

PUBLIC HEARING: March 16, 1987

CHRISTOPHER McCAULEY

Task Force Co-Chair

Opening Remarks

CHRISTOPHER McCAULEY: My name is Christopher McCauley and I'm Co-Chair of the Los Angeles City Task Force on Family Diversity. This is our regularly scheduled meeting of the Task Force and it's an open, public meeting, as they all are.

Today we are taking invited testimony from expert witnesses in the community on a variety of family-related topics.

There are about 38 members of the Task Force, and a number of people I think are arriving later. We appreciate all of you being here. We hope you'll be with us the rest of the afternoon. Our Task Force is basically an 18-month process. The Task Force was created in May of last year by Councilman Michael Woo to document and research the changes in contemporary family as we experience it in Los Angeles.

A majority of our families now live in non-nuclear family arrangements. In this context, nuclear is defined as the traditional husband-wife-child family, with the husband employed and the homemaker-wife not working outside the home. With this definition in mind, about 85%+ of the national population live in non-nuclear households.

In addition to the traditional family, we're focusing in on many newer family forms, or family forms that have been in existence a long time but have not been thoroughly documented. And we're looking for places in public policy where there may be a gap between existing laws and the experience of family. We will be making specific proposals and recommendations to the city on how we can strengthen family life for all families.

Our first witness today is Rabbi Daniel Bridge from the Union of American Hebrew Congregations who is reporting on some very interesting work that they have been doing with their Task Force on the Changing Family. So I'd like to invite Rabbi Bridge to come forward, please.

RABBI DANIEL BRIDGE

Union of American Hebrew Congregations

Task Force on the Changing Family

DANIEL BRIDGE: It's my understanding that I'm here to tell you -- the Task Force on Family Diversity -- that there has been a task force in the Jewish community that's been working to help synagogues cope with the changes in the Jewish family. I'm not here to ask for or to support any specific legislation before the City Council. I'm here to tell you about why the Task Force on the Changing Family of the Pacific Southwest Council of the Union of American Hebrew Congregations was begun and what it has done over the last seven years.

By 1980, it had become fairly obvious that a growing percentage of Jewish families didn't fit into the traditional, and I use that term advisedly for lack of knowledge for a better one, or nuclear-family image -- that of two parents and two or more children and perhaps a grandparent or two housed under one roof. And at that time to most of the leaders of the community the fact that families were changing was obvious mostly because of divorce. Children were falling behind in religious school because a non-custodial parent sometimes wouldn't bring them to the schools. On the weekends our Rabbis began to see a number of ritual ceremonies with just one parent present, then single parent families, and even recently-divorced singles began disappearing from congregational life and congregational participation. Theories are that either they were uncomfortable in their new roles because the synagogue wasn't making them feel at home anymore or because of financial burdens to pay membership. Then, all of a sudden, when leadership began to open its eyes to these issues, we began to see all kinds of new family units -- unmarried couples, gay and lesbian Jews, seniors that were living alone, and the list goes on and on.

Nationwide, the Union of American Hebrew Congregations (UAHC) is comprised of more than 800 congregations. The Pacific Southwest Council represents about 65 congregations.

In 1980, the Pacific Southwest Council established the Task Force on the Changing Family. Initially, and for a number of years, the task force focused on raising consciousness in the congregations, particularly with Rabbi support staff, and congregants. And the formats that were used were primarily two. One was seminars for professional and also lay leaders.

Another was a speakers bureau that went out and spoke at the congregations. During the last two years, we've moved out of the realm of consciousness-raising to helping congregations meet the needs of the changing families in the congregations. I'll focus on four things that we are doing now.

First, we are working with schools in designing materials, forms, curriculum materials that take into account that nuclear traditional family may not be the majority of families in the school or in the synagogue and the needs of all the families in the synagogue must be addressed.

Second, there is a subcommittee on daycare that's encouraging congregations to open fulltime infant-to-kindergarten daycare centers to meet the needs of the dual-career family and single-parent families.

Third, we are using the seminar format working with congregations in the region to deal with topics such as helping congregants deal with divorce, and one that will be coming up in the fall for families of gay and lesbian Jews.

The fourth thing is a questionnaire that was designed earlier this year that has been sent out to all of the regional congregations. We are now in the process of compiling the data on it. It, first of all, asks the staff to estimate the percentage of various family units or family groups in their synagogue. It also asks them to describe programs that they have instituted to meet the needs of those families. Some of the categories that we've asked them to identify percentages include single or divorced parents, interfaith or interracial marriage, blended families, singles with no children, unmarried couples, gay and lesbian, and traditional nuclear family.

The results of the survey are interesting. At one extreme, we have one congregation reporting that they believe they have only 8% nontraditional families -- I'm a bit skeptical of that -- they might simply not be in touch with their congregants' lifestyles. On the other hand, in one of the gay and lesbian congregations they report 95% gay and lesbian congregants.

The programs also are very wide-ranging. Some congregations only program for the traditional family, while others have created wonderful programs to meet the needs of their changing constituency. And examples are daycare programs and co-op baby sitting, young, middle-aged, seniors, and couples groups, support groups for divorcing couples, for widows and widowers, single parent support groups in the congregations, children of divorced parents groups, and programs for the disabled, programs for children of elderly and infirm parents. With that, I'd like to stop talking and ask if there are any questions.

DUNCAN DONOVAN: I'm curious, if in helping the congregations meet the need of various families, and coupling that with the survey, have you been getting a feedback of social things that can be done for these families? I can see that your interest is heavily on the individual and what you can do to make the individual comfortable with his status of life. But I'm wondering if on that feedback and in the process someplace along the line you're also acquiring a knowledge of what society can do to help these people?

DANIEL BRIDGE: Well, it depends on the group. If I'm talking about divorced families, one thing that's coming out is financial need. I see families that get upset because they cannot afford to support two households. I think that this finding could be generalized beyond the congregation to the community at large.

DUNCAN DONOVAN: Primarily, then, on a social level, you're raising the consciousness of the synagogues and of other Jewish organizations?

DANIEL BRIDGE: Well, what we're trying to do -- I think you're right -- it's on the individual level we're trying to do more than raise consciousness and that is by creating programs to help people feel comfortable within the community. And I think that idea of comfort is very important and comfort extends to the financial and also to the social and to interaction between people. It is important to make people feel, regardless of what the family unit is, that they are part of a congregation, that they are part of society.

DUNCAN DONOVAN: I wonder also if you've given much thought or any thought to whether religious dogmas regarding nontraditional families should be liberalized?

DANIEL BRIDGE: Well, I come from a tradition that enjoys studying the law. Tradition, for me, would have a vote but not a veto. In other words, I study it, but if it doesn't apply to these times, I would be willing to abate that for the community and I think that has happened in the reformed Jewish community. The need is to serve the members of the congregation, to serve the community, and the law shouldn't stand in the way of that.

DUNCAN DONOVAN: My last question would be in terms of the Constitution of the United States. I wonder if the entire organization, the national organization might have some views on the separation of church and state?

DANIEL BRIDGE: Oh, very definitely. The United American Hebrew Congregation reform movement's been very outspoken on making sure that there is a very strong and wide separation between church and state, and

that goes for the Jewish and the nonJewish community as well. It's very important to me personally and also to the movement.

THOMAS FRANK COLEMAN: How much longer is the task force going to go on?

DANIEL BRIDGE: I think the name "task force" is a bit of a misnomer because as I understand it "task force" has a limited life span. At this point, the Task Force on the Changing Family is an entity that's here to stay as long as congregations need help in serving the nontraditional family-units.

THOMAS FRANK COLEMAN: So it might be more of a committee? (Yes.) And the membership of it?

DANIEL BRIDGE: The membership of it is really by referral, by letters sent out to all the congregations in the region. It's focused mostly on the Los Angeles area because that's where we have our meetings and people from Los Angeles are the ones that come. So it's comprised of lay leaders from a number of congregations around the Los Angeles area and Orange County also, and referred by rabbis and staff members.

THOMAS FRANK COLEMAN: And the membership of the task force, is it religious or lay or both?

DANIEL BRIDGE: There have been rabbis in the past on the task force. Right now I'm the only rabbi on the task force and I act as its staff member.

THOMAS FRANK COLEMAN: I have three questions. First, what is the reaction of the various synagogues with respect to gay and lesbian couples or gay and lesbian issues or families. Could you comment on that?

Second, on the notion of integration vs. segregation -- are we going to have a proliferation of gay temples or are we going to integrate gay and lesbian members into general synagogues so that they feel at home in them? And, is part of the process of integration dependent on the reaction of the temples to blessing gay and lesbian couples or gay and lesbian relationships?

Finally, are there any congregations, other than the gay temples, that would actually bless a union between two people of the same sex?

DANIEL BRIDGE: O.K. First of all, I want to start out by saying the congregations are autonomous units and we work with the congregations and encourage them to develop programs. It's interesting. The questionnaires that we received -- the ones that we've gotten back -- show that the one area that we really have to do more consciousness-raising in, I think, and

I'm trying to read the data, is in the area of gay and lesbian Jews. Most of the congregations reported that they have a very, very, very small percentage of gays and lesbians in their congregations, if any at all. This either reflects the possibility that gay and lesbian Jews do not feel comfortable in those congregations and aren't joining them or the possibility that the staff members don't know that there are gay and lesbians in their congregations -- one or the other or both. So that's one of the reactions, the reaction of the congregations for a great part We don't know that we have gays and lesbians here.

So now to the issue of what kind of programing, whether it be ghettoization or incorporation in the synagogues, I hope that there is a move to include gay and lesbian Jews as all Jews in congregations and make Jews feel comfortable there. I also can't speak for gay and lesbian Jews I can't speak for Jews that are single parents, and tell them that they should feel more comfortable in a synagogue with all types of Jews. I don't think you're going to see a proliferation of gay and lesbian synagogues. I hope that there will be more gay and lesbian synagogues that will be established but I also hope that gays and lesbians -- because of programings in the congregations and rabbinic support for gay and lesbian couples, singles, gay and lesbian Jews -- will feel more comfortable in the congregations that exist. So I hope it's a little bit of both.

THOMAS FRANK COLEMAN: In any of the 600 congregations, other than ones that are predominantly gay or lesbian, do any of them acknowledge or bless a gay union?

DANIEL BRIDGE: I'm not able to say. That is up to the individual rabbi. There must be some out of the 800, but from the responses I get on the questionnaire, the issue hasn't arisen for most rabbis. I don't know the reason. If gays and lesbians don't feel comfortable coming to the rabbis again, or something like this or not...I'm not sure.

CHRISTOPHER McCAULEY: Rabbi Bridge, thank you very much. We appreciate your being here. Our next witness is in the room, Stewart Kwoh, Executive Director of the Asian Pacific American Legal Center of Southern California. He is here to speak on the issue of Asian Pacific Immigrant Families and we're delighted that you took the time to be with us Stewart.

STEWART KWOH

Legal Director, Asian/Pacific American Legal Center

Asian/Pacific Immigrant Families

STEWART KWOH : Good afternoon. I have a summary of some of the points I am going to make, and some recommendations. I'd like to make just three brief points. One is that, as many of you know, the Asian/Pacific population in this area has really zoomed in percentage and numbers over the last decade, and from most of the census data it looks like the Asian/Pacific population is the fastest-growing ethnic group in this area.

Of the nearly one million Asian/Pacifics in the southern California area, excluding San Diego, about two-thirds of those people are foreign born, so there's a tremendous immigrant mix amongst the population.

I think, statistically, just to give you some idea of the population in Los Angeles County, there's an estimate of 750,000 Asian/Pacific Americans and in the City of Los Angeles we estimate 350,000-400,000.

Taking care of the needs of the family is of paramount importance in Asian/Pacific families but oftentimes that goal is unachievable due to a variety of circumstances. Unfortunately, the funding of agencies, especially Asian agencies as well as providing multilingual services at non-Asian agencies, is often a questionmark. Recently there was an article in the Los Angeles Times regarding the Southeast Asian refugees and welfare fraud. We found that to be a gross exaggeration of a problem. But there is a structural problem in regards to welfare and Asian/Pacific families as welfare is a problem structurally to many people. But, at any rate, we find that there is really a lack of understanding of the Asian family and what that family needs to prosper or survive in the society.

The second point I wanted to make was the recently enacted Immigration Reform and Control Act of 1986, by all likelihood, will lead to the splitting up of Asian families. Let me just share with you some of the provisions that will lead to that effect. The main part of the Immigration Act is employer sanctions, the theory being that if employers are sanctioned for knowingly hiring an undocumented person, that that employer can be punished. But the other major provision of that bill was to legalize those undocumenteds who can prove that they were here illegally as of January 1, 1982. There are many Asians who are here illegally now but who came into

the country and were legal as of January 1, 1982. They were legal because they had temporary visas, like foreign student visas, or business visas, or visitors visas. And many of their visas expired after January 1, 1982, so, in speaking to numerous seminars and forums, I've found actually probably only 1 in 7 and as low as 1 in 10 Asian Americans who will qualify for the legalization provision of the Immigration Bill. Now many of those families have U.S.-citizen children, or other members of the family who will qualify for legalization, and that leads to the second catch of this bill and that is that it does not provide for derivative eligibility of family members. What that means is that if one family member qualifies, say a father came over in December 1980 and then his family came over in (and this is an actual case) January 20, 1982 -- even though the father qualifies, the mother and the children will not qualify. They will be illegal. We find that ironic because the Immigration Bill in terms of the legalization provision was supposed to take care of the underclass, so to speak, and try to legalize as many as possible but as my estimate goes, as low as 1 in 10 of the Asian/Pacifics in this area will qualify for legalization. Indeed, the effect on the family will be most severe because many families, legally speaking, will be split apart and there will be a major question as to whether even the one who qualifies should attempt to legalize because of possible exposure of the whole family.

The last thing I wanted to mention is that Asian/Pacific immigrants are often ignorant of our laws and customs and we find that there is insufficient information and education both in terms of the media as well as in terms of those agencies or churches that are the first contact point for those immigrants. We've found that there is a significant problem with spousal and child abuse and we think that if there was more education at least in terms of telling immigrants what the laws of this country are, that that could contribute to lessening that problem. Maybe I'll stop there and just answer any questions you might have.

CHRISTOPHER McCAULEY: Thank you, Stewart.

MARIO PEREZ: You mentioned the effects that the Immigration Bill is likely to have on these immigrants, particularly those whose visa has expired and so forth. How is the Asian/Pacific community preparing to represent those individuals -- those who may qualify for amnesty but who are in fear of exposing those members of the family who may not be able to reap the benefits of this Immigration Bill?

STEWART KWOH: For those people who might have a chance of legalizing?

MARIO PEREZ: Yes, and those whose complete family may not -- is there something that your organization is doing?

STEWART KWOH : Yes, the Asian American Legal Center unfortunately is one of the only Asian agencies that is going to offer legalization services in an extensive way. So we are gearing up our staff to be able to assist those people in legalization. We also belong to the Coalition for Humane Immigration Laws of Los Angeles which is a cross section of Latinos and legal groups and other agencies. We are developing strategies on how to advise those people whose families will not qualify, or for the majority of the undocumented who just won't qualify. So one of the recommendations I had was that the city consider forming a task force to study the impact on the use of social services by immigrant families. It would be very unfortunate, if, for example, U.S.-citizen children who are really in need of public assistance forgo that assistance solely because their parents need to qualify under legalization, either for temporary residency or permanent residency. One of the exclusionary provisions is that if a person obtains public cash assistance that person will be excluded from either becoming a temporary-permanent resident, or a year and one-half later, becoming a permanent resident. So that possibility is actually quite frightening because there could be a lot of people in need who will suffer as a result of that provision.

MARIO PEREZ: Just one more question. I think many of us, including myself, were under the assumption that the Immigration Bill is only a primary concern for the Latinos in this country. Can you make an assessment as to how important immigration is to an Asian/Pacific family?

