



CITY OF PHILADELPHIA

BOARD OF ETHICS  
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**Philadelphia Board of Ethics  
Non-Public General Counsel Opinion No. 2017-503**

March 31, 2017

**Re: Off Duty Participation in Tuesdays with Toomey Is Permitted**

Dear City Employee:

You have requested a non-public advisory opinion regarding whether the Philadelphia Home Rule Charter political activity restrictions prohibit you as an appointed City employee from participating in the activities of a group called Tuesdays with Toomey in a personal capacity while off duty during your lunch break. Based on the facts presented, your proposed participation in Tuesdays with Toomey is permitted and would not violate the prohibition on appointed City employees engaging in political activity in coordination with a political party, candidate, or partisan political group.

**I. Jurisdiction**

The Board of Ethics has jurisdiction to administer and enforce all Philadelphia Home Rule Charter (“Charter”) provisions and ordinances pertaining to ethical matters, including the political activity restrictions of Charter Section 10-107. Charter § 4-1100. The Charter and the City Code authorize the Board to render advisory opinions concerning a City officer’s or employee’s proposed future conduct. Charter § 4-1100; Code § 20-606(1)(d). Board of Ethics Regulation 4 describes the procedures related to seeking an advisory opinion and for requesting reconsideration of an advisory opinion issued by the Board’s General Counsel. Board Reg. 4 ¶¶ 4.0, 4.24.

FOR PUBLIC RELEASE

## II. Facts Provided by Requestor

This Opinion does not endorse or comment on the proposed behavior or the characterizations in the facts provided by the requestor. This Opinion only addresses whether the proposed behavior is permissible under the Charter political activity restrictions. In addition, this advice is based on the facts as presented. Notably, you have indicated that Tuesdays with Toomey has rapidly evolved. If relevant facts change as the activities, affiliations, or purpose of Tuesdays with Toomey further evolves, the application of the Charter political activity restrictions may also change, and you should seek updated advice.

You informed us that you are an appointed City employee and provided your title and City department. You provided the following facts about Tuesdays with Toomey as stated here:

“Tuesdays with Toomey” is a citizen advocacy group. It began around November 2016, after the election, as a group of individuals around Pennsylvania who would visit the offices of the Commonwealth’s junior U.S. senator, Pat Toomey. These activists would speak with Senator Toomey’s staffers to discuss a range of issues they were affected by and worried about, such as gun laws, climate change, immigration, and healthcare. Tuesdays with Toomey is part of a grassroots movement to hold all elected officials accountable to representing the needs of their constituents. Tuesdays with Toomey also contacts Senator Bob Casey to discuss constituent issues and concerns.

With increasing concerns about Senator Toomey’s positions on policy issues, and his stances with respect to President Donald Trump’s actions and policies, the group has grown exponentially in momentum and size and dubbed themselves “Tuesdays with Toomey.” Overall, the weekly gatherings outside of Senator Toomey’s office locations throughout the Commonwealth focus on different themes or issues depending on the week. The “Events” section of the group’s Facebook page refers to various weekly themes or issues such as opposing various Trump appointments, supporting the Affordable Care Act, etc. *See* Exhibit A, [https://www.facebook.com/pg/tuesdayswithtoomey/events/?ref=page\\_internal](https://www.facebook.com/pg/tuesdayswithtoomey/events/?ref=page_internal) (last visited March 31, 2017). The group is issue-based but is very left-leaning. As far as I know, the group is not affiliated with any political party or candidate, and Senator Toomey, who just won re-election, is not currently a candidate for public office.

In recent months, Senator Toomey’s constituents found they have been less able to reach him by phone and email and have been unable to meet with

him or his staffers in-person at his offices, as reported by the media in various articles, included here as Exhibits B and C. Now, Tuesdays with Toomey appears to be more of a demonstration or protest with continued emphasis on issues of concern but that now also addresses constituents' inability to get in touch with Senator Toomey and his lack of availability.

