



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF SEPTEMBER, 2001 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

At 12:10 p.m., Officer John Scruggs replaced Officer Hurley.

On a Y-5 roll call, the Consent Agenda was adopted.

<p><b>1126 TIME CERTAIN: 9:30 AM</b> – Accept Federal Emergency Management Agency Community Rating System award (Report introduced by Commissioner Saltzman) (Y-5)</p>	<p><b>Disposition:</b>  <b>ACCEPTED</b></p>
<p><b>1127 TIME CERTAIN: 10:00 AM</b> – Agreement with the Portland Office of the Federal Bureau of Investigation to participate in the Portland Joint Terrorism Task Force (Ordinance introduced by Mayor Katz)</p>	<p><b>CONTINUED TO OCTOBER 3, 2001 AT 3:30 PM TIME CERTAIN</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p><b>1128</b> Cash investment balances August 02 through August 29, 2001 (Report; Treasurer) (Y-5)</p>	<p><b>PLACED ON FILE</b></p>
<p><b>1129</b> Accept bid of Wildish Building Company for the Columbia Boulevard Wastewater Treatment Plant odor control facility project for \$2,573,500 (Purchasing Report - Bid No. 100640) (Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>Mayor Vera Katz</b></p>	
<p><b>1130</b> Confirm appointment of Douglas Henne to the Business License Appeals Board for a term to expire December 31, 2003 (Report) (Y-5)</p>	<p><b>CONFIRMED</b></p>
<p><b>*1131</b> Change the provisions governing the maintenance of property and evidence by the Portland Police Bureau (Ordinance; repeal Sections 3.20.270 through 3.20.340; add Chapter 14.170) (Y-5)</p>	<p><b>175944</b></p>

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<p><b>*1132</b> Intergovernmental Agreement between METRO and the City for authorization to enter Metro Regional Parks and Greenspaces properties for the purpose of enforcing City and State law (Ordinance) (Y-5)</p>	<p align="center"><b>175945</b></p>
<p><b>*1133</b> Extension to Legal Services Agreement with Lindsay, Hart, Neil &amp; Weigler (Ordinance; amend Agreement No. 33804) (Y-5)</p>	<p align="center"><b>175946</b></p>
<p><b>*1134</b> Amend lease with EcoTrust Properties, LLC to include an additional \$100,000 for tenant improvements (Ordinance; Contract No. 51591) (Y-5)</p>	<p align="center"><b>175947</b></p>
<p><b>*1135</b> Authorize paid administrative leave for City employees unable to return to work because of Federal Aviation Administration flight groundings and restrictions (Ordinance) (Y-5)</p>	<p align="center"><b>175948</b></p>
<p><b>Commissioner Jim Francesconi</b></p>	
<p><b>*1136</b> Authorize an agreement with Self Enhancement, Inc. to provide payment for a year round middle school program (Ordinance) (Y-5)</p>	<p align="center"><b>175949</b></p>
<p><b>Commissioner Charlie Hales</b></p>	
<p><b>*1137</b> Authorize execution and acceptance of the Sale Agreement and Warranty Deed for the purchase of land needed for the Lower Albina Overcrossing Project (Ordinance) (Y-5)</p>	<p align="center"><b>175950</b></p>
<p><b>Commissioner Dan Saltzman</b></p>	
<p><b>*1138</b> Accept a grant to the Bureau of Environmental Services, Watershed Revegetation Program from the Fish and Wildlife Services of the U.S. Department of the Interior in the amount of \$40,000 to restore native vegetation to approximately 2 miles of riparian habitat at the Gresham Woods site along Johnson Creek in the Johnson Creek watershed (Ordinance) (Y-5)</p>	<p align="center"><b>175951</b></p>
<p><b>*1139</b> Authorize an agreement between the City and the United States Army Corps of Engineers to conduct restoration activities in the Columbia Slough watershed as part of the Section 1135 program of the Water Resources Development Act (Ordinance) (Y-5)</p>	<p align="center"><b>175952</b></p>