STEWART KWOH: I'm glad you raised that. We had a press conference with the CHIRLA Coalition this morning and I made that point that the Asian/Pacific population is very concerned about this bill. Of the one million Asian/Pacific's in this area, all of them will be affected by the employment provisions as will everybody in this room, so no one will escape that Asian Pacifics and Latinos will be where they're working especially in a larger place of employment. That factory or that industry or that place of employment will be the subject of the most scrutiny by I.N.S. So, certainly, everybody will be affected.

But of the million Asian/Pacifics, I estimate -- this is from immigration attorneys serving that population -- that over 100,000 of those people are undocumented. But as I mentioned as low as 1 of 10 will qualify for legalization. hopefully more, but I know amongst the Latinos the estimate is one out of four or one out of five. I'm sure in the Asian/Pacific population the percentage will be lower because of the problem of being legally here on January 1, 1982 and then becoming illegal afterwards. There is so much fear and confusion in the Asian community that people don't even know what to do. There have been certain fraudulent ads in Asian language papers as well as the Spanish-language papers so there's a tremendous amount of fear and we've been negotiating with the INS to try to get some translations of their materials into Asian languages and

although the local district director was sympathetic, the national office said no. So that takes our resources and our time to translate everything into six different Asian languages. This takes a tremendous amount of time.

NORA BALADERIAN: Does the new Immigration Control Act respond to excluding undocumented aliens who have disabilities like the old law did, and if so, how does that affect undocumented aliens who have disabilities or family members who are disabled?

STEWART KWOH: I've heard that question several times and to our knowledge we haven't seen any special provision in the law. But, the public cash-assistance provision, like general relief or social security income -- if a disabled person received those benefits, that person could become excludable. So there isn't any special provision that we've seen that would exempt those people. Now the public cash assistance doesn't mean any assistance. But the final regulations are not out yet. In fact, the final draft of the regulations hasn't even come out yet and we're very concerned about that because there has to be a 30 day response period but the whole legalization program is supposed to begin publically on May 5th. So INS really isn't together and there's really no money to adequately fund the program.

But, in short answer to your question, we haven't found any exemption. So, unfortunately, the disabled will be subject to being excluded if they've received public cash assistance. Another example, in a discussion with the local director -- he said he was talking to a Latino group in Culver City, and the father could legalize, the mother came over on January 20th or thereafter, 1982, and the daughter is a disabled person and is receiving the only aid that she could receive anywhere in the world and that was here in Los Angeles -- she's illegal and if the family decided to leave, she would no longer get any assistance at all.

KAREN ISHIZUKA: There has been a documented rise in violent acts against Asian/Pacifics across the country. Have you dealt with any incidents here in Los Angeles or the southern California region?

STEWART KWOH: Yes. We have a racial violence-monitoring program at the Legal Center. We've worked with the Los Angeles County Human Relations Commission and that commission just last month released the 1986 report which indicated that there was something like a 400% increase in racially motivated violence over the last year, and about 25% of those incidents were against Asian/Pacific Americans. We've been tracking the violence since 1984 and we've found a tremendous rise, a several-hundred percent rise every year of the reported number of cases. We feel that based on the tension that exists in certain communities like South Central Los Angeles, Monterey Park, parts of Orange County, that that isn't just a relationship between people feeling more comfortable to come forward. We

feel that it's both that and actual increase in the tension and the violence. Even in the L.A. County Human Relations Commission report, a lot of the incidents go unreported among both the Asian and Latino populations because of the lack of multilingual assistance by police. One of the things that we are proposing to the L.A.P.D. is that they monitor racially motivated incidents. They do not do that now and we feel that the public does not become that interested in this issue unless the statistics are there, unless public agencies say there is a bad problem. So we find that to be a very important problem. I didn't address it strictly in terms of a family issue but it certainly has affected not only adults but children as there were a number of stabbings in the last two years especially in the San Gabriel schools.

THOMAS FRANK COLEMAN: On the violence issue...I was able to serve for two years with the Attorney General's Commission on Violence Against Minorities, and Louis Verdugo who's a Deputy Attorney General, is here now and is interested in that because the Commission made a number of recommendations and is now in the implementing stage, trying to get some of these things through. One, I believe earlier this year there was a bill introduced to set up a statewide monitoring mechanism to collect the data, which, of course would include the L.A.P.D. and all the rest. So you might want to check with Louis Verdugo. That came out of SB 28. I believe it was a pilot project that was successful, where a prototype had been set up and certainly that could be implemented even without statewide legislation.

CHRISTOPHER McCAULEY: Have you had any contact and support from the City Human Relations Commission as opposed to the county? And we're interested in that because it appears that they are very underfunded and very low profile. I wonder if you are aware of anything they've done in support of Asian/Pacific?

STEWART KWOH: Well, I testified about two years ago before the City Commission, but, as you said, they are underfunded. They don't really have the staff to carry out or to implement programs. We worked closely with John Saito who is on the City Commission but the county is much more active.

CHRISTOPHER McCAULEY: I'm concerned about that because some of the recommendations you make depend on the ability of people to understand laws and cultures during this whole process. I always have a question about who is going to implement recommendations, and with what kind of integrity and sensitivity while they're doing it. Those pieces of the city bureaucracy that are funded and whose mission deals with multi-cultural relations -- they would be very appropriate vehicles for implementation. But, if there is not a priority on that, we need to help them set one.

Let me ask you also about L.A.P.D. since you've mentioned that. Have you participated or are you aware of any kinds of training at the Academy that deals specifically with Asian/Pacific immigrants or family issues?

STEWART KWOH: There have been some informational sessions. I did not participate but I was asked about it. I don't know how extensive that was. In the recent statistics I received about Asian American percentages in the L.A.P.D. it is very disappointing to say the least. There are about - - given that Asian/Pacifics constitute at the high end about 10% of the City population -- there are about 1.4% Asian/Pacifics on the Los Angeles Police Department. There are no captains or higher level officers. I think there's one lieutenant.

CHRISTOPHER McCAULEY: Thank you very much, Stewart. Thank you for providing us copies too. Steve Lipman from Councilwoman Joy Picus's office is here with some very interesting items to share with us. Councilwoman Picus has taken a very strong leadership role, as most of you know, dealing with childcare and several other issues of family policy and we're very interested and very supportive of what she is doing and we're delighted, Steve, that you're here.

STEVE LIPMAN

Council Aide to Councilwoman Joy Picus

The City's New Child Care Policy

STEVEN LIPMAN: Thank you very much. Good afternoon. First, let me begin by saying that I come bearing somewhat good news. On February 24, 1987, the City Council unanimously approved the Child Care Policy for the City of Los Angeles and I have provided copies of the adopted committee report and the adopted policy. So, let me begin by highlighting what exactly the Council has unanimously agreed to do.

First, the policy recognizes that there is a major problem in Los Angeles City, in Los Angeles County and throughout the nation with respect to affordable, accessible, and quality child care. It calls upon the city to: act as a model for other jurisdictions and private concerns; act as an employer to provide child care for its employees; act as an educator, to not only provide data to other interested individuals but by the force of its status act as an educator to other individuals throughout the country; and, last but not least, the city will act as a facilitator to actually provide assistance, either technical or gentle suasion to increase child care slots within the city.

Related to the adoption of the policy, the City Council agreed to create a new position of Child Care Coordinator to be placed in the city's Personnel Department. An 11-member Child Care Advisory Board will be created to assist the coordinator in his or her efforts. Six of the advisory board members will be appointed by the president of the City Council, and five appointed by the Mayor. I can tell you that the selection process has begun and hopefully both the coordinator and the advisory board will be operating by early summer.

In addition to that, through the auspices of the Personnel Committee, which Mrs. Picus chairs, we have surveyed all 33,000 city employees (other than those employed by the Department of Public Works) on child care needs, and the results of that survey will be forthcoming in the next four to six weeks. I can tell you it's the largest survey of public employees ever undertaken in the United States in the area of child care. Once the results of the survey are available, we'll provide this Task Force with them.

Also, we have recently received the first preliminary final report on public land and public buildings which can be made available either for child care providers or for the homeless.

We are the largest city in the country that has formally adopted a child care policy. The only other city that I'm aware of that has one is up north in Concord. And we have joined a few other municipalities -- Burbank, Irvine, Concord, and Sacramento -- by creating a position of Child Care Coordinator. And it will be the coordinator's responsibility not only to implement the policy but also to follow the issue and make further recommendations to Council as appropriate.

That is what we've done in the area of child care to date.

THOMAS FRANK COLEMAN: I'm just wondering what will happen to the Mayor's Advisory Task Force on Child Care. Will that be phased out and then he'll make his appointments to this new group?

STEVEN LIPMAN: It's up to the Mayor what happens with his Child Care Advisory Committee and I certainly don't want to minimize their importance. Not only did they keep the issue before the elected officials since their founding some 14 years ago, but they are the largest forum within the area for cross fertilization on the issue of child care.

What I personally anticipate is Mayor Bradley will continue them in existence as long as Mayor Bradley is in office. Of course, as an advisory committee established by a mayor, their future is in the hands of the Mayor. Certainly there is considerable expertise there and I could see some of the members being appointed either by the President or the Council or by the Mayor to serve on the Advisory Board. So my roundabout answer is, I really don't know what's going to happen with the Mayors Advisory Board, but I would anticipate them staying in existence for the indefinite future.

THOMAS FRANK COLEMAN: Also, there is a proposal by Councilman Cunningham to impose some fees on developers. Is that alive or dead? I guess nothing ever dies until it's voted down by the full Council, but

STEVEN LIPMAN: That's true. Once a Council file is open, it remains alive until Council votes to kill it. I'll give you briefly what the status of that proposal happens to be. Mr. Cunningham introduced a motion which was referred to the Council's Planning Committee. It wasn't referred to Mrs. Picus's committee; it was referred to the Planning Committee to study whether or not the city should impose a fee on developers to provide for child care facilities. It is modeled after something that the City of San Francisco enacted about a year ago. To date, a task force was appointed by Mr. Cunningham to study his proposal. Subsequent to appointing this task force, Mr. Cunningham resigned from the City Council. So, to the best of

my knowledge, that proposal is still before the Planning and Environment Committee, which is currently chaired by Pat Russell and it's my understanding that Councilwoman Russell is planning on resurrecting this ad hoc task force and giving them a slightly more focused charge than Mr. Cunningham originally gave them. They are going to be asked to come forward with certain recommendations on facilities and financing -- nothing as specific as developer fees per se -- and presumably those recommendations would then go to the Planning and Environment Committee, then to Council, then to the Child Care Coordinator for further study, and ultimately back to the Council for recommendations.

Just as an aside, subsequent to Mr. Cunningham's making that proposal the L.A. Unified School District, then all school districts throughout the state, took advantage of a certain provision of state law which now permits them to assess new construction for expansion of school facilities. And it's rather a massive assessment fee. It's 25 cents per square foot on commercial property -- which isn't so much; but it's 1.50 per square foot on residential construction. So that action is going to have to be considered as any government entity considers assessing developers for anything in the future because it is truly a major dun on new construction.

FRANK RICCHIAZZI: In reference to the child care -- and talking about fees and where to get some of these plans put together -- is there any responsibility to the parents themselves as far as economics, as far as some kind of a fee per child?

STEVEN LIPMAN: Well, certainly all child care facilities -- I mean parents -- have to pay; the average in the City is \$75.00 a week. That's for non-infant, that's for pre-school. It's generally higher for infant care. So the problem is, first of all, there is almost no child care available and when it is it's so expensive that poor working parents -- you know the lower-middle class -- can't readily afford it.

ELIZABETH CLARK: Would there be any kind of training or seminar series, both to those providers and to attract older workers as either child care providers or aides in centers or in homes?

STEVEN LIPMAN: Mrs. Picus is promoting what she terms her "family economic policy" and she has been involved with individuals who have made many suggestions, including utilizing seniors and senior centers as daycare centers -- sort of a cross fertilization between two populations that can learn a lot from each other. We will certainly look into that.

CHRISTOPHER MCCAULEY: Thank you very much, Steve. We appreciate the work of the Councilwoman very much. Mary Taylor, Training Coordinator for the Los Angeles Unified School District is here to discuss teacher training in the family life education program.

MARY TAYLOR

**Training Coordinator, Family-Life Education
for the Los Angeles Unified School District**

Teacher Training in Family-Life Education

MARY TAYLOR: The teacher training program got started last year in July. We received a grant from the state, the State Office of Family Planning to implement this teacher-training program. I'd better go back and say why we needed the teacher training. There had not been any training of teachers for more than 10 years in the school system in the area of family-life education.

During the last year, the L.A. Unified School District Board decided that there needed to be some changes in the curriculum, the family life and sex education curriculum. The reason for this concern was the discussion about clinics on campus -- the teenage clinics on campus. During that discussion the idea came up that clinics were fine, but there needed to be some education for all kids. There needed to be an updating of the curriculum and family-life and sex education for all students.

At that time, the School District commissioned Dr. Ruth Rich who is the Health Specialist for L.A. Unified School District to revise the curriculum. And the Board also commissioned a panel of community persons to oversee, to look at this revised curriculum and to make suggestions and recommendations. All of this took place during 1986. The panel oversaw this new curriculum and the Board accepted their recommendations and their revised curriculum in May 1986.

The grant from the Office of Family Planning came on board in July and Dr. Ruth Rich and myself were charged with planning these teacher-training events. We had three of them scheduled during the month of August 1986; we had teachers coming to the workshops from all over the city. There were approximately 20 persons for each workshop. These were 3 day workshops. We had 3 different workshops and each of them was for 3 days. At the end of August, we had trained 66 teachers. We trained them using the new scope and sequence which is like the skeleton before the curriculum is built. We needed to get them trained right away. We didn't have the curriculum done. The process usually goes the other way -- you do the curriculum first and train the teachers with the curriculum but

because our time was so short we used the scope and sequence and trained the teachers using that with the idea that during the year the new curriculum would be developed. We trained high-school teachers first.

The plan was to teach high-school teachers first, then junior high-school teachers, and then, probably if we received more money from the state to train the elementary school teachers. The grant that we received from the Office of Family Planning was a three-year grant. We are now in our first year. We will be ending the first year in June and hopefully we will receive the grant again for the next year and then the third year. Originally, the plan was to train high-school teachers during those three years. We thought we had more high-school teachers that would need training but it turns out that we are going to begin almost immediately training some Jr. high school teachers. In the meantime, curriculum is being written and within the next couple of weeks the high school curriculum will be coming out. I shouldn't say that. You may have it ready, but sometimes it takes a long time for proofreading, going back to the printer and so on. Sometime within the next month, let's say, this curriculum for high school will be ready and will be out. We continue to train the teachers using the scope and sequence. We hope that for the next group of trainings we will have the curriculum ready.

Now the curriculum that I'm referring to has some important changes from what the scope and sequence of the curriculum looked like in the past. I think the main change is there are some common themes that run throughout the curriculum. One of those common themes is taking responsibility for your own actions. This will be found in several sections. Let me just read some of the sections.

Some of the units include self concept, family living, and within the area of family living we also have smaller sub-units on interpersonal relationships with family members and with friends. The next unit has to do with the life cycle. The following unit has to do with parenting. Next comes human heredity and genetics, personal safety, child abuse prevention and the last unit is sexually transmitted diseases.

So throughout all of these units there's a common thread. One of the common threads is helping these youngsters to be responsible for their own behavior. Another one of the common threads that runs through this whole curriculum has to do with the idea of having a positive self image and having power over oneself to make judgments for oneself. This is especially true in the unit on sexual abuse where the information says to youngsters that you can say "Yes" and you can say "No." You don't have to be pressured or bullied into any kind of actions. This is also a common theme that you have the power to say "No." You have the final say-so in terms of what happens to your body as a teenager.

Another important difference about this curriculum is that it does deal with birth control methods. But in the same section that deals with birth control methods, it also deals with abstinence as a method of birth control. I think that's really important. There is a section here that deals with homosexuality. Mainly, it deals with defining homosexuality and encouraging youngsters not to put down others because of their sexual orientation.