### **III. Question Presented & Brief Answer**

Is it permissible for an appointed City employee to participate in the activities of Tuesdays with Toomey in a personal capacity while off duty during lunch break?

*Yes. Based on the facts provided, the Charter political activity restrictions do not prohibit an appointed City employee from participating in the activities of Tuesdays with Toomey while off duty during lunch break.*

### **IV. Discussion**

Under Charter Section 10-107, appointed City employees are subject to various restrictions on their political activity. Charter Subsection 10-107(4) provides in relevant part, "No appointed officer or employee of the City shall be . . . an officer or member of a committee of a partisan political club, or take any part in the management or affairs of any political party or in any political campaign . . . ." Charter § 10-107(4). Board Regulation 8, which interprets Charter Subsection 10-107(4), prohibits an appointed City employee from taking any part in the management or affairs of any political party, political campaign, or partisan political group, which includes any political activity that is performed in concert or coordination with a political party, candidate, or partisan political group. Board Reg. 8 ¶ 8.11. As discussed below, your proposed participation in Tuesdays with Toomey protest activities during your lunch break does not violate these political activity restrictions and is permissible.

Based on the facts you have provided, your proposed participation in Tuesdays with Toomey would not constitute political activity in concert or coordination with a political party, candidate, or partisan political group. Under Board Regulation 8, "political activity" is limited to activity that is directed toward the success or failure of a political party, candidate, or partisan political group. Board Reg. 8 ¶ 8.1(n). Examples of political activity include distributing campaign literature or volunteering for a political party or a candidate's campaign. *See* Board Reg. 8 ¶ 8.11; Board Opinion 2012-002 at 4; General Counsel Opinion 2017-501 at 2. The activities of Tuesdays with Toomey are not directed toward the success or failure of a political party or a candidate. Rather, Tuesdays with Toomey is a group that focuses on raising constituent concerns regarding various social, economic, and policy issues with an elected representative, Senator Toomey.

Senator Toomey is an incumbent government officeholder, and Tuesdays with Toomey involves constituents addressing Senator Toomey in his capacity as their representative and as a government official. It is worth noting – but not dispositive to the instant question – that Senator Toomey is not a candidate, which Board Regulation 8 defines as an individual who files nomination petitions or papers for public elective office or who publicly announces his or her candidacy for public elective office. Board Reg. 8 ¶ 8.1(d) (defining “candidate”).

Additionally, Tuesdays with Toomey is not a partisan political group for purposes of the political activity restrictions. You have informed us that Tuesdays with Toomey is “very left-leaning,” but merely because a group represents or favors one segment of the ideological spectrum does not cause it to qualify as a partisan political group. Under Board Regulation 8, a partisan political group is any committee, club, or other organization that is affiliated with a political party or candidate or one whose primary purpose is to engage in political activity. Board Reg. 8 ¶ 8.1(l). By contrast, under the facts provided, Tuesdays with Toomey is not affiliated with a candidate or political party and does not have a primary purpose of engaging in activity that is directed toward the success or failure of a political party, candidate, or partisan political group.

Further, the activities of Tuesdays with Toomey do not constitute a political campaign, which is defined as actions taken by a candidate or his or her supporters to obtain the candidate’s nomination or election to public elective office. Board Reg. 8 ¶ 8.1(o) (defining “political campaign”). Based upon the facts presented, Tuesdays with Toomey does not have an objective of obtaining a particular candidate’s nomination or election to public elective office.

Moreover, under Board Regulation 8, activity that is not political – meaning related to a political party, candidate, or partisan political group – is permitted. Board Reg. 8 Subpart G (“Activity That Is Not Political Is Permitted”) & ¶ 8.1(m) (defining “political”). Specifically, Board Regulation 8 provides:

An appointed officer or employee may engage or participate in expression and activity that is not political and is not directed toward the success or failure of a political party, candidate, or partisan political group . . . so long as it is not performed in concert or coordination with a political party, candidate, or partisan political group . . . .

