belief. My
21 daughter, Alice Beck Dubow, is a judge in
22 the Philadelphia Common Pleas Court, and
23 my son-in-law, Rob Dubow, is Finance
24 Director of the City.

25 My commitment to the City is

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both passionate and extensive. For 17
years, I served as a trustee of the Free
Library and am now on the Foundation
Board of the Free Library. I am
President of the After School
Partnership, which runs highly successful
after-school activities, including a
well-known chess tournament for the
students of our public school. I am on
the President of Temple University's
Advisory Board, as well as the Law
School's Board of Visitors. I am Chair
of the Independence Foundation, which
grants between \$3 and \$5 million annually
to regional organizations. However,
approximately 85 percent of that money
comes to Philadelphia organizations,
which support healthcare, legal services,
health and human services and arts and
culture. I was recently on the Board of
Philadelphia Counts, an organization
formed to make sure of the accuracy of
the 2010 census in Philadelphia. This
list is partial and reflects only some of

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2 my roles that I have played in my service
3 to the City.

4 I am a graduate of Temple Law
5 School, night division. I practiced law
6 for about ten years before beginning an
7 academic career, first at Temple Law
8 School and then as Vice Dean of the
9 University of Pennsylvania Law School.

10 However, most importantly, for
11 25 years, I served as a judge on the
12 Superior Court of Pennsylvania. I say
13 with a little bit of pride that I was the
14 first woman elected statewide to an
15 appellate bench. I retired from the
16 court in 2006 and now do mediation for my
17 former court.

18 Having served as a judge for 25
19 years, I believe that my experience makes
20 me well-equipped to serve as a member on
21 the Board of Ethics. I believe that my
22 integrity, objectivity, diligence and
23 commitment make me a valuable member of
24 that Board. If I am confirmed for a seat
25 on the Ethics Board, I will do my duties

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2 conscientiously, realizing the complexity
3 and difficulty of governing a large city
4 with such a diverse population and with
5 such potential for growth and success. I
6 look forward to the opportunity to
7 continue to serve the City and am happy
8 to answer any questions that you may
9 have.

10 COUNCIL PRESIDENT Verna: Thank
11 you very much.

12 Mr. Reed, would you please
13 identify yourself for the record.

14 MR. REED: Yes. Michael H.
15 Reed.

16 Good morning, Council President
17 Verna and members of City Council. My
18 name is Michael H. Reed. I am honored to
19 be a nominee for the Philadelphia Board
20 of Ethics and welcome the opportunity to
21 testify before City Council in connection
22 with my qualifications to serve on the
23 Board.

24 I am a lifelong resident of
25 Philadelphia, having grown up in South

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2 Philadelphia and currently residing in
3 Center City. I was raised in a home
4 along with my brother and two sisters by
5 Vivian E. Reed, a single mom, who is now
6 deceased. She continues to be my moral
7 compass. My wife, Yalta Gilmore-Reed,
8 and I, as well as our two children,
9 Alexandra and Michael Jr., were all
10 educated in the Philadelphia public
11 schools. I received a BA in Political
12 Science from Temple University in 1969
13 and a law degree from Yale Law School in
14 1972. I have practiced law for almost 40
15 years. I have been employed by the
16 Pepper Hamilton law firm since working
17 there as a summer associate in 1971, and
18 I have been a partner in the firm since
19 1980. I concentrate my practice in the
20 area of corporate reorganization and
21 bankruptcy. I have taught as an adjunct
22 professor at Temple Law School and
23 Rutgers Law School.

24 Since early in my career, I
25 have been active in the professional and

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civic communities. I started out serving in leadership positions with the Young Lawyers Section of the Philadelphia Bar Association and the Barristers Association of Philadelphia. At that time, I was also privileged to have as a friend and mentor the late John C. Anderson, a former member of this Council. For ten years beginning in 1974, I served as an advisor to Law Explorers Post 913, sponsored by the Philadelphia Bar Association and the Boy Scouts of America. We mentored hundreds of Philadelphia high school students interested in legal careers. One of our students in that program currently serves as a Supervisory Judge on the Court of Common Pleas of Philadelphia County. In 2004, I was honored to receive a resolution from this Council recognizing my service as the first African American President of the Pennsylvania Bar Association. I have also served on the Board of Governors of the American Bar

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2 Association and currently serve on its
3 Nominating Committee.