Going back to the committee, many of the committee members felt that a lot of young people who are homosexual have been put down and harassed, beaten up because young people tend to look down on them and put them down. And so the idea was to help youngsters see that no one had the right to do that to anyone else. If it can be done because someone is homosexual, then it can be done because of race or other characteristics that people possess.

Another important section in this curriculum deals with family configurations. It was noted by members of the committee that in our changing world we don't have as many people involved in the traditional family as we did at one time. Probably more than 40% of the youngsters in public schools come out of homes where there is no father or where the configuration is different from the traditional family. And so in part of this section we deal with family configurations and some of the pressures that may be on young people as a result of being in a family like this and helping youngsters to cope with some of the problems that may result from families like this.

If you'd like to ask questions now -- I think I can better respond to questions at this time.

PAULA STARR: To date, how many teachers have been trained within the Family-Life Education training process?

MARY TAYLOR: We have 66 teachers that have been trained. We are in the process of planning the next set of workshops and we will be training approximately 40 more.

PAULA STARR: And there's over 20,000 teachers within the L.A. Unified School District?

MARY TAYLOR: Yes. But not all of them teach health. We have a problem in terms of health. When we started planning for our workshops we thought we would have 350 or so high-school teachers to be trained in family-life and sex education. But when we go into the schools we find out that sometimes people who are not trained as health teachers are asked to teach health courses. One of the restrictions that we made for signing up to be a part of the workshops is that you have at least three health classes. We found that many of the teachers were only teaching one health class or

maybe two health classes and their background may be P.E. or social studies, or science or driver education, and those teachers aren't as committed to teaching or finding out what to teach in terms of family-life and sex education. So that is why we had less high-school health teachers to sign up than we expected.

DIANE HIMES: I have talked with Dr. Ruth Rich and Roberta Weintraub and everyone involved in setting up this family-life group. The impression prior to your speaking that I had gotten was that there was so much bureaucracy involved in getting the program set up that they had only gotten 66 teachers through, of which 7 have already been pulled off and are teaching other extremely important classes, like cooking etc.

We are terribly concerned that teaching 66 teachers in August, and then basically having what is perceived from the outside as slippage, that the kids are not being taught about AIDS -- this is a life-and-death issue and we don't quite understand whether they have one class or two classes to train teachers. I was originally told that your grant was for one year. Is it for three years?

MARY TAYLOR: It's a three-year grant, 'but we have to go back and write another proposal, which is just an extension of the original proposal, and wait to be funded.

DIANE HIMES: The original grant was to train 120 teachers by the end of July.

MARY TAYLOR: Yes.

DIANE HIMES: So we're a little behind. (Yes we are.) Do you foresee a way to catch up? (Yes.) The impression I'm getting from you is that you're not having attendance because teachers are not signing up. Is that the impression that you intend to put out?

MARY TAYLOR: The truth is that when we sent out the applications this time we didn't get back as many as we had gotten back before. We tried to figure out what happened. The two things that were different about this time was that, first, we had classes scheduled on Saturdays and we thought some teachers might object to that although they would have been paid \$8.00 an hour for their time on Saturday. The second thing that was different was that we made the restriction that the teachers must be teaching at least three health classes. The reason we did that was because of those 7 or 8 people who had gone through the course in August, and who, after having gone through the course were then pulled by their principals to teach other things. We thought, "Well if we have a teacher who is at least teaching three classes, they'll have some health classes the following year." So, essentially we lost those people. Some of them were pulled into offices

and other places. But we lost them and so we didn't want to do that. So after kicking it around for awhile and talking to different people we seemed to come up with the reason for the teachers not signing up -- it is the restriction that they need to teach at least three classes. After we figured that out we started calling all the schools that had not sent representatives. saying to them, "The restriction is off. If your teachers want to come and they're teaching one or two classes it's fine, come on in." We did get some responses but not enough to fill a third class. What we have now is essentially enough people for two of the workshops. We had scheduled 20 persons per workshop and we had essentially 20 per the two workshops that are going to be coming up in the next couple of weeks. We have since decided that maybe we should go right into the junior high schools. So we will then be offering a pilot program for junior-high-school teachers.

DIANE HIMES: It's my impression that in L.A. Unified currently you cannot graduate from junior high or high school unless you've had a health and sex and sexually transmitted diseases class in 7th grade and in 10th grade.

MARY TAYLOR: Yes, but health education is a general course and within it is the unit on family-life and sex education; but a child doesn't have to have that. That is, if a parent does not want their child to be in the class then that child does not have to be in that class and still can pass health education if they have done the work for the rest of the unit. So yes, health is a requirement but students don't have to do family-life and sex education.

DAVID LINK: Who is teaching the teachers? Who is running the workshops?

MARY TAYLOR: I'm doing some of the teaching. Generally I'm doing the teaching that has to do with teaching techniques and lesson development. That is the area that I'm working in. We have pulled from the community experts that we think can help in some of the other areas. Dr. Irv Berkowitz is one of the persons that we have asked to come in and talk about human sexuality in general -- human adolescent development and human sexuality. We have Alvin Ransom from the Health Department who is going to do sexually transmitted diseases. We have Donzella Lee who is going to come in and talk about communication skills. This is another area of the curriculum that's different from the previous curriculum -- teaching youngsters to be able to communicate in order to deal with their problems and also relieve some of their stresses.

DAVID LINK: Do you have anyone from the gay community that's dealing with the homosexual issue?

MARY TAYLOR: A person who is a gay person? No, we do not.

DAVID LINK: I guess that's my main issue here. I used to teach high school and I know how teachers tend to snicker about homosexuality. I've heard them do it and what usually winds up happening is that in issues that deal directly with the gay community we get bypassed by the school district -- it's as if other people can deal with our issues. And that may be true to a certain extent, but to a certain extent it's not. I think it's more important than is being emphasized that we have some say in what's being said about us.

MARY TAYLOR: What you're saying is probably true to some extent. But in our past workshops I think we dealt pretty seriously or pretty comprehensively with the area of homosexuality. Dr. Irv Berkowitz is a very good speaker, and there was also interchange with teachers. In the groups we've had before there was no snickering. I think people maybe in the past might have snickered but nowadays I think peoples' awareness has been raised that people take this issue of homosexuality seriously.

DAVID LINK: I think there would be a certain amount of authority that would come naturally from a gay person speaking from a gay person's standpoint.

VIRGINIA URIBE (from the audience): I teach at the Los Angeles Unified School District. I certainly second what he's saying. I heard that Dr. Irv Berkowitz made some factually very poor statements. I was not there to hear them but I think it's extremely important that we have a representative from the gay and lesbian community and I have offered my services toward that direction.

CHRISTOPHER MCCAULEY: Have you two met before?

MARY TAYLOR: Yes, I know Virginia very well. Yes, she has offered her services and I have talked with Dr. Rich and I was to get in touch with her as soon as I can.

CHRISTOPHER MCCAULEY: Well she's here and you can talk to her. Obviously, we have some members of this task force who are very interested in this topic and it deserves a lot of questions but we need to move on. If there are ways that we could be supportive of what you're trying to do with all the due sensitivity of a giant school system that needs sensitizing on various kinds of issues, if you could let us know or if we could work with you on that we'd like to provide some support.

MARY TAYLOR: Thank you and I'm thankful that you recognize that there are problems in the bureaucracy. Thank you though for your support. We need it.

VIRGINIA URIBE (from the audience): I'd like to go on record as saying one thing having had the joys of going through the State Board of Education recently. I want to thank L.A. Unified for issuing letters to the State Board of Education, for calling San Diego, Laguna, San Francisco, everyone on the Section 16, 17, and 18 on AIDS and Section 19 on homosexuality. And we want you to go faster because we're scared about the youth. But I also want to acknowledge that you are certainly in a leading position, on the cutting edge in the state and we are very grateful that you are there.

MARY TAYLOR: That is one thing I wanted to mention. You talked about the information about AIDS. As you know last year we were one of the few school districts that mandated students learn about sexually transmitted diseases and especially AIDS. And in preparation for this testifying, I talked with a few of the teachers -- I just did an informal poll with them. This program was run last year in October and so I called a few of the teachers to find out if they were still using the materials that were developed for them in the area of AIDS and other sexually transmitted diseases, if they found them effective, and if they thought the students were understanding and learning from the materials. I think I polled about 15 teachers by telephone and each of them said that they found the materials were adequate and some of them found them very good and they were using the materials; they have incorporated these materials into their regular material so that every student that goes through a health class at the 10th grade and at the 7th grade in the L.A. Unified School District gets a whole section. I think there's a group of 6 or 7 lessons that deal with sexually transmitted diseases and especially AIDS and as you said earlier we are one of the few school districts that did that. We've been getting calls from all over the country to find out what we're doing and to get our material. So I want you to know that in the area of AIDS we are the first among the other districts to deal with it in a non-threatening manner and to put the information out there to the young people. And it is true it's a very important area and there is a lot of fear on the part of everyone. We're doing our part and we'll continue to do it.

CHRISTOPHER McCaULEY: June Dunbar from the County Commission on the Status of Women is here to discuss the question of seniors particularly the employment needs of older women.

JUNE DUNBAR

Los Angeles County Commission on the Status of Women

Employment Needs of Older Women

JUNE DUNBAR: Thank you. And let me add also that I'm a founding member of the Older Women's League of Los Angeles. I'm sure you've heard a lot about the tremendous changes that have taken place in family life. There was something in the paper today about the changing family. The paper said that the nuclear family -- the father who works, the mother who stays home, and the kids -- represents 15% of families, but in reality it is only 7%. I want to address my concerns to the older woman who is not a part of that percentage of the population.

There are general statistics that will give you a profile of the older woman, and then I would like to address five specific issues that I think need to be taken care of. In the late 60's there was an article in Redbook Magazine called "The Discarding of Mrs. Hill," and I think this was the beginning of the term "displaced homemaker." This woman was 53 years old. Her husband had been ill for over a year and finally died. She had considerable medical expenses she had to cover. After the grieving was over, she began to call and find out what kind of support system was behind her. She found out she was not eligible for any social security unless she was disabled. She was not eligible for unemployment because she never worked. She was not eligible for any kind of pension because the pension died when her husband died. He did not work on the job long enough for it to be vested. In other words, we had a 53-year-old woman with no job skills who lost her home and could not even get general relief. This is the plight of a lot of women that fall through the cracks. The average age of women who become widows is 56 years of age. It's not when they are already eligible for social security or any other kind of pensions; there are 4 million women over the age of 40 who have no medical coverage at all. Since July of 1986, women who are divorced or widowed can get group benefit coverage under their spouses' or deceased husbands' plan. They can continue it. But those 4 million women who have not had it up to that point, because the bill takes effect July 1986, have no coverage.

In 1985, the average monthly social-security benefit of a retired woman was \$399 dollars. For males, it was \$521. Working women still make 58 cents for every dollar a man makes but if she's working and she's over 40 she only makes 44 cents for every dollar a man makes. I can give you a lot of statistics, but I want to give you the recommendations.

There are five recommendations that would improve the quality of life for older women and indeed for all women.

Pay Equity: One area of need involves pay equity and employment. When the woman with a college degree makes less than the high-school male dropout, you've got to do something and there is federal legislation right now to study pay equity. And I hope the L.A. City Council would support it. The business community also needs to be aware that women -- older women -- need and can fill jobs other than the minimum wages paid in child care and clerical positions.

Divorce Law Reform: The divorce laws need to be changed. If you've read The Divorce Revolution you know that when there's a divorce, the wife's and the children's standard of living goes down 73% and the males' goes up 43%, so that we need to have career assets as part of community property.

Respite Care: Another area of need involves respite care. There are 2.2 million caregivers providing unpaid assistance to the elderly and the caregivers are primarily older women. This is probably the biggest role she plays. Many of these women become ill themselves from 24-hour, 7-day-a-week care for an ill inlaw, husband or parent.

Housing: I've talked about the figures. The average income of an older woman is \$399 a month. So housing is obviously a problem. In Los Angeles we've had the Evangeline and the Clark homes for young women, but we don't have anything for older women. There is a downtown women's center but that's a kind of separate entity.

Access to Health Care: I've talked about the 4 million women who have no coverage. I think it's extremely important that in the United States that Medicare should cover mammography. Older women are the highest risk for breast cancer. And an older woman who has \$399 a month income is not going to pay \$100 for mammography. She's just going to hope for the best.

If these five recommendations were implemented, and women were employed and paid equitably, if divorce laws were fair to women, if women were given help with ill family members, if women could find affordable housing and had access to health care, the quality of their lives would be improved immeasurably.

ELIZABETH CLARK: Thank you for covering such a wide range of topics. One thing that does come to mind, June, is that I have been talking with a number of people, going through sort of a network, through Beverly Enterprises and such, trying to find any organization that has or is planning

any type of formal or professional respite care and outside of a few of the V.A.'s do you know of any plans or any type of respite-care facilities for older women?

JUNE DUNBAR: If I were going to look for this I would contact the Older Women's League in Washington, D.C., and I would contact the Women's Health Network in Washington, D.C., and I can give you those numbers.

CHRISTOPHER McCAULEY: Are there other questions?

THOMAS FRANK COLEMAN: My question has to do with the agenda that you've set out here which sounds like it's right on target and requires persistence in order to have this implemented. We are going to eventually dissipate and write a report and then our recommendations will have to be placed with various existing or ongoing agencies. Is there networking and communication between the City Commission and the County Commission? Does the City Commission need more funding to be more effective?

JUNE DUNBAR: Yes. Well there was a lot of networking. I meet with someone from the City Commission about once a month anyway. I belong on the National Board on Commissions for Women and I was recently at Lobby Day in Washington, D.C., where every single women's group, A.A.U.W., League of Women Voters, B.P.W., N.O.W., N.W.P.C., all of these groups are supporting for specific legislation. Two of them are the ones that I kind of referred to here, one is Family and Medical Leave Act. This is federal legislation. And the other is the Pay Equity Study. So I would think that when you make your report that your report, I hope, would include a recommendation that the City of Los Angeles adopt a legislative policy supporting these two kinds of legislative proposals.

THOMAS FRANK COLEMAN: One is the Family and Medical Leave Act (SB 249 and HR 925) and the other is the Pay Equity Study (SB 552 and HR 387)?

JUNE DUNBAR: Yes. And let me tell you, in the whole world there are only four countries that do not have mandatory leave policy. We are joined with South Africa, Upper Volta, and the Sudan.

CHRISTOPHER McCAULEY: I think we have a copy of the first bill. Thank you very much, June. We appreciate your time. Now we have two presenters, Ewa Tarwid and Ruth Young Henry, from the Foster Grandparent Program who are here to talk about foster grandparenting and seniors, a very interesting topic.

1948

...

...

...

...

...

...

...

EWA TARWID

Director, Foster Grandparent Program

Foster Grandparenting in Los Angeles

EWA TARWID: Thank you for having us here. My name is Ewa Tarwid and I'm the Director of one of the two Los Angeles Foster Grandparent Programs and Ruth is one of the Foster Grandparents in our program. I'll give you a brief overview of the program and my recommendation of what the city can do to help us is very simple -- everything.

Basically, the Foster Grandparent Program is a federally funded program by ACTION, sponsored in Los Angeles by the Volunteer Center of Los Angeles. It provides a volunteer opportunity for low-income elderly. They receive a tax-free stipend, transportation and hot meals at their site. The group of people work with special children, work 20 hours a week, 4 hours a day. They work with children who are physically or emotionally handicapped or in juvenile settings. Most of these children come from abused settings, whether physically abused or emotionally abused.

We are just receiving monies for 11 new slots for grandparents to work with drug-related infants. The problem is escalating in Los Angeles. We do a lot of work with the county. The county has the facilities. We have four sites over at L.A. County U.S.C. Medical Center, that's in fact where our drug-related infant program will be based. Also we have sites at Juvenile Hall -- MacLaren, Kirby, Ingleside Mental Health Center, Optimist Home for Boys, Atwater Park, Booth Memorial and Shriners.