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<p><b>*1140</b> Amend an agreement between the City and the Multnomah County Drainage District to extend the length of the agreement indefinitely for as long as the 1135 project is authorized (Ordinance; amend Agreement No. 33666)  (Y-5)</p>	<p align="center"><b>175953</b></p>
<p><b>*1141</b> Authorize the Commissioner of Public Affairs to enter into an Administrative Order on Consent with the U.S. Environmental Protection Agency and other parties to fund a remedial investigation and feasibility study for the Portland Harbor Superfund Site (Ordinance)  (Y-5)</p>	<p align="center"><b>175954</b></p>
<p><b>*1142</b> Authorize an Intergovernmental Agreement with Portland State University in the amount of \$87,270 for professional services with the commercial recycling program (Ordinance)  (Y-5)</p>	<p align="center"><b>175955</b></p>
<p align="center"><b>Commissioner Erik Sten</b></p>	
<p><b>*1143</b> Agreement with Open Meadow Learning Center for \$110,085 for the Corps Restoring the Urban Environment program and to provide for payment (Ordinance)  (Y-5)</p>	<p align="center"><b>175956</b></p>
<p><b>*1144</b> Agreement with Outside-In for \$80,000 for the Outside-In HIV Housing Development and provide for payment (Ordinance)  (Y-5)</p>	<p align="center"><b>175957</b></p>
<p><b>*1145</b> Amend agreement between the City and Oregon Human Development Corporation to provide additional McKinney Supportive Housing Program Grant funds in the amount of \$9,225 under the Pathways Grant and provide for payment (Ordinance; amend Agreement No. 33786)  (Y-5)</p>	<p align="center"><b>175958</b></p>
<p align="center"><b>REGULAR AGENDA</b></p>	
<p><b>1146</b> Promote human rights and denounce hate in the City of Portland (Resolution introduced by Mayor Katz and Commissioners Francesconi, Hales, Saltzman and Sten)  (Y-5)</p>	<p align="center"><b>36030</b></p>
<p><b>1147</b> Approve a review of City emergency preparedness capability and to coordinate review efforts with other jurisdictions in the greater Portland Metropolitan area (Resolution introduced by Mayor Katz and Commissioners Francesconi and Saltzman) <b>Rescheduled to September 26, 2001 at 2:00 PM</b>  <b>Motion to change the name Portland Terrorism Task Force to The Emergency Preparedness Council:</b> Moved by Commissioner Francesconi and seconded by Commissioner Saltzman.  (Y-5)</p>	<p align="center"><b>36031</b> AS AMENDED</p>

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<b>Mayor Vera Katz</b>	
<p><b>1148</b> Amend City Code relating to parades and processions (Previous Agenda 1082; repeal Chapter 16.60; add Chapters 7.22 and 16.65; adopt administrative regulations)</p>	<p><b>CONTINUED TO OCTOBER 10, 2001 AT 10:00 AM TIME CERTAIN</b></p>
<p><b>1149</b> Establish a procedure for documenting City rules and policies (Second Reading Agenda 1095; add new Code Chapter 1.07)  (Y-5)</p>	<p><b>175959</b></p>
<b>Commissioner Jim Francesconi</b>	
<p><b>*1150</b> Approve contracts for towing and storage of vehicles (Second Reading Agenda 1104)  <b>Motion to accept amendment to reinsert the emergency clause into the Ordinance:</b> Moved by Commissioner Hales and seconded by Commissioner Saltzman and gaveled down by the Mayor after no objections.</p>	<p><b>175960</b> AS AMENDED</p>
<b>Commissioner Charlie Hales</b>	
<p><b>1151</b> Accept that Substantial Completion of Portland Streetcar Phase 1 and 2 civil, rail, electrical and maintenance facility work has been accomplished and accepted and that the project provides special and peculiar benefit to certain property owners within the Project LID boundaries (Report; Contract No. 31987)  <b>Motion to accept the report:</b> Moved by Commissioner Hales and seconded by Commissioner Francesconi.  (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>*1152</b> Intergovernmental Agreement with Portland State University to allow the City to receive reimbursement for preliminary engineering and other professional services related to the Portland Streetcar Phase 3 Project (Ordinance)  (Y-5)</p>	<p><b>175961</b></p>
<p><b>*1153</b> Amend agreement with Portland Streetcar, Inc. to provide preliminary design and engineering and other professional services related to an extension of Portland Streetcar to RiverPlace (Ordinance; amend Agreement No. 31428)  (Y-5)</p>	<p><b>175962</b></p>
<p><b>*1154</b> Amend contract with Stacy and Witbeck, Inc. to provide pre-construction services during the preliminary engineering of the extension of the Portland Streetcar Phase 3 project (Ordinance; amend Contract No. 31987)  (Y-5)</p>	<p><b>175963</b></p>

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<p><b>*1155</b> Amend contract with the Inekon Group to extend to the City an additional twenty-four month option period to purchase additional streetcar vehicles (Ordinance; amend Contract No. 32210)  (Y-5)</p>	<p><b>175964</b></p>
<p style="text-align: center;"><b>Communications</b></p> <p><b>1156</b> Request of John E. Voracek to address Council regarding police brutality for disorderly conduct (Communication)</p>	<p><b>PLACED ON FILE</b></p>
<p><b>1157</b> Request of Heidi Schweter to address Council regarding noise from fans of telecommunications facilities (Communication)</p>	<p><b>PLACED ON FILE</b></p>