4 I was admitted to the bar of
5 the Supreme Court of Pennsylvania in
6 1972. Since then, I have been admitted
7 to practice before numerous other courts,
8 including the Supreme Court of the United
9 States. I am a member of the American
10 Law Institute and a fellow of the
11 American College of Bankruptcy.

12 Of particular relevance to my
13 nomination to serve on the Philadelphia
14 Board of Ethics, I note the following.
15 Since early in my career, I have served
16 on the Ethics Committee of my law firm.
17 I have served on the Ethics Committee of
18 the Pennsylvania Bar Association for over
19 25 years, and in 1986, I chaired the
20 Ethics Committee of the Philadelphia Bar
21 Association.

22 From 1990 to 1993, I was a
23 member of the Pennsylvania Judicial
24 Inquiry and Review Board, which was
25 responsible for enforcing the Code of

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2 Judicial Conduct and ethics rules
3 applicable to state court judges in
4 Pennsylvania. For six years, I served as
5 a member of a hearing committee of the
6 Disciplinary Board of the Supreme Court
7 of Pennsylvania, and I served as Chair of
8 the committee for three years. I have
9 also frequently served on panels, written
10 materials and served as an expert on
11 legal ethics matters.

12 In 1990, I was appointed by
13 former Mayor W. Wilson Goode to the
14 Educational Nominating Panel, on which I
15 served for three years. In the civic
16 arena, I currently serve as Vice Chair of
17 the Academy of Natural Sciences of
18 Philadelphia, a member of the Board of
19 United Way of Southeastern Pennsylvania,
20 a member of the Board of Advisors of the
21 Public Interest Law Center of
22 Philadelphia and a member of the
23 Executive Committee of the Temple
24 University Alumni Association. I
25 previously served on the Board of

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2 Episcopal Hospital, and I have been a
3 member of the Committee of Seventy for 30
4 years. I will resign from the Committee
5 if my nomination to serve on the Board of
6 Ethics is confirmed.

7 I have been a member of the
8 Holy Trinity Baptist Church in South
9 Philadelphia for over 50 years.

10 I believe that my experience
11 and training, along with my love for this
12 city, qualify me to serve on the Ethics
13 Board.

14 In closing, I would like to
15 thank Mayor Nutter for his nomination and
16 the members of this Council for
17 considering my qualifications to serve on
18 the Ethics Board. If I am confirmed, I
19 will do my best to execute the office
20 diligently and faithfully.

21 I will be happy to answer any
22 questions that you may have.

23 Thank you.

24 COUNCIL PRESIDENT VERNA: Thank
25 you. I don't have any questions, but I

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2 do have a comment.

3 In my humble opinion, I believe
4 the Mayor could not have chosen two more
5 qualified nominees.

6 MR. REED: Thank you.

7 JUDGE BECK: Thank you.

8 COUNCIL PRESIDENT VERNA: And
9 Mr. Reed, coming from South Philadelphia,
10 I'd have to vote for you and being a
11 member of -- do you recall Reverend
12 Galloway?

13 MR. REED: Reverend Gallup?

14 Yes.

15 COUNCIL PRESIDENT VERNA:

16 Gallup, yes. That's it.

17 MR. REED: He was my pastor.

18 COUNCIL PRESIDENT VERNA:

19 Wonderful, wonderful man. I just know
20 that you both would be extremely
21 successful in these positions.

22 At this point, I'd like to
23 recognize Councilwoman Tasco.

24 COUNCILWOMAN TASCO: Thank you,
25 Madam President. I join you. I think

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2 that we have two good candidates here
3 today. Their background, experience will
4 certainly add to the other hard-working,
5 outstanding members of the Ethics Board,
6 and they have both been involved in the
7 Philadelphia public life and serving in
8 their capacity as judge and as lawyer,
9 and involvement in many of the Bar
10 Association activities gives them a broad
11 perspective of what we have to deal with
12 and issues around ethics that we have put
13 forth in our legislation. So I'm glad to
14 have them both.