The grandparents, as I said, work twenty hours a week. It is a volunteer program although they do receive their tax-free stipend. Most of the grandparents come into our program for monetary needs. They do not make enough from social security to survive on. This is a tax-free situation, but then there's going to be an added plus. They start dealing with children who have a tremendous need. They're lonely, they don't have anyone. Our grandparents at times just hold them, just care for them, just talk to them. In Juvenile Hall which is where Ruth worked for many years and I'm still amazed at this story. If any worker at Central Juvenile Hall, leaves a key you can bet that the kids will not only have a key but be out in 2 seconds flat. Our grandparents leave a key and the kids return the key. So there's a real unity there -- there's a love there, there's a need there -- on both ends. You have abused children who are left alone and in

some cases should be left alone -- their families do abuse them. You have a group of elderly who have a financial need and in many cases have a need for love themselves; they are alone. We have an influx of elderly that have just come in from foreign countries and that has occurred on a real high scale recently. And they are alone here for the most part -- single men, single women. Families are either in a different country or scattered throughout the United States.

What can the city do? My biggest dream for the city is for the city to once again sponsor one of these programs.

There are two foster grandparent programs to serve the entire Los Angeles area. I am funded for 75 foster grandparents, the other one is a similar number. That's not nearly enough. I could put in 75 people in Pediatric Pavilion at U.S.C. alone. The drug-related program is escalating to such a point that I could use another equal number. When you look at the abused children, what is going on in the city today, the need grows and grows.

I would like to see the city and the county pool forces. You've got the county who has the facility; you've got the city with such wonderful programs as the hot meals for seniors. In fact one of them is served here, I believe. I think the two could really join forces to help make this program an even better program than it is. The volunteers put in a lot more than the 20 hours. They put in a lot of love, a lot of care, a lot of expertise. These are not people who went to college to learn these traits; they learn the traits because they love and care. So we're dealing with some wonderful situations with love and care and some very sad situations with the abused victims -- the rate is going higher and higher.

I will let Ruth kind of give you an idea from the other end, from the foster grandparent end, and then we'll be happy to answer some questions.

RUTH YOUNG HENRY

Foster Grandparent

The Experience of Being a Foster Grandparent

RUTH YOUNG HENRY: My name is Ruth and I'm a foster grandparent. I sound like A.A.

I have been a foster grandparent and I fell through the cracks Ms. Dunbar was talking about. I was 54 years old and I had lost my husband, I lost my mother and my sister in one year -- and I went into severe depression, was hospitalized, so I was really in bad shape. And I found the foster grandparent program. I was no longer useless. I was no longer lonely. I could go up to the hospital -- I worked in Denver, Colorado at that time. We had rocking chairs, and I'd pick up a baby that was sick that they couldn't feed. The doctors wouldn't let them be fed because of different medical problems they were having. This child was hungry. I'd pick him up and sit in the rocking chair and sing to him and he'd sit for a little while. I worked with children who would not eat because of severe problems, emotional problems. I learned to calm that child down by rocking him and singing to him, and get him calm enough so that he'd take a couple of bites. I worked with retarded children. I taught one little retarded girl to walk, to talk, to eat, to get out of diapers and wear a bra. She's going to school now for 8 hours a day.

I work now with adolescents. These are children -- you've seen them on the streets -- who think no one cares. They come into an institution and they think the staff there work there only because they're paid. They don't realize the staff loves the children or they wouldn't be there; they'd go someplace else and get paid. But they take a look at Grandma and they say Grandma is a volunteer. Grandma comes here because she wants to. I've had 17-year-olds crying on my lap and want to be rocked. I work with children who have been abused, children who have been into drugs, children who have been through anything you could name. I walk down Hollywood Boulevard and I see them -- the ones that aren't institutionalized and my loneliness is gone.

I am useful. I can go home at night and look in the mirror as say I did something today. I'm physically active. I think I'll live to be 100. I think people who stay busy, people who are using their experience from life to help someone else, can stay young. I know one grandmother in Denver, Colorado who is 93 years old and still working 5 days a week, 4 hours a

day. She's scared to quit. She says, "If I quit, I'll die." So help us. We need the money.

CHRISTOPHER McCAULEY: That's a good closing line always! Send money! Let's take some questions.

DUNCAN DONOVAN: Does your program or other programs like it, do they include unpaid volunteers?

EWA TARWID: No, not necessarily. If you wanted to volunteer into my program, I am mandated to keep files, records on the monies we spend as stipends. But if you would come in I would definitely gear you to whatever station you wanted to work in and we would spend time with you to refer you. Every one of these places where our grandparents work have unpaid volunteers of all ages. So, no, that is not a problem. There are not many people who will commit to 20 hours a week, 4 hours a day, year round. It doesn't happen, it's very, very rare, but anybody will help, of course.

ELAINE SIEGEL: I wanted to ask about the percentage of money that comes from ACTION, and what percentage of money some sponsoring organization has to provide? Also, could you talk a little bit about the training, the insurance, the physical exams that are provided?

EWA TARWID: Our grandparents receive two-weeks orientation. What we've done is, basically -- one week we do in house, where we orient them to our paperwork policy, what is ACTION what is the volunteer center. They receive sick time. They are treated like a part-time employee on our end. The bulk of the training goes at the site they are going to be at, the kind of kids they're involved with, medical training, if any; it varies from site to site.

At USC they are trained in emergency training -- what happens when, what do you do, whom do you call, where things are, who is who. None of our grandparents will or can do any sort of medical assistance. They can get help, but they cannot actually perform anything on a child. If a child has severe medical problems they are informed of it and what could happen, what should happen, what should they do. So we look into an overall two-week training and then once a month we have a full meeting with all the foster grandparents which will be a training on multiple levels and different agencies we have in L.A. Sometimes it's just a fun meeting, any new laws, any new legislation -- anything that they should be aware of as a group.

Recruitment is pretty tough. We have two sites in San Gabriel Valley and for the life of us we can't seem to recruit anyone out there. I don't know why. The biggest recruitment tool I have is word of mouth. I do speak at most senior centers, churches, synagogues -- any group where I

can get elderly people or people who will pass the word -- senior housing we go to. I'm trying to break into different organizations to put it into their in-house newsletter -- who we are and what we are. But the biggest tool I have is the foster grandparent word of mouth. We are always in need of people because of the attrition rate we have. As people move on and/or get ill we have to recruit. And our budget -- we have so many hours we have to perform, and we have to spend our monies or the bureaucracy in Washington will take it away.

As far as the percentage, I'll tell you very frankly I'm going to guesswork here -- I'd say 90% of our monies come from Washington. But that percentage is your stipends and your transportation money. It is the money that is spent on the grandparents directly. The sponsoring agency has to provide some salaries. Part of my salary comes from the Volunteer Center. It is not a cost free program for the sponsoring.

In fact, the City of Los Angeles sponsored the Senior Companion Program which is very similar to this. And because of cost they moved on and a volunteer center is now sponsoring it. And I actually think that's a big loss to the city. Because, again, there is only one in all of Los Angeles, and that is seniors helping frail elderly. But it is a costly program to it's sponsor, but I think it gives back tenfold.

THOMAS FRANK COLEMAN: So you think the city should sponsor a foster grandparent program? (Absolutely.) Is there something between now and May 1st that you could provide us -- a draft what we might recommend the city do specifically to make that happen?

EWA TARWID: Yes, I'd be very happy to do that. These kinds of programs I think give so much good. I mean my program is an intergenerational program and it helps kids that most people want to ignore. It's no fun to go in and see these abused kids. Juvenile Hall has got to be one of the most depressing places I've ever seen in my life and the need is so high over there. And we have a group of people who get and receive from this work. And the two groups pulling together do a tremendous job, and yet, total in all of Los Angeles -- to the north of us the first program is in Camarillo; east of us the first program is in San Bernardino. That's the area two foster grandparent programs cover. That's it.

DIANE HIMES: If you could factor how much the stipend and the transportation is per grandparent, could you give me an idea of what that would run a month?

EWA TARWID: Can I bring it down to every two weeks? My financial brain is not the best. Every two weeks -- if a grandparent works 10 days in 2 weeks -- it's \$88 for the stipend. The transportation, if it's a bus pass once a month, add \$4 to that. And if its mileage, average \$20. So, its about \$100 every two weeks per grandparent.

Also, a hot meal is an in-kind provision from each of our stations. And in fact, that's something too. We had a real problem with the city meal where we used to be able to have our seniors go to a senior center and get a meal and that just got closed down. We couldn't open the door. Now in my case, I'm very fortunate; all the institutions have meals for the elderly, but I think that's something where again the city could help us out by offering that.

ELAINE SEIGEL: Aren't physical exams an expense?

EWA TARWID: Oh, yes. I forgot. Physical examinations are an in-kind contribution. We are very fortunate to have a very good working relationship with the Knights of Malta. Most of our grandparents prefer going to their own doctors, and usually it's a situation like Kaiser where there is no cost. We simply cannot afford to actually take the tab of a private doctor so we have to work through an agency like Knights of Malta. We require a physical exam once a year and that is documented. We also require a once-a-year income review. We do not delve into bank accounts, but this is a program for low income elderly so once a year this does come in. If any of the grandparents are out for a long duration I do require a doctors statement saying they can come back to work.

PAULA STARR: Yes, I want your phone number, mainly because we are going to have an elder's luncheon for American Indians in L.A.

EWA TARWID: (213) 736-1311. And ACTION sponsors -- it's either in Arizona or Nevada -- a foster grandparent program on an Indian Reservation. I don't know if you're aware of that. In fact, it's one of the biggest in this region.

CHRISTOPHER McCAULEY: We need as specific recommendations that you might have if there's an impact on the nutrition programs the city might be involved in or if you can give these to Tom. Thank you both very much. I appreciate it. Linda Knipps is here to discuss disability rights, particularly marriage penalties for benefits recipients and she is joined by her aunt, Jan Bowen. We're delighted you are both here to testify.

LINDA KNIPPS

Disabled Person

Marriage Penalties for Disabled Couples

LINDA KNIPPS: Jan is going to read my statement because my speech is obstructed because of a ventilator. Then I will answer any questions.

JAN BOWEN: Three years ago I spent two months preparing the attached paper on marital disincentives for disabled people, for the 15th National Conference on Women and the Law. I sent copies to my Congressman, Wayne Grisham; to the A.C.L.U.; to the Friends Committee on Legislation; and to the editor of The New World, a monthly publication of the California Association of the Physically Handicapped. Because the problem persists today, I submit it to Los Angeles Councilman Woo's Task Force on Family Diversity.

Although the various benefit levels of aid programs for the disabled have increased slightly, as noted, the penalties for marriage remain. In that paper, I describe the four basic aid programs on which disabled Californians depend for our survival needs: Supplemental Security Income, that is S.S.I.; In-home Supportive Services, that is I.H.S.S.; MediCal; and Section 8-Rent Subsidy. Eligibility for each of these programs is means-tested. That means the benefit level depends on the income and resources of the disabled person.

If a disabled person marries a nondisabled person then the income and resources of the nondisabled spouse are "deemed" available to the disabled spouse, and the benefit levels are reduced or terminated. By law, therefore, marriage for severely impaired people implies that the whole family unit shall be condemned to subsist below poverty levels.

Two examples of couples with one severely disabled partner are examined in detail, showing that the financial penalty for marriage ranges from about \$500.00 to about \$1,350.00 per month. Time has passed since those two cases were considered. The first couple married secretly 6 months ago, but has not yet reported their change in status to the various agencies. They live in fear of getting caught for fraud. The second couple separated because they could not reconcile the religious mandate for legal marriage with the economic necessities of survival. I assert that neither resolution is acceptable.

Disabled people should have the same opportunities for family formation that other citizens take for granted. Law should support, not destroy family integrity. Ideally, eligibility for disability benefits should be permanent for persons with permanent severe disabilities. It is a waste of the taxpayers' money to have 3 or 4 agencies scrutinizing every penny of every severely disabled person. Unlike some other classes of welfare recipients, the costs of severe disability are not cured by changing marital status or employment. The costs are just too great.

Politically, permanent eligibility may not be a viable idea. We severely disabled number about 6,000 in Los Angeles County and we lack the money, physical stamina, and mobility to impact the politicians with the power to change the rules of the game and we know it is not a simple problem. No single solution can fix the complicated mess of state and federal law, regulation and practice. However, the following set of recommendations would be a constructive beginning:

1. To the Social Security Administration and to Congress, recommend that changes be made in the Supplemental Security Income, S.S.I. program:

a) Exclusion for a spouses' working and living expenses should be increased to actual costs and the rate at which income is deemed available to the disabled spouse should be reduced to one fourth.

b) Resource limits should be raised to more reasonable levels, and in any case spin-down requirements should apply to at most one half of a couples' resources.

c) The concept of "holding out to the community as husband and wife" should be repealed. It is an invasion of privacy and unnecessarily degrades disabled people.

2. To the Housing and Urban Development Department and to Congress, recommend that changes be made in the Section 8 Rent Subsidy Program:

a) A spouses' wages for care provided to the disabled partner under the In-Home Supportive Services (I.H.S.S.) Program should not be counted as household income for purposes of computing the family's rent liability. This follows the precedent against circleback deeming under the S.S.I. Program.

b) For severely impaired people who require special medical equipment or live-in attendant care in order to live safely at home, the need for additional housing space should be figured into the computation of family rent liability.

c) Only wages after taxes and reasonable work expenses are deducted should be counted toward household income.

3. To the California State Legislature and to Congress, recommend that changes be made in the MediCal program: in the absence of medical insurance coverage, MediCal benefits should pay the medical costs of any permanently, severely impaired individual without a share of cost regardless of marital status.

4. To the California State Legislature, recommend that changes be made in the In-Home Supportive Services Program (I.H.S.S.):

a) The "able and available spouse" concept should be repealed and restrictions on payments to a spouse who serves as an attendant should be rescinded.

b) Recommendations 1a, 1b, and 1c should also apply to the I.H.S.S. Program.

Thank you.

CHRISTOPHER McCAULEY: Thank you for being so specific. Questions?

NORA BALADERIAN: Yes. I wonder if you could explain more or describe how "holding out to the community as husband and wife" is used.

LINDA KNIPPS: O.K. What the law says is that if two members of the opposite sex live together that they are treated for eligibility purposes as though they were married so that even if you just live together and don't get married you can get "dinged" by the same penalties.

NORA BALADERIAN: ...even though there's no common law. So, if you're gay you're better off.

LINDA KNIPPS: Absolutely.

NORA BALADERIAN: Is this something that is looked for by eligibility determiners? (Yes.) So the people with disability are under more scrutiny than persons without disabilities.

LINDA KNIPPS: It's also a threat. When you are applying for a benefit from all these different agencies, the threat always hangs there. (Thank you.)

THOMAS FRANK COLEMAN: I've got a comment and question. The comment is that this appears to be an issue that just won't go away (Right)

and I remember that during the State Privacy Commission that Nora was a member of and I was Executive Director of, we held hearings and at the hearings in Los Angeles we had a couple who fit into the category, I guess of couple B, in the illustrations you gave -- where they wanted to get married but they couldn't because of the deeming problem. They weren't willing to live together out of wedlock because of the religious problem. And so they were caught in the trap. It was a real problem. And the Privacy Commission heard this and of course nothing has really changed since then and we hear the issue coming up again today. Which means, I guess, that unless the 6,000 advocates can be transformed into a larger number of advocates in Los Angeles it probably won't be reformed. But maybe we can help by aligning ourselves with this issue in some way so we'll see what we can do about getting this into our report.

LINDA KNIPPS: That would be my greatest hope, because as I stated in the paper, most of the 6,000 don't have the money, or the physical ability to carry this message and this Task Force can perform a very valuable service in publicizing and advocating on behalf of citizens who are not in a position to do so.

THOMAS FRANK COLEMAN: We will try to -- we definitely will. I had two questions actually. One is a concept that and I want to get your feedback on -- to see if this might be something to explore. In reading a law review article a year ago or so I noted that the Virgin Islands created another form of marriage -- it's a legal marriage, just like any other marriage -- except it's called the "Vesper Marriage Act."