Board Reg. 8 ¶ 8.17. One example of such behavior that is not political is circulating petitions on matters of public interest not related to a political party, candidate, or partisan political group. Board Reg. 8 ¶ 8.17(c); *see also* Board Opinion 2012-002 at 5-6, 8 (providing examples of activity that is not political). Similarly, the activities of Tuesdays with Toomey address matters of public interest not related to a candidate, political party, or partisan political group. Tuesdays with Toomey involves constituents’

efforts to communicate with Senator Toomey and other elected officials, including Senator Casey, to express their concerns on various social, economic, and policy issues, such as climate change, immigration, and healthcare.

Furthermore, Tuesdays with Toomey does not act in concert or coordination with a political party, candidate, or partisan political group. The facts provided highlight the group's rise as a grassroots citizen advocacy organization and do not indicate coordination with any political party, candidate, or partisan political group. *See* Ex. B (“Tuesdays With Toomey: A Growing Grassroots Movement”); Ex. C (“How 1 angry Philly nanny started a statewide protest movement”).

Finally, please note that City employees are prohibited from engaging in political activity while on duty or while using City resources. Board Reg. 8 Subpart B. Under Board Regulation 8, a City employee is not considered on duty<sup>1</sup> during lunch break. *See* Board Reg. 8 ¶ 8.1(k)(i). Your plan to participate in Tuesdays with Toomey on your lunch break does not raise an issue under this restriction.

\* \* \* \* \*

Thank you for your concern about compliance with the Charter political activity restrictions and for seeking advice. Advisory opinions are fact-specific, and this Opinion is predicated on the facts that you provided, the details of which have been redacted here. Requestors of advisory opinions are entitled to act in reasonable reliance on opinions issued to them and not be subject to penalties under the laws within the Board's jurisdiction, unless they have omitted or misstated material facts in their requests. Code § 20-606(1)(d)(ii); Board Regulation 4 ¶ 4.12.

If you have questions about scenarios that vary from the facts presented here, you should ask for specific advice on the application of the political activity restrictions to those particular facts. You have indicated that Tuesdays with Toomey has rapidly evolved, and you may wish to request guidance from us as the group and its activities, affiliations, or purpose change.

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<sup>1</sup> A City employee is on duty: (i) during normal working hours, which for those with fixed work schedules includes the time between the start and end of the workday excluding a lunch break; (ii) when performing the duties of his or her City jobs or appointments; or (iii) when acting in his or her official capacity as a City appointed officer or employee. Board Reg. 8 ¶ 8.1(k) (defining “on duty”).

Since you requested a non-public opinion, the original Opinion will not be made public. As required by the City Code, this version of the Opinion that has been redacted to conceal facts that are reasonably likely to identify you is being made public. Please let me know if you have any questions.

BY THE PHILADELPHIA BOARD OF ETHICS

Maya Nayak  
General Counsel

cc: Michael H. Reed, Esq., Chair

# **EXHIBIT A**

TuesdayswithToomey



TuesdayswithToomey

@tuesdayswithtoomey

Home

Posts

Videos

Photos

About

Likes

Sign Up for E-mails!

Twitter

Instagram

Events

Create a Page



Like

Follow

Share

Send Message

Upcoming Events

Share Events

APR 4

TWT Harrisburg: Protect Mental Health & Su...  
Tue 12 PM · 4 guests

Pennsylvania State Capitol (...)

Interested

APR 4

TWT Allentown: Protect Mental Health & Sub...  
Tue 12:20 PM · 3 guests

1150 S. Cedar Crest Blvd Su...

Interested

APR 4

TWT Philly: Protect Mental Health & Substan...  
Tue 12:20 PM · 20 guests

United States Custom House...  
Philadelphia

Interested

APR 4

TWT Johnstown: Protect Mental Health & Su...  
Tue 1 PM · 2 guests

Richland Square III, Suite 30...