15 MR. REED: Thank you.

16 JUDGE BECK: Thank you.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 The Chair recognizes Councilman
20 Green.

21 COUNCILMAN GREEN: Thank you
22 very much, Madam President.

23 I want to echo the President's
24 remarks. Certainly we all feel that way
25 and are both very well aware of your

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2 qualifications and fully -- and your
3 integrity and look forward to your
4 service.

5 I do have a question that I ask
6 basically every person that is nominated,
7 and it really relates to the fact that
8 you take an oath of office to serve on
9 the Ethics Board and the oath of office
10 to the Charter, to the laws of the City
11 and the state and the federal laws and
12 constitution. And we have over the past
13 three years developed a great working
14 relationship with the Ethics Board,
15 passed many new laws that have been
16 supported by the Ethics Board, but the
17 one area where we've had some
18 disagreement about what the Ethics Board
19 should and should not do is taking its
20 oath about the United States Constitution
21 seriously, and specifically, that's the
22 free speech rights of City employees who
23 are governed by the Home Rule Charter and
24 the laws that we pass that restrict their
25 political activities.

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2 There is now, if we pass a bill
3 that has been recently proposed, the
4 ability for the Ethics Board to
5 administratively adjudicate Charter
6 provisions relevant to political
7 activities and a bunch of other things.
8 And so my question really is -- I'll give
9 you one additional fact. The ACLU has
10 testified before the Ethics Board that
11 the political activities restrictions are
12 unconstitutional, and even with recent
13 rules changes proposed, they are still
14 unconstitutional.

15 So the question is, will you,
16 as a member of the Ethics Board, if you
17 believe that the constitutional rights of
18 a City employee or someone who is coming
19 before you are being violated and they
20 raise that issue, will you make a
21 determination at the administrative level
22 that yes or no their rights are being
23 violated? And I can give you a specific
24 example. The Third Circuit Court of
25 Appeals has ruled that police are allowed

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2 to donate to political candidates. Is
3 the Ethics Board current position that
4 because no firefighter has actually
5 brought the suit, that firefighters
6 cannot currently give political
7 donations? That's just the most extreme
8 example of what we're talking about here.

9 So with that as a premise, what
10 is your position with respect to the oath
11 of office requiring you to respect the
12 U.S. Constitution?

13 MR. REED: I think that Council
14 President Verna was correct when she
15 observed that the principle of ladies go
16 first is important right now.

17 JUDGE BECK: I'm happy to, and
18 I'm happy to latch on to your example.
19 It seems to me that if the Third Circuit
20 says the police can do X, I don't see a
21 distinction between the firemen doing X.
22 And that would be my response.

23 MR. REED: My response would be
24 that I see great wisdom in what Judge
25 Beck has just said, but it would be

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2 inappropriate for me at this hearing, I
3 believe, to say how I would vote upon a
4 matter that would come before the Ethics
5 Board if and when I am confirmed.

6 COUNCIL PRESIDENT VERNA:
7 Councilman Green.

8 COUNCILMAN GREEN: Thank you.
9 I wasn't requesting an
10 explanation of how you would vote. What
11 I'm requesting is, will you consider the
12 U.S. Constitution if someone raises that
13 in defense of their activities before
14 you?

15 MR. REED: Councilman Green, I
16 think that your question raises what I
17 would call a motherhood and apple pie
18 no-brainer. Of course, having taken an
19 oath to respect and observe the U.S.
20 Constitution, we would be bound to
21 consider it in anything that -- its
22 application and its implications in any
23 administrative or adjudicatory functions
24 that we might perform.

25 COUNCILMAN GREEN: Thank you

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2 very much.

3 Thank you, Madam President.

4 COUNCIL PRESIDENT VERA: Thank
5 you.

6 The Chair recognizes
7 Councilwoman Brown.

8 COUNCILWOMAN BROWN: Thank you,
9 Madam President.

10 Good morning. I join my
11 colleagues in thanking you very, very
12 much for the rich experience and track
13 record of service that will certainly be
14 relevant in the positions that we're
15 pursuing here this morning.