The Vesper Marriage Act in this case was available to seniors, 60 years or more who had a similar problem because of deeming. And so, they could get married and satisfy the religious, moral, social concerns and yet they would be considered as unmarried for purposes of economic benefits. So when I saw this, I thought maybe this is some type of a concept that could be used by some of the states in the area of disability. I don't know if the federal government would recognize a Vesper Marriage Act for disabled persons in California, but it might be worth exploring. Have you ever heard of this and is it something that's worth exploring?

LINDA KNIPPS: I would like to see that article. I think that the "holding out to the community" provision might undermine the effectiveness of that provision.

THOMAS FRANK COLEMAN: The other involves the boards and agencies and commissions of the city. I know there is a County Commission on Disability. But is there -- does the City of Los Angeles have an ongoing committee or commission or board dealing with disability?

LINDA KNIPPS: There is the Office of the Handicapped that's part of Mayor Bradley's Office. I don't know who is working in that office at this time. I know the head position is vacant right now. I can send you the phone number.

THOMAS FRANK COLEMAN: A number of these problems are recurring problems in that maybe it might be helpful to have some type of an ongoing group to do research and do advocacy within the city.

LINDA KNIPPS: It has been my experience in working with the various offices that they can sort of tackle architectural barriers and physical access -- items that don't touch welfare. There's still some stigma to being a welfare recipient.

THOMAS FRANK COLEMAN: Well, we'll look into this Mayor's group and see if maybe we can network with them or help elevate it to a more prominent level.

LINDA KNIPPS: Thank you for this opportunity.

CHRISTOPHER McCAULEY: Thank you very much for being here. We especially appreciate your taking the time and also for joining us in the testimony today. It's very helpful. We have several additional witnesses who are here to testify for the record, one of them I'm pleased to introduce now is Father John Bruno of the Church of St. Athanasius & St. Paul in the Echo Park area -- my neighborhood and the neighborhood of several others -- who is here to brief the members of the Task Force on the response of the Episcopal Church to the changing family in Los Angeles and to answer some questions after his statements. Father Bruno.

FATHER JOHN BRUNO

Church of St. Athanasius & St. Paul

Response of the Episcopal Church to the Changing Family

FATHER BRUNO: I'm John Bruno and I am an Episcopal priest here in Los Angeles and I've been a priest for about 10 years. Before that I was an active layperson in the Episcopal Church and the Roman Church.

The American Family -- it's been a longtime institution that we've all cheered about. You know it was Beaver and his mom and everybody on T.V. and we thought it was great.

Well, I want to talk to you about the fact that I can't define the family anymore. I can't tell you what the family is according to pulling a dictionary off the shelf and looking at it and reading it. It's an impossibility for me because of the fact that I live in a community that is very different and has very many different kinds of families.

I'd be foolish if I ever tried to define the family in a 7 minute talk, and it would be a definition that would be so exclusive that nobody in this room, I don't think, would fit all the criteria.

Let me talk about the reality of the family in Echo Park. As a priest, I come in contact with all sorts and conditions of human beings. I come in contact with people of every nationality and race, people of every sexual persuasion, and people who have all sorts of needs. In my congregation I have single-parent families, with male single parents, or female single parents, gay single parents, either lesbian or male gay, I have couples who are families, both heterosexual or homosexual couples. I have young families and old families. I have married families and non-families in my congregation. I have 2-parent families with children, and single people looking for some kind of family involvement, that are bonding in communities with other married couples. So it's obvious to me that the definition of the family that we've known in the past is no longer applicable, at least not in my congregation.

When I came to my church, it was obvious to me that this church community itself was not a family. It was as a numerous bunch of fragmented human beings searching for love and acceptance. These people needed to be a family unit. So we started to live as a family. We started

making decisions in common, we started airing our grievances, we started talking about the problems that really existed. And before you knew it, as we had started living as a family, we began to act as a family. And you know what families do. Sometimes they fight, and sometimes they love, and sometimes they hug, and sometimes they chide one another. Sometimes they attempt to use guilt trips and sometimes they support and pick up the ones that you knock down. That's how we began to act. But soon there was a transformation that started. And we became a family. You can say anything about anybody else, but don't say anything about anybody in our family. It was out of action that this kind of family sense began.

In my own family unit, the one I live with at home we have what some people would call a strange family. I live in a household with four adults all of whom are all employed as well as with my children. Obviously it's not an arrangement that's out of necessity but one that's out of choice. In fact, all of these adults are extremely successful. One is a law partner in one of the largest and oldest lawfirms in Los Angeles. Another is a prominent restaurateur in this town, another is a personnel officer for a large bank. And then there's me. I do all sorts of strange and different things. This is an arrangement of choice because we all have our own needs. In the past we've all had our own homes and we've all had situations that we've lived in of various sorts, and we have chosen to live this way. These two couples, my wife and I and the other couple, are in a situation which provides mutual comfort, support, love for one another in prosperity and in adversity. Strangely enough, that's a quote from the marriage service. We are a family. The caring unit that is expressed there fulfills our common needs.

In the last 15 months -- just like that lady talked about losing her parents, her husband all in one year -- in the last 15 months my family has seen me through the loss of my mother, my 96-year-old grandmother, my father a week ago, and five other close family members. Without that family unit, without the family unit of my church and my integral personal family -- that would not have been a very happy situation for me.

Now I want to go back to the church family for a moment. We have used this model of common support, love, mutual concern and prosperity and in adversity as a basis for rebuilding a congregation. That congregation was shrinking, and was in the throes of violent anger. You might have read about this congregation in the papers last year -- it made everything from Newsweek on down to the Parkside Journal.

The first major need that I found in dealing with these people that were there is that I had to learn to deal with new types of families. We looked at the community around us and we decided we needed to minister to the needs of that community. We saw that the community that we live in, Echo Park-Silverlake -- right in the middle of Los Angeles -- was

different. It was made up of Asian and Black, of gay and straight, of people all seeking and needing services of a spiritual community as well as a community that would deal with their physical needs of everyday living.

The first specific need that I found was the need to minister to single-parent families, either gay or straight. I was amazed to find that their needs were much like the needs of many others. And it was then that I found a second need that I had to find how to deal with -- dealing with married couples, both gay married couples and heterosexual married couples. And all of a sudden I realized that what I was dealing with was a bunch of families -- just like I'd dealt with over the last 17 years of ministry as a lay minister and as an ordained Episcopal priest. I had to deal with parent/child conflict, lack of communication, couples in conflict, conflict mediation; I had to deal with anxiety, guilt, anger, and love. The interesting thing is that we were pretty successful and we've grown from a congregation of about 17 people my first week of service there to a congregation of approximately 150 who come every Sunday and fight to be at the church. When new programs are thought about, we call them mushroom groups, and they grow out of exactly what mushrooms grow out of. They grow out of a need and ground that's very fertile with a lot of garbage. They come up and before you know it there's something big. I don't know what's going on exactly but I know that these people are accepting and loving of one another, that they share all that they have with one another, and they know everything about one another.

I was with a group the other night and we were dealing with death and dying and separation, and one of the people at that group said to a bunch of blue-haired little old ladies who were in that group. "Being a gay male, I am very fearful of having to live tomorrow, because I don't know if I'm going to contract AIDS, when or how; I have had unsafe sex in the last five years and it scares me to death each morning." Instead of what I thought would have happened five or six months ago what happened was that they put their arms around him and they loved him and accepted his tears. They were comfortable with him and who he was because they were comfortable with their own knowledge of what homosexuality was and heterosexuality was, death was and fear was.

People are coming to downtown Los Angeles from Arcadia, Pasadena, Compton, Long Beach, West Covina and even one man from Escondido, and that's not an exaggeration. Why are they coming there? Because we have found a church there that can accept and celebrate the diversity of the family, providing a home in which they can raise their children, not as bigots, but as people who are accepting and loving. They have developed a place where they can celebrate the joys of life, they can worship their God and live in peace as accepted and celebrated human beings.

Now, you notice I've been real careful not to deliniate who's doing all this because there is no difference in our congregation. It doesn't matter who you are because you are a Black man you'd be welcome, because other people in this room are gay; they'd be welcome; because I'm a heterosexual, I'm welcome, and if you were Chinese or Philippino you'd look like just one of the other members of the congregation. People are there because they are loved and supported for who they are and where they are at. Soon I became aware in this last year that the basic needs for ministry were the same in all groups. In dealing with fears of the unknown I soon found that education and bridging gaps with familiarity began to establish a church community that was healthy and was able to be supportive of all members and their families regardless of what their sexual orientation, or their race or the number of adults in the household. The unknown fear was transformed by education and familiarity establishing a bond of understanding.

I believe that all family units need the same thing and the image of this kind of a family has changed all of us. The image of this family that I've talked about is a church and the image of my own family is different. And it's important for us to understand that all families do not fall into the criteria that we have established fopr individuals. I know that the Episcopal Church will do -- because my bishop has directed me to do so -- will do all it can to affirm and support all humanity as loved by God... Doesn't matter who they are, they're welcome. It is important that we understand that people need to be able to receive services and support. Some programs that we have that are related to the church are listed here and I'm going to read them off really quickly.

We have a feeding program that feeds the hungry. We have gang diversion through El Centro. We have legal assistance. We have senior citizens daycare through the Chinese Community Center. We have seminars on death, dying, morals, ethics and theology. We have couples counseling, family counseling, worship and continuing education for people who have dropped out of school. All human beings, regardless of who they are, are being ministered to and are worthy of receiving public service as well as church services.

You asked for recommendations.

Definition of Family: I believe that on behalf of our congregation and the diocese, that changes should be made in the definition of "family" so that people will be eligible to receive services equally.

Gay & Lesbian Couples: I believe, that there needs to be advocacy and recognition of unions between gay and lesbian couples.

Family Life Education: I believe, the third recommendation is that we need to provide education designed to destroy the barriers of fear in secondary schools of the City of Los Angeles. I believe that in order to do that we must have gay people and straight people talking about homosexuality in schools.

Administrative Flexibility: In determining eligibility for services on the basis of family services we have to take it on a case by case basis and evaluate each case and then decide whether or not services can be issued.

CHRISTOPHER MCCAULEY: Good. I have to say, those will probably be the most inclusive statements I've ever heard anyone make from a church and I really appreciate that and I had the pleasure of visiting recently with Bishop Garver and we appreciated his interest and support in the Task Force. Questions?

THOMAS FRANK COLEMAN: On the issue of recognition of same-sex unions -- Does the church itself recognize in some official capacity or whatever the validity of a same sex-union? With respect to discrimination against gay and lesbian couples, I've heard many, many people throughout the country say the church was the beginning of it and the church will be the end of it -- the discrimination. And if it's true, or even if it isn't, if the church has played an important part in creating the discrimination then maybe it will play an important part in eliminating the discrimination. I don't know if that's tied into the recognition of couples as something more than just two single people. I'd like to get some feedback from you on that -- maybe the City of Los Angeles and the State of California may lag behind the churches actually in recognizing same-sex couples.

FATHER BRUNO: Let me refer you to the February 23, 1987 issue of Newsweek Magazine that has an article that talks about Bishop Jack Spong and the Diocese of Newark and his actual not only support, but of allowing these to take place. There are other bishops throughout the Diocese who have done it, and allowed them to take place. There are people who are gay and who are living in relationships who are priests that I know personally. Bishops know that, to my own personal knowledge. As for a Diocesan or national policy saying, yes, it's OK -- it's still under scrutiny and study. Ok? I can't lie to you and tell you it's all straightened out, or worked out, but the Church is working to straighten that problem out. The problems come with reference to union and marriage, the titling, OK? And I think that marriage is never going to happen. Union very well may.

THOMAS FRANK COLEMAN: To follow up on that, do you see the concept of domestic partnership as a viable way of recognizing the validity of the relationship and some rights and responsibilities attaching to it?

FATHER BRUNO: My counsel is to the people who come to me and want to have a union is that they need to contact a good attorney and they need to write themselves a partnership agreement, and list specifically the things that go into that partnership agreement, and what the ramifications for the separation of that partnership are. They need to do that work ahead of time. That's my counsel to people. Whether or not the civil government taking action on that will facilitate the church government, I think that there's not a tinker's chance. I don't think that that's going to facilitate the church doing anything. Because there is immediately an opposition set up. I think it will have to be done from within the church by priests and teachers within the congregation to make it happen.

JAY KOHORN: Two pronged question. First, how much communication do you have about issues of this sort with other Episcopal priests in southern California, and what is your feeling about their view on the subject; and, second, what kind of communication do you have with leaders of other religious groups in southern California, and what is your sense of their feeling on it?

FATHER BRUNO: As for other religious leaders, I'm going to have to leave that to somebody who's a big muck-a-muck and high in authority, because that's not where I am. As for Episcopal priests in this Diocese, I have a great deal of communication with them. I know who they are and what they talk about. As for lay people in this Diocese, at the policy making bodies, I stand up and flap my mouth regularly and I communicate with them, and let me tell you, they communicate back. There's a two sided feeling on all issues, and I will be honest with you, among the clergy it's very very highly understood and accepted. Among the laity there are still some great barriers to be overcome. And, those are all basically tied to a great big huge pit that's called the unknown, they don't know what's there, and they imagine immediately that something terrible's going to happen. Ten years ago, I was chastised at a convention when I stood up and we were discussing the issue of ordination of people who are homosexuals, and I was chastised by a lay person who pulled 23 people out of a camp I was running, because of course, even though I was married and I was a former professional football player, former law enforcement officer, all those things, and was a "heterosexual male," of course I was going to teach them something that they shouldn't have learned. They would have come, they probably would have learned something that their parents didn't want them to learn, but they wouldn't have heard anything that they should not have. That's all.

DUNCAN DONOVAN: Does the church either vocally with the Bishop or extensively with across the country -- do they have any pronouncements on church-state relations? Separation of church and state?

FATHER BRUNO: No, there's really no pronouncement, nobody's ever given me an edict of any kind that I had to follow. They encourage -- well, the man who preceded me two times ago in this congregation, two priests before me -- was on the City School Board and ran for City Council with the support of his Bishop. I know other Episcopal priests that are involved in politics, and I don't think that there's any separation of church and state. I think that they advocate us being involved in our communities, and the political life of our community is part of who we are.

DUNCAN DONOVAN: Defining who the family is, you don't feel that it would be an intrusion by the state on the church?

FATHER BRUNO: It hasn't been an intrusion in the past. They've -- the state--has obviously defined what the family is in written documents, and one of my problems is when I have a woman come to me who is hungry, and doesn't have a spouse and a home, or she and her partner are both of the same sex, or he and his partner are both of the same sex, they still have hungry kids in the home, they have a hard time getting their needs met -- and my problem is that the church hasn't said enough to the state about how they should have done it.

DUNCAN DONOVAN: However, you do recommend, apparently that the "unusual" marriage be established by individual contract?

FATHER BRUNO: Yes, sir. I wouldn't -- I have been a businessman most of my life, and I wouldn't enter into a longterm binding relationship where there wasn't some legal binding contract. I'm a general manager and a partner of one of the largest restaurants in Los Angeles, and I'll be real honest with you, I wouldn't enter into that, even though it's with my brother-in-law, without a contract. As a matter of practicality, this is having nothing to do with morality.

DAVID LINK: Some religions, one of which will remain nameless, have a problem with the whole idea of there being homosexual people, period. And, I'm wondering, how do you get around the moral argument, that there is something essentially immoral and/or evil about homosexuals?

FATHER BRUNO: I'd like to quote a former Roman Catholic priest for a moment, John Jay McNeal. "The love between two lesbians or two homosexuals can be a holy and mediating in God's presence just and as effective as heterosexuality." That was on the cover of Christian Century this month. I'd also like to commend to all of you this work - The Church and the Homosexual by John Jay McNeal, a Jesuit. It's an excellent book and it has a lot to say about that issue. It would take all afternoon to try to deal with that and I don't think I can. I also need to tell you that I'm the offspring of... The churches disagree with a lot of things. My parents were ex-communicated from the church for 40 years because my father was a former member of this order and chose to leave it to marry my mother.