Interested

APR 4

TWT Scranton: Protect Public Education  
Tue 2 PM · Hosted by TuesdayswithToomey

538 Spruce Street Suite 302 ...

Interested

Past Events

MAR 28

TWT Scranton: Protecting Healthcare for Se...  
Tue 1:55 PM · Hosted by TuesdayswithToomey

538 Spruce Street Suite 302 ...

MAR 28

TWT Johnstown: Protecting Healthcare for S...  
Tue 1 PM · Hosted by TuesdayswithToomey

Richland Square III, Suite 30...

MAR 28

TWT Philadelphia: Protecting Healthcare for...  
Tue 12:20 PM · 9 guests

N 2nd St & Chestnut Street #...

MAR 28

TWT Allentown: Protecting Healthcare for Se...  
Tue 12:20 PM · 2 guests

1150 S. Cedar Crest Blvd Su...

MAR 28

TWT Harrisburg: Standing in Solidarity with ...  
Tue 12 PM · 27 guests

Pennsylvania State Capitol (...)

Chat (Off)





- MAR 23 **Support Hospitals Protected by the ACA out...** 1068 W Baltimore Ave, Medi...  
Thu 7 PM · 5 guests
- MAR 23 **Lancaster Values Healthcare For All** Penn Square Lancaster, Pa  
Thu 5:30 PM · 151 guests  
Lancaster
- MAR 23 **Philly Health Care Workers Rally Against AC...** N 2nd St & Chestnut Street, P..  
Thu 4:30 PM · 90 guests
- MAR 23 **Protest ACA Repeal at Rep Costello's office** 21 W Market St, West Ceste...  
Thu 12 PM · 49 guests
- MAR 23 **Doylestown Rally in support of the ACA** Intersection of State St and M...  
Thu 12 PM · 26 guests
- MAR 23 **Encourage Rep. Fitzpatrick and Sen. Toome...** 1717 Newtown-Langhorne R...  
Thu 11 AM · 13 guests
- MAR 21 **TWT Johnstown: Protecting Healthcare for K...** Richland Square III, Suite 30...  
Tue 1 PM · 5 guests
- MAR 21 **TWT Philadelphia: Protecting Healthcare for...** N 2nd St & Chestnut Street #...  
Tue 12:20 PM · 36 guests
- MAR 21 **TWT Allentown: Protecting Healthcare for Ki...** 1150 S. Cedar Crest Blvd Su...  
Tue 12:20 PM · 7 guests
- MAR 21 **TWT Scranton: Protecting Healthcare for Kids** 538 Spruce Street Suite 302 ...  
Tue 12 PM · 5 guests
- MAR 21 **TWT Harrisburg: Protecting Healthcare for K...** 228 Walnut St #1104, Harrisb...  
Tue 12 PM · 13 guests
- MAR 21 **TWT Pittsburgh: Protecting Healthcare for K...** First Side Park, on Grant St.  
Tue 12 PM · 35 guests
- MAR 21 **Rock Your Socks for World Down Syndrome ...** Wherever you are!  
Tue 5 AM · 346 guests
- MAR 14 **TWT Johnstown: Supporting Immigration & ...** Richland Square III, Suite 30...  
Tue 1 PM · 1 guest
- MAR 14 **TWT Pittsburgh: Supporting Immigration & S...** First Side Park, on Grant St.  
Tue 12 PM · 28 guests
- MAR 12 **A Town Hall with U.S. Senator Bob Casey** Penn Museum  
Sun 2:30 PM · 499 guests  
Philadelphia
- TWT Scranton: Oppose ACA Repeal** 538 Spruce Street Suite 302 ...  
Tue 1:55 PM · Hosted by TuesdayswithToomey

Chat (Off)