16 Mr. Reed, could you please
17 speak to your experience at the Committee
18 of Seventy, how long you were on the
19 Board, what was the principal mission of
20 the Committee of Seventy and were you
21 there during the transition of the
22 leadership there at Committee of Seventy?

23 MR. REED: Yes, I'm happy to.
24 I have been there 30 years. I think I'm
25 actually one of the most long-serving

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2 members on the Committee of Seventy. As
3 I indicated, I would feel incumbent to
4 resign from the Committee if I were
5 confirmed. However, the Committee of
6 Seventy has, since my involvement in it,
7 been primarily known for its election
8 watchdog work, but it has since my -- or
9 the 30 years that I've been involved in
10 it and under the stewardship of former
11 Executive Secretary Fred Voigt been very
12 proactive and I believe productive in
13 providing research and white papers on
14 matters of public concern and public
15 governance, including school matters,
16 Charter matters and the like. The
17 Committee has continued to do that.

18 I think that the Committee in
19 its history, both before the service of
20 Fred Voigt as Executive Secretary and now
21 under the service of Zach Stalberg as
22 Executive Director, has had varying
23 degrees of activity in what I would
24 describe as governance watchdog -- the
25 governance watchdog arena, beyond the

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2 electoral sphere, and I think that it is
3 an asset to this city.

4 I know that there are times
5 when there is tension, but I think that
6 it strengthens us all to have people of
7 goodwill who will bring issues and
8 questions to the attention of the Mayor
9 and the Council and the public that
10 deserve focus and consideration.

11 The Committee of Seventy is an
12 organization of many people. It takes
13 public positions that not every member of
14 the Committee on every given issue might
15 agree with the public positions that the
16 Committee takes.

17 So I don't know whether that is
18 responsive to your question.

19 COUNCILWOMAN BROWN: Yes, it is
20 partially. I agree with the
21 characterization of the word "tension"
22 with the Committee of Seventy, and it's
23 been my limited experience here that --
24 and please correct me if I'm wrong --
25 that the membership of the Committee of

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2 Seventy, some might argue, is not
3 representative of the world of the City
4 of Philadelphia, and thus is it fair for
5 those who are not representative of this
6 world to then be complimentary or
7 criticizing the world that we're talking
8 about, being City of Philadelphia. And
9 let me -- the Board does not reflect the
10 City of Philadelphia.

11 MR. REED: I think that the
12 Committee of Seventy could benefit from
13 continuing to diversify its membership so
14 that when it speaks on matters of public
15 interest and matters of governance, its
16 statements and opinions will have greater
17 resonance and credibility with the
18 constituency of the citizens of
19 Philadelphia.

20 COUNCILWOMAN BROWN: Thank you
21 very much. Agreed. Thank you.

22 Thank you, Madam Chair.

23 COUNCIL PRESIDENT VERNA:
24 You're welcome.

25 Are there any other questions

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2 or comments from members of the
3 Committee?

4 (No response.)

5 COUNCIL PRESIDENT Verna:
6 Seeing none, this will conclude our
7 public hearing.

8 We will now go into our public
9 meeting, and the Chair recognizes
10 Councilwoman Tasco.

11 COUNCILWOMAN TASCO: Madam
12 President, I move for the adoption of the
13 resolutions.

14 (Duly seconded.)

15 COUNCIL PRESIDENT Verna: It
16 has been moved and seconded that
17 Resolution --

18 MR. McPHERSON: Resolution
19 110188 and 110189.

20 COUNCIL PRESIDENT Verna: -- be
21 reported out of Committee with a
22 favorable recommendation.

23 All in favor will indicate by
24 saying aye.

25 (Aye.)

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2 COUNCIL PRESIDENT Verna: Those
3 opposed?

4 (No response.)

5 COUNCIL PRESIDENT Verna: The
6 ayes have it and the motion carries.

7 Thank you very much.

8 (Applause.)

9 (Committee of the Whole
10 concluded at 10:00 a.m.)

11 - - -

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on March 31, 2011, and that
8 this is a true and correct transcript of same.

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13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
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20 transcript does not apply to any reproduction
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