

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
HOUSE STATE GOVERNMENT COMMITTEE

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FRIDAY, OCTOBER 5, 2007

PUBLIC HEARING HOUSE BILL 1400

BEFORE:

REPRESENTATIVE BABETTE JOSEPHS, MAJORITY CHAIR

REPRESENTATIVE PATRICK HARKINS

REPRESENTATIVE FLORINDO FABRIZIO

REPRESENTATIVE THOMAS BLACKWELL

REPRESENTATIVE JARET GIBBONS

ALSO PRESENT:

RODNEY OLIVER, MAJORITY EXECUTIVE DIRECTOR (D)

Reported by Tamara Y. Doxey  
Ferguson & Holdnack Reporting, Inc.

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MS. JOSEPHS: Ladies and gentlemen, I'm going to start. We have at least one other State Representative that's going to join us, but I have a plane to catch and I think there are some other people who are scheduled to leave, and I want to give all of the witnesses a chance to speak, so I'm going to get started.

Good afternoon. I'm Babette Josephs, I'm Chair of the House State Government Committee. The most important announcement that I want to make right now is that if you go out to the left, you will find the restrooms.

I want to welcome you all here to this beautiful, beautiful library, and thank Margaret Stewart who made it possible for us to be here.

We are talking today about House Bill 1400, which is a legislation to amend the Commonwealth's Civil Rights law, to give people protection from discrimination on the basis of sexual orientation, gender identity or gender expression.

The Bill was introduced by Dan Frankel, who's from Pittsburgh. Yesterday, we had a hearing in Pittsburgh; Mr. Frankel wanted to be here very much, he could not make it. He attended the whole hearing in Pittsburgh. He will be reading all of the testimony that is given today, and I

1 regret that he's not here and so does he.

2           House Bill 1400 had 75 sponsors, I'm one of  
3 them. We're holding hearings on this legislation because my  
4 colleagues and I want to learn about the effects on the  
5 people who are discriminated and how those people are  
6 affected by losing jobs, or are having terrible difficulties  
7 because of their sexual orientation, gender identity or  
8 gender expression.

9           And we also want to hear from those who are  
10 opposed to the Bill. That is the legislative process. We  
11 need to hear from all points of view.

12           Yesterday, as I said, we were in Pittsburgh, which  
13 has, like Erie, a local ordinance that provides civil rights  
14 protection for the lesbian, gay, bisexual and transgendered  
15 people. And I hope we can learn here in Erie, as we learned  
16 in Pittsburgh, what the effect has been of the local  
17 ordinance. The city that I come from, Philadelphia, also  
18 has an ordinance that protects people based on their sexual  
19 orientation.

20           I want to give everybody a chance to testify. As  
21 I said, I'm going to have to leave to catch a plane, I want  
22 to hear everybody before I go. So, I'm going to be brief.

23           I hope that all of the witnesses will try to speak  
24 to us from your heart and not read testimony. We really  
25 want to hear what people are feeling. And we want to be

1 able to ask some questions about your testimony afterwards.

2 I regret very much that my minority chairman,  
3 Representative Matthew Baker, was not able to make it to  
4 either yesterday's hearing or today's. And I also regret  
5 that his executive director, who's name is Susan Boyle  
6 (phonetic), who is an extraordinarily competent staff person  
7 for the Republican Committee, was not able to make it  
8 either. She canceled at just the last moment, and I'm very  
9 disappointed that she was not able to make it.

10 I also expect this to be an emotional issue for  
11 almost everybody who approaches it. I expect that the  
12 testimony from every point of view will be passionate, but I  
13 also know that it will be respectful. And I expect and know  
14 that I will get from the witnesses and my colleagues a level  
15 of stability, which will be acceptable to everybody.

16 I thank you very much for being here. And I would  
17 like to call the first person on our agenda, Stephen  
18 Glassman, who is the Chair of the Pennsylvania Human  
19 Relations Commission.

20 While he's coming up, starting with my left are  
21 the members who will introduce themselves.

22 MR. HARKINS: Good afternoon. Thank you for  
23 coming out. I'm State Representative Pat Harkins from the  
24 1st District in Erie.

25 MR. FABRIZIO: I'm Flo Fabrizio, 2nd Legislative

1 District in Erie.

2 MR. BLACKWELL: Tom Blackwall, 190th District,  
3 Philadelphia County.

4 MR. OLIVER: Rodney Oliver, Majority Executive  
5 Director.

6 MS. JOSEPHS: And I also want to say that  
7 Representative John Hornaman from the 3rd Legislative  
8 District was not able to make it, but he sent his chief of  
9 staff, Joy Greco, who is in the audience and is an expert in  
10 this subject matter. So we're very happy to have you,  
11 Ms. Greco. Okay, Mr. Glassman.

12 MR. GLASSMAN: Good morning -- good afternoon.  
13 It's a pleasure to be here on behalf of the Human Relations  
14 Commission. And I want to thank Chairwoman Babette Josephs  
15 for calling these hearings across the Commonwealth, and for  
16 the legislators who have taken their valuable time to join  
17 us and participate in this conversation about the amendments  
18 to the Pennsylvania Human Relations Act through House Bill  
19 1400 and S.B. 761.

20 MS. JOSEPHS: Can people hear Mr. Glassman? Can  
21 you move the mic a little closer.

22 MR. GLASSMAN: The Pennsylvania Human Relations  
23 Commission is one of the oldest and largest agencies of its  
24 kind in the country, it was started in 1955. And we have  
25 subsequently seen our Act amended 12 times over the years to

1 continually add protections to the Act. So we've expanded  
2 our ability to protect the people who live in or travel  
3 through the Commonwealth of Pennsylvania.

4           The Act is quite inclusive and protects people of  
5 a variety of minority groups including race, religion,  
6 ethnicity, color, national origin, gender, age, disability  
7 or being associated with a person with a disability, and an  
8 alternative high school diploma, GED, versus a regular  
9 diploma. And we also have a very broad range of  
10 jurisdiction; employment, housing, commercial property.

11 We're the only agency in the country who includes  
12 commercial property, credit lending and education.

13           Most of our cases, employment cases, 89 percent of  
14 our cases in any one year tend to be work-related cases, one  
15 of the most important parts of this statute. And then  
16 housing and public accommodations, and some education cases  
17 follow that. So that's one of the reasons why we have felt,  
18 for a very long time, that this has been an important Bill  
19 to pass, and we have felt that way since the 1980s.  
20 Actually, for almost 25 years, the Commission has regularly  
21 supported this legislation.

22           More recently our Commissioners, 11 Commissioners  
23 all appointed by the Government, confirmed by the Senate --  
24 we currently have six Republicans and five Democrats as  
25 commissioners -- and for the last three legislative

1 sessions, we've been asking for this introduction of the  
2 legislation. We have had unanimous resolution passed by all  
3 of our Commissioners to both parties of this agency  
4 supporting the amendments to the Human Relations Act.

5           Very simply, what this Bill does is add the words  
6 "sexual orientation and gender identity and expression" as  
7 protected classes in the 16 areas of this Statute where  
8 protected classes occur. It does not change any other  
9 aspects of this Statute. It does not provide for any  
10 special protections for the lesbian, gay, bisexual,  
11 transgendered population. It simply includes them as  
12 protected classes for all of the work that is accomplished  
13 by this agency on behalf of the people in the Commonwealth.

14           We have seen Pennsylvania as a leader,  
15 historically, in the area of civil rights in many areas.  
16 When our Statute was passed, we, obviously, proceeded to  
17 Federal legislation, and each time we amended our Statute.  
18 It was years in advance of the Federal legislation civil  
19 rights laws in work discrimination and housing and also in  
20 disability. It was 16 years, actually, before the ADA  
21 passed. In 1974, we amended our statute to include  
22 disabilities.

23           We have seen significant discrimination and a rise  
24 in discrimination in regard particularly to workplace,  
25 particularly landlords refusing to rent and lack of service



1 and public accommodations. We receive complaints each year  
2 and we've been tracking them for the last five years with  
3 regard to sexual orientation and gender identity, although  
4 we have not been able to open cases, because we don't have  
5 the statutory funding to do that, and we can't expend  
6 taxpayers dollars on that while we are waiting for the  
7 statute to be amended. But the calls come in, the complaints  
8 are made, we feel badly that we can't respond to allegations  
9 of discrimination from people in this community. And that  
10 is one of the reasons why we feel so strongly that the Act  
11 ought to be amended.

12           In addition, Pennsylvania has a number of  
13 interesting demographic features which have changed the  
14 nature of this State, and which cause us to be less  
15 competitive than many of our surrounding neighbors. We are  
16 one of 30 states in the Country that currently do not have  
17 Statewide protections for the lesbian, gay, bisexual,  
18 transgendered community.

19           There are twice the states that now have  
20 nondiscrimination laws, statewide legislation in place that  
21 protects on the basis of sexual orientation. And 13 states  
22 and the District of Columbia also add protections for the  
23 transgendered community to their state statutes.

24           In not having those statutes, what we have done is  
25 worked with local municipalities across the State. We

1 happen to be in a county -- which countywide protections are  
2 here in Erie, which we are very delighted to see. And the  
3 County Commission is, by all standards, I think, working  
4 very effectively to adjudicate complaints and investigate  
5 allegations of discrimination that come to them. And I have  
6 talked with and worked with the executive director of the  
7 County Commission, and I think we have provided significant  
8 training with the Erie Commission as we do for all of the  
9 others in the State.

10           There are now 14 municipalities at the borough,  
11 city or county level in Pennsylvania which have local  
12 nondiscrimination ordinances and local Human Relations  
13 Commissions established. And all 14 of those include sexual  
14 orientation and gender identity or expression in their  
15 language. So there is a very strong precedent for this, not  
16 only in other states but in Pennsylvania.

17           In addition, in 2002 -- so this is almost five  
18 years ago -- the Hate Crimes Bill was amended and signed  
19 into law by Governor Schweiker on December 3rd, which added  
20 the words "sexual orientation and gender identity" to the  
21 Ethic Intimidation and Institutional Vandalism Law. And  
22 that has allowed us to be able to respond to our Civil  
23 Tension Task Force the only one of our kind in the nation --  
24 And it's been in effect for nearly 40 years -- which deals  
25 with the part of our statute that requires us to insure the

1 reduction of strife and ethnic tension, and to create an  
2 environment for the well-being and peace and health of the  
3 citizens of the Commonwealth.

4           Our Civil Tension Task Force has to address,  
5 really, a significant number of complaints in this area of  
6 sexual orientation and gender identity. Although, we cannot  
7 open cases, as I mentioned before, we do track all of that  
8 information. That's on our website for anyone to be able to  
9 see.

10           This Civil Tension Task Force has seen an increase  
11 in this kind of activity throughout the Commonwealth as  
12 well. And you may be aware of the fact that Pennsylvania,  
13 unfortunately, is now the state with the largest number of  
14 national hate groups based within its borders, 75 at the  
15 last count. That is a very significant thing for us to  
16 remember -- Pennsylvania, while we may be seen as a more  
17 liberal state, in some points of view.

18           In fact, we are the state that has attracted, for  
19 whatever combination of reasons, many people who feel that  
20 discrimination, bias, stereotype and apologetic about  
21 minorities is something that appeals to them, and they have  
22 located themselves here in the Commonwealth. It isn't just  
23 in the Commonwealth, which is the common perception. These  
24 groups are all over the State, some in major cities and some  
25 in places where you will be very surprised to find out.

1 All of this creates a climate which is not one  
2 that is welcoming to alternative families and to those being  
3 lesbian, gay, bisexual and transgendered individuals. And  
4 we are now the third lowest growing state economically. And  
5 in population, the second lowest growing state in the  
6 nation. This is not healthy for the expansion of  
7 possibilities and business in our economy in Pennsylvania.

8 We actually have had numerous and local complaints  
9 by professors and people who work in the high tech industry,  
10 from universities and from corporate America who have  
11 actually left the State and have sent letters to us, or  
12 actually have come and testified at our town hall meetings.  
13 Or in meetings in State College and Pittsburgh and other  
14 areas that they left because they could not find the  
15 protection for their same-sex families and children, and  
16 they left for better opportunities in neighboring states who  
17 do have those protections in place.

18 We are surrounded by New Jersey, Maryland and New  
19 York, all of which have these protections in place. It is  
20 really difficult for us to provide a competitive environment  
21 in this respect. I won't pretend that this is the sole  
22 reason, of course, why Pennsylvania has found itself  
23 challenged in the area of economic expansion and  
24 development, but I do think that the climate that you create  
25 is a very important factor in helping people make decisions

1 about where they can locate their families, where they will  
2 identify job opportunities, where they will feel comfortable  
3 in participating for the life of the Commonwealth in this  
4 case.

