

LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB

2009 DISTRICT ATTORNEY PRIMARY ELECTION QUESTIONNAIRE

Name Daniel P. McElhatton Office Sought District Attorney Date April 3, 2009

1) What is your experience with the LGBT community both generally and/or professionally?

Like most people, I have friends, family, professional peers, and neighbors who are members of the LGBT community. My experience has been one of acceptance. I am proud to live in a city that that embraces diversity on so many different levels.

2) How have you advanced, through professional and personal achievements, the rights of the LGBT community, racial and ethnic minorities, and persons with disabilities?

I cannot claim to have personally advanced the rights of the LGBT community. However, through my personal values, I have supported the concept of the fullest equality for the LGBT community that our system of laws can afford. This is a great country and a fine city, and both require the unfettered expression and welcomed participation of everyone who has historically been excluded. There has been such unfairness towards sexual, racial and ethnic minorities that we must now make deliberate efforts to incorporate every Philadelphian.

3) Do you support the rights of LGBT people to the following:

a. Marriage?

No.

b. Civil Unions?

Yes.

c. Domestic Partnership?

Yes.

d. Second-parent adoption?

Yes. We have very many children in desperate need of safe homes and loving parents. Adoption is a privilege which must be extended to gays and lesbians. There is every indication that gays and lesbians can successfully provide a loving, secure environment for children.

e. Protection from workplace discrimination?

Yes. No one should be discriminated against because of their religion, nation of origin, sexual orientation, race, gender or age. As Americans we must put full equality for all people at the top of our list of social priorities. The right to work is intrinsic to the "pursuit of happiness." We must be vigilant to end homophobia as an element in employment practices.

f. Protection from housing discrimination?

Yes. There are also a number of neighborhoods in which I have lived and worked that have been stabilized and renewed through the laudable efforts of the LGBT community. In order for this development to continue, banks and credit unions must respect the rights of LGBT individuals and couples to have equal access to fair

mortgages and fair home improvement loans. They should also be protected from discrimination by landlords.

- g. Protection from acts of violence based on their sexual orientation or gender identity?

Only the hardest and most hateful heart could oppose serious protection for the LGBT community from anti-gay violence. A District Attorney must rigorously explore the application of "hate crime" legislation when violent crimes are committed against minorities in all neighborhoods across the city, but particularly in our areas where gays and lesbians live and recreate. The signal must be sent early and with strength that those who perpetrate anti-gay violence will pay the heaviest price allowed under law.

- 4) Do you consider transgender rights a civil rights issue? Explain your answer.

Personal decisions based on human beings needing to be true to themselves should be protected vigorously as a civil right. Again, the word "equality" must be the guiding light. There must be no discrimination against those who are transgender.

- 5) What would you do to actively enforce hate crimes legislation?

As I stated earlier, a District Attorney must willing to eagerly investigate when there is even a chance that "hate" was an element in a crime. I would be that District Attorney. In a civilization, we must refuse to allow hate to translate into violence. Historically, the law has turned a blind eye towards anti-gay violence. Hate Crime legislation is a major step in the right direction.

- 6) Do you have any openly LGBT members of your staff? What will you do to make your office a safe place for openly LGBT staff members?

For privacy reasons, I will not disclose the sexual orientations of my staff. However, sexual orientation has never been a factor in my hiring practices. I look only for the most qualified candidates.

In my office, I have found that few things work better and faster than providing clear policy on appropriate treatment of all employees and brisk punishment for violations of that policy. No one is allowed to make a target of any gay or lesbian employee. The workplace must be safe for all of my employees.

- 7) How will you prioritize the creation of an LGBT liaison within the District Attorney's office?

Creating liaisons between the District Attorney's Office and minorities groups, including the LGBT community, will create a structured and open relationship where concerns can be easily brought to light and addressed. Liaisons are a priority in my platform.

- 8) How will you support LGBT sensitivity training for Philadelphia police and prosecutors?