At 1:30 p.m., Council recessed

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<p>A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF SEPTEMBER, 2001 AT 2:00 P.M.</p> <p>THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.</p> <p>OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Frank Hudson, Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.</p> <p><b>1158 TIME CERTAIN: 2:00 PM</b> - Direct the Bureau of Planning and the Portland Development Commission to undertake an analysis of tax increment and other financing tools, including the creation of a new urban renewal district, to implement the West End action agenda (Previous Agenda 906; Resolution introduced by Mayor Katz)</p>	<p><b>Disposition:</b></p> <p><b>CONTINUED TO OCTOBER 18, 2001 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>1159</b> Adopt changes to the Central City Plan to add a West End Action Chart, a West End Urban Design Plan, two new actions to the Economic Development Action Chart, one new action to the Transportation Action Chart, and the designation of an entertainment district to the Culture and Entertainment Map (Previous Agenda 907; Resolution introduced by Mayor Katz)</p>	<p><b>CONTINUED TO OCTOBER 18, 2001 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>1160</b> Adopt the West End Policy as an element within the Central City Plan and the Comprehensive Plan, and implement this policy through Planning Commission recommended revisions to the Zoning Code and to the zoning and Comprehensive Plan maps (Previous Agenda 908; Ordinance introduced by Mayor Katz)</p>	<p><b>CONTINUED TO OCTOBER 18, 2001 AT 2:00 PM TIME CERTAIN</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p>	
<p><b>1161</b> Adopt a No Net Loss policy for affordable housing in the West End and state Council intention to seek adequate financing for the creation, preservation and rehabilitation of affordable housing in the West End and throughout the metropolitan Portland area. (Previous Agenda 909; Resolution introduced by Commissioners Saltzman and Sten)</p>	<p><b>REFERRED TO COMMISSIONER OF PUBLIC WORKS</b></p>
<p style="text-align: center;"><b>Mayor Vera Katz</b></p>	
<p><b>1162</b> Repeal Title 34, Subdivision and Partitioning Regulations and amend Title 33, Planning and Zoning to add new Land Division regulations and clarify additional Zoning Code regulations related to land divisions (Second Reading Agenda 1124; repeal Title 34 and amend Title 33)</p> <p>(Y-4; N-1, Sten)</p>	<p><b>175965 AS AMENDED</b></p>
<p style="text-align: center;"><b>Commissioner Charlie Hales</b></p>	

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**1163** Amend Title 33, Planning and Zoning, to clarify multiple regulations (Second Reading Agenda 1125; amend Title 33)  
(Y-5)

**175966**

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At 3:32 p.m., Council adjourned.

**GARY BLACKMER**  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

For discussion of agenda items, please consult the following Closed Caption Transcript.

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**Closed Caption Transcript of Portland City Council Meeting**

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: \*\*\*\*\* means unidentified speaker.

**SEPTEMBER 26, 2001 9:30 AM**

**Katz:** Consent agenda items. Any consent agenda items to be removed off the consent agenda for discussion? Anybody in the audience wanting to remove a consent agenda item for discussion? Hearing none, roll call and consent agenda.

**Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. Commissioner Saltzman?

**Item No. 1126.**

**Saltzman:** Thank you, madame mayor, i'm very pleased to have the federal emergency management agency here to present to the city of Portland a notable award that will help save many Portland residents flood insurance premiums. This award is for the city's participation in f.e.m.a.'s community rating system, a award that awards community that take flood. Floodplain property owners will see a 20% discount on their annual flood insurance premium. There are about 1300 flood insurance policyholders in the city of Portland, many along johnson creek. Portland's annual flood insurance premium for these residents is about \$607 a year, or as much as \$1,000. Portlanders will see from this award that we're getting from the f.e.m.a. And community rating system, they'll see a savings of over \$80,000 a year. But there are also benefits beyond these monetary savings to residents. The city's programs and policies for flood damage reduction, improve public health safety and improve conditions in areas that flood frequently, and improve fish and wildlife habitat as well as water quality. I'd like to thank first of all congressman earl blumenauer and his staff for supporting f.e.m.a.. He's supported Portland's efforts and we very much appreciate it. This effort took a significant amount of coordination between city bureaus. I'd like to thank all the bureau directors and their staff for their hard work. In particular ms. Broad with the environmental services bureau, took the lead on coordinating this effort. So i'd like to take this opportunity -- we have several f.e.m.a. Representatives here today. I'd like to introduce carl kook and ryan eke, thank them for being here in recognition of the celebration. I'd like to also introduce dean marriott of the office of environmental services. At 11:30 today we'll have a congratulations and celebration of winning this award and getting this discount for property owners. We've invited all the floodplain property owners to be there.