5           We have, I think, well cited in Richard Florida's  
6 most recent book, "The Flight of the Creative Class," a  
7 former University of Pittsburgh professor, who has talked in  
8 very clear terms about the progressive social policy and,  
9 specifically, ordinances and statutes that protect people on  
10 the basis of their sexual orientation and gender identity,  
11 and has done a very significant job charting the data  
12 evaluation of the correlation directly between those laws  
13 that protect people and the growth of the economy in those  
14 cities and/or states.

15           There are currently almost 200 cities in the  
16 United States -- as I mentioned, 14 of those are in the  
17 Commonwealth that have put these protections into place.  
18 This is not rocket science. It is not new and different.  
19 It is really quite well-established in law and public policy  
20 to protect people, regardless of your personal beliefs or  
21 your religious beliefs. It's really an established  
22 understanding that people need to have the ability to  
23 contribute, become tax paying citizens, not be a burden on  
24 the State, but rather a contributor to the State. And the  
25 way you do it is making sure, when they are discriminated

1 against, they have a vehicle, a governmental body that they  
2 can go to to receive relief from that discrimination.

3           We feel very strongly and urge the House and the  
4 Senate, both, to pass this legislation expeditiously so that  
5 we can find those funds and be able to respond to the  
6 complaints that we get, and currently have set aside and  
7 simply track those numbers. So when legislators call us and  
8 ask whether or not this is an actual problem, we are able  
9 and legitimately able to say, yes, there is significant  
10 discrimination.

11           And I think -- if you will look at the written  
12 testimony that I provided, I've cited a significant number  
13 of statistics from the Williams Institute for law and public  
14 policy, which is the most highly regarded in the Country.  
15 It's based in UCLA and I won't go through all of those  
16 statistics now, but you can reference them as you look at  
17 this testimony.

18           And I think you will also see that important  
19 corporate indices -- like the Equality Forum -- the Fortune  
20 500 companies now have 470 out of Fortune 500 companies  
21 providing these protections in their workplace. That's a  
22 very significant statistic, because only five years ago that  
23 number was under a hundred.

24           The Human Rights Campaign's Corporate Equality  
25 Index has, out of 519 of the largest businesses in the

1 United States, 195 are 100 percent compliant on all policies  
2 in their workplace. Up from 13 only four years ago. So  
3 we're seeing tremendous growth in the appreciation for the  
4 contributions and value of the lesbian, gay, bisexual  
5 community across the country. We're seeing, obviously, laws  
6 that make us a less competitive nation by our neighbors, as  
7 well as other Western countries. And I think it really  
8 behooves us to reconsider the way we create public policy in  
9 the Commonwealth that excludes individuals from feeling that  
10 they can be full participants in the life of Pennsylvania.

11 MS. JOSEPHS: Thank you, Mr. Glassman. Are there  
12 any questions from members of the panel? Great testimony.  
13 Thank you, very much.

14 MR. GLASSMAN: If you have any questions, I will  
15 be happy to answer them at any time during this afternoon.  
16 Thank you.

17 MS. JOSEPHS: I appreciate that. A copy of Mr.  
18 Glassman's testimony will be made available in the back for  
19 any member of the audience who would like to have it.

20 We are going to deviate a little from the printed  
21 agenda that, perhaps, people have. If you would hold  
22 yourself for just a moment. I'm sorry. I appreciate you  
23 making yourself available so it goes faster up here. I do  
24 appreciate that.

25 I would like to now call Kathy Springer and CJ

1 Bills, who have, I believe, a story to tell about their  
2 experiences. And then we will go ahead with the rest of the  
3 agenda. Whenever you're ready. Please, don't be nervous.  
4 All of us who speak publicly all of the time are nervous  
5 when we speak. Speak from your heart, we will hear your  
6 heart.

7 MS. SPRINGER: Thank you for this opportunity to  
8 share our testimony with you and tell you why we support  
9 this Bill. I'm sorry, I'm already nervous. I'm not a  
10 public speaker.

11 At this time I would like to tell you about my  
12 son, CJ Bills. At the time, he was 15 years old and  
13 attended a public school in Venango County. His nightmare  
14 started that day on March -- no, it was the fall, the fall  
15 of '06 when he stood up to protect a boy who was being  
16 harassed for being gay. By doing so, this drew attention to  
17 him. And it was, what do you care, are you gay also; and so  
18 the tables turned on him.

19 Well, he had been a former football star, you  
20 know, the ladies' man and everything else. Well, now they  
21 felt betrayed that here he is coming out now, he's gay. He  
22 was probably checking them out and everything else. So the  
23 rebellion started then.

24 The teachers, the hall room monitors, the lunch  
25 room monitors all turned a blind eye to what was being done.



1 I went to the assistant superintendent of the schools and  
2 discussed what was going on and got nowhere. I talked to  
3 the principal, I got nowhere. It was only one person in  
4 that whole system who was sympathetic, and that was his  
5 guidance counselor.

6           If you don't mind, I would like to tell you some  
7 of the things that my son experienced that led up to March  
8 23rd, which was the climax. One day while in history class,  
9 with the teacher present, students called my son names in a  
10 derogatory manner such as gay, and fagot and asked him to  
11 perform elicited sex acts on them. The teacher did not take  
12 any corrective action towards the students doing the  
13 harassing. The teacher just turned his head, went back to  
14 his game that he was playing on his computer. He came home  
15 very upset. I was like, you know, just go with it, you  
16 know, they're ignorant, just be who you are.

17           There were numerous incidents in the hallway and  
18 in the lunch room. Teachers were monitoring those places,  
19 were aware of my son being called names, being shoved into  
20 lockers. They turned their heads. They weren't about to  
21 step up and protect a gay boy, because this is redneck  
22 country.

23           There was an incident on the school bus one day.  
24 He was on a field trip going to see if he would like to  
25 think about going to Vo-Tech. So a bus load of them went

1 there to check out the different curriculum and stuff.  
2 While on the bus -- he was at the back of bus -- there were  
3 teachers monitoring this whole trip. Kids were throwing  
4 things at him, calling him fagot, queer, gay. Asking him if  
5 he wanted to perform sex acts on them. The teachers turned  
6 their head and acted like it never happened. The bus  
7 driver, who is clear at the other end of the bus, heard  
8 this, finally got fed up, yelled at them and threatened to  
9 pull the bus over. These teachers did nothing.

10           He was vulnerable, he was scared, he didn't want  
11 to go to school. His grades were dropping. He became a  
12 problem. He got involved in drugs. I ended up taking him  
13 to a psychiatrist. And it turned out he was already  
14 fighting that battle within him, as to who he was and coming  
15 to grips with it, and now being told by society, basically,  
16 that he can't be who he is. He was suicidal. We had to  
17 have him put on medications.

18           On the day of March 23rd, my son was in the locker  
19 room in the gym changing clothes -- well, he had changed his  
20 clothes, he was using the bathroom. Five boys came into the  
21 bathroom, and he could hear them come in, and he could see  
22 through the crack of the door who these boys were. They  
23 were joking around and saying five bucks to whoever can  
24 smear the queer. So while he was seated on the commode,  
25 excuse me, they took wads of paper towels and wetted them

1 and proceeded to bomb him over the stall doors.

2           The teacher was in view, could see what was going  
3 on. He came, of course, charging out of the bathroom, he's  
4 scared, he's going to take on five guys, but he's ready to  
5 do this. The teacher says, all right boys, you had your  
6 fun, knock it off, go back to class. When he says, what are  
7 you going to do about it, what are you going to do to  
8 protect me, look what they've done to me. He's just like,  
9 you just shut up and get back to class.

10           So prior to this incident, we had discussed with  
11 CJ a safe route, between his guidance counselor, his  
12 psychiatrist and I. When you feel threatened, go to your  
13 safe haven, which is that guidance counselor's office. He  
14 wasn't about to go back into that classroom -- into the gym  
15 class with those boys knowing the teacher wasn't going to do  
16 anything. So he left and he went to the guidance counselor,  
17 like he should have, where he felt safe.

18           While he was in there discussing with the guidance  
19 counselor what had happened, visibly upset, she put a call  
20 in to me at work, for me to come get him. Well, I was on a  
21 break, couldn't get reached. So they sat there and they  
22 discussed all of this. In the meantime, the assistant  
23 principal, who is -- I'm sorry, a very well-known bigot and  
24 he makes no bones about it -- came into the room, told him  
25 he was being suspended for leaving class without permission.

1 And also told him he was sick of him and his kind and didn't  
2 want him and his kind in this school.

3           Well, he got verbally loud and was frustrated,  
4 which is, you know -- he was scared. He's a 15-year-old kid  
5 and there's this big grown man in his face. And he called  
6 him a bald bitch, which was wrong, but that was all he had  
7 to defend himself with at that time. The assistant  
8 principal proceeded to call the state police and had him  
9 arrested for disorderly conduct. Meantime, the boys who did  
10 this were back in gym class, having a good old time.

11           The police came, they handcuffed him and were  
12 going to arrest him. When he explained to them -- can I  
13 please tell you what happened, why I said this, the cops  
14 said, I don't have time for this. I just dealt with a man a  
15 while ago who had a 12-inch butcher knife threatening to  
16 kill himself, I don't have time for this. And he says, what  
17 do I have to do, go home and get a 12-inch butcher knife and  
18 kill myself before somebody listens to me.

19           So the officer unhandcuffed him. And I, by then,  
20 was contacted and got to the school. I demanded to know  
21 where were those kids who did this, and what was their  
22 punishment. Well, they were back in class and they weren't  
23 going to receive any punishment because, hey, it was just  
24 boys being boys. They were just having fun.

25           On the other hand, he gets a citation, we have to

1 go to court. I have to pay for a lawyer. He's suspended.  
2 He's a mental wreck. I have to call the psychiatrist. I  
3 worry -- I'm afraid to go to bed at night for fear he's  
4 going to kill himself over this for being who he is.

5           And he has told me so many times I wish I would  
6 have kept my mouth shut. I wish I would have never let  
7 anybody know. But by doing that, he denied who he was. But  
8 at the same time, there's no one to protect him. We need  
9 laws to protect people on the fact of their sexual  
10 orientation. They're human beings. They were not put here  
11 for this. I think we've evolved far enough over the years  
12 that, you know, everyone is created equal. Have we not  
13 learned that from our mistakes in the past?

14           I just have one more thing to say. I'm not asking  
15 you to accept that lifestyle, to each his own, you know,  
16 think what you like. But do not condemn or prosecute people  
17 for choosing that lifestyle. And I hope it never comes to  
18 your family where one of your children are tortured for  
19 being who they are. Thank you.

20           MS. JOSEPHS: Before I call on my colleagues to  
21 make their comments, I just want to commend you, Ms.  
22 Springer and CJ. It's not easy, at all, to come before the  
23 public where your words are being recorded to talk about  
24 such a difficult, personal and family experience. So I want  
25 to commend you for your courage and for your presentation.

1 That was very effective.

2 MS. SPRINGER: I just want to add that this is not  
3 an isolated incident. There are other incidents that are  
4 happening in these schools, but everyone is afraid to come  
5 forward, because they've seen what we've been subjected to  
6 by fighting this. We've had our house threatened to be  
7 burned down. We've gotten phone calls. My son had to stay,  
8 basically, hidden in the house. He couldn't go to football  
9 games. He couldn't go to the mall, because when he did, he  
10 was surrounded by these boys saying, we want to see what  
11 color a fagot bleeds. This boy was scared to death to be  
12 who he is. And we need to change this. We need to protect  
13 people. No one should go through this.

14 MS. JOSEPHS: Again, gentlemen, any comments? Mr.  
15 Fabrizioo?

16 MR. FABRIZIO: I too would like to thank you for  
17 your courageous testimony. I can assure you it hasn't  
18 fallen on deaf ears. Okay. And if we're going to  
19 effectuate change, it's the courageous thing that you've  
20 done here today that, obviously, will move things along.  
21 And so it's a very heartrending situation.

22 And what we are here to do is try to take all of  
23 the testimony we can to try to prevent these kind of things  
24 from happening to other people. So what you've done today  
25 will go a long way.