TuesdayswithToomey

- MAR  
**7**

**TWT Johnstown: Opposing ACA Repeal**  
Tue 1 PM · Hosted by TuesdayswithToomey

Richland Square III, Suite 30...
- MAR  
**7**

**TWT Allentown: Opposing ACA Repeal**  
Tue 12:20 PM · 14 guests

1150 S. Cedar Crest Blvd Su...
- MAR  
**7**

**TWT Philadelphia: Opposing ACA Repeal**  
Mar 7 - Mar 8 · 52 guests

N 2nd St & Chestnut Street #...
- MAR  
**7**

**TWT Pittsburgh: Opposing ACA Repeal**  
Tue 12 PM · 38 guests

First Side Park, on Grant St.
- MAR  
**7**

**TWT Harrisburg: Opposing ACA Repeal**  
Tue 12 PM · 34 guests

228 Walnut St #1104, Harrisb...
- FEB  
**28**

**TWT Scranton: Protecting The Environment**  
Tue 1:55 PM · 7 guests

538 Spruce Street Suite 302 ...
- FEB  
**28**

**TWT Johnstown: Protecting The Environment**  
Tue 1 PM · 5 guests

Richland Square III, Suite 30...

Chat (Off)

# **EXHIBIT B**

# Tuesdays With Toomey: A Growing Grassroots Movement



**Paige Wolf, Contributor**

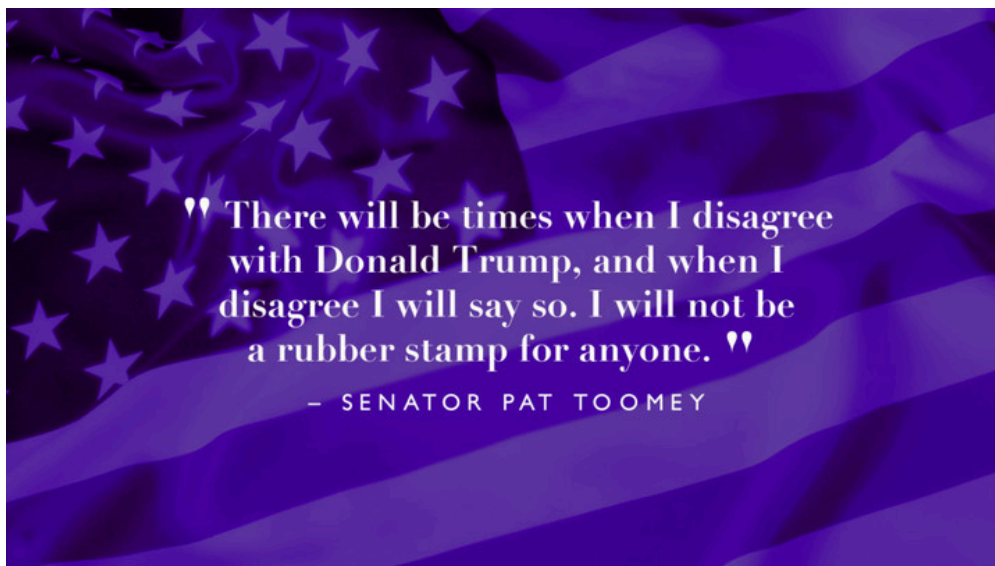
Author of *Spit That Out: The Overly Informed Parent's Guide to Raising Healthy Kids in the Age of Environmental Guilt*

01/31/2017 09:44 am ET | **Updated** Feb 03, 2017

Some people choose to lock the doors to wait out a storm. Little do they know that storm will only grow in strength, duration, and power.

Shortly after the November election, a citizen advocacy group sprang into action here in Philadelphia.

Part of a [broader mission](#) to protect and strengthen democratic institutions in the city, the state, and beyond, ["Tuesdays with Toomey"](#) is a growing gathering of constituents urging Republican Pennsylvania Senator Pat Toomey to represent and serve ALL constituents in the state. We visit his office every Tuesday, indefinitely, to hold him to his own promise to ["not be a rubber stamp for anyone."](#) including the president.