**Katz:** Unfortunately, we won't be able to be there.

**Saltzman:** Right. We're not done by then?

**Katz:** Go ahead.

**Dean Marriott, Director, Bureau of Environmental Services (BES):** Good morning. Mayor Katz, members of the council, i'm dean marriott, director of environmental services. With me of course today is margaret mahoney. We want to just say a couple of words on behalf of the city agencies who worked so hard to make this happen. You'll see a pie chart here. We'll have copies for you of the pie chart to come around. We have been implementing programs and policies for several years that deal with the comprehensive approach to flood damage reductions. We've updated our floodplain codes. We've implemented property acquisition programs. We've advanced storm water management programs, all of which have helped us -- helped position us to qualify for the community rating system award. This pie chart illustrates the criteria and the percentage of the total points Portland achieved to -- received to achieve this rating. You'll see that about 25% of the



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points were earned because of our efforts to put more of the city's floodplains into open space. Essentially to allow the creeks and streams to do what they naturally want to do, and that is when it rains flood. We've been able to accomplish this with partnerships with parks, our own willing seller program at b.e.s., working closely with metro, federal emergency management agency, the federal housing and urban development department, and Portland's housing and community development agencies. I want to particularly take a moment to thank Margaret Mahoney and her staff at o.p.d.r. For their hard work, not only assisting in putting this application together, but really the hard day-to-day work over the years to make these codes and ordinances work. I also want to just mention briefly that there's another agency in Portland that's been doing good work on floodplain management for years, the Multnomah county drainage districts. We want to acknowledge their efforts. There's more to be done. And we don't want to rest on our laurels here with receiving this award, but I think this is recognition of a job well done so March. Margaret?

**Margaret Mahoney, Director, Office of Planning and Development Review (OPDR):** Thank you, dean. I'm from the office of planning and development planning review. Good morning, council. I just want to also add to commissioner Saltzman's comments, a thank to Daniela Brod who did an incredible job of pulling together volumes of information, and also as dean noted we have the responsibility, as you know, on the regulatory end, and here this morning are three of our staff that you don't see. They're sitting in the back of the room. Phil Freeman, Doug Morgan, and Mike Olson, who are the staff who have to explain to property owners what the floodplain management rules are. You might raise your hands, guys. And Kermit Robinson, as you know, continues to work on our codes, and is still fine-tuning the floodplain management regulations. So it really is a demonstration of some incredible cooperation across the bureaus, and as dean said we have more work to do in this area.

**Marriott:** It's now my pleasure to introduce Carl Cook. For many of you, this will not be the first time you've heard Carl. Actually we've invited Carl in the past to come talk with the council about f.e.m.a. And the role that they have in encouraging communities to become very active and proactive in dealing with flooding potential. He actually has been talking with us for several years about the community rating system, and I'm very pleased today to welcome him back, Carl Cook.

**Katz:** We have a problem. Houston, we have a problem. We can't shut commissioner Francesconi's mic off. [laughter]

**Francesconi:** I yield.

**Hales:** No, don't do that.

**Katz:** Okay, go ahead.

**Carl Cook, Mitigation Director, Federal Emergency Management Agency (FEMA):** Thank you. As dean said, I'm Carl Cook. I'm the mitigation director for f.e.m.a. Region 10. And I would like to make a few points as we congratulate the city of Portland for attaining a class 6 in the community rating system. To give you an idea of how you stand nationwide, there are 19,000 communities participating in the national flood insurance program. Of that 19,000, there are 928 that are in the community rating system. So it's kind of the cream of the crop. And of those 928 there are only 27 class 6 communities. So it's a pretty good ratio, 27 over 19,000. There's some unique programs that Portland has pursued. Your willing seller program is one of them. It was an understatement when dean said that I'd been here several times, and we've been working on this for a while. He and I have some bets going that are -- that have lasted several years as to when the city of Portland would participate in the community rating system. We both saw it as a good thing. I was here about a year ago and spoke -- spoke of it. One of the things I think that has made it a long time coming for Portland is that it's a very cooperative program. It requires cooperation from many different agencies. We thought it was a big deal when King County came into the program and required the cooperation of two agencies. Essentially the surface water management agency and the building department. And that took quite awhile. So I guess it stands to reason that with as many