1 MS. SPRINGER: Thank you. I appreciate it.

2 MR. HARKINS: Thank you for a great presentation.

3 MS. JOSEPHS: Mr. Blackwell?

4 MR. BLACKWELL: Thank you, Madam Chair. You be  
5 who you are. Unfortunately, sometimes in this society  
6 people go through things because other people are afraid of  
7 what they may learn from people who are different than they  
8 are. It doesn't mean that they are better than you.

9 I can relate to some of what you're going through.  
10 Not because I'm gay, but because I'm black. Yesterday and  
11 today I'm seeing a somewhat similar experience that you're  
12 going through that I've seen go through with people of  
13 color.

14 It's unfortunate that things like this have to  
15 happen to get legislation like this through. You are no  
16 worse, no better than anyone else. You deserve respect just  
17 like everyone else. You stand up for yourself. It's just a  
18 shame that you have to be so young to deal with it. But you  
19 know what, that's going to make you stronger. Because of  
20 your experience, you're going to be able to help other young  
21 people going through something like this. I'm sorry that it  
22 happened to you, but God bless you for it. And be who you  
23 are no matter what. Thank you very much.

24 MS. JOSEPHS: Thank you. I want to say that we  
25 have been joined by Representative Jaret Gibbons. I'm

1 sorry. I'm a little upset from this testimony, I think.

2 Thank you for joining us. And let us hear now from Reid

3 McFarlane from the Erie County Human Relations Commission

4 and AnnDrea Benson. Please proceed when you're ready.

5 MR. MCFARLANE: Madam Chairwoman, members of the

6 House Committee of the State Government. My name is Reid

7 McFarlane and I've come to testify in favor of amending

8 Pennsylvania's Human Relations Commission law to include

9 coverage for sexual orientation. I do so on behalf of

10 myself and my wife, AnnDrea Benson, who cannot be here

11 because of a last minute conflict that arose in a lawsuit.

12 I am a student of religion with a graduate degree

13 from a school affiliated with the University of Chicago.

14 Several years ago my wife and I --

15 MS. JOSEPHS: Mr. McFarlane, if you could just

16 speak to us, rather than reading from your statement. I

17 think it will be more effective. And we do have a sort of

18 time constraint.

19 MR. MCFARLANE: Okay. Eight years ago we

20 volunteered with the Human Relations Commission and learned

21 it had several problems. My wife, as an attorney, provided

22 free legal help and oversight of the staff. And we also

23 learned the major issue was of antiquated importance.

24 Our research disclosed that York, Pennsylvania had

25 the most up-to-date ordinance and was deemed substantially



1 equivalent by HUD, therefore qualifying it for federal  
2 funding. But the York ordinance, like that of Pittsburgh,  
3 Harrisburg, Philadelphia also included protection for sexual  
4 orientation. Once made public, there came a hue and cry  
5 against its adoption. And then the Executive -- County  
6 Executive Rick Schenker and some members of the County  
7 Council amended our proposed ordinance, in a fashion, all  
8 the while preserving sexual orientation, created a number of  
9 roadblocks and, interestingly enough, added special  
10 exemptions for religious groups.

11           Of course, these changes did not make federal law,  
12 so the process was delayed for a couple of years during  
13 which time the County Executive, in turn, killed the  
14 commission by reducing the funding and not filling the  
15 position. Mr. Schenker is a former organizer for the  
16 Christian Coalition in Pennsylvania. And our experience  
17 indicates that the primary source of objection to our Erie  
18 County Human Relations Commission's ordinance and your  
19 proposed House File 1400, comes from religious sources.

20           To be sure, the Bible does say it is abominable to  
21 lie with a man as one lies with a woman in Leviticus. But  
22 the Hebrew word use abomination for other things. It's an  
23 abomination to practice discrimination, sorcery, witchcraft,  
24 but it also applies to those who use false weights, wear  
25 clothing with two kinds of threats and eat shrimp and

1 lobster, but nobody's picketing Red Lobster. Why? Because  
2 these old taboos become outdated.

3           Likewise, the scriptures of the Apostle Paul  
4 against women and in support of slavery are outdated. It's  
5 quite out of fashion to quote the Gospel of Ephesians where  
6 Paul quoted, "slaves, obey your earthly masters with respect  
7 and fear and with sincerity of the heart." That biblical  
8 injunction was only overcome in the United States at the  
9 cost of a half million American lives in our Civil War.

10           Now, various religious taboos are a natural  
11 expression of religions needed to divide the sacred from the  
12 profane, the pure from the impure, the holy from the unholy.  
13 And because human drives are universal, these religious  
14 taboos relate to the universal drives for food and sex. So  
15 some religions hate pigs, other worship cows, and some used  
16 to require eating fish on Fridays. Male Jews, but not  
17 females, covered their heads at the synagogue, while this  
18 tradition is reversed in Christian churches. Some religions  
19 prevent priests without male genitalia and others forbid  
20 homosexuals and lesbians. These religious taboos are  
21 important to those who adopt the particular faith.

22           In fact, we specifically protect the religious  
23 practices in the HRC code, both at the County level and the  
24 State level. However, when applied outside the cloister,  
25 these taboos should not be a basis for protecting

1 discrimination in employment, housing and public  
2 accommodations.

3           In fact, nature, and some will say God, does not  
4 always draw rigid distinctions that some would suggest. In  
5 fact, specifically, some children are born with unclear  
6 gender identity. These children are termed intersex.  
7 Another term is disorder of sexual development, DSD. I  
8 raise this not to agree that gay or lesbian is a disorder,  
9 but rather to make the point that nature is sometimes  
10 unclear, even just externally, about gender. And clearly we  
11 know even less about the chemistry of the mind and the  
12 psychosocial development of the human being. Yet religious  
13 and caring people come here to testify that they have  
14 defined the subtleties of nature, chromosomes and the  
15 chemistry of human development and say definitively what God  
16 intends.

17           They have a right to their beliefs, but what do  
18 their taboos have to do with discriminating against a class  
19 of people through employment, housing and public  
20 accommodations?

21           Which brings me to the second one. In the main,  
22 Human Relations laws cover accidents of birth, circumstances  
23 over which the individual has no control, like, race,  
24 ethnicity, gender or nationality, and I would urge you to  
25 add sexual orientation.

1           However, there's one exception to this recognition  
2 of accidents of birth, and it's religion. It is, after all,  
3 supposed to be a matter of rational choice and free will.  
4 We protect some religions and their traditions. A child can  
5 be raised Protestant, and Catholic or Jewish, but that's not  
6 quite the same as calling somebody black, or female or  
7 Irish. Thus, religion has asked for and received a kind of  
8 protection, and those protections can be abused.

9           We hold a Mormon practice of polygamy illegal.  
10 And one might ask if it is good public policy in  
11 Pennsylvania to allow Amish to remove their children from  
12 school after the eighth grade. Secular government has  
13 granted religion exceptions precisely because we wish, as a  
14 matter of public policy, to respect some taboos that mark  
15 off one religion from another, but not all such practices.

16           Thus, as a matter of public policy, why should we  
17 permit the narrow exclusionary taboos of one religious group  
18 to dictate who by accident, or birth, or genes, chemistry or  
19 development has, or is seen as having a different sexual  
20 orientation, especially when this protection is only  
21 provided in the areas of employment, housing and public  
22 accommodations?

23           I urge you to adopt House File 1400. Thank you  
24 for your time and attention. Do you have any questions?

25           MS. JOSEPHS: Thank you. I'm momentarily going to

1 turn the Chairmanship over to Mr. Fabrizio and excuse myself  
2 for a moment. I will return.

3 MR. FABRIZIO: She may not get it back. Thank  
4 you. It's good seeing you again, really. We've walked a  
5 few paths together over the years.

6 MR. MCFARLANE: Yes, we have.

7 MR. FABRIZIO: Any questions? Thank you. Our  
8 next testifier is Mike Mahler, the co-editor of Erie Gay  
9 News. Good afternoon, Mike.

10 MR. MAHLER: Hi, there. I'm very glad to be  
11 speaking in front of you people, and thank you for the  
12 opportunity.

13 I have been co-editor of Erie Gay News since about  
14 1993. Actually, going back a little bit before that, I came  
15 out -- I think I may have been the first out-of-the-closet  
16 gay person in the tri-county area when there had been a  
17 murder of a gay man in late December of 1991, who was par on  
18 the basis of being gay. I got a call from TV 35 in, like,  
19 May of '92. The court trial decided on a second degree  
20 murder conviction for the two assailants. So I kind of felt  
21 angry that, you know, the people would always bitch about  
22 nobody ever stands up for what's right or, you know,  
23 everybody hides in the shadows. Well, that means me too.  
24 So it has been rewarding since then.

25 It had been difficult, like I said, up until -- I

1 tend to get a lot of -- because of me doing the news, I tend  
2 to get a lot of phone calls and e-mails both from within  
3 Erie County and from outside the area. Now, before Erie  
4 County passed the Human Relations Commission ordinance to  
5 expand it to protect sexual orientation, gender identity, I  
6 had to tell people that, hey, listen, if you get in trouble  
7 with your job, or you're fired or you can't rent something,  
8 you're totally screwed. You'll have no recourse whatsoever.

9           Well, now I have this really weird thing because  
10 it's here in Erie County, but it's not in other areas, it's  
11 like -- before, when I would get a call or something from  
12 someone saying, okay, I've been discriminated against or  
13 that kind of thing, the first question has to be, where do  
14 you live.

15           I was talking with a friend, for example, who  
16 works here in Erie, but who resides in one of the adjoining  
17 counties. So it's like, well, if you get fired from your  
18 job, you're okay. But if you get kicked out of your house,  
19 you have no recourse for the same reason, which makes no  
20 sense to me whatsoever.

21           I was very moved by the testimony of CJ. This is  
22 in a long line of stuff. As a matter of fact, the year  
23 before we started publishing there was a high school student  
24 named Jamie who had to leave his high school right here in  
25 Erie County because of being harassed. I was recently --

1 being the history geek that I am -- scanning in some of the  
2 early copies from 1993, and I ran across some accounts from  
3 a local student named Mark who had gone to an area high  
4 school right here in Erie County. Who, again, had been  
5 harassed in high school with all kinds of, you know,  
6 threatening, intimidating behavior. I remember at one point  
7 he was saying he was afraid to go to the bathroom. He would  
8 be afraid to go in the shower and that kind of thing. That  
9 is just ridiculous.

10           So there was the case that was filed recently, Tim  
11 Dale, who in 2002, the Titusville School District settled  
12 out of court because of harassment that he had faced. So  
13 again, CJ's story, as tragic as it is, is not unique. I  
14 mean, obviously, it isn't necessarily related to employment  
15 per se. But, obviously, if that's happening in that arena,  
16 it's happening in other arenas.

17           We had a person -- this was probably about 10  
18 years ago, by the name of Patrick who was also facing  
19 discrimination at school. Unfortunately, whereas CJ has the  
20 benefit to have supportive family, Patrick's family kicked  
21 him out. The person who was then the head of the local  
22 chapter of Parents, Friends and Families of Lesbians and  
23 Gays or PFFLAG, took him in for a little bit. So, I mean,  
24 this has been a long string for doing that.

25           Again, as has been pointed out, some 20 states

1 have already enacted this. Cities within Pennsylvania have  
2 done this. If Pennsylvania rushes and passes this  
3 legislation today, we could be in the middle of the field.  
4 You know, if a legislation of this kind was really creating  
5 problems, or was unworkable or spurring all kinds of  
6 ridiculous claims, we would have heard about it by now. The  
7 same thing, as you recall, when people were objecting to --  
8 when the law in Erie County was passed amending the Human  
9 Relations Commission, it was subjected to all kinds of  
10 lawsuits; it hasn't happened yet. I guess in a related  
11 note, that whole indoor plumbing thing also seems to be  
12 working out, so. You know, you have to look at evidence.

13           As a matter of fact, there was a study by the  
14 United States General Accounting Office that was released on  
15 July 9th of 2002, they found that in those states that  
16 included protection on the basis of sexual orientation, that  
17 antidiscrimination claims that were related to sexual  
18 orientation as compared to the total antidiscrimination  
19 claims were 1.3 to 3.9 percent. So it's a problem, it can  
20 be dealt with. I figure the figures are probably low  
21 because we're probably less likely to identify. But, I  
22 mean, it's an achievable problem. It's not like every year  
23 every queer is going to come screaming out of the closet and  
24 screaming about discrimination with no provocation  
25 whatsoever.