Senator Toomey narrowly won reelection in 2016, awarding him his second six-year term in the U.S. senate. But the Senator does not have a great

reputation for meeting with concerned constituents, failing to hold a town hall since 2013 – and having **never** held a town hall in Pennsylvania’s largest city, Philadelphia. Ironically enough, in May 2016 Senator Toomey wrote an [op-ed for the Philadelphia Inquirer](#) imploring then presidential nominee Donald Trump to “seek to unite and listen more.”

In an attempt to address wide-ranging concerns, [each Tuesday with Toomey includes a key message and mission](#), with topics including protecting healthcare, addressing the president’s conflicts of interests, and [opposing Toomey’s threats to defund Philadelphia if it remains a sanctuary city](#).

We realize that Toomey is not often (or maybe ever) at his Philadelphia office, but our intention is to relay messages to his staff, encouraging him to meet with us personally in the coming months. The first two weeks were impromptu gatherings in the lobby where an office representative agreed to come down for a brief chat. The following two weeks, a representative from Toomey’s staff actually met with us in his office and listened to our concerns. The process and conversations were amiable and respectful.

The fifth week was the first time we were denied a meeting and told that the staff was unavailable, though a representative from the office came down to collect our letters.

And then, when we gathered on Tuesday, January 3 to ask the Senator to protect the environment by developing bipartisan legislation to address Pennsylvania’s lead and air pollution crisis, the reception began to further unravel. The group of about 60 people included several children and members from likeminded local organizations like 350 Philadelphia and Moms Clean Air Force.



The group of about 60 people included several children and members from likeminded local organizations like [350 Philadelphia](#) and [Moms Clean Air Force](#). But when we went to enter the building we were met with locked doors and security guards blocking the entrance. We were told there was no one at the Senator's office, even though many of us had phone communications with the office that day. We had been in contact with staff about our arrival so they knew we would be coming with letters in hand. But when we attempted to call up to the office to ask someone to accept our letters, no one would pick up the phone. And no one would come down to collect the dozens of letters addressed to the Senator.

So what did we do? **We grew.**

Tuesdays with Toomey expanded its leadership to include visits and rallies at his offices in [Allentown](#), Pittsburgh, and Johnston.

On Tuesday, January 10 we gathered to ask Toomey to denounce the appointment of Jeff Sessions as Attorney General. We were met with a crowd of about 125 people including TV cameras, resulting in media coverage from [Philadelphia Magazine](#), CBS, and *The Daily News*.

We let them know that Tuesdays with Toomey is part of a long-term movement to hold ALL of our elected officials accountable to representing the needs of the people. We also continue to make our voices known to Democratic Sen. Casey, encouraging his positive efforts and expressing concern when we feel he isn't making enough noise on the senate floor.



Together with the national majority movement, our calls have stopped a middle of the night attempt to strip the independence from the congressional ethics office and postponed the hearings for Betsy Devos as Secretary of Education. We believe we also had a part in encouraging Casey to co-sponsor [Senator Warren's bill to resolve Trump's conflicts of interest](#).

Our grassroots movement has led [one local political columnist](#) to make it his personal mission to hold Toomey accountable and demand a Philadelphia town hall and another [to write](#), "Right now, I have the most faith in the American people who are refusing to go down without a fight – the hecklers at the confirmation hearings, the relentless "Tuesdays with Toomey" activists who meet outside U.S. Sen. Pat Toomey's Center City office every week in an almost nostalgic hope of having their elected public official actually meet with the public."

And, on January 28, when our governor, mayor, state representatives, councilpeople, and democratic senator dropped everything to come to the Philadelphia Airport to protect our civil rights, [where was Toomey?](#) At a Koch Brothers donor retreat in Palm Springs.