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agencies as working on it here, it took a little longer. But that same length of time that it takes to build the cooperation has a good side, and that is that it better secures the activities for perpetuity, that you are pursuing for good floodplain management. As dean mentioned, there are some other organizations that have helped. I'd like to mention a couple of those. Oregon emergency management is represented here by its director, my are a lee. And the f.e.m.a. Funds that come to help the city of Portland purchase flood-prone properties that you've been turning into open space land are usually directed through Oregon management agency, so they actually are the ones that -- that do the work of administering those grants and deserve credit for that. Likewise, i'd like to thank hillary barber and earl blumenauer's office because they have been continual supporters of the johnson creek summit and other efforts for floodplain management on the federal front. And lastly, I think the citizens in some of your impacted areas, like the lents area, johnson creek, need to be commended, because i've been coming to meetings, citizen meetings that dean has chaired where we've dealt with those citizens year after year after year, and they've come a long way in accepting the floodplain management practices that you are practicing at this time. Lastly, I would like to say that both the f.e.m.a. And the city have some new urgent priorities brought on in the last couple of weeks. And I think it would benefit all of us if we can deal with the issues that require -- that have been taking up our resources in a -- in a quicker fashion. Some of these land use issues, floodplain management to the common man is kind of a no-brainer. It's a good thing to do. It's the right way to go and the sooner we can get people moving in that direction the more resources and time you will have to deal with other issues. F.e.m.a. Is not just a land use and grant passing agency, we're moving into the response mode, and I think more and more we along with other agencies are going to be looking towards local governments to be more and more responsible for the activities that happen in their own communities. So with that I would like to present the mayor with a plaque. This commemorates Portland's attainment of a class 6 in the community rating system, signed by joe allbaugh, f.e.m.a.'s new director. It is dated october 1st, so it's a little early, but we wanted to present it today to you.

**Katz:** Thank you very much. On behalf of the council, I appreciate this. A lot of hard work went into this, from not only our commissioners, but the staff and people of our community. And your work. So thank you. Appreciate it.

**Cook:** Thank you. I have some certificates I would like to present to some of the people who are responsible for directing all the different activities that have resulted in this class 6 rating. And i'd like to ask them to come forward. Charles jordan. Director of parks and recreation.

**Francesconi:** I'll take it for him. I'm used to getting credit for his work.

\*\*\*\*\*: Oh, okay. [ laughter ]

**Cook:** And jeanne nyquist, bureau of maintenance.

**Katz:** Is she here?

**Hales:** I don't think jeannie is here. Somebody here from maintenance? If not, i'll do the same, take credit for her work.

**Cook:** Okay, thank you. Gill kelley, bureau of planning.

**Katz:** He's not here. I'll take it. [ laughter ]

**Hales:** It's a pattern here.

**Katz:** Thank you.

**Hales:** They're out working.

**Cook:** Ed wilson, office of emergency management.

\*\*\*\*\*: I'll take that for ed wilson. Thank you.

**Cook:** Margaret mahoney, who we've herd heard from already.

**Mahoney:** Thanks, carl.

\*\*\*\*\*: Thanks, margaret.

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**Cook:** And last but not least, the guy who I have worked with for quite a number of years here, and who i'm sure is going to continue to pursue advancing the city through the ranks of the community rating system, dean marriott.

**Marriott:** Carl, thanks. I want to have daniela come up here, because she did all the hard work.

**Cook:** Thanks, steve, thanks, daniela. I'd also like to add, we're looking at dean's staff as kind of a breeding ground for f.e.m.a. Staff.

\*\*\*\*\*: Mr. Cook, could you get over to the microphone so people can hear you?

**Cook:** The last staff person that dean had who worked on this was ivy frances, and we've hired her in our boston regional office and she now works for f.e.m.a.. Thank you.

**Katz:** Oh.

**Saltzman:** Thanks, mr. Cook. We appreciate that. [ applause ]

**Katz:** I just want to -- since I know we're going to get to other topics that are a little bit more controversial, we do not permit clapping in this chamber with the exception of awards. Okay.

**Saltzman:** I didn't realize we were going to have myra lee here today. I didn't know if you wanted to say anything, myra, or not.

\*\*\*\*\*: Yes.

**Saltzman:** Okay. Come on up.

**Myra Thomspson Lee, Director, Oregon Emergency Management:** Myra thompson lee, director of Oregon emergency management. One of the things that we've started here in the state is a partnership with the institute for business and home safety. And Oregon has been named a showcase state for the types of things that will make our future better and be able to make sure that we have better protection against the disasters that we see around the country. This is one of those major events that really will contribute to that effort for the state as a whole to become more disaster resistant and resilient. So we're very proud of the city of Portland.

**Katz:** Thank you, myra.

**Thompson:** Thank you.

**Katz:** Do we have anybody else signed up to testify? All right, that's it. Then we'll accept the rating and we'll accept the report. Roll call.

**Francesconi:** I want to add thank-yous to commissioner Sten, who did a lot of work, and commissioner Saltzman as well. Hopefully I think this -- I think it goes without saying, but this award means there'll be less flooding for the residents of lents and along johnson creek, so that's what this award is really about. It keeps them safer, their homes safer, and this has been going on for a long time. So it's very responsive work on the part of government to a very real problem. Aye.