1           I also want to make really clear that the proposed  
2 legislation protects on the basis of sexual orientation. It  
3 doesn't give anyone any special rights. There was a case --  
4 actually this was about 10 or 15 years ago in the State of  
5 Florida -- where there was a gay bar that was firing  
6 straight employees. And I think initially that the  
7 Christian Coalition and every religious right group were  
8 down there protesting this until they realized, oh, wait a  
9 minute; the same laws that would protect gays, lesbians,  
10 bisexual, and transgendered people would also protect  
11 straight people. Because, you know, laws that protect on  
12 the basis of race also protect people who are Caucasian.

13           I think the other thing that should be pointed out  
14 is one of the advantages of having this kind of legislation.  
15 Even in cases of where a claim is unfounded, a business has  
16 the chance to clear its name. So even if somebody is making  
17 a claim, saying that, you know, making up a claim, the  
18 business gets a chance to clear its name. I don't really,  
19 so much, care that every case that goes out is, you know,  
20 correct and that everybody who claims this necessarily is --  
21 has a valid -- I think probably most of them do, but at  
22 least there is a chance to get it resolved. I hate things  
23 that are undone.

24           I also want to point out that discrimination  
25 doesn't just affect the people that are targeted. For

1 example, we were doing some work for this one car  
2 dealership. And the owners would always say something, you  
3 know, oh, this computer we have, it's always been bad,  
4 nasty, racist, N-word. I was irate. I was appalled. My  
5 boss -- we were -- they were asking about a printer or  
6 something like that. And on the way out they said, hey,  
7 make sure we get the white-guy price. Okay. Now, I'm  
8 obviously, painfully, Caucasian, but that was creating a  
9 negative work environment, and it's not fair. So listen,  
10 this is -- no, I'm not the group being targeted, but I'm  
11 still being offended by that.

12           The thing that I want to conclude with is, similar  
13 to that and kind of relative to what we're talking about  
14 today is, I have a very good friend, we've been friends for  
15 20 years, Debbie. So let me tell you about my friend,  
16 Debbie.

17           She happens to be a straight, white, married,  
18 Christian mother of three. So she is not in any group that  
19 tends to be victimized. She had left the place where we had  
20 originally met and had gone on to another job. There  
21 happens to be a person there that was transitioning from  
22 male to female. So one day I got a call from her, she's,  
23 like, in tears. I guess what happened was that people would  
24 walk by this person's work area and, you know, tease and  
25 harass her. They would refer to her as booby boy. And it

1 was awful. Debbie was in tears, because she had felt  
2 pressure, because of this particular toxic work environment  
3 that she felt pressured to perform in. And she was just  
4 devastated. And I think she felt deeply ashamed of herself  
5 for having done this.

6           And what I pointed out to her was that -- and I'm  
7 pointing out to you folks -- a toxic, nasty work environment  
8 effects not just the people that are being targeted, but the  
9 people around them. So I told her, you know, the Human  
10 Relations Commission does cover this kind of stuff. And in  
11 this particular county, this is covered. You do have a  
12 means of regress.

13           So I got a call from her, like, a couple of weeks  
14 later that she was talking one-on-one with a person in their  
15 Human Relations department. And she said, you know, you  
16 guys are kind of opening yourself up for some potential  
17 liability here, and you need to inforce that this is a fair  
18 workplace.

19           Now, as much as I would love to say that after  
20 that point everybody in the workplace realized that we're  
21 all, you know, that we're all human beings. That we're all  
22 worthy of dignity and respect, and that it was a great big  
23 Kumbaya moment. Okay, it didn't happen, but that's not the  
24 point. The point is that the behavior ceased and someone  
25 did the right thing. So thank God for this very nice,

1 straight, Christian, married mom of three who helped. But  
2 it would have been really tragic if my friend, Debbie, had  
3 worked in a different county, she would have had no recourse  
4 whatsoever. So that's what I got. Questions?

5 MR. FABRIZIO: Any questions? Thank you, Mike.

6 We appreciate it. Our next testifier is Doris Cipolla.

7 Good afternoon, Doris. How are you today?

8 MS. CIPOLLA: Thank you, I'm fine. Thank you for  
9 this opportunity. I wear this pink emblem as simply a  
10 reminder of the dangers of discrimination. Because they're  
11 always easily forgotten. And I want to commend CJ. I  
12 commend CJ because he's so young. And I just came out two  
13 years ago. So, some of us are cowards, but I had to write  
14 my story.

15 My partner and I lived in the closet for 35 years.  
16 We never disclosed our relationship to family or straight  
17 friends. This may not sound like a hardship, but it is. It  
18 is a very repressive way to live. Just think of your own  
19 relationships. Now, imagine how you would feel if you could  
20 never disclose the person you live with as your spouse, or  
21 if, when speaking to friends or coworkers, you had to insure  
22 edited versions of what you did and with whom and make sure  
23 you never slipped and used an endearing term or affectionate  
24 gesture. All of these needs in order to protect yourself  
25 from being identified, to avoid discrimination in a society

1 that champions human rights.

2           We lived our relationship in a very covert manner,  
3 because we were afraid we would be dismissed from our jobs.  
4 My partner worked for a Catholic institution and I was a  
5 teacher in the public school system. We were always fearful  
6 of job loss should our sexual orientation be publicly  
7 discovered. This compartmentalized, covert way of living is  
8 oppressive.

9           In the fall of 1996, while outside raking leaves,  
10 the young teenager next door along with three of her friends  
11 hissed a very intimidating, "lezzy, lezzy, lezzy" at us.  
12 The next day we'd awaken to wheel ruts in our front yard.  
13 The next week, while taking our usual walk, we were  
14 confronted with shrieks of "lesbians, lesbians."

15           Fortunately, we owned our own home. However, I  
16 believe if we had been renting, we would have been ousted  
17 from our living quarters. Fearful of being harmed or having  
18 our house trashed, since there was little to burglarize, we  
19 felt compelled to have a security system installed that cost  
20 us \$2,500, a big expenditure because of discrimination.

21           It may be difficult for some person to  
22 recognize the need for such human rights amendment in our  
23 Commonwealth; however, not for those of us who have  
24 experienced discrimination.

25           As long as there are various religious

1 leaders who demonize GLBT persons, and there are those in  
2 legislation who support their bigotry and ignorance and  
3 superstitions, such a legislation is imperative. Good  
4 legislators insure that the Commonwealth's Constitution  
5 protects minority constituents. In fact, those legislators  
6 who balk against this legislation are the very legislators  
7 who discriminate against GLBT persons. Discrimination is  
8 always demeaning, and this kind of human debasement is  
9 license to abuse in many areas, including housing and  
10 employment.

11           Sometimes the only freeing of fear is illness or  
12 death. When my partner's cancer advanced to a Stage 4,  
13 there was little need to remain silent. And I disclosed our  
14 relationship in her obituary as her loving partner for 35  
15 years. We are finally out.

16           It's sad to realize that we must plead for this  
17 amendment. Please support this legislation. I have friends  
18 who have very important positions in the City of Erie, they  
19 aren't able to testify here. Some have Ph.Ds, I know a  
20 doctor. None of them could be here. They feel that they  
21 may lose their jobs, or in the instance of the physician,  
22 people will stop coming to the practice.

23           I don't know. I'm open to any questions,  
24 most obviously.

25           MR. FABRIZIO: Representative Blackwell?

1 MR. BLACKWELL: Thank you. Thank you for your  
2 testimony. What grade do you teach?

3 MS. CIPOLLA: I don't anymore. I retired.

4 MR. BLACKWELL: What grade did you teach?

5 MS. CIPOLLA: I taught 9th, 10th and 11th and 12th  
6 grades. I think Mr. Harkins -- were you one of my students?

7 MR. HARKINS: I had you in 9th grade at Tech, Ms.  
8 Cipolla.

9 MR. BLACKWELL: The reason I asked you that  
10 question was the Representative proves that it didn't make a  
11 difference who you taught.

12 The reason I asked was because of the testimony  
13 that we had yesterday from the Catholic Church. In terms of  
14 their working -- people working in their Diocese are  
15 teachers who believe in their vision and their beliefs.  
16 Only those people are hired in their school system. I don't  
17 necessarily adhere to that, because I don't want people who  
18 are heterosexual talking to my kids when they are in school  
19 about heterosexual relationships. I want them talking about  
20 math or social studies, whatever they are teaching.

21 But, you know, yesterday and today, it has been  
22 very enlightening for me. Even though I always respected  
23 people, no matter what they do with their lifestyle. That's  
24 how I was raised, to respect everybody.

25 But it was very enlightening in terms of some of

1 my life's experiences. And there are some parallels to what  
2 you go through, and have gone through and what I have gone  
3 through and am still going through, because I can't hide who  
4 I am.

5 MS. CIPOLLA: That's true.

6 MR. BLACKWELL: And sometimes the fact that I  
7 can't hide who I am is more overt in some instances. As we  
8 in recent weeks -- compared to Jena 6, we are all aware of  
9 that. We don't condone what they did, but sometimes in  
10 society we tend to deal with the effects of a situation and  
11 not the cause of the situation.

12 And the young man's mother's testimony is still in  
13 my mind. And listening to you, for 35 years you had to live  
14 with a secret, I think that is something, that you're forced  
15 to live that way. I'm the same person, it's not my job to  
16 be judge. As a matter of fact, in St. Matthew 7:1 it says,  
17 judge not and not be judged. But that's not my role.

18 Sometimes, we, as people, don't understand certain  
19 things that are going on. And sometimes I don't think that  
20 we should understand everything that goes on in life. But I  
21 think it's just a shame that we're not taught at home, in a  
22 lot of instances, to respect peoples' right to be who they  
23 are.

24 I think his testimony is really sticking with me,  
25 because it leaves a lot of questions in my mind that young



1 people -- you know, adults do what they want to do. They  
2 have a right to do what they want to do. And I'm not  
3 belittling your testimony, because it is very heartfilling,  
4 but sometimes we claim to really love children and for  
5 so-called Christians, and people and religions to know that  
6 that type of thing is going on and subject kids to the type  
7 of behavior and then the so-called "good people" adhere or  
8 condone it.

9           It just boggles my mind, sitting here talking  
10 about giving people basic human rights. I just don't  
11 understand why we have to have hearings to give people basic  
12 human rights and respect. That is beyond me in America. We  
13 just had a situation -- I can't even pronounce the guy's  
14 name -- who was talking about he didn't have homosexuality  
15 in his country. I think he's nuts.

16           MS. CIPOLLA: I would like to comment on that.

17           MR. BLACKWELL: Yes, ma'am.

18           MS. CIPOLLA: I don't know if he was misquoted or  
19 what. And yes, they are very harsh with homosexuality, if  
20 proven, I think it's punishable by death. But it wasn't  
21 laughable. Everyone was laughing on TV about his comments.  
22 There were no homosexuals in Iran, et cetera. But, why were  
23 Americans laughing? I thought it was not laughable. I  
24 thought it was quite monumental. Because here we are asking  
25 for a basic right. There is something wrong -- there's

1 something wrong if you look at his position. He's a leader  
2 of a country that claims no rights about human rights. But  
3 we, on the other hand, are hypocrites. We claim to have  
4 human rights. We claim equality. And yes, it really should  
5 be when people gain a sense of equality that you reach a  
6 state of consciousness, but you're willing to give that to  
7 others. But somehow we missed that.

8 MR. BLACKWELL: Well, I agree with you. And  
9 again, I agree that we are very hypocritical in that sense,  
10 and to have people have hearings like this in 2007 is just  
11 unbelievable that we have to do that. Thank you for your  
12 testimony.

13 MR. FABRIZIO: Thank you, Doris. And hopefully  
14 you're taking the time today to speak for yourself and for  
15 those friends that you referenced that are unable to do so  
16 will provide a legal climate that will allow everybody to  
17 act openly and speak freely without intimidation. Thank you  
18 very much.

19 MS. CIPOLLA: I hope so. Thank you.

20 MR. FABRIZIO: I now turn the Chair back to  
21 Representative Josephs.

22 MS. JOSEPHS: I was afraid it was going to be a  
23 struggle.

24 MR. FABRIZIO: You didn't think I would take you  
25 on, did you?

1 MS. JOSEPHS: Thank you very much, Mr. Fabrizio.  
2 I believe we're up to Diane Gramley from the American Family  
3 association of Pennsylvania. Whenever you're ready, Ms.  
4 Gramley. I see there is a -- well, a lot of it is appendix.

5 MS. GRAMLEY: Yes. Don't panic. There's a lot of  
6 documentation in there.

7 MS. JOSEPHS: Okay. We'll be calm.

8 MS. GRAMLEY: Chairman Josephs, members of the  
9 House State Government Committee, I want to thank you for  
10 this opportunity to address you concerning this very  
11 important issue.