CHRISTOPHER McCaULEY: Father Bruno, thank you very much. We appreciate your being here today. I'll take the opportunity also to recognize that Philip Lance, an associate in the diocese working at St. Athanasius is also here and we appreciate your coming too. Thank you. Father James Fleck is here from the Roman Catholic Church. We are delighted that you're here.

FATHER JAMES FLECK

Roman Catholic Priest

Responses of the Roman Catholic Church to the Changing Family

FATHER FLECK: I think I have the rather unenviable position of defending the Roman Catholic Church today, in light of the newspaper headlines this morning on the forms of parenting, and in light of Cardinal Ratsingers comments recently with respect to the basic opposition to homosexuals, the defrocking of John McNeal recently and the suspension of Father Curran at the Catholic University in Washington.

I accepted this very unenviable task today because I was invited by an acquaintance of mine who is a commissioner for the Rent Adjustment Commission, for which I am the staff. I have worked for the City of Los Angeles for 10 years. Commissioner Donovan suggested I might come down and talk to you folks about it and I accepted basically knowing I would be in a position I would have to face a great deal of strong feeling about Roman Catholicism and its attitude on gay people. I read over as best I could the schedule for today.

You can expect no opposition from the Roman Catholic Church for a very large part of this Task Force program as evidenced by almost all of the witnesses I heard before the break. I think the church has a record -- a fairly good record -- of supporting people who are poor and ill. Sister Theresa in Calcutta, Father Damien in Molokai -- they are examples and I think examples over time of the Church's attitude of great concern about people who are in suffering, both physical and social.

The main issue, I suspect, is going to be gay relationships and that's what I really came to talk about. In the light of what we have here I think I would almost ditto what Father Bruno has said. At the end of this prepared talk I have some comments that essentially say the same thing he did.

The answer to any successful political action that will escape confrontation with the official Roman Catholic Church will have to be in the form of very carefully constructed legislation, perhaps city ordinances. I'm not sure it's necessary but possibly at the state level, to formalize partnerships and corporations similar to the type of thing that, as he mentioned, if you are in business -- or in the case of the church, the

"Corporation Sole." Most of you don't know it but the Archbishop of Los Angeles is a corporation sole. That's a type of corporation that came about in the United States primarily to benefit the Church. Since the very late 18th century and early 19th centuries we had a problem called trusteeism. And the individual parishioners who were Italian or Irish or German who made up the Catholic immigrant population that had started to grow from the 1% minority that existed at the time of the revolution -- they had a church and they built a church and paid for it and the Irish population was not very happy when the archbishop or the bishop would send them a German or an Italian to be a priest. And they would usually say, "Go away, we don't want you." And since they owned the church they could pretty much do what they wanted. So gradually, the Church became in each diocese a corporation sole. All Church property is owned by the bishop. And that way when the Catholic people give money to buy a church, the church belongs to the bishop. And if the bishop wants to put in a German or Italian or Jamaican -- that's what he does -- and there's no legal action the parishioners can take because it's the bishop's church, not their church. Now this is a way by which the state cooperated with the authoritarian type of structure that Roman Catholicism is -- a highly centralized, authoritarian system with the power existing in the bishops and then on up, the bishops individually to councils and to the Pope. The other type of support has come in the form of the acceptance of nonprofit educational corporations, and I use the example in the paper that I'm submitting of Loyola Marymount which is the Jesuit University here in Los Angeles to which I was assigned when I first came here some years ago.

We in the church have a same-sex community of priests. We have a bunch of men living together out there -- very unconventional relationships, very strange for many peoples' views who are used to men and women living together in conventional marriages.

When I became a Catholic years ago, I was a convert. It was one of the things we used to read about -- all these pacts in Catholicism was that the Roman Catholic clergy were perverted because they didn't marry. It was natural to marry. And so the very nature of the right of these men to live together or in the case of nuns, women. Now, mind you, they don't have sex. The very principle of Catholicism and vows are not to have sex. But they live in very unconventional relationships as far as what society in general expects and thinks about in terms of family. And they are families. And they are protected by law. They don't pay any taxes on their income. They pay no property taxes. They are provided fire and police protection and all this because society, as political agencies, has found this to be a worthwhile contribution to the American culture. I think from a tactical point of view, that's the way to go.

Reflecting what Father Bruno has said, if you attempt -- the Task Force -- to recommend changes in either city ordinances or state law which

in fact directly contradicts or takes on the Roman Catholic hierarchy you're in for a cat-and-dog fight and I don't think you'll win.

Father Bruno said that he's hoping to change his Church from the inside. Well I am too. I am no longer a part of the active ministry. I've kind of retired. But I've been very careful in my writing because I'm still in good standing with the Church. I'd just as soon not get excommunicated for some of the things that I would hold. And I used to teach moral theology. I would be out on the street just like Father Curran, were I still teaching moral theology I can assure you of that, because I used to use his book, his text, and his principles in my classes.

So, I'm really with you in spirit and principle and I would like to at least give you the example of what we did in 1978 when we had the "No on 6" campaign. The Church was a little bit more liberal at that time. This is pre-Ratsinger, and pre-John Paul. They were still pretty much in Briggs' camp. Briggs is a Catholic and essentially when that campaign started we faced a very uphill battle to try to win the Catholic hierarchy to oppose the Briggs initiative. We lost in Wichita. We picketed the cathedral before that election; we lost badly. The archbishop of Miami had joined Anita Bryant and her campaign. We were on a 2-0 downhill roll at the time we came out here. When Briggs along and we beat him out here. It was the first major change that we had seen with the gay community and the broader political community facing up to the bigots.

Now, one of the reasons we were able to convince the Roman Catholic Church to support us, and we did, through thousands of letters and ads. At the very end they even told us they wanted our ads to appear in the Catholic papers; they didn't want Briggs' ads. We had to run them the last day before the campaign, before the papers closed. So he could never run a counter ad because they didn't want to give him an opportunity to have controversy within the dioceses and all over the state. We did not build our campaign on gay rights. We built it on human rights. But there were plenty of laws available to protect school children against molesters of any kind. And of course we heavily emphasized the heterosexual molesters at that time and which would still be true. What we were asking for is that people because of their sexual orientation should not be discriminated against. Whenever they did things wrong they could be punished under whatever laws society wanted, but they would be punished the same as anyone else would be, and they should not be punished because they were gay or lesbian. And that message was heard. And they thought about it. The bishops, in concert, had a secret meeting up in Monterey and they voted to support the anti-Briggs campaign but they wouldn't go on record. There was enough opposition in the hierarchy so they couldn't -- they wouldn't go on the record to do it. But they came back and told their people they'd let the Catholics for Human Dignity people loose, and if we had the money we could run all the ads we wanted to, because they wanted

that position supported. But they didn't want to have to take it publically against traditional Catholicism.

If you're going to wait for traditional Catholic theology to accept gays and such and sex outside of marriage or some form of legal, contractual marriage that's equivalent to a sacramental marriage as the Catholic Church sees it, you're going to wait a long time.

The Catholic Church will not support gay marriage. But, they will support human rights. If the people who are working in the Task Force, if the deputies to Mike Woo can construct their language so that you could provide protection and rights, human rights, civil rights to people who enter into contracts and relationships for common goods and back off from any appearance that what you're trying to do is to legislate a definition of what a marriage is from a secular point of view or to attack even the traditional Catholic position -- I think you can get the vast majority of the Catholic clergy and probably the hierarchy itself to support your positions. That's what we did in '78 that seemed to work. Despite the mood, the climate in Rome today, I think it's still possible.

Bishop Arjube has been very supportive of the gays. He's recently had a mass for gays with AIDS at a church over on Santa Monica Boulevard. He's going to appear at the 40-hour devotions that are going to take place during Lent at the Blessed Sacrament Cathedral. He's a very good man, a very concerned man. Hopefully when the Pope is here he's going to try and talk to him. I hope he's as brave in front of the Pope as he was in front of us when he turned to the congregation and said at the very end -- after he gave his blessing he said, "Remember, if you're suffering because of what is happening now, that Peter, the first Peter, betrayed Christ and so you shouldn't be surprised if he does it to you now." Now that's pretty strong stuff. I hope he says the same thing to the Pope when he's here, and that his actions are in effect mirroring and imitating the betrayal by Peter of Christ when he was arrested that night. Anyhow I'm not going to defend here. I didn't come here to defend the Roman Catholic tradition, I've explained it and it's not going to change. Not in this millenium. Someday. That's a long wait. But within that limitation there are still many things and I don't see any point of taking on the Catholic Church if you can get their support as opposed to their opposition why not and I don't think it will add that much. I don't know how strongly you feel about it because I don't know what your recommendations are going to be. But if you carefully construct your recommendations you will not raise the kind of opposition you might if you decide to take it head on and create a secular definition of marriage sacrament and the liberty of freedom of sex within it. If you want to turn the City Council into a theological body, the Council to the Church, I think you'll run into a buzz saw.

CHRISTOPHER McCAULEY: I appreciate the candor of what you're saying. We're accepting, obviously, the statement into the record and we will reflect that. Are there questions of clarification?

DUNCAN DONOVAN: I'm wondering if you feel that any kind of phrasing about contracts that are domestic contracts; for example, obviously a family contract is not going to work as far as you are concerned.

FATHER FLECK: I think the word "family" might be an excellent word, but don't use "marriage." See, the Church believes that the sacrament of marriage is a sacrament that the Church has the authority and the responsibility for its parameters and that within that type of relationship between a man and a woman, sex can only be exercised for the purpose of procreation.

DUNCAN DONOVAN: So you believe that family contract, or relation contract or domestic contract or domicile contract -- these would be words that would be acceptable?

FATHER FLECK: I think so, at least they would not be the buzzword of opposition.

DUNCAN DONOVAN: And tell me this -- do you feel that there has been a tendency in the American church to accept the American idea of separating church and state?

FATHER FLECK: Yes. I don't think that's true in general in the holy office. John Courtney Murray was the author in Vatican II of Lumingenia which dealt with that topic in which the council adopted the tradition of separation of church and state kind of in general principle. Essentially, prior to that, the holy office had felt that in states where Catholics were in a minority we should advocate separation of church and state so that the Catholic Church would protect it against the tax by the non-catholic majority which is very common in early American history, the know-nothings and the people who were very much afraid by Catholicism in the late 18th and the middle 19th centuries. But that once a state had become Catholic, Spain for instance and Italy, the Church had every right at that time to suppress heresies. Not using the old strongarm methods of the middle ages, you turn them over to the secular arm to be executed, but nonetheless to restrict their rights that only the Catholic Church in itself had a right to the full protection of the state. Now that group is still there. The second Vatican council does not reflect that position, but the people and their successors who now make up the Holy Office are of that genre. And I know how I feel. I think I know how most priests in this country feel, but that would not necessarily be the opinion of the Holy Office.

DUNCAN DONOVAN: If we were going to extend, not the marriage, but the financial benefits to all people within domestic contract tradition ...

FATHER FLECK: That's the kind of thing I had in mind that might work -- which is the basically from my understanding of what I had been asked to talk to comment about. If that's the goal of the Task Force, I think it's an achievable goal. If that's what you want -- to make sure that you get survivor benefits, to get insurance, or questions of joint tenancy -- things which exist now in many cases in state law that perhaps need slight refinement, fine tuning -- I think it's possible for you to get the Church to support that type of thing. But, if you go for gay marriage as a sacrament, it will bring opposition.

Now, I used to bless houses and it's a big difference. I mean you can bless houses, you can bless relationships, you can bless couples, you can do a lot of blessings and there's a big difference then between "blessings" and "marriages." I was asked many times to conduct a gay Catholic marriage. I said, "I can't do it. It cannot be done. Given the nature of Catholic theology that isn't possible." And so, if you're asking the impossible, the answer is the Church will fight to the death on this. But why ask for that unless it's extremely important. If that's the case I suggest you go talk to Father Bruno. I'm sure he'd do it. But don't ask the Roman Catholic priest to do it, because he can't. If you really feel that's where you're at, a person who is Catholic who wants same-sex marriage, then you have really no option, you cannot stay within the Catholic Church and achieve that kind of a goal. We just will not have it.

CHRISTOPHER McCAULEY: Two final questions.

FRANK RICCHIAZZI: This group has gotten together and the Councilman has tried to make it a very diverse group representing different segments within the population of the city. One of the things that now really comes home is we're dealing with a city whose population is very close to 50% Roman Catholic. Would you know what the figures are presently and what are the projections say, in the next 10 years, because that's something that I think we have to consider.

FATHER FLECK: We're doing a housing study '88 now because extension rent control -- so we're looking at those kind of questions. I don't know right now because again the religious figures are different from what we can get from the census figures (What are the religious figures?) I don't want to give you an exact number right now but it's growing and will grow especially with the undocumented aliens but I do know one set of numbers I can give you. We used to have two Catholic council people now I think we have four. And so the political spectrum of the Council is much more interesting. At least I am presuming that both Alatorre and Molina, Councilman and Councilwoman are, if not Catholic themselves, they

certainly represent a Catholic population -- and joined with Ferraro and Bernardi, we now have four which makes Catholics the second largest group of Councilpeople, second only to the Jewish community.

FRANK RICCHIAZZI: What you just stated at the beginning when you were talking to us about the difference in Catholicism between, say, the German Catholic vs. the Italian Catholic, what you've also stated though is that you have four Catholics who are Mediterranean, Italian Catholics which tends to have a difference in philosophy.

FATHER FLECK: As I say, I don't know for sure that either Mr. Alatorre or Ms. Molina are Catholics -- because of the Hispanic background, the statistical probability is high and even if they aren't, which is certainly possible.

CHRISTOPHER McCAULEY: Let's just stipulate that there's an increase there and it's an interesting demographic feature.

JAY KOHORN: That buzz saw that you were talking about, do you see that at the end of the tunnel of any Task Force recommendation which might be made as to family planning or sex education or birth control issues? We have the same types of buzz saws at the ends of those tunnels as homosexuality.

FATHER FLECK: In a certain sense, yes. The Catholic Church was adamant in the last century against planned parenthood. Bishop Mahoney who has led a very fine liberal record in many instances was one of the people who was opposed to the use of condoms and the references to it in the educational programs for AIDS protection, and yes, I think you have some problems.

CHRISTOPHER McCAULEY: Good, thank you very much for your testimony and for the statement that you prepared. Bill Weinberger and Joyce Nordquist are here from Lawyers for Human Rights to discuss employee benefits and domestic partnerships. Good to see you both.

WILLIAM WEINBERGER and JOYCE NORDQUIST

Los Angeles Lawyers for Human Rights

Employee Benefits for Domestic Partners

BILL WEINBERGER: I'm going to be very brief. Joyce is going to give part of the talk. First, Lawyers for Human Rights is an affiliate of the Los Angeles County Bar Association. We're concerned primarily with legal and civil rights of lesbians and gay men and also we work to promote the visibility of such issues and of lesbian and gay attorneys in the legal profession. The issues and concerns of the Family Diversity Task Force are matters of high priority to our group. Lawyers for Human Rights has addressed such issues pretty often in the recent past. We had a program on lesbian and gay couples having children at one of our monthly dinner meetings and we also presented such a program at the State Bar meeting last year. Councilman Woo spoke to our group just last February. I had one brief foray into this issue when I participated in a case on behalf of National Gay Rights Advocates involving the insurance program of the Automobile Club of Southern California.

And the one point I want to make is that one thing I learned is that these issues can be tackled on various fronts. We made all sorts of legal threats, litigation etc. and the point at which we made headway was when we appealed to the financial aspect of what we were trying to get. We were trying to expand the spousal discount for insurance that the Automobile Club provides. And when we said, "You're opening up a whole new market," that's when we got some responses.

I've got a few copies of the correspondence, if you'd like it for the record I'd be glad to submit it.