**Hales:** Good work, people. Thank you. Aye.

**Saltzman:** Thank you to all the people making this happen. Particularly in johnson creek, we have a lot of people concerned about how government's impacting them. This is one case where government is helping to put dollars back in their pockets in a very positive way. Good work. Thanks, f.e.m.a.. We appreciate it. Aye.

**Sten:** Aye.

**Katz:** Thank you to everybody. Particularly to commissioners Saltzman and Sten. I recall those long, long meetings out in the lents community. So all the hard work paid off. So thank you. Aye.

Let me have a caucus here for a second. Chief? Do you have your -- it's a little early, but we can probably start if you have your -- do you have your panel?

\*\*\*\*\*: Sure, yes.

**Katz:** Are they all here?

\*\*\*\*\*: Yes.

**Katz:** Council has no objections to starting a little earlier on this? I don't want to start anything else and then come back. Okay. All right. Let's read item 1127, then.

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**Item No. 1127.**

**Katz:** Okay. We have a lineup of presenters for -- for this resolution, this ordinance. And i'm going to ask them to keep it as brief as possible. We have a long sign-up sheet and I will probably have to go to the two-minute mark after we hear a panel of citizens who want to speak to us against this measure. And then we'll go two minutes for and against. So, chief, why don't you come on up, chief mark kroeker, lieutenant cane, attorney david lesh. City attorney david lesh. Is david here? David is here?

\*\*\*\*\*: I'll call him.

**Katz:** Why don't you call him. You did read it, didn't you?

**Moore:** Yes, I did.

**Katz:** Okay. Go ahead.

**Mark Kroeker, Chief, Bureau of Police (BOP):** Good morning, mayor, and commissioners. My name is mark kroeker. I'm the chief of the police of the city of Portland. I am here today to discuss the joint terrorism task force of the Portland police bureau working with the federal bureau of investigation. To answer some of the questions that have been swirling around this particular unit and to seek the approval, the support of the city for the joint terrorism task force and the work that it will do in the coming year under a resolution that you have before you. The questions that continue to be asked of us -- paul, is this --

\*\*\*\*\*: I'm sorry.

**Kroeker:** The questions that continue to be asked of us, for example, begin with does Portland really need a joint terrorism task force? What is the need? And why do we actually have to do this? And I think it's a responsible question and one that deserves a fair answer. The need of the joint terrorism task force is responded to by the fact that there are people and agencies in Portland who rely on the joint terrorism task force. The citizens of Portland to begin with. But as you look at the specifics of those who sometimes stand as targets, u.s. Corporations with international holdings, and specifically their people, their workers and their executives, forest and wood product industries, those who engage in medical research, individuals and their labs, the meat packing companies, women's medical facilities, places of worship, these are all places that draw in some fashion an antipathy and etiology framed in the framework of terrorism and the potential there can be destructive. And so there is a need. There is a need, I believe, that is further accentuated by the incidents that we have seen. The terrorist incidents that are clearly defined that -- that range over the last several decades, but just to name a few in the region is this one, in the detroit Oregon ranger station is vandalized, forest service vehicle is destroyed. In december of '98, an arson fire destroys a u.s. Forest industries office in medford. In december '99 an arson fire destroys boise cascade office around monmouth. And in june 2000, an experimental grass seed unit is destroyed at the pure-seed testing facility in canby. These are all individual acts of terrorism. In december 2000, an arson fire destroys a superior lumber office in glendale. And more recently in the city of Portland, of course, police officer -- I mean police vehicles were torched. We don't have a specific and clear analysis of the people who would have taken claim to it, but some indicators are that that was a terrorist incident. The april 15 ross island sand and gravel torching of three of the concrete trucks at that facility -- I have a picture here I can show you of these trucks that were torched. Fortunately, no one was in them. But this is a terrorist incident. The clear signal was directed at this particular company. And so I believe there is a need. There is a need for an organization that looks after the international terrorist threats. The national terrorist threats with local implications to the city of Portland. Some people have asked -- what is the mission? What is it that the joint terrorism task force is supposed to do? Here it is very clearly. Its mission is simply to investigate and to prosecute those who are responsible for criminal acts of terrorism. No more, no less. This is a tight mission. It is a very clearly-defined mission. And it is under the definition of terrorism that is also in our opinion clearly defined. It could be said that terrorism is theater. And in a sense putting fear on the