12 The American Family Association of Pennsylvania is  
13 the Pennsylvania's affiliate of the American Family  
14 Association which is headquartered in Tupelo, Mississippi.  
15 And we both, as a state and national organization, oppose  
16 all discrimination.

17 Consumer rights protections have long been fought  
18 for by disenfranchised groups of people. African Americans  
19 led the fight for civil rights -- seeking the right to vote,  
20 to not have to drink from separate water fountains and to no  
21 longer be required to sit in the back of the bus as had  
22 historically been required. Historically and according to  
23 the U.S. Supreme Court, civil rights protections have been  
24 extended to groups that meet these three requirements:

25 Immutable characteristics such as race and gender.

1 These are clearly identified by unchangeable physical  
2 characteristics such as skin color or gender that defines  
3 them as an insular and discreet group.

4           Secondly, financial discrimination; the group must  
5 have suffered a history of discrimination resulting in the  
6 lack of ability to earn an average-mean income.

7           Under Political Weakness, the inability to  
8 effectively become engaged in the political process.

9           As you know HB 1400 seeks to add sexual  
10 orientation, gender identity or expression to the  
11 Pennsylvania Human Relations Act. Additionally, making  
12 this, quote, declared to be a civil right, end quote. As  
13 mentioned previously, historically, civil rights protections  
14 have been extended to those that meet three requirements:  
15 Unchangeable characteristics, financial discrimination and  
16 political weakness.

17           There has not been one study that has ever  
18 produced a so-called gay gene that has ever been duplicated.  
19 Causes tend to point to the environment in which one was  
20 raised or possible sexual assault at a young age. Thousands  
21 have walked away from the lifestyle. Homosexuals can  
22 change, but a person's skin color or national origin is  
23 unchangeable.

24           Two prominent homosexual leaders recently  
25 announced they no longer identified themselves as

1 homosexuals; Michael Glatz, the producer of  
2 Philadelphia-based Equality Forum's documentary "Jim in  
3 Bold" and editor of Young Gay America Magazine, recently  
4 announced he's no longer homosexual. Also Charlene Cothran,  
5 who was the editor of Venus Magazine, has now changed the  
6 mission of that magazine from an activist lesbian magazine  
7 to quote, The new Mission of Venus Magazine is to encourage,  
8 educate and assist those who desire to leave a life of  
9 homosexuality. Our ultimate mission is to win souls for  
10 Christ, and to do so by showing love to all of God's people.  
11 We believe that homosexuality is outside of the will of God,  
12 end quote.

13           Under the subject of Financial Discrimination, if  
14 homosexuals face financial discrimination, then why is the  
15 City of Philadelphia and other large cities in America  
16 specifically targeting the homosexual tourists? Common  
17 sense says it's because of their disposable income.

18           Political weakness is also not a factor. On  
19 Monday, October 1st, over 90 national and state homosexual  
20 organizations signed a letter delivered to Congress asking  
21 them to keep gender identity in the Employment  
22 Nondiscrimination Act or ENDA. Shortly after that, almost  
23 100 homosexual organizations and individuals, some who are  
24 from Pennsylvania, signed on to a letter to publicly support  
25 the original ENDA, which included gender identity language.

1 Within hours HRC made a public statement in support of the  
2 original ENDA. One must realize that the original ENDA  
3 endorsed by these organizations and individuals will require  
4 all American businesses with 15 or more employees to allow  
5 men who think they're women to use women restrooms, locker  
6 rooms and showers in workplace situations.

7           Currently in Harrisburg, there's not only this  
8 effort in the House to add sexual orientation and gender  
9 identity or expression to the PA Human Relations Act, but of  
10 course, as mentioned earlier, their extended version of SB  
11 761. Additionally, there's an effort to add sexual  
12 orientation also dealing with foster care, HB 302, and  
13 another effort to give the PA Human Relations Commission  
14 \$1,000,000 to create a Prevention of Hate Activity Fund to  
15 fight hate groups, HB 51, which are not defined in this  
16 bill.

17           There are many open homosexuals holding political  
18 positions, not only here in Pennsylvania but around the  
19 country. Again, political weakness is not a factor.

20           According to statistics presented in a PA Human  
21 Relations Commission Annual Report for July 1st, 2005  
22 through June 30, 2006, there were 273 bias-related  
23 incidences in Pennsylvania during that time period. Of  
24 those, 19 were classified lesbian, gay, bisexual,  
25 transgendered. This number is a decrease from the 300

1 reported bias-related incidents, of which 27 were classified  
2 lesbian, gay, bisexual, transgendered, from just the year  
3 before. This report is delivered annually, quote, To the  
4 Governor and General Assembly on the caseload statistics and  
5 details of the Commission's work on discrimination  
6 investigation and its response to bias-related incidents.  
7 The data contained in this annual report is based on case  
8 investigations, and community outreach and technical  
9 assistance, end quote. That's from the report itself.

10           The Human Rights Campaign, which I mentioned  
11 earlier claims to be the nation's largest homosexual  
12 activist group, testified under oath in 2003 before the U.S.  
13 Supreme Court in a legal brief that only 2.8 percent of the  
14 male population identify themselves as gay or bisexual.

15           In 2005, a new survey on sexuality by the National  
16 Center for Health Statistics confirms that homosexuals are  
17 still a very tiny segment of American society. The survey  
18 found that only 2.3 percent of men and 1.3 percent of women  
19 identify as homosexual.

20           A demographic study of Philadelphia's LGBT  
21 residents was prepared by the nonprofit Philadelphia Health  
22 Management Corporation. The Philadelphia LGBT Community  
23 Assessment was released April 12th of this year, after a  
24 15-month review process. The 68-page report was based on  
25 data collected from the 2000 U.S. Census and PHMC's 2004

1 Household Health Survey. It found that homosexuals and  
2 bisexuals make up about 5 percent of the population of the  
3 City of Philadelphia.

4 In a February 4, 2004 Scranton Times article,  
5 Stephen Glassman, who testified earlier today, agreed with  
6 the assertion made by the American Family Association of  
7 Pennsylvania that passage of sexual orientation would  
8 directly affect the Boy Scouts, because of their policy  
9 prohibiting open homosexual leaders.

10 The Cradle of Liberty Scout Council in  
11 Philadelphia is a perfect example as they continue the  
12 struggle to retain use of the headquarters they built, and  
13 have maintained since 1929, on property the 1928  
14 Philadelphia City Council gave them to commemorate or to  
15 honor their work in the City. The City gave them free use  
16 of this property to use in perpetuity or forever. The  
17 current City Council has defined forever is about 75 years.  
18 It does not matter that the U.S. Supreme Court has ruled  
19 that, because you are a private organization, they can  
20 choose who their leaders and members are.

21 Even though this bill, the current Bill HB 1400  
22 defines sexual orientation as actual or perceived  
23 heterosexuality, homosexuality and bisexuality. Did you  
24 know there are 27 other recognized sexual orientations?  
25 I've given you a list with my testimony today. Which one



1 will be the next added to the list?

2           If HB 1400 or similar legislation passes, the  
3 message given to the children of Pennsylvania is that  
4 engaging in homosexual acts is a safe choice.

5           In a July 3rd, 2007 article, announcing he no  
6 longer identified as homosexual, Michael Glatz, again, the  
7 former editor of Young Gay America and producer of "Jim in  
8 Bold," wrote, quote, Homosexuality, delivered to young  
9 minds, is by its very nature pornographic. It destroys  
10 impressionable minds and confuses their developing  
11 sexuality. I did not realize this, however, until I was 30  
12 years old, end quote. As Michael Glatz left Young Gay  
13 America Magazine for the last time, he wrote on his office  
14 computer screen his thoughts ending with the declaration:  
15 "Homosexuality is death and I choose life."

16           The word "health" is mentioned about a half-dozen  
17 times in this 20-page bill. The addition of sexual  
18 orientation and gender identity or expression would negate  
19 that word. And I have with my testimony the copy of Dr.  
20 John R. Diggs, Jr. The Health Risks of Gay Sex. I encourage  
21 you -- it's very extensive and I encourage you to look  
22 through that. But I want to specifically point out some of  
23 the information that he has. He says, quote, An  
24 epidemiological study from Vancouver, Canada of data  
25 tabulated between 1987 and 1992 for AIDS-related deaths

1 revealed that male homosexual or bisexual practitioners lost  
2 up to 20 years of life expectancy. The study concluded that  
3 if 3 percent of the population studied were gay or bisexual,  
4 the probability of a 20-year-old gay or bisexual man living  
5 to 65 years was only 32 percent, compared to 78 percent for  
6 men in general. The damaging effects of cigarette smoking  
7 pales in comparison. Cigarette smokers lose on average  
8 about 13.5 years of life expectancy.

9           Now, according to the Center for Disease Control,  
10 in the U.S., HIV infection and AIDS have had a tremendous  
11 effect on men who have sex with men. MSM accounted for 71  
12 percent of all HIV infections among male adults and  
13 adolescents in 2005. The CDC also recognizes that bisexuals  
14 are the direct link for AIDS between the homosexual and  
15 heterosexual community.

16           There's been a great increase of syphilis and  
17 gonorrhea infections among men who have sex with men. In  
18 the recent outbreaks of syphilis, high rates of HIV  
19 co-infection were documented, ranging from 20 to 70 percent.

20           The compassionate response is to be truthful about  
21 the dangers involved in any activity. Is it of State  
22 interest to misinform, mislead or misrepresent the facts  
23 concerning the health risks of any activity, whether it be  
24 smoking, drinking, drug abuse or homosexual activity? I  
25 think not. Passage of HB 1400 would do just that by

1 ignoring the public health risks created by those involved  
2 in homosexual relationships.

3           In 2003 in Carbon County, Pennsylvania, a prison  
4 guard announced he was transitioning into a woman and  
5 expected to be accommodated. Security concerns prompted the  
6 prison to relieve the guard of duty. Because his Union is  
7 headquartered in Allentown, which has an antidiscrimination  
8 ordinance with the sexual orientation and gender identity  
9 language, he sued the prison and, as a result, was  
10 reinstated. Carbon County Prison then had a man dressed as  
11 a woman for a corrections officer. The obvious questions  
12 posed here are strip searches, restroom and locker room  
13 situations. How should the prison handle these daily  
14 situations?

15           If HB 1400 passes, the legislature is asking every  
16 Commonwealth employer with four or more employees to allow  
17 just what the Carbon County Prison was forced to do. This  
18 is proof that there are major safety issues involved with  
19 the passage of this bill.

20           Pennsylvanians are fair-minded, but the women in  
21 Pennsylvania do not want to be confronted with a man in a  
22 woman's workplace restroom, shower or dressing room. And  
23 I'm sure their husbands, fathers and grandfathers would not  
24 appreciate that government-imposed scenario.

25           The question here is not about fairness, but

1 common sense.

2           Traditional values groups such as the American  
3 Family Association are ridiculed when we point out the 1972  
4 Gay Rights Platform, the Platforms of the 1987 and 1993  
5 marches on Washington, and the 2000 Millennium March on  
6 Washington also, or quote from Marshall Kirk and Hunter  
7 Madsen's book, After the Ball. Here's one quote from Page  
8 187 from The Waging Peace, "Media campaign will reach  
9 straights on an emotional level, casting gays as society's  
10 victims and inviting straights to be their protectors.  
11 Thus, our campaign should not demand explicit support for  
12 homosexual practices, but should instead take  
13 anti-discrimination as its theme." But you say that 1989  
14 book is outdated.

15           Well, what about an August 24th, 2007 Washington  
16 Blade opinion article entitled, Building a house from the  
17 roof down. The closing paragraphs -- there is a copy of  
18 that article in your packet. Quote, through all of this,  
19 marriage and civil unions should remain silent issues -- at  
20 least silent to the straight public. Tactics and strategies  
21 can be formed behind closed doors, while focusing our  
22 primary efforts on the passable issues."

23           When all of the various above issues have been  
24 resolved, think of all the money that would be freed up to  
25 focus on marriage. We can lobby the President and Congress

1 on repealing DOMA while targeting the weakest states to  
2 repeal their one man, one woman amendments.