We will not let this fire burn out like everyone else expects it to. When people ask us how long we continue to do come out on Tuesdays our answer is, “As long as it takes.”

Sign up for weekly emails at [www.tuesdayswithtoomey.com](http://www.tuesdayswithtoomey.com).





# **EXHIBIT C**

3/1/17 Phila. Inquirer WEB  
2017 WLNR 6416073

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March 1, 2017

Section: WEB

How 1 angry Philly nanny started a statewide protest movement

Samantha Melamed

It started with a polite meeting, on a Tuesday afternoon, in the Philadelphia office of Sen. Pat Toomey.

It escalated to protests: first a few dozen women, then hundreds of frustrated citizens outside his office every Tuesday at 12:20 p.m., filling the sidewalk, spilling into two lanes of traffic on John F. Kennedy Boulevard, garnering national media attention, jamming his phone lines with concerned callers, and spawning a statewide movement with sister protests in Pittsburgh, Harrisburg, and other cities.

And yesterday, Tuesdays with Toomey crossed over into civil disobedience: A number of the protesters held a sit-in in the lobby at 8 Penn Center to demand a meeting with the senator -- and 11 got handcuffed and led out of the building instead.

Last two arrests happening now. #TuesdayswithToomey [pic.twitter.com/DDUWyDxjHF](https://pic.twitter.com/DDUWyDxjHF)

- Helen Ubiñas (@NotesFromHeL) February 28, 2017

The senator -- who has not agreed to meet with the group, and who has not held a town hall in Philadelphia since taking office in 2011 -- has at various points suggested his opposition is powered by professional organizers and out-of-state agitators.

But a search for the professional organizer who dreamed up Tuesdays with Toomey leads, it turns out, to one angry nanny.

"I inadvertently started Tuesdays with Toomey," confirmed Alexandra Gunnison, 29, of West Philadelphia. "Toomey had said, 'I won't be a rubber stamp for Trump.' Trump had just brought in [Stephen] Bannon as a strategist, and I was very concerned about that and about the number of hate crimes that were happening. I wanted to go down and voice my concern and my outrage."

So, during the week after the election, she posted to a Facebook group now called Philadelphia United for Progress, inviting others to join her at Toomey's office at 12:20 p.m. on a Tuesday, a time that fit between her three nannying jobs and her social work studies.

That first Tuesday, seven women showed up, talked their way in, and got a sit-down with a staffer, recalled Sarah Roberts, 31, of West Philadelphia. They felt like they had been heard. "But then Sen. Toomey stayed quiet. It was like nothing had gotten through. So we came back the next week."

But by the fourth week, they were not admitted to the office, and dialogue turned to protest. Their demands boiled down to one: a town-hall meeting with Toomey in Philadelphia.

Now, any given Tuesday brings hundreds of demonstrators to Philadelphia, and hundreds more to Toomey's offices around the state -- retirees, students, union members, and office workers on their lunch breaks.

samantha melamed / Staff Philadelphia protesters on Feb. 21.

As a result, Toomey has held tele-town halls, and last week he met with organizers in Harrisburg and Pittsburgh -- but not in Philadelphia. In a statement, he described the conversations as "civil" and "constructive." A spokesman said "he is looking forward to additional meetings of this nature across Pennsylvania soon."

Organizers say they're committed for the duration of Toomey's six-year term. (As though to prove it, a number of them have gotten tattoos bearing the same phrase, "Nevertheless she persisted," Senate Majority Leader Mitch McConnell's instantly viral reprimand of Sen. Elizabeth Warren.)

By now, they have it down to a routine. For instance, last Tuesday morning, Gunnison and others wearing Tuesday with Toomey buttons met at the Corner Bakery, TWT's unofficial headquarters. They discussed the agenda with the day's speakers, who included Carolyn Marvin, a professor at the University of Pennsylvania's Annenberg School for Communication, and former longtime State Rep. Babette Josephs.