JOYCE NORDQUIST: Well I'm going to speak very pragmatically. I'm going to talk about flexible benefit plans and cafeteria plans. I understand that you are considering or working on putting something in for city employees. I work for a major bank downtown. I've drafted the flexible benefits plan at the bank and also did one for my prior employer.

If I were a married woman with a husband, my employer would pay about \$650 more a year for my benefits, providing insurance for my husband than they do for me as a single person. As a lesbian I don't expect to get married in the near future so I'm stuck without this and that's my focus.

Employers nowadays are implementing flexible benefit plans. This is under Section 125 of the Internal Revenue Code and that says that a participant may choose between two or more benefits consisting of cash and non-taxable benefits. We're talking life insurance, health insurance, vacation benefits, pension, thrift, and this sort of thing. Now, employers like flexible plans because they recognize that we have different types of family situations, that we're not all married couples with a wife at home and children. Recognizing that many of their employees are single -- banks in particular -- many single women with children among the groups, and so they pick these flexible plans to give greater choice of benefits. It allows control of cost in the plans because they aren't providing benefits which aren't appreciated and aren't used. Then they turn around very often and typically bring a dollar credit system into the plan based on health insurance and in the past, health insurance covers dependents, a husband's children, so that the employer typically will pay more money into a flex plan for a married employee and that's what bothers me and I would like to see some change in it.

I have an attachment here which shows how the plan is funded and if an employee is single, the employer is going to pay \$700 into the plan. Insurance will cost \$1,000 -- the employee will pay \$300. If the employee has one dependent, the employer is going to pay \$1,350. Insurance will cost \$1,950, the employee contributes \$600.00. Now it just says "dependent." It does not say husband or wife and it certainly could be a single person with two children, and that's not the issue.

The issue is, where you have a married couple and you possibly have a married couple in another corporation so you've got a doubling of the benefits, both of the married people working are getting extra benefits just based on their marital status. That's the concern that I would like to see addressed by the Task Force when it considers these issues.

You have California law which condones this kind of arrangement. It protects it so you can't get around it. We have a code section that prohibits discrimination in compensation in terms of employment but this code section says that bona fide health plans providing greater benefits to employees with more dependents is not to be considered prohibited discrimination. So the city is not going to be able to come up with a law that would change that outcome. The state law is going to pre-empt. What we'd probably like to see happen is for the State is to have a definition in on "dependent" which does not include spouses. Dependent should be limited to dependent children. The Internal Revenue Code defines a dependent as someone living with a taxpayer who receives more than half their support from the taxpayer. In fact, they exclude "spouse" from the definition of dependent.

What we'd simply like the Task Force to consider is, if you're designing a flexible benefits plan, to consider putting couples on the same footing, whether they are married or unmarried. That would be, going back to our earlier example, instead of putting \$700 in for a single employee and \$1,350 in for a married employee, just put \$1,000 in for each person. Re-allocate those dollars. As a practical matter, employers are not going to be forced into putting more money into benefits right now. We're just talking about re-allocating. On the other hand, we have no reason in Lawyers Human Rights to challenge extra money going to children, dependent children. As far as I'm concerned our plan, and if I were designing it, I would say if an employee has dependent children, by all means increase the dollars going into that plan. Simply don't give extra dollars because someone has a spouse. And that can be done.

The city can do that with its own employees and hopefully we'll do that and then hopefully private employers will begin to follow suit and some I believe already are; the smaller employers are. On the other hand, the health plan terms inside the flex plan or outside the flex plan can be liberalized to allow coverage of spouses and domestic partners and anybody else who would want to be covered with the employee paying for the insurance as opposed to the employer. If the employer is giving, say, \$1,000 a year for benefits and the employee chooses to cover another adult we would probably have to define what adults could be covered, but at least the employer should have no objection. The insurance company should have little objections since it's being paid and we're not even speaking gays here.

I know of one family situation where there are two adult sisters. We have one staying home taking care of both sisters' children. There should be no social policy against allowing the working sister to provide medical coverage for both. I mean, why would we want to encourage that as well? So that is what I am suggesting; again I've said the city may not pre-empt state law, we know that. I wouldn't want to see any legislation right now even at a state level this year trying to force any more changes in benefit plans because we have so much going on.

But for the time being, if the city will consider designing their plans to allow the flexibility in terms of what employees may purchase on their health insurance and hopefully make these changes known, their recommendations well known because the employers in this city are competing in the same labor pool, the same employees are going to work for the city or private employers, and they are very sensitive. They take surveys all the time to find out what other employers are doing. We look of course in the same industry first, then we look across on other industries and it will have an effect. If the Task Force comes out with strong policy recommendations it will begin to gradually change. You know, maybe we'll get them in the next couple of years with legislation. That's my suggestion.

CHRISTOPHER McCAULEY: Good. Thank you very much, Bill and Joyce. I thought maybe we could ask Tony Melia to come up and provide some comments and then we could have a little discussion because some of the benefit questions are somewhat related, and insurance discrimination; then we make sure everybody's in the record and then we can follow up with questions. Does anybody object to that?

Tony Melia is here and Tony is President of the National Business Insurance Agency, N.B.I.A., and he is here to discuss insurance discrimination, particularly based on lifestyle.

TONY MELIA

President, National Business Insurance Agency

Lifestyle Discrimination in Property/Casualty Insurance

TONY MELIA: Well I put a lot of it down and segmented it as much as I can. When we talk about discrimination, we need to talk about discrimination not only in the underwriting rules, practices and policies, but we also have to talk about the coverage disparity that happens when a single male or a single female is on a policy versus a family situation. I'll discuss the pricing of policies, and lastly I think we should address some comments in terms of claims and the manner in which insurance companies approach a claim when they feel they have the upper hand and they're dealing with somebody who is a homosexual.

Let's first talk about homeowners if we can. The insurance industry has changed a great deal over the years. I've been in the insurance business -- believe it or not, tomorrow will be 30 years. I started as a claims adjuster and I worked as a claims examiner and underwriting manager, a special agent, and now, owning my own insurance agency. And it does swing from time to time in terms of a hard market and a soft market. Let me explain that to you. A soft market is that is which insurance companies want your bucks and they'll throw away a lot of underwriting rules and they'll take your bucks because we've got high interest rates going on and the insurance industry can make money from your money. And the hard market is what we're experiencing right now in which they tighten up their underwriting rules and it's very difficult to get a lot of things through the insurance underwriter.

In terms of underwriting, the insurance industry, some of them are absolutely overt in not wanting any "fairies" or "dykes" in their list of insureds. And it's interesting. Years ago the insurance industries used to put some of this in writing. They don't now and we all know why they don't because we've got some very spirited attorneys that will take them to task. On the other hand, they send a field person or a special agent out to our offices and they tell us what they will not accept. They don't want anyone who is south of Pico. They don't want anyone who is in the downtown area. They don't want anyone who is unmarried and who is living with another unmarried person, or people who are not related. And interestingly enough, they'll tell us that and they never put it in writing. I happen to, in my office, have a memorandum from Safeco Insurance Company

in which they refer to the fact that we've given them too many unmarried people. I saved that memorandum and sent it to the Department of Insurance and I hope that in some point in time they have a chance to do something with that.

Homeowners Coverage: There is a real difference, by the way, in terms of coverage if you are not named under a homeowners policy. Let's take, for example, you and your significant other happen to have a homeowners policy, and with that homeowners policy now in the hard market, the insurance companies are unlikely to say you and Bill or you and Mary as your interests may appear, which is the most appropriate way to write an insurance policy if two people are residing together. If, in fact, the policy is under your name for a homeowners coverage and you suffer a burglary, and the insurance company comes and questions you about who owns what, you are going to find that that unnamed person has a significant amount of property that has been stolen, they will not have coverage. The insurance companies will be very clever in asking you questions, like, "Does this person add to the upkeep of the house, do they contribute to the upkeep of the property?" And in that particular case, they will not consider them a guest, but will consider them a resident of the household and not a named insured and therefore coverage is nil or limited. And if you decide to add that person on as their interests may appear, which is the most appropriate way to do that, you are going to find, in this hard market, that the majority of companies will not do that. One of the things we have asked insurance companies over the years to do and we do understand that, for example, if I have a significant other and we write a comprehensive personal liability policy which is part of the homeowners coverage, there truly is an extra amount of liability exposure. I have no problem with that, and if I explain the terms and conditions of the policy to you, you would have no problem with that either. And I really don't have a problem of having an additional amount of insurance premium to pick up that added exposure. And yet we can't even get them to do that. Which tells me clearly that what they're doing is discriminating. We're willing to give them the extra premium. They're not willing to take it. To me that means discrimination.

Automobile Coverage: In terms of automobile coverage, a spousal discount, that is, a second-car discount, has been denied by all insurance companies. It's interesting in the San Diego situation which I am somewhat familiar with, an Auto Club -- I don't think they've ever gotten to actually doing that have they?

THOMAS FRANK COLEMAN: I believe that they were going to implement an expansion of the spousal discount for automobile insurance.

TONY MELIA: To my knowledge I don't think they have done that.

THOMAS FRANK COLEMAN: I called up a few months ago and it was available. They don't call it spousal discount, but a two-car household.

TONY MELIA: But the theory truly is, if you've got two cars on an insurance policy, the same insurance policy, that there ought to be a second-car discount whether or not you are married or live in a family situation. The way we used to get around that of course is to add co-ownership of the automobile. And that really ought to be there.

THOMAS FRANK COLEMAN: I talked with AAA in Los Angeles several months ago and they were willing to write me a policy. Both cars were family owned and housed in the same place; they would give me the same discount.

TONY MELIA: That's interesting. I think what we ought to do is take our insurance policies to Auto Club because if that is available, then I think we ought to reward companies that do that for us.

THOMAS FRANK COLEMAN: Except that, even with the discount, Auto Club's rates are often higher than other companies.

TONY MELIA: There is, however, a lack of coverage if you have a household and you do not have all the vehicles under the same policy. If you read the terms and conditions of an insurance policy, there are certain coverages that are not available. Just by the very nature that the policy will not afford, let's say, if you write two policies and there are two cars and let's say your roommate wants to use your car as a temporary substitute vehicle, a car that is provided for your regular and frequent use does not qualify. And that's a real sad thing because obviously most of us would expect that that would be a non-owned vehicle.

There are some other interesting things that the insurance companies allude to when they talk about gay people under insurance policies for liability. They have the misconception that an obvious gay person or an obvious lesbian person would not make a good witness on a witness stand and that they would have the prejudice of a jury, which I think is just absolute poppycock. And I've heard that for a number of years. Over the years I've heard a lot of these different "words of wisdom" put forth.

Business Insurance: Insofar as business insurance, and I'm moving through a lot of things, and I know there was a lot on this. In business insurance, there still is and there always has been discrimination against any sex oriented business or any bar that caters to lesbians or gay people. The same holds true with restaurants. Years ago, I insured a restaurant in the valley that had some male nudes on the wall, and the insurance company made their usual inspection and they came back with the most incredible list of recommendations and digs that were just out of step with

any other restaurant I've ever written. And when push came to shove, and I finally found out what the particular investigator or inspector objected to, in his comment he said to me, "Have you ever been in that restaurant?" I said, "Yes." And he said, "Did you look at those pictures on the wall?" And I said, "Yes." And he obviously tipped his hand as to why he felt that that was not a good restaurant. I don't know if anyone has ever tripped and fallen over a picture on the wall but -- who knows. The pricing, and we've alluded to this a few minutes ago, very often the pricing, the standard, the preferred policies with the insurance companies -- are not always available to people unless they happen to be a WASP from the valley that drives the most mundane vehicles and has mortgages and etc., and that's unfortunate now. During the soft market we were very effective with a great number of people in acquiring those kinds of premium dollars, but we're not now.

Worker's Compensation Coverage: And the last thing I will say to you, under workers compensation, one of the things we look for, and I haven't seen any evidence of it -- we write a certain number of beauty salons and barber shops that are gay owned. And I really had a fear that some underwriters would pick up the fact that beauticians might have AIDS and pass it on and I must tell you I have not seen that. I've seen no difference in underwriting from that standpoint and it was one of those fears that I kind of harbored. The other thing I'll say to you..in workers compensation, a survivor benefit for a significant other, is simply not there. If lets say if a husband lost his wife from a work related accident during the course of her employment he would have a right to the benefits as outlined in the workers' compensation law. That is not available to a spouse. There has been a lawsuit that won a particular case, and I think that had to do with Harvey Milk as a matter of fact, and yet that is not considered a benefit under the workers' compensation law nor is loss of consortium, and that is if you lose the services of your spouse. That is not considered a compensable claim under insurance policies.

If there are any questions -- I've covered a lot of ground here and I know that and I think you do too.

CHRISTOPHER McCAULEY: Good. Thank you Tony.

DUNCAN DONOVAN: You might be interested in a workers compensation case. My lover died in 1976 and he was a Chief Deputy District Attorney of Los Angeles County. And he has worker's compensation a result of a suggestion by a district attorney that he get it. And on his death, his lawyer called me up and said, "Would you like to have me go after the worker's compensation for you?" I said, "Yes." He did, and it only took seven years but it did establish precedent.

TONY MELIA: Was that a state fund or was that a self insured program?

DUNCAN DONOVAN: It was half and half. It was half state and half company. There was a big change when the company took over insuring itself.

TONY MELIA: It's interesting that many self funded insurance plans are far more flexible than the standard insurance. I would presume that the lead on that would probably be the self funded program and the state fund.

DUNCAN DONOVAN: The State Attorney was in there every section.

TONY MELIA: That's great. We need more wins like that.

DIANE HIMES: It was my understanding if people own property together then they would automatically be covered under a homeowner or a property policy.

TONY MELIA: If they are acceptable. See, the problem is, when I go to several insurance companies and ask for a named insured that reads, "Bill Jones and Henry Franklin as their interests may appear," the insurance company will turn me down.

DIANE HIMES: They would also turn you down on insuring only one of the two if they both own it together.

TONY MELIA: No. There are many cases where they will not be aware but you see that's not appropriate. If two people own a property together, both have to be named as insureds. And the problem that we have -- see, Safeco, did for a short period of time and then Safeco said that they wanted no more of those policies, and as a matter of fact one of my clients happens to be an attorney and her lover and they turned us down on the renewal of that policy. Did that answer your question? See, the most appropriate thing is if two people own a property together, they should both be named, as their interest may appear. That's the appropriate way to do that. The problem is that we get turned down when we ask for policies in that name or they will ask us what the relationship is.

DIANE HIMES: It's a choice of all or nothing. In other words, they would not give you a policy at all but they wouldn't say, "Well, if these two own it I'm only going to give one of them a policy?"

TONY MELIA: Then there's a second problem, let's say, where you own the house and you choose to have your lover live with you and she has personal property of her own in the house. The appropriate thing we used to do is to add her on as her interest may appear, thereby not having to lie

to the insurance company that all the property is yours in case of a burglary or a fire. And what's so is we were able to do that during the soft market and now during the hard market the insurance companies are turning us down.

DIANE HIMES: On car insurance -- if three vehicles are all jointly owned, is the Auto Club the only company that will write a discount policy or will other companies?

TONY MELIA: We have occasionally been able to get insurance companies to do that and those insurance companies that have done so are renewing those policies unless they can find some way to non-renew them, but not if it's a new piece of business. If I submit a new piece of business to an insurance company, who, during the soft market would kind of look the other way and go ahead and write it, they will not now do that.

DIANE HIMES: This question is addressed to Joyce Nordquist. I want to make sure I understand what you are advocating. When the city has a flexible benefits plan it should only include the employee and not the spouse or significant other unless the employee pays the difference?

JOYCE NORDQUIST: I'm suggesting that when the city calculates how it puts credits into the plan, that it just put a certain number of credits in for an employee plus dependent children; but that's right, not for a spouse.

DIANE HIMES: You are suggesting that they pay, like one-and-one-half of an insurance plan?