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stage for the audience to intimidate an audience into the direction that the ideology is intending. But that is a shorthand version for a definition. The f.b.i.'s version in its report has this one. I believe it's a good one. The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. So it's fine to have political and social objectives. It's not fine to use unlawful force or violence against persons or property, destroying property, harming people in the pursuit of that. When it happens it's rightly called terrorism. So that's the definition that we operate under. People say, well, what is the focus of the joint terrorism task force? I mean, are they interested in this group or that group or this labor union or that political body? And our response to that is that the joint terrorism task force has the focus of preventing and deterring terrorist attacks before they occur. It is a prevention element. Secondly, it is an investigative response element. So when a terrorist act does occur, the objective, the focus there is apprehension and the prosecution of terrorists and the management of the crisis that brought about this event. So it has a tight focus. Well, so many people say, well, what about the cost? Is this -- is this worth the expense that goes into such an enterprise? I want to point out that we have a criminal intelligence unit existing in Portland with or without the giant terrorism task force. The criminal intelligence unit has a personnel cost. You can see it there. \$399,000. Roughly \$400,000 a year. With an additional material cost of \$23,000. And internal services of \$57,000. This is the cost of the intelligence unit, whether they work with the f.b.i. Or they don't. But as they do work with the f.b.i., then we take those personnel costs, those \$400,000, those employees, and working with the f.b.i. The office space that is granted to the task force, the seven workstations, the file equipment and storage, so forth, saves the city the space that we would have to expend to maintain a criminal intelligence unit in any case. It also provides, because of the resolution that you have there before you, a maximum of \$4,800 to pay for overtime for the officer or working with the f.b.i. On the specific cases that are those cases that are national or international cases of terrorism with local Portland implications. And so this is the savings that the city operates in what I believe is a necessary proper responsible activity. And so we share the facilities with the f.b.i.. The conference rooms, the library, the security system. They pay for the overtime for our people. And they offer this -- this office space to our people. And it's a -- it's a win-win agreement that I believe works very well for the organization. So people say, well, what do they do, these joint terrorism task force members? How do they go about their work? And their strategy is simple. They have information that they share, locally, regionally, and nationally with other intelligence units. Intelligence really is information that has been analyzed, that is very specific, that is directed at some threat, some individual, who is planning a threat, someone who -- or a group -- who has a very specific criminal intent. And that is under the strategy that we operate by. We the joint terrorism task force. They serve as a resource to people and agencies targeted for terrorism, to make sure that they are taken care of as lawful enterprises, agencies, that exist out there, be it a church, an abortion clinic, some group that has political disagreements with another. These need to be protected under our american freedoms that we have here. So we keep law enforcement officials informed of terrorist threats, and then those who are neighbors, partners, can take the proper steps to prevent the kinds of things that can happen from time to time. The activity, when it does happen, is investigated. And there are several open cases that are being investigated by the Portland joint terrorism task force. These will continue being investigated with a rigorous, very aggressive, investigation to seek the people who committed these criminal acts. People say, well, who is involved in this? What are the numbers? Sometimes we have an impression that, you know, there's this army of intelligence operatives or spies operating over there. I just wanted everyone to know who has an interest and you, commissioners and mayor, that we are talking about five officers from the Portland police bureau. Sometimes I think i'd like to keep this party, you know, from the public, because it's such a puny, little operation when considering the possibilities of the problems that we can encounter. But I think given where we are