At a table nearby, Mimi Salazar, 42, a Fishtown resident, was trying on a papier-mache helmet delicately sculpted and painted to resemble Toomey, but with 150 percent more forehead. Kayte Terry, 40, an artist from South Philadelphia, said friends made it as their contribution to the cause. She's trying to bring more street theater to these rallies. One of her recent projects, a "Have you seen me" flier featuring Toomey's face, went viral and spawned imitators around the country.

Our Pat Toomey fliers out in the wild! #tuesdayswithtoomey #philadelphia @streetsdept #philly #phillylovenotes

A post shared by Kayte Terry (@kaytet) on Feb 3, 2017 at 7:44am PST

Salazar said she protests on a half-hour lunch break, and planned to get her "Nevertheless she persisted" tattoo on her next payday.

Her hope is that if enough regular people like her get together, they can form a critical mass.

"We put a primer together. We just want people to do the same wherever they are," she said. "We figured [Toomey's] got to be in one of his offices, so we should recruit people in every city where he has an office. We have so many questions. We just want him to hear us. He is our employee, after all."

Down the block, a crowd was forming outside Toomey's office. In lieu of uniforms, organizers strapped on purple duct tape armbands.

Angela Crane, 55, a yoga teacher from Southwest Center City, was schmoozing with a police officer on a bike. "When will civil affairs be here?" she asked.

Then, a plainclothes civil affairs officer arrived, and she greeted him like an old friend. Another organizer, Jo Johnson, 54, of Old City, pressed a gift into his hand: a knit cap in Tuesdays-with-Toomey purple. For when he was off duty, of course.

"I'm a reluctant activist," Crane said. "I woke up the day after the election and it was very clear that there were people who were going to be significantly hurt by Donald Trump's politics, and I wasn't going to stand by while that happened." Then she disappeared into the crowd to gather letters to the senator. Later, she'd deliver the stack of missives to a Toomey staffer, with a police escort into and out of the building.

Then, it was 12:20 p.m. -- the official protest start time ever since that first week.

As the speakers took turns at the microphone, demonstrators cheered. Many wore name tags filled out with their Pennsylvania zip codes, and held signs like "Unpaid, disorganized protester," and "Senator Toomey: I'm not paid to be here, but you are!"

Ina Shea (Springfield, 19064), a 58-year-old retired teacher in a pink "pussy" hat, asked a reporter: "Have you found anyone who is a paid protester? Or from out of state?"

Rachel Hoppins of West Mount Airy, held a sign reading: "Real Philly voter against cowardly senators." The 25-year-old said that, unlike many at the protest, she leans Republican and had even voted for Toomey. But, she said, "The fact that Toomey doesn't pay attention to Philadelphia is just reprehensible."

Hoppins had been to the protest four or five times, Shea at least 10. But others were just joining up.

Annis Miles, 70, of Logan, was a newcomer who said she could no longer stand by.

"I grew up when there was overt racism. I never really paid it any attention. One time I went to a store and ordered two hamburgers and a soda. And she said, 'I don't serve n -.' I said, 'That's good, because I don't eat them! All I want is two hamburgers and a soda,' " Miles said.

Now, though, Miles is angry. "I hope I get to ask Toomey my question: How dare you put us in a position where tens of thousands of people will die due to lack of health care?"

The rally ended, as it does every week, with a chant of "See you next Tuesday."

Roberts and others worry about how that will work, though, given that Toomey's Philadelphia office will open on the 200 block of Chestnut Street, starting today (when protesters will be welcoming Toomey with a "housewarming party"). They're concerned about whether they'll be permitted to hold the same kind of large protests there.

But, as the sit-in Tuesday indicated, they're not backing down.

"We're figuring it out as we go," she said. "Since all of this, all of these people, it still hasn't been enough, we need to figure out what to do next."

electnext

---- Index References ----

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