JOYCE NORDQUIST: Well if the city is willing to increase for significant others or anybody else, if they're willing to raise everybody to 1 and 1/2, sure. But otherwise I would think that the city may want to take the same number of dollars and re-allocate them and I'm saying realistically from most employers you're not going to get them to increase the amount of benefits; but you make it a re-allocation then it's more fair.

JEFF VOPAL: How responsive have you found the Department of Insurance to be when problems of discrimination occur?

TONY MELIA: Well, honestly, the Department of Insurance has never responded in this particular area. I will tell you that we ought to be very pleased to have Roxanna Gillespie as our new Insurance Commissioner. In the 30 years I've been in the business I don't think I've ever seen an Insurance Commissioner that's been as responsive to the insurance buying public as the one we now have. And we probably have a better chance of having her ear than we have had in any other previous Insurance Commissioner. Generally speaking the Insurance Commissioners will

investigate discrimination, but they do not believe that the setting of rates is discrimination. You and I know differently, but it's going to be interesting to see if we have a really good case that we can report to her. Now the Safeco memo was sent to the previous Insurance Commissioner, not to her. I happened to meet her last weekend at the Small Business Conference in the valley and I'm going to send this memo to her.

JEFF VOPAL: Could you comment about why redlining, per se, might be illegal. Insurance companies just eliminate all agents or companies that represent agencies that represent them within certain geographic areas?

TONY MELIA: Yes, let me tell you what basically happens. The insurance companies supposedly can't redline; however all you need to do is to pick up the phone and call 20th Century and you will receive a number of questions and if you recognize those questions you will recognize redlining in its ultimate. You won't even get an application if you answer one of those questions incorrectly. Now, none of that's in writing, but they're redlining questions. Now, what the insurance companies have done, I mean you don't see 20th Century going down in the Watts-Willowbrook area and writing insurance, and you don't see Safeco putting many agents down in East Los Angeles or in Watts-Willowbrook and you don't see a lot of insurance companies like the Hartford and the Aetna and Travellers and the Firemans Fund appointing agents down in those areas. What they do when they don't want to write clients and don't want to have to turn down clients is, they simply cancel the contract for an agent in a given area or they won't appoint them. So you know it's really too bad because that is redlining. That is discrimination.

We have had a contract in our office cancelled by a life and health insurer because we have written a number of people who are gay, and as a matter of fact, through that particular insurance company we had a claim of an AIDS related death. And when the insurance company found out about it and looked at our book of business they simply terminated our contract. That handled the problem. They didn't have to turn down clients. They simply canceled the contract of the agent that gave them such clients and that's by the way what happened with Safeco. Safeco wanted no more single people from our office. And they told me any number of times and I told them I thought that would be illegal. I can't do that sort of thing. Then they finally slipped up and wrote me this one memo and told me I was giving them too many single people and then when I told them that I would not discriminate in that fashion, then they terminated our contract.

CHRISTOPHER McCAULEY: Let's hear now from Brendt Nance, the President of the Concerned Insurance Professionals for Human Rights, who will discuss life, health, and disability insurance.

BRENDT NANCE

President, Concerned Insurance Professionals for Human Rights

Lifestyle Discrimination in Health/Life/Disability Insurance

BRENDT NANCE: In our society, insurance has become an integral part of our culture. It is often the only practical means available for the majority of us to protect ourselves and our families against financial ruin created by death, disability, or serious medical problems. Indeed, insurance has become a basic financial necessity for most Americans.

The process of underwriting insurance applications for life, health and disability is inherently a discriminatory process. Coverage is available for a price to those who are perceived of being of good risk and denied for those judged to be poor risks. The issue before us today is: What constitutes and defines a person as being a poor risk? Or to state it another way, what is fair discrimination as opposed to unfair discrimination? Unfortunately, what society perceives as fair business practice is not always perceived as fair business practice by the insurance companies, and I'd like to give you a few case illustrations of what I perceive as discriminatory insurance processes.

Today I filed a formal complaint with the Department of Insurance against Connecticut Mutual Life Insurance Company. We are charging differential underwriting practices because a single male, 35, applied for \$100,000 of coverage. The purpose of that coverage was to protect his condominium that he recently purchased jointly with his lover, Richard. He named his lover as beneficiary of that life insurance application. Connecticut Mutual refused to offer that full amount of coverage and instead was willing to offer only \$50,000. The basic concept being that the mortgage was jointly owned, and therefore each was only responsible for one half. Would Connecticut Mutual have tried to treat a two-income married family in the same manner and forced that coverage to be reduced to half the amount? The answer is, absolutely not. In essence, C.M.L. seems to have indicated, by its actions, its moral disapproval for Henry and Richard's sexual orientation.

Second example, because of AIDS, life insurance companies are now questioning and screening all applicants living in high risk areas -- single male applicants especially. One screening device used is the beneficiary designation. If a single applicant names a non-relative as beneficiary the insurance company will order non-routine blood test, physical exams, complete copies of all medical history and look for minute reasons to deny

that coverage. This is in direct violation of the California Insurance Code and in direct violation of the Department's bulletin on AIDS discrimination (number 86-3). The insurance industry doesn't just discriminate against same-sex couples, they also discriminate against people in other non-traditional relationships. Insurance companies will not allow a man and a woman who have chosen to live together as a couple to insure each other under health insurance policies. The only practical and legal difference in this relationship is one ingredient: a marriage license. A result of this discrimination, Blue Shield charges two single 35-year-olds a total of \$213.60 per month for basic coverage, while a married couple can purchase the same coverage for \$197 a month. The two programs differ by \$195 per year, in essence, a penalty for not being legally married. With Blue Cross the difference is \$264 a year. Blue Cross in another case just altered their individual health insurance policies called their personal prudent buyer to make maternity coverage optional. Single males who wish to purchase this option on their policy must now pay Blue Cross \$1,200 a year for that privilege. However a married couple can purchase the same option for \$180 a year less. The \$180 differential is in addition to the \$264 being charged for two separate contracts as opposed to one. So we're talking about in Blue Cross a premium differential of \$444 that is not justified by any stretch of the imagination.

The Department of Insurance has a policy against discrimination based on marital status. Obviously, they are not enforcing it. Even married couples are frequently faced with privacy violations. Today it is not unusual for a married couple -- for the wife to keep her surname and not necessarily accept the husband's surname; and yet, when you go to apply for group health, individual health, or life insurance and you are using two different names and saying you are married, the insurance company demands to know why. They are either going to ask for a copy of the marriage license, or for a written statement that in fact they are legally married in the State of California or some other state. Is this another attempt for insurance companies to force conformity of their concept of normal society practices? And based upon outdated sexist concepts? Your answer is probably as good as mine.

One last case. A situation where a family, the husband and wife had been killed in an auto accident, or a plane accident and leave a child behind. In many cases a family or a relative of that child takes on the chore of raising that child and providing the necessary ingredients in doing that. Can that non-adopted child be added to the group health insurance policy? No. It is not allowed. And yet that family is responsible for all financial obligations because they voluntarily agreed to become financially responsible for that.

CHRISTOPHER McCAULEY: That's very helpful. Thank you very much. Now, let's see if we can take these few minutes for some questions.

FRANK RICCHIAZZI: The question I have is in reference to life insurance. If a single individual, because insurance companies are in fact looking for another person as beneficiary, if that individual put it into a trust, and then had the trust basically dictate where things go, is that a way to get around that?

BRENDT NANCE: Potentially. Occasionally, an insurance company will ask for a full copy of the trust.

FRANK RICCHIAZZI: Which is basically a will.

BRENDT NANCE: If you name your estate down, they will not typically ask which beneficiaries inherit the estate because many people do not have wills. But if you name a trust, they do have the potential legal right to ask for a copy of that trust to make sure they can abide by the terms of that trust. The fact is I don't think that's the question; the fact is that the laws -- common insurance law allows an individual to have a reasonably unquestionable, insurable interest in their own life.

If I take out a policy, I should be able legally by common law to name anyone I wish as beneficiary, and it should not be the privy of the insurance company to question that, as long as the amount of coverage I'm applying for has a reasonable relationship to my assets and my liabilities and my income earnings. If I wanted to apply for a \$5 million policy I probably would not find anyone to issue it regardless of who I name as beneficiary. But to apply for a \$100,000 policy is certainly a very reasonable amount of coverage in today's marketplace and should not even be questioned by the insurance company.

DIANE HIMES: There's been a lot of talk up in Sacramento of having legislative control and/or new laws written and/or an overview commission set up because of all the changes that are happening in coverage and obviously because of the AIDS issue. Do you think that that has any possibility of happening in the near future, not near in the Catholic sense, like the millenia, but within 5 years?

BRENDT NANCE: I won't be around that long. I would suggest that maybe Rand Martin is the more appropriate person to ask than I. I don't know. As the President of Concerned Insurance Professionals for Human Rights, we will hopefully, in the next month and a half, be issuing public announcements that we wish to collect data on AIDS treatment and support issues that are charged against H.M.O.'s. We feel H.M.O.'s are doing a god-awful job in this issue. We need to be able to raise the documentations necessary that we can go to the state or we can go to the Department of Labor in Washington, D.C. which regulates H.M.O.'s and voice our concerns with appropriate documentation.

DIANE HIMES: Is there going to be enough public outcry when you can't get liability insurance, when you can't write a will and name who you wish to name -- is there going to be enough public outcry for the government to respond and control insurance companies?

BRENDT NANCE: I can't speak about the public liability. The basic fault of our system is that it's a for-profit system. That's where the fault lies. That's not the case in Canada. It's not the case in Great Britain. It's not the case in Israel. It's not the case in most other economically advanced countries. As soon as the potential losses accumulate to the point that insurance companies feel that they can no longer make a profit then they will do everything necessary to cut back and deny coverages to those who are marginally insurable under other circumstances. As long as that continues to happen this leaves thousands and hundreds of thousands of people stranded from that system.

TONY MELIA: Let me add something to that as far as automobile insurance is concerned. Some of you may know that Assemblyman Polanco has suggested that the State of California write the first layer of automobile insurance, \$15,000/\$30,000 for bodily injury and \$5,000 for property damage and some other ancillary coverages. I think there is a very good chance that we will see that happen and the baseline need for that has been in terms of geographic territorial underwriting and certain other kinds of redlining issues. What we need to do if that does pass is be sure that the underwriting rules and rates allow the kind of thing that we're talking about here today -- in other words nondiscrimination in automobile insurance. So if it does pass, and if it goes to the initiative process, I think it will pass and that base coverage, that first layer of coverage will be available through your agent and broker. And a lot of us who are agents and brokers would damn well like to see that happen. Thank you very much.

BRENDT NANCE: I'd like to talk about domestic partnership for a second too. I don't know about Berkeley, but my last understanding was that they could not find an insurance company that would offer domestic partnership to their employees. The City of Los Angeles wants to incorporate some sort of a concept of allowing a person to cover their partner relationship. That's well and dandy but the response from the insurance industry will be, "Not on our necks you're not going to do it. Until the California codes are changed to recognize that relationship, we will not recognize that relationship." And that has been pretty well the standard response.

THOMAS FRANK COLEMAN: The benefits person for the City of Los Angeles seems to feel to the contrary. He feels that if it's defined narrowly so that it doesn't include blood relatives, so that you can add your parent who is very, very ill or about to become very ill, that everybody is going to

be adding people on with that concept. But if it's limited to the category of unmarried couples, that there will be companies that will respond. Even a survey a few years back, and at that time, all the companies that were dealing with the city were willing to add domestic partnership coverage except Kaiser and he feels they now will change. So at least that's what he's saying now.

BRANDT NANCE: My understanding of Berkeley is that Kaiser agreed to and then pulled back.

THOMAS FRANK COLEMAN: But see that's a smaller employer. Blue Cross indicated to one of my students doing the survey for the Task Force that if the City of Los Angeles were willing to enter into a contract with them, they would give domestic partnership coverage.

The problems I see, and I wanted to get back to your presentation, Joyce, if I could, and I want to get feedback on this -- as I read the state code, the code does not define dependent, and the code does not say a spouse is a dependent. So the code itself says that marital status discrimination is illegal. It says basically, you can't discriminate. And this means, as we know including benefits plans and so on, on the basis of marital status. So, as I see it, the problem here under state law is with these regulations that define spouse as a dependent. Basically, the regulations have created a conclusive presumption that a spouse is a dependent, whether the spouse is actually a dependent or not. (That's right.) That seems to totally circumvent the purposes of the statute. We know that agencies are not permitted to change law, only to implement law. So, if they've gone beyond the intent of the legislature, that might be attackable. But in the meantime, we've got to deal with that as a reality - - those are the regulations. That's one spot.

The other is that I wanted to mention, maybe you can give me feedback on all these points. The definition of "dependent," as I said, the city benefits person, when I talked to him, said that he'd rather see us go "domestic partner" than "dependent." He does not want a broad definition which would add blood relatives because the system can't stand adding too many people that are in need of health benefits onto the system. And so that's a real problem. He suggested "domestic partnership" rather than "dependent."

And, finally, the point you mentioned that you didn't think there would be too much objection to, since the employee is paying the extra for adding the domestic partner or dependent on, what came up was this concept of adverse selection -- that if the employee is paying, then the employee will be more likely to add someone in need of the services than someone who appears to be healthy and who will be healthy apparently for the next several years. This came up in San Francisco on this kind of adverse selection as reason for not granting coverage.

So if you can address those three issues: (1) the regulations, (2) how expansive we make the definition to include blood relatives or not under the domestic partnership concept, and, (3) the issue of adverse selection, that might help our record.

JOYCE NORDQUIST: I wonder if you could get around both the adverse selection and the expansiveness of "domestic partnership" by perhaps putting a time on it. In other words, you could sign somebody up but not begin coverage until perhaps a year or something later.

BRENDT NANCE: My suggestion would be that if the domestic partnership concept was similar to the legal requirements to end a legal marriage, in other words, if those kinds of clauses were in there, then you would reduce the potential adverse selection and you would also reduce the potential turnaround or the cost to add consistently new domestic partners onto the same person's coverage as those domestic partners change over time. My contacts with, I forget which insurance company -- that was one of their concerns -- is that there would be no control over who would be considered a domestic partner, and I said, "Well wait a second." The city of West Hollywood has a contract that must be signed by both parties that has a termination period, a period for re-applying for a new domestic partnership, a waiting period per se and so forth. Married couples have the option now of not covering their spouse under an employers health program so there is currently adverse selection. If an employer is low income and cannot afford to cover the spouse, they won't unless they figure that that spouse was likely to incur claims in which case they'd do everything they can to come up with the money to pay for it. So I think that the concept of adverse selection can be addressed fairly easily.

BILL WEINBERGER: If you limit the coverage to a definition that's, like a married spouse, isn't that contrary to what we are trying to do? Correct me if I'm wrong, Joyce, but I think that is one of the areas of expansion into relationships that goes beyond the sort of marriage-type relationship to include two sisters living together, or someone living with a parent. Am I correct in this?

THOMAS FRANK COLEMAN: I originally was on that wave length of going beyond the Berkeley model which excludes people related by blood or marriage or adoption, but what I'm hearing from the benefits people is, "That's fine for sick and bereavement leave, but that won't fly for purposes of health care because of the numbers of people who could be added to the system." I've got 8 brothers and sisters so I could pick the sickest one and have them live with me for awhile and put them on the plan. And ultimately, retirement is a problem. No retirement system at this point gives survival benefits to a surviving brother or sister. It's only to a surviving spouse or a surviving child. So if we open the concept of "domestic partnership" up to brothers and sisters, that type of thing, we're

going to have to change the definition for purposes of retirement benefits and create some inconsistent definition.

JOYCE NORDQUIST: Our plan does allow joint and survivor, but it's subsidized for married couples and it's purchased by the employee if it's a non-married and again it's back to the same problem of the health insurance being subsidized if it's marital or not.

CHRISTOPHER McCAULEY: Let me thank again Brendt, Tony, Joyce, and Bill for being here. It has been very interesting this last hour especially. We have had 14 witnesses today. Thank you everyone. Thank you all for a very productive day.