3           To further illustrate this, think about building a  
4 house. Hate crimes is the easiest bill to pass; it's our  
5 foundation. And as mentioned earlier, in 2002, Pennsylvania  
6 passed hate crimes law. And, as the article goes on to say,  
7 passing ENDA, which is currently in Congress, passing the  
8 don't ask, don't tell, amending the Real ID Act and  
9 Permanent Partners Immigration Act are the walls. Ending  
10 discrimination against transgendered veterans in the VA is  
11 the plumbing and wiring. Civil unions is the roof structure  
12 and marriage is the shingles. You can't build a house  
13 upside down.

14           So that's it. Passage of HB 1400 is another  
15 stepping stone towards same-sex marriage, and it would be  
16 used as such. Thank you. Do you have any questions?

17           MS. JOSEPHS: Thank you, Ms. Gramley. I think Mr.  
18 Blackwell has some questions.

19           MR. BLACKWELL: Thank you for your testimony. Do  
20 you visit prisons?

21           MS. GRAMLEY: Pardon?

22           MR. BLACKWELL: Do you visit prisons in  
23 Pennsylvania?

24           MS. GRAMLEY: Not on a regular basis.

25           MR. BLACKWELL: Are you aware that there are

1 female correction officers that actually work in prisons  
2 right now?

3 MS. GRAMLEY: Yes, I am aware of that.

4 MR. BLACKWELL: I'm asking because of what you  
5 said.

6 MS. GRAMLEY: Right. About the Carbon County  
7 situation?

8 MR. BLACKWELL: Right. I don't see this bill as  
9 promoting for or against homosexuality. I see it as  
10 protecting a right to be respected. I see that as  
11 preventing discrimination at any level. Speaking to one who  
12 has faced discrimination, who has come up against that type  
13 of behavior just because I'm black, whether I'm homosexual  
14 or not. You know, I can't hide the fact that I'm black.  
15 And I don't believe that I should encourage people to go in  
16 the closet for 35 years and hide who they are because that  
17 is detrimental to their health and their well-being.

18 So, while I respect your right to your belief, I  
19 think that you should also respect the fact that there are  
20 people that are different than you and I. It's not for me  
21 to judge them. It's not for me to encourage, okay, you're  
22 homosexual, so I don't want you to tell me. I don't want  
23 you to say nothing.

24 A lot of these so-called facts of what you just  
25 read I don't necessarily agree with that. The reason why

1 the Boy Scouts' building in Philadelphia is not going to be  
2 there is because the mayor does not want taxpayers to  
3 continue to pay for something that is discriminatory.  
4 That's why we're having the problem. Not because, you  
5 know -- sometimes the boy scouts, which I was a cub scout, I  
6 was never a boy scout -- because of the fact that they  
7 aren't inclusive. We need to be inclusive and stop worrying  
8 about what people do behind closed doors.

9 I'm heterosexual, I don't want everybody to know  
10 what I do behind closed doors. I'm married. I'm married to  
11 a very pretty woman for almost 25 years. Meanwhile, it's no  
12 one's business what we do behind closed doors. It's not  
13 even my childrens' business.

14 So I don't see that as promoting a lifestyle. I  
15 see that as protecting human rights. I just wanted to point  
16 that out, that there are female officers in state prison.  
17 I'm going to visit Dallas State Prison tomorrow, and I'm  
18 sure I'm going to see some female correction officers. They  
19 have situations where they are separate. They don't have to  
20 come in contact in terms of strip searches and all of that.

21 MS. GRAMLEY: But again though, this man was  
22 transitioning into a woman and saying, you know, I want to  
23 do my regular job. And I'm a woman now and treat me as  
24 such. So what's the situation -- I mean, if it's a female  
25 prison and in a strip-search situation, is this individual

1 going to be permitted to do a strip search?

2 MR. BLACKWELL: Right now there are no females who  
3 do strip searches on men in prisons. So I would imagine if  
4 that woman who is transgendered or whatever you call it, I'm  
5 sure she would not be going down doing strip searches with  
6 male prisoners.

7 MS. GRAMLEY: No. What I'm saying is he is  
8 transitioning into a woman. Okay. He is asking to be given  
9 permission to do strip searches on women because he's  
10 transitioned. He saying he's now a woman.

11 MR. BLACKWELL: Well, again, if you're a woman,  
12 you're not going to -- I think, my personal opinion, I think  
13 a male is going to transition into a woman, he feels he's a  
14 female already. That's my -- I don't know, but that's my  
15 opinion of it. And I don't think that they are going to be  
16 allowed -- the same way I have a job to do -- I have --  
17 Chairwoman, I'm closing after this -- I have rules and  
18 regulations that I have to follow as a State House member.

19 I'm sure there are rules set in place where that  
20 will not be a conflict. You know, sometimes -- when I was  
21 in the work force I didn't like certain rules and  
22 regulations, but I had to follow them. Well, they're no  
23 different. They're going to have to follow rules and  
24 regulations. I may have wanted something, but that didn't  
25 mean I was going to get it.



1 MS. GRAMLEY: True. And can I make this comment  
2 about the Boy Scouts in Philadelphia?

3 MR. BLACKWELL: Sure.

4 MS. GRAMLEY: They are being -- the effort is  
5 being made to evict them because they do not allow open  
6 homosexuals as leaders. And, you know -- I mean, you know,  
7 that's granted because, you know, because City Council and  
8 Mayor Street have now decided we want to get taxes from this  
9 property that they have downtown, I understand that. But  
10 the reason is, and the effort was began right after the  
11 Supreme Court handed out their decision, that they could  
12 choose who they wanted to be leaders and members. That's  
13 when the effort began, right after that.

14 MR. BLACKWELL: I meant to say something about  
15 that too. At that time in 1928 when they were given this.  
16 Remember, around that time there weren't too many fond of  
17 black people either. So there's a different mindset. You  
18 have to grow, you know, there is a right and a wrong, so  
19 while we're still fighting discrimination on every level.  
20 Why they gave -- because I can't see any other organization  
21 giving free rights like that. So it's the politicians'  
22 fault that it happened, not the boy scouts.

23 MS. GRAMLEY: The boy scouts built that building  
24 and maintained it, they just gave them the property. And,  
25 as you pointed out earlier, people can tell you're a black

1 man, and they can tell I'm a black woman -- yeah, sure. I  
2 don't think they can tell that.

3 MR. BLACKWELL: Wishful thinking.

4 MS. GRAMLEY: They can tell that I'm a white  
5 woman. But homosexuality is a whole different ball game.

6 MR. BLACKWELL: Says who?

7 MS. GRAMLEY: So you're now telling me --

8 MR. BLACKWELL: No. I'm asking.

9 MS. GRAMLEY: Okay. I'm sorry. You are now  
10 asking me to identify a homosexual by the way they act?  
11 That's exactly what you're not supposed to be doing.

12 MR. BLACKWELL: No. I'm just the opposite. I'm  
13 saying this bill is not promoting any lifestyle. It's  
14 protecting individual rights, human rights.

15 MS. GRAMLEY: So why doesn't the Bill say --  
16 rather than make categories, you know, rather than make a  
17 list of individuals to protect, why don't we say all  
18 Pennsylvanians? Then that would truly -- that would truly  
19 protect all Pennsylvanians. Rather than saying, Michael  
20 Glatz, he's over in Canada, but Charlene is over here in New  
21 Jersey, but I know that there are ex-gays throughout this  
22 country. This list does not include ex-gays. Can they be  
23 discriminated against? If someone is not in that list, can  
24 they be discriminated against? The most inclusive Bill  
25 would have the word "all."

1 MR. BLACKWELL: Well, if memory serves me  
2 correctly, you just said this covers discrimination against  
3 blacks. But we still have it. So this is a not a cure-all.  
4 It's going to happen. Discrimination is a taught behavior,  
5 in each of our homes. Discrimination is a taught behavior  
6 and the way to get respect is to give respect. And my  
7 grandfather used to always say, you do right first and then  
8 everything will take its place.

9 MS. GRAMLEY: I agree. But why not the word  
10 "all"? Rather than the list, why not the word all?

11 MR. BLACKWELL: Okay. Thank you.

12 MS. JOSEPHS: Any other comments? I just would  
13 like to say that the real estate that you're talking about,  
14 that the boy scouts have occupied and no longer -- do not  
15 occupy, is in my district. And it is not a depleted piece  
16 of property. It is quite a nice building. I'm sure that  
17 the City will find use for it. Recognizing we have a  
18 diversity and we respect everybody, and I applaud, actually,  
19 the local boy scouts who fought the national organization  
20 and was threatened with the withdrawal of their license  
21 before they finally gave in. And I don't think they fought  
22 this very hard, because they felt it was justified. Why  
23 should they be in a City building that excludes people who  
24 live in the City. And I guess I just got my temper up  
25 because it's my district. I'm sorry. I just don't like

1 people saying things about the properties in my district.

2 MS. GRAMLEY: But, again, like any rules, any  
3 private organization cannot determine who their, you know --

4 MS. JOSEPHS: I'm not arguing the decision.

5 MEMBER OF THE AUDIENCE: Can we ask questions too?

6 MS. JOSEPHS: No. I'm sorry. This is a hearing,  
7 it's not a debate. And I don't want to disrespect this  
8 witness. And no one else from the audience asked other  
9 questions of other witnesses. I need to protect her. She  
10 has a point of view. I ask for respect from everybody. I  
11 respect her point of view. And I don't believe that it is  
12 proper to change the procedure based on the content of  
13 somebody's testimony. I don't know if there are any other  
14 questions. Mr. Gibbons?

15 MR. GIBBONS: Looking at what you're saying. The  
16 only thing that I would point out is at the end, in your  
17 last paragraph, where you talk about building the house.

18 MS. GRAMLEY: Well, that's an article in the  
19 Washington Blade.

20 MR. GIBBONS: Yes. I found that, you know, that  
21 is the slippery-slope argument. Anyone who is educated in  
22 logic has heard of the slippery-slope argument. You know,  
23 if we give one step it gets worse and worse and worse until  
24 it gets to something -- you know, you have to look at each  
25 issue in and of itself.

1           We have to look at this piece of legislation and  
2 not think about, you know, whether we're talking about  
3 marriages, whether we're talking about -- whatever else was  
4 here -- don't ask, don't tell, Real ID, whatever it is, look  
5 at them on their own merits. I think you did make some  
6 points towards that, but I think, you know, for anyone who  
7 is considering this or thinking about this, you know, those  
8 other issues need to be overlooked. When you're looking at  
9 this, this is dealing with discrimination in workplaces and  
10 discrimination in housing. This isn't dealing with a  
11 marriage. This isn't dealing with the military. This is  
12 one specific thing.

13           So I think, again, like you said, this wasn't --  
14 this is what was in -- what someone else wrote, but I think  
15 when we're looking at these arguments -- and I just want to  
16 make anyone else aware if they are considering that  
17 argument, that's a very weak argument, at least in my  
18 opinion.

19           MS. GRAMLEY: Well, the argument was written by a  
20 transgendered activist in the Washington Blade, which is a  
21 homosexual newspaper. I just wanted to clarify that.

22           MR. GIBBONS: Certainly.

23           MS. JOSEPHS: I was very interested, Ms. Gramley,  
24 of your idea of trying to protect all Pennsylvanians  
25 based -- and not listing characteristics. And I would

1 actually like to do that. So, in some future time or by  
2 mail, if you can give us some suggestive language, we would  
3 look at it and take it seriously. I'm not promising that  
4 anybody would induce it as an amendment, but I would like to  
5 see that.

6 I would also like to comment, as the lawyers say,  
7 taking the -- arguing -- presuming the truth of your  
8 argument for the discussion, that homosexual, bisexual,  
9 transgendered behavior is not genetically determined, which  
10 is a big question, but let's assume for the sake of the  
11 argument that it is not, I would like in the future  
12 communication for you to distinguish that from religious  
13 behavior, which, certainly is not genetically determined.  
14 But it has to do with peoples' faith and their -- sometimes  
15 their upbringing and sometimes in reaction to their  
16 upbringing and sometimes in reaction against their  
17 upbringing. Yet, we are very careful. And I am one of the  
18 people who are also very careful to protect the free  
19 exercise of religion, which has nothing to do with genetics.

20 MS. GRAMLEY: I believe religion is included in  
21 bills like this. Again, I think the bill should say "all."  
22 But I believe that religion is included in something like  
23 this, because of the first amendment, the Bill of Rights.  
24 You know, we have a right of freedom of religion. So it's  
25 not genetic, but I believe because of the Bill of Rights

1 that it's included in that.

2 MS. JOSEPHS: Thank you. I appreciate that  
3 answer. Any other questions? Thank you very much. I  
4 appreciate your being here.