While the DA has no authority over the Police Department, I can commit that my office would adopt clear and simple policies prohibiting disrespectful behavior toward members of Philadelphia's LGBT community. There is a place for training, and for penalties for policy violations. There is an urgency in this type of discrimination that makes me impatient with the idea of coaxing people into being respectful, understanding and helpful to gays and lesbians. In this case, I feel disciplinary measures are more appropriate, and I am willing to be punitive where appropriate.

- 9) How would you support public accommodations for transgender individuals who work in your office or appear in the criminal justice system?

Enforcement of statutes ensuring public accommodation is within the authority of other agencies. If those agencies are in violation of the criminal code, I would vigorously enforce its application and apply a just sanction.

- 10) LGBT youth sometimes act out because of harassment at school or in the home due to their gender/sex identity. When ADAs prosecute cases against these members of our community, what will you do to prepare your staff to be sensitive to their issues? Additionally, LGBT youth who spend time in juvenile detention facilities face many dangers. What alternative sentences might you seek in their cases?

Again, my expectation is that a qualified Assistant District Attorney would be familiar with both facts and context regarding suspects or the objects of prosecution. I am aware young gay boys and girls have unique burdens and have one of the highest suicide rates in our nation. This is a very real human and national tragedy. Society fails these young people in many ways, and it is important that my staff be part of the solution.

I cannot discuss alternative sentencing for gay youth without having a specific instance to discuss. However, I oppose the idea putting any child into dangerous situations within juvenile detention facilities. In the case of LGBT children, I will work to make the punishment fits the facts of the crime, taking into account the full range of mitigating circumstances.

- 11) What has been the general nature of your practice and particular areas of concentration? Please describe any changes throughout the years?

I have practiced law since 1974. During that period I have been a prosecutor for the city of Philadelphia and private attorney. In addition, for four years I served as a member of City Council.

My area of practice as a private attorney has been as a trial attorney with significant experience in areas of employment litigation and civil litigation including legal malpractice cases.

- 12) Describe a few of the most significant cases you have litigated. Please give a summary of the substance of the cases, the citations if available, and why you believe they were significant.

One of my most significant cases involved securing political asylum for a refugee from Northern Ireland. This was the first case in the United States where asylum was granted to an individual from Northern Ireland. The case was *In re: James Gerard Barr*. It involved utilizing witnesses testifying that the social and political conflict in Northern Ireland would create a reasonable fear of persecution for my client in his home land.

- 13) State briefly why you are seeking the Democratic nomination to be DA in Philadelphia, and what qualities you believe you possess that would serve you especially well if you were elected to the office.

The Criminal Justice system needs a strong, committed, experienced leader to interact with all the city's components, especially the mayor, city council, courts and other law enforcement authorities. My experience as a public official and chair of the Board of Community College of Philadelphia provides a unique level of experience and characteristics that set me apart from the other candidates, including judgment, integrity and depth of experience.

- 14) What are the most pressing needs of reform in our judicial system in your opinion?

Revamping the system to be more citizen-friendly is a top priority, as well as creating a system of swift and sure justice.

- 15) For what organizations have you done pro-bono work?

I belong to numerous civic associations including Northwood Civic, Juniata Park Civic, Logan Square Neighborhood Association, and Goodwill Industries of Philadelphia.

- 16) Have you ever belonged to any organizations, associations or clubs that prohibit or limit its membership on the basis of race, color, religion, sexual orientation, gender, disability, national origin, sexual orientation or gender identity?

Absolutely not.

17) Do you support a woman's right to choose?

As a matter of public policy, I support a woman's right to choose.

18) How would your office be more transparent than the previous administration?

I am well aware that cooperation and transparency has been a serious issue between the LGBT community and the current DA. I will seek to earn the trust of the LGBT community through regular and frequent reviews of outstanding public issues and a willingness to share whatever can be disclosed to the citizens of this city. I will make all decisions with the goals of transparency, responsiveness, inclusion and respect for the LGBT community in mind.

Please return by Friday April 3rd via e-mail to matt@libertycity.org

Or via mail to:

Liberty City Lesbian and Gay Democratic Club

C/o Matthew Woodcock

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