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MEMORANDUM

TO: SENATE OF PENNSYLVANIA
FROM: WITOLD "VIC" WALCZAK, LEGAL DIRECTOR
MARY CATHERINE ROPER, STAFF ATTORNEY
DATE: MAY 5, 2008
RE: SENATE BILL 1250

I am writing to address the attempt by proponents of SB 1250 to confuse you as to the ACLU's position on the possible impact of SB 1250. They regularly cite a statement on the ACLU website as support for their conclusion that SB 1250 will not affect domestic partnership benefits.

The statement cited by the proponents of SB 1250 was published on December 1, 2004, and states what the ACLU thought the law should be. Unfortunately, not everybody agrees with our analysis. The statement was written before the Michigan Court of Appeals decision (2007) and before the opinions issued by the Attorney Generals of Idaho (2008) and Kentucky (2007).

But we now know from the Michigan litigation as well as the Attorney General opinions that this kind of broad amendment **could** have serious consequences for domestic partnership benefits. Those opinions have had a real impact in those three states. The opponents of any legal recognition of same-sex relationships have relied on, and will continue to rely on, broad anti-marriage amendments like SB 1250, to attack any attempt by state or local governments to offer any kind of legal recognition to lesbian or gay couples and their families.

It is because of the possible impact on domestic partner benefits and other potential negative consequences of SB 1250 that so many legal organizations, legal advocacy organizations, child advocates, law professors, and practicing lawyers have submitted testimony or letters. They know that courts could interpret the language of SB1250 in such a way as to really harm the people they represent. This distinguished group includes:

PENNSYLVANIA BAR ASSOCIATION
PHILADELPHIA BAR ASSOCIATION
SENIOR LAW CENTER
WOMEN'S LAW PROJECT
JUVENILE LAW CENTER
SUPPORT CENTER FOR CHILD ADVOCATES
KIDVOICE
NATIONAL ASSOCIATION OF SOCIAL WORKERS - PENNSYLVANIA
EQUALITY ADVOCATES PENNSYLVANIA
PITTSBURGH CITY SOLICITOR
PROFESSOR TOBIAS BARRINGTON WOLFF
(UNIVERSITY OF PENNSYLVANIA LAW SCHOOL)

**PROFESSOR ANTHONY C. INFANTI
(UNIVERSITY OF PITTSBURGH LAW SCHOOL)
MARK A. MOMJIAN, ESQUIRE
DANIEL G. RONCA, ESQUIRE**

It is because of the possible negative impact of SB 1250 on their ability to collectively bargain for health insurance benefits for domestic partners that these organizations have come out in opposition to SB 1250:

**PENNSYLVANIA AFL-CIO
PENNSYLVANIA STATE EDUCATION ASSOCIATION
ASSOCIATION OF PENNSYLVANIA STATE COLLEGE AND
UNIVERSITY FACULTIES
SERVICE EMPLOYEES INTERNATIONAL UNION**

A number of organizations with proud histories of support for civil rights have also spoken out against this bill:

**ANTI-DEFAMATION LEAGUE
PENNSYLVANIA COMMISSION FOR WOMEN
PENNSYLVANIA HUMAN RELATIONS COMMISSION
PITTSBURGH COMMISSION ON HUMAN RELATIONS**

And, finally, it is for many reasons – concerns about domestic partner benefits, opposition to writing discrimination into the constitution, desire for the legislature to work on real problems – that major Pennsylvania newspapers have editorialized against SB 1250, including:

**ALLENTOWN MORNING CALL
BEAVER COUNTY TIMES
ERIE TIMES NEWS
HARRISBRG PATRIOT NEWS
LANCASTER INTELLIGENCER JOURNAL
PITTSBURGH POST GAZETTE
YORK DISPATCH**

We urge you to stand with all of us who have studied the language of this proposal and understand the possible adverse consequences of it should it become part of our constitution. Please oppose SB 1250.