5 Let's move on to Maureen Koseff -- correct my  
6 pronunciation, please -- President of Erie/Crawford County  
7 Parents, Families and Friends of Lesbians and Gays. And Mr.  
8 Martin, would you please be ready to come up as quickly. We  
9 have some written testimony, but, again, please talk to us  
10 and not read.

11 MS. KOSEFF: Thank you so much for the  
12 opportunity. You pronounced my name just right. People  
13 don't usually do that. I'm the Northwestern Pennsylvania  
14 PFLAG Representative, separate from the Chapter which is the  
15 Erie/Crawford County Chapter. There is also a Chapter in  
16 Erie.

17 I speak to you today as a mother of a gay son and  
18 as a Representative of the PFLAG Organization. And I've  
19 been working with PFLAG as a volunteer for 20 years. So I  
20 have some ideas of some of the topics that have been  
21 mentioned. But I just wanted to talk about our son's  
22 struggle in general.

23 He struggled with his sexual orientation from  
24 about age 11 and didn't come out as a gay person until he  
25 was about 20. And at that time, that was the average age

1 for coming out. Now the average age is around 13. So you  
2 see, experiences in high school and in schools will probably  
3 increase difficulties, because children are coming out  
4 younger.

5           My son's experience did not occur in Pennsylvania.  
6 But when he was in high school, he witnessed the firing of  
7 his chemistry teacher, who was a highly qualified chemistry  
8 teacher. He was fired when it was discovered he was gay.  
9 When our son got into the work environment, he was warned  
10 another company was going to buy his company and he was  
11 warned not to let anyone know he was gay, because the  
12 company had just fired two lesbians when they found out that  
13 they were gay -- the company that was going to buy his firm.

14           Then later, when there was a reorganization at the  
15 company, a coworker threatened to tell the authorities that  
16 he was gay, in order to improve his own position in the  
17 company as opposed to my son's if and when jobs were  
18 reallocated.

19           It's hard to believe that there's no recourse  
20 against discrimination. 79 percent of Americans think that  
21 there is a recourse because the Civil Rights Act forbids  
22 discrimination. But, in effect, when cases come up for  
23 trial, there is no recourse.

24           A Detroit postal worker who was harassed and  
25 beaten at work because of his perceived sexual orientation



1 was told by a federal court that although he had clearly  
2 suffered discrimination, quote, homosexuality is not  
3 impermissible criteria on which to discriminate, end quote.  
4 And that's what I was thinking of when those arguments about  
5 why doesn't the law say, "all." We already have the law  
6 that says, "all." That's the Civil Rights Act. The fact  
7 that we have to list categories is because, in situations  
8 like this, it gets to be judged as not a certifiable  
9 criteria on which to make that legal judgment.

10           When I was in PFLAG, I was asked to help someone,  
11 and I called the Human Relations and Equal Opportunity  
12 Offices in Pittsburgh to inquire where a person might make a  
13 complaint concerning job discrimination based on sexual  
14 orientation. I was told sexual orientation is not one of  
15 the criteria categories that we can handle. That's what  
16 happens when we don't list sexual orientation and gender  
17 identity in your laws.

18           Reports of firsthand experiences of families with  
19 gay, lesbian, bisexual or transgendered members, and  
20 numerous surveys conducted nationally since 1997, have  
21 established that there is enduring discrimination against  
22 gay, lesbian, bisexual and transgendered people. The  
23 Philadelphia Lesbian and Gay Task Force, which has been  
24 surveying gay Pennsylvanians since 1984, reported the  
25 following findings in their 1999-2000 study: Over half of

1 the respondents experienced discrimination at some point in  
2 their lives -- these were gays, lesbians, bisexual,  
3 transgendered people that were surveyed.

4 More than half of gay men and more than a quarter  
5 of the lesbians have been victims of violence at some point  
6 in their lives. That's why it was based upon their sexual  
7 orientation.

8 Approximately 30 percent reported employment  
9 discrimination in their lifetime, with African American  
10 males rates reaching 42 percent.

11 Rates for housing discrimination averaged 10  
12 percent for gay males and lesbians with the rate for African  
13 American gay males, being the highest at about 28 percent.

14 Public accommodations-related discrimination  
15 continues to be the most frequently experienced form of  
16 discrimination, remaining relatively unchanged since 1996  
17 with lifetime rates at 40 percent of the gay and lesbian,  
18 bisexual and transgendered people having been discriminated  
19 against for public accommodations.

20 Approximately 15 percent of gay males and about 10  
21 percent of lesbians report of having been abused by teachers  
22 and other school officials. Rates of abuse by classmates  
23 are notably higher, suggesting that harassment in schools is  
24 getting worse.

25 Employment, housing, public accommodations, these

1 are basic rights -- these are basic human rights. How could  
2 we hesitate to take immediate action when faced with such  
3 shocking statistics? We've already taken a great human  
4 toll.

5           Federal health officials reported that the suicide  
6 rate for all young people between the ages of 10 and 24 rose  
7 8 percent from 2003 to 2004. The biggest single-year bump  
8 in 15 years.

9           30 percent of gay and bisexual males attempted  
10 suicide at least once, according to the Gay, Lesbian &  
11 Straight Education Network. And gay youth represent 30  
12 percent of all completed teen suicides.

13           In the past four years, 25 shelters for gay youth  
14 have been opened around the US, reflecting an increasing  
15 awareness among child welfare advocates of the  
16 disproportionately high number of gay youths in the homeless  
17 population and the special problems they face. Many experts  
18 estimate that while gay men and lesbians make up 3 to 5  
19 percent of the general population, more than 20 percent of  
20 homeless youths under age 21 in many urban areas are gay,  
21 according to recent surveys of street youths and shelter  
22 workers published in peer-reviewed academic journals.

23           Even the Catholic church, which is among the major  
24 religions, consider what they call homosexual activity as  
25 sinful in their teachings. In the letter of the U.S.

1 Catholic Bishops, the letter entitled "Always our Children,"  
2 published as late as October of 2000, states, "The teachings  
3 of the Church make it clear that the fundamental human  
4 rights of homosexual persons must be defended and that all  
5 of us must strive to eliminate any forms of injustice,  
6 oppression or violence against them." We shouldn't be  
7 afraid of the backlash by passing this legislation either,  
8 because national surveys have consistently shown that 80  
9 percent of Americans support equal rights for gay, lesbian,  
10 bisexual and transgendered people in the workplace.  
11 Therefore, taking such action will probably be supported by  
12 a majority of the citizens of Pennsylvania.

13           As was mentioned before, taking action has  
14 economic benefits as well. I'll just mention, the study,  
15 The Brookings Institution's Study of Technology and  
16 Tolerance of 2001, found that a connection exists between a  
17 metropolitan area's level of tolerance for a range of  
18 people, its ethnic and social diversity and its success in  
19 attracting talented people, including high-technology  
20 workers. People in technology businesses are drawn to  
21 places known for diversity of thought and open-mindedness.  
22 Diverse and inclusive communities are ideal for nurturing  
23 creativity and innovation. And so, aside from the human  
24 rights angle, it does benefit our community in many ways,  
25 for you to pass this.

1 I just want to say in working with the gay,  
2 lesbian, bisexual and transgendered people over the years,  
3 and evidenced by some of the testimony here, we have people  
4 who are in their 40s and 50s come in and are asking for  
5 help, and they've been in the closet. They're waiting for  
6 their parents to die before they come out. You're talking  
7 about life term -- life-long effects on individuals and  
8 especially when, as shown by the testimony here, and the  
9 fact that children are coming out younger, the number of  
10 youths who are going to be affected by this. When you're  
11 affected by things that affect your psyche, your sense of  
12 self, that lasts your lifetime. You carry it with you a  
13 life time no matter what the basis of discrimination is.

14 I mentioned these couple of court cases, because  
15 it's true that we do have an Act that mentions "all." We  
16 really don't need to look for language. The Commission  
17 ordinance says that all people are entitled to the equal  
18 civil rights. But the reason we're adding these categories  
19 is because of the ways things are being practiced in the  
20 courts, they don't believe that you have the legal reason to  
21 make a judgment based on that criteria, because it's not  
22 listed as a criteria. So that's why I wanted to point out  
23 those few things.

24 MS. JOSEPHS: Ms. Koseff, thank you very much. Do  
25 any members of the panel have any comments to make? I

1 appreciate your testimony.

2 I do believe that the vast majority of  
3 Pennsylvanians are fairminded and don't like discrimination.  
4 And I also think that Pennsylvania's citizens are way ahead  
5 of the legislators on those issues. Not these gentlemen  
6 here with me, at all. Thank you very much.

7 MS. KOSEFF: Thank you.

8 MS. JOSEPHS: Mr. Martin of the American Civil  
9 Liberties Union. In the efforts of full disclosure, I  
10 should say as Mr. Martin comes up, I am a member of the  
11 board of ACLU in Philadelphia.

12 MR. MARTIN: Actually, in full disclosure from  
13 this end, I'm speaking for myself and not for the ACLU. I'm  
14 a board member, not of the State Organization, but of the  
15 Northwest Chapter. Just so you understand.

16 Good afternoon. My name is David Martin. I am  
17 the third person today from Venango County. It seems to be  
18 Venango County day here today, but that's good. I think the  
19 testimony coming from these counties, such as Venango  
20 County, which do not have ordinances protecting gays and  
21 lesbians, is important testimony to be heard.

22 So let me -- I'll run through my written testimony  
23 and try to be quick about it. I live in Pinegrove Township,  
24 Venango County, which is two hours south of Erie and two  
25 hours north of Pittsburgh.

1           In other words, I live in one of the many rural  
2 counties of Pennsylvania that does not have, nor has ever  
3 considered, a non-discrimination ordinance. One political  
4 wag described the rural counties this way: Pennsylvania  
5 consists of Pittsburgh in the west, Philadelphia in the east  
6 and the state of Alabama in between. That, to me, is a bit  
7 of a disservice to Alabama. Let's say that our rural  
8 counties in Pennsylvania are extremely disserved.

9           In the rural county of Venango, where I make my  
10 home, I live on, and am the fifth generation owner of an old  
11 family farm consisting of nearly 200 acres that was acquired  
12 by immigrant ancestors in the 1840s. This property has a  
13 very unique distinction, it was acquired as one of the first  
14 properties to be purchased by a woman, my great,  
15 great-grandmother, Margaret. She purchased it in her own  
16 name, without the cosignature of a male; son, husband or a  
17 father. And that was very unique at that period of time.

18           I mention this because that action set a tone in  
19 the family that has been carried down to the generations in  
20 terms of fighting for the American ideal of fairness and  
21 equality. She thought that she should have every right to  
22 purchase property just as much as the male members of the  
23 family, and she did.

24           To go on, because I think there are a couple of  
25 other things that illustrate this, my great-grandfather was

1 General Alexander Hays of Civil War fame. If you go to  
2 Gettysburg, there's a big statue of him. My  
3 great-grandmother, Emmeline, traveled from Venango County to  
4 Seneca Falls, New York by horse and buggy back in the  
5 suffragette days, because she wanted the right to vote. My  
6 mother broke through the glass ceiling because she wanted to  
7 be an accountant, and she wanted to work at the best  
8 accounting firm in the town where she lived. And so she  
9 became the first woman employed in the accounting  
10 department. And in my own generation I and a couple of my  
11 siblings drove to Selma, Alabama back in the civil rights  
12 days.

13           So what I'm saying here is, there has been family  
14 commitment to the ideal of justice and equality, fairness  
15 for parties. All of these actions, whether they be working  
16 for an end of slavery or gaining the right to vote for women  
17 were popular or approved of by many of the people living in  
18 the rural counties in the State at the time.

19           Dire predictions of the decline of the family and  
20 society, incurring the wrath of God and a collapse of the  
21 Republic, were heard from rural preachers and politicians of  
22 the period. Yet, when slavery ended and the Emancipation  
23 Proclamation had been signed, when women began to vote and  
24 enter the workplace on an equal footing with men, and when  
25 segregation ended and men and women of all colors were



1 treated with fairness, equality and respect, the Republic  
2 endured; society and businesses were enriched and  
3 strengthened, and people in the rural counties accepted and  
4 embraced those values of equality and fairness.

5           So what I'm saying is our history teaches us that  
6 when the country moves forward, when the state moves forward  
7 and extends the promise of America to all of its citizens,  
8 we hear the dire predictions, but in reality these forward  
9 movements enrich and strengthen the country because they  
10 enrich and strengthen the people -- the citizens of the  
11 country.