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in Portland and where our history has been, it's an appropriate number for a criminal intelligence unit in our city. To go beyond that right now with our budget would be pushing it. And this is -- this represents, as I mentioned to you, about \$400,000. We have these officers, one sergeant, one lieutenant, he sits right next to me, lieutenant Randy Kane. We have a Chandler Cal person. That's it. Those are the Portland police people, part of the Portland joint terrorism task force with the f.b.i. An organization, incidentally, that has been operating for many years. Last year with the funding stream that required us coming to the city council and approval of that funding stream, it became a -- an open responsibility for this council to look at. But it has been operating, has been doing work over the prior several years, and I believe good work. People have said, what about the safeguards? What is it that protects this unit from, as some people put it, overreaching its powers or the overstepping of the powers of law enforcement or stepping on the constitution or intruding into the lives of people? Are we eviscerating our civil rights? And my response is that we have substantial safeguards that are in place that are operating. And yes, an intelligence operation has to be secretive. Let's not be naive. We cannot gather information and immediately share it with the world or else we tip the hand and lose the opportunity to either interdict or arrest those who are planning something. But there are safeguards. These have to do, of course, with the u.s. Constitution, the Oregon constitution, every police officer swore to uphold both of these. They're a member of the Portland police bureau. There are the federal statutes that govern the activities of the f.b.i. And those who work with the f.b.i. When they sign these, pacts or they accommodate this kind of an amalgam approach to things. The u.s. Attorney general guidelines on general crimes, racketeering and domestic security against terrorism investigations, through the long term there, is a term -- is a set of guidelines that governs the gathering of information. It's very restrictive, more restrictive than the law. Also, there's the Oregon law. The Oregon law, you have this in the revived statute, says this -- and I'll read it specifically. No law enforcement agency, as defined in o.r.s. 181.010, may collect or maintain information about the political religious or social views, associations or activities of any individual group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. And so to be very specific, unless the information directly relates to an investigation of criminal activities, the Portland police bureau is not allowed to pursue it. And neither is the f.b.i. And neither is that group of people working together. This is the -- this is the guideline under the law. And for a police officer to pass that guideline means that the police officer must knowingly step over the laws of the state of Oregon. In addition to that, there are -- there are of course the guidelines and the policies, the audits that the city attorney does routinely to make sure that every piece of paper that is maintained by the criminal intelligence unit under the oversight of lieutenant Kane is properly maintained. And these audits, irrespective of whatever has happened in American law enforcement intelligence in prior years -- and yes, there have been problems, and there have been abuses to put it very bluntly, but I have to tell you that with one of the moves that I made when I arrived was to make sure that this intelligence unit and the lieutenant reports directly to me in the chain of the command, not to an assistant chief, he reports directly to me. The guidelines that are there are reviewed continually. I ask him and he tells me about the kind of legal constrictions that are there. So there are safeguards that have to do with the law, the policies, the guidelines that are there, and then -- and then when it comes down to it the management that is there, and lieutenant Kane and my responsibility and direct chain of command to you, mayor, as police commissioner, and to the people of the city. We just have to follow the law. And these guidelines. And so -- but we also have to keep a city safe. As we do that, then we consider what have been the results of this kind of thing? I'm going to show you a few things here. These are not necessarily the results of j.j.t.f. Activities in other cities, but this is the effect of this type of work going on and preventing things from happen. A radio tower bridge bombing was

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prevented in seattle in 1995. A Portland bank robbery was stopped here in Portland, 1996. A bombing plot was uncovered in yakima in '96. Lieutenant cane has specifics of these if anyone's interested. A propane storage tank bombing was foiled in sacramento in 1999. This is what -- what an interdiction activity can take place. Of course, we all know about terrorist planning -- was arrested on his way to los angeles with a carload of explosives. That was an interdiction based on proper information, analyzed intelligence gathering and then focused on an individual terrorist with the result being that the los angeles international airport was not bombed. This is the -- this is the result of the kind of work that the joint terrorism task force does. People say, well, why in Portland? And my response is, well, let's consider where else the joint terrorism task force is operating. It operates as a task force in 34 other cities in the united states. Their names you have right there dropping in front of you from albuquerque to the Washington field office. Other major cities, other comparable cities. In our population, you might say denver would be one. Maybe minneapolis. New orleans, sacramento. These approximate our city size. And they're operating in 34 cities at present and have been for some time in this approach to working local police with other agencies in a partnership to interdict terrorist activity and to investigate and bring to justice those who are involved in it. I have with me this morning a memo from the u.s. Attorney general just released on september the 17th, which will pale the numbers that I have in front of you, because of his order which directs that an anti-terrorism task force be developed within each district. And that the primary state and local police forces in that district be invited to participate. And so that group will constitute the anti-terrorism task force in each district. In other words, in every field office of the f.b.i., according to the u.s. Attorney general's guideline just released, there will be a joint terrorism task force operating in the very near future with a very aggressive time line issued by attorney general on the 17th of september. And so with these answers to questions comes a recommendation. It is our recommendation, my recommendation to you, mayor, and commissioners, that we continue our participation in this task force in the coming year. This will come back to you in a year from now to decide whether you wish to participate. I believe it's a responsible position that the city must take to keep our city safe and its people. And we are recommending that you help us to strengthen our resolve to protect our city. We do not wish to have overarching, overstepping, intrusive invasion into the civil rights of people. Nor do we have the time. Is it legal? Is it improper? We wish to -- we wish to protect our city. And there are safeguards that have been there, put in place now with the management, the responsible leadership that we have, and we want to dedicate these resources to the task of preventing terrorism and prosecuting the people responsible for the acts of violence. Some people have asked us, well, how come you haven't received community input? And I have to tell you that I have received much community input. On both sides of this issue. There are people who are very -- very much opposed to the joint terrorism task force with their concerns. I have listened to them. I have spoken personally with them. We have the community input. We have their letters. And, you know, the concern about -- about civil rights and intrusions. And the concern about -- about prior misconduct in the intelligence community, and specifically in law enforcement intelligence gathering units. And so there is that concern. I've listened to it. I've responded to it. On the other hand, the concerns that I have been listening to recently also have to do -- and this isn't -- this is, you know, information coming to me before september 11th, and it's not about september 11th. It's about the city of Portland and the total -- in the total context of the things that are necessary to -- to keep our city safe. We have, for example, a spokesman for an