12           Today we face crossroads not unlike those faced by  
13 previous generations. Extending nondiscrimination  
14 protections in employment, housing and public accommodations  
15 to gays and lesbians is the fair and equitable thing to do.  
16 And these protections are badly needed, especially in the  
17 rural counties where patterns of discrimination, harassment  
18 and even violence against gays and lesbians are not all that  
19 unusual, but often commonplace and widely accepted.

20           Living as an openly gay or lesbian person in these  
21 rural counties is, at best, difficult, and often it's unsafe  
22 and dangerous, as well, since there is no legal protection  
23 from discrimination, and usually little support or even  
24 opportunities for social interaction, and this is important.

25           Many gays and lesbians in the rural counties

1 remain deeply closeted thereby stunting their own lives and  
2 their own development. Or they migrate out of the rural  
3 counties taking their talents, their earnings potential, and  
4 their tax contributions, their civic contributions with them  
5 to metropolitan areas. And it's often out of the state.  
6 It's not to Pittsburgh, it not to Erie, and it's not to  
7 Philadelphia. It may be to other places that these talents,  
8 these taxes, these skills are going. And when they leave,  
9 both the rural counties and Pennsylvania lose their talents,  
10 their skills, their tax contributions, as well as their  
11 contributions to civic life.

12           So you say, but why have I remained in Venango  
13 County. And the answer lies in the fact that many of us  
14 love a rural life. Many of us -- and I strictly put myself  
15 in this class -- I have a commitment to the land, a  
16 commitment to conservation and a commitment to the  
17 environment, that I feel I must provide to that piece of  
18 land, that 200 acres. I also have a commitment to  
19 continuing the heritage of previous generations. So I have  
20 remained in Venango County, and it hasn't been easy. It's  
21 been very, very difficult at times.

22           And I want to give you one story. It's not a  
23 story, it's true. But I think it's a fairly good example of  
24 the kinds of discrimination that gays and lesbians face in  
25 rural counties. About two or three years before I retired

1 from this Boston -- this wonderful Boston company that I had  
2 worked for for 25 plus years, I became aware that neighbors  
3 and church members of a nearby church had written letters to  
4 corporate headquarters telling the person that I should be  
5 fired, because I was an openly gay man. Rather shocking, I  
6 should say, to think that people would have such  
7 vindictiveness towards their fellow human beings. I find  
8 that rather shocking.

9           But anyway, the corporate officer in Boston who  
10 received those letters was incredulous and shocked not only  
11 by the message of the letters, but also by the abusive  
12 language in the letters. And by the belief held by these  
13 church members that their intolerance would be regarded by  
14 the company as legitimate grounds for firing me.

15           Thankfully, beyond creating a stir in the Boston  
16 corporate offices, which, certainly, I did not appreciate,  
17 no adverse action was taken against me. But think for a  
18 moment if I wasn't working for a very progressive Boston  
19 publishing company, and I had been working for a  
20 Pennsylvania company, think of the consequences for me,  
21 think of the consequences for my family. At that time I was  
22 the sole support of my father who was in a nursing home. So  
23 thank heavens that the person in the Boston offices called  
24 me and said, Dave, we need to sit down and talk. Can you  
25 come to Boston. So, you know, no dire consequences

1 happened. But it's an indication of the kind of  
2 discrimination that those of us who are living in the rural  
3 counties face every day.

4           And, you know, this is far more serious than name  
5 calling, or a threat, or an intimidation, you know. This is  
6 far more serious to lose your job, your home, you know,  
7 access to services that other enjoy. I want to leave you  
8 with that thought.

9           I urge you to support the nondiscrimination  
10 amendment. It's the fair and equitable thing to do for all  
11 the citizens of the Commonwealth. But it's especially  
12 important for gays and lesbians living in the rural counties  
13 contributing to their communities and their workplaces in  
14 very positive ways through their taxes, their work and their  
15 involvement in their communities, and yet subjected, right  
16 now, to discrimination with absolutely no protection and no  
17 legal recourse. That's the way things are, you know. There  
18 is no recourse at all for gays or lesbians who suffer  
19 discrimination or worse. Amending the nondiscrimination law  
20 to include gays and lesbians, it's the fair thing to do,  
21 it's the American thing to do, and it will benefit in many,  
22 many different ways the State of Pennsylvania.

23           Now, one last point I'd like to make: If you're  
24 wondering if I expect to be the target of additional  
25 harassment and more attempts at intimidation after giving

1 this testimony today, the answer is yes. I live in Venango  
2 County. I've lived there nearly all of my life. I fully  
3 expect additional threats, additional intimidation. But  
4 that's why we don't have many people from the rural counties  
5 testifying today. Because they too will face the same kind  
6 of intimidation, the same kind of threats if they testify  
7 here today.

8           Once again, I urge you to pass the amendment to --  
9 or the House Bill 1400. Any questions?

10           MS. JOSEPHS: Thank you very much. Again, I  
11 commend you for your courage. I hope that your prediction  
12 is not true, but I fear that it is.

13           MR. MARTIN: You're right. Unfortunately, I  
14 expect that it will be, yes.

15           MS. JOSEPHS: We're very impressed with your  
16 comments as well as others who have come before us, and  
17 especially those who live in parts of the State where there  
18 is no legal protection, and I appreciate that.

19           MR. MARTIN: Thank you.

20           MS. JOSEPHS: Susan Woodland is president of the  
21 Northwestern Pennsylvania Chapter of NOW. I guess I should  
22 say I'm also a member of NOW. Whenever you're ready.

23           MS. WOODLAND: My name is Susan Woodland, I am a  
24 resident of Edinboro, Pennsylvania in Erie County. And as  
25 you just said, I am President of the Northwestern

1 Pennsylvania Chapter of the National Organization for Women,  
2 and a member of the Pennsylvania NOW Executive Committee.

3           The Pennsylvania Human Relations Act currently  
4 prohibits discrimination in employment, public  
5 accommodations and housing on the basis of gender, race,  
6 color, religious creed, ancestry, age, national origin,  
7 handicap or disability. It states that, "Such  
8 discrimination fosters domestic strife and unrest, threatens  
9 the rights and privileges of the inhabitants of the  
10 Commonwealth, and undermines the foundations of a free  
11 democratic state." NOW strongly supports HB 1400, which  
12 would add to those protected categories, sexual orientation  
13 and gender identity.

14           Erie County's Human Relations ordinance, along  
15 with those in 13 other counties or municipalities, have  
16 already adopted this provision. But until the State does  
17 so, a person who is, for example, gay, must slide into  
18 second-class citizenship merely by crossing the county line.  
19 That is absurd. Fair and equal treatment should not depend  
20 on where in the state Pennsylvanians happen to live.

21           There was a time, in the not so distant past, when  
22 discrimination against women and people of color, to use  
23 just two examples, was blatant and acceptable. Job  
24 opportunities were closed, access to housing was limited,  
25 entrance to public accommodations was denied. Such

1 injustices were challenged and slowly changed. These  
2 changes in law did not require, nor did they receive,  
3 unanimous public approval. They required, rather, the  
4 farsighted, courageous leadership of elected representatives  
5 to enact legislation designed to include previously  
6 marginalized groups in the rights intended for all. Such  
7 leadership has already emerged in those protected classes in  
8 their own ordinances. And such leadership is now required  
9 from the Pennsylvania House of Representatives.

10           It is important to note that Erie County's journey  
11 to inclusiveness was not without obstacles. Whenever  
12 members of a marginalized group stand up to be counted as  
13 full and equal members of society, there are always people  
14 who insist that such inclusion will bring about the  
15 destruction of families and the fall of civilization as we  
16 know it. So, too, in Erie County, opponents argued  
17 vigorously against change, posing the same arguments that  
18 were made when the proposed inclusion involved race and  
19 gender. But when such arguments stem, as they so often do,  
20 on narrow religious interpretation, a misunderstanding of  
21 facts, or blind prejudice, they deserve no place in  
22 determining public policies intended to serve the entire,  
23 diverse population. They simply don't hold water. They  
24 fail to persuade, as well they should.

25           Testimony at these hearings has demonstrated that

1 gays, lesbians and transgendered individuals have been  
2 subjected to discriminatory practices in employment, housing  
3 and public accommodations. What you will not hear are any  
4 logical, reasonable arguments as to why this should remain  
5 acceptable. To allow it to continue is contrary to the  
6 guiding principles of our state and federal constitutions.

7           While some may suggest that changes to our laws  
8 should not fly completely against public opinion, and that  
9 even justice must be patient, in this case it should be  
10 obvious that public opinion has already shifted in favor of  
11 inclusion. In fact, over the last few decades, monumental  
12 changes have occurred in the general public perception of  
13 those who happen to be homosexual or transgendered. These  
14 individuals are our friends, our neighbors, colleagues,  
15 parents, grandparents, sisters and brothers, aunts, uncles,  
16 cousins, sons and daughters. That we all now know this to  
17 be true is, in itself, the result of far greater acceptance  
18 and understanding than was once the case.

19           Yet barriers still remain. Discrimination still  
20 exists. Those who suffer from it must have some recourse by  
21 which their grievances can be examined as to merit, and when  
22 warranted, redressed. That is a right already afforded to  
23 heterosexuals under the current Human Relations Act. HB  
24 1400 would simply include homosexual and transgendered  
25 individuals in the state's commitment to fair treatment of



1 its populace.

2           Let me conclude by mentioning that when the  
3 National Organization for Women was founded 40 years ago, we  
4 struggled with the question of whether or not to include gay  
5 and lesbian rights among our major priorities. Some felt  
6 that advocacy for this segment of the population would  
7 hamper our progress toward equality for women. But we  
8 quickly discovered that the recourse was true, that when any  
9 of us are oppressed, we are all diminished. And so National  
10 Organization for Women stands proudly against  
11 discrimination, whether it manifests itself as sexism,  
12 racism, homophobia or any other form of bigotry.

13           We submit to you that the State must always strive  
14 to extend America's promise of liberty and justice to all  
15 its citizens. Therefore, we strongly urge the passage of HB  
16 1400. And we thank those Representatives who proposed and  
17 support it. Do you have any questions at this time?

18           MS. JOSEPHS: Thank you. Any members of the  
19 panel? Very well said. I appreciate all of the witnesses.  
20 I'm very appreciative that we are a half hour before the  
21 time that we've anticipated, and we still heard from  
22 everybody. And I believe everybody that had something to  
23 say was allowed to say whatever it is they wanted to say.  
24 And we are always open for more testimony in the form of  
25 letters or written comments. You can direct those to me at

1 my Harrisburg office.

2           We will make sure that everybody in the General  
3 Committee and, in fact, everybody in the General Assembly,  
4 if that's what you would like, will see those comments.

5           I want to say, also, as I said at the conclusion  
6 of the hearing yesterday in Pittsburgh, we hear a lot in  
7 Harrisburg about those egotistical lobbyists. This isn't an  
8 issue about the lobbyists who are professional advocates,  
9 whether they're egotistical or not doesn't have much  
10 bearing. This is an issue where our colleagues need to hear  
11 from their voters. I am asking everybody who's here and  
12 testified -- to the extent that you can -- everybody has a  
13 State Representative, everybody has a Senator, and there is  
14 somebody that you need to thank and perhaps there's somebody  
15 that you need to try to educate. And I strongly urge that  
16 everybody in this audience do that, to the extent that they  
17 are able to do that.

18           I want to thank two behind-the-scene staff members  
19 here who are to my right. We also have been very ably  
20 assisted by Tera Reynolds who works with the Women Law  
21 Project and has been helping us every moment, and I really  
22 appreciate Ms. Reynolds for her willing participation in  
23 making the hearings go very smoothly.

24           And if I had a medal, I would present it to  
25 Representative Blackwell who drove here from Harrisburg to

1 Pittsburgh, drove from Pittsburgh to Erie, and is going  
2 back, I guess, to Philadelphia. I really admire not only  
3 his very perceptive questions, but his enduring act of  
4 courage. And as I said, I would give him a medal if I had  
5 one with me. And I may have to do that at some time in the  
6 near future.

7           I want to thank members of the panel.  
8 Representative Harkins is not a member of this Committee but  
9 he was interested, and I appreciate his participation. And  
10 I want to thank the members of the Committee who did  
11 participate. Representative Fabrizio for pinch-hitting for  
12 me for a couple minutes there. Thank you all in the  
13 audience. Thank you for the library. We are adjourned.

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15           (Hearing adjourned at 3:30 p.m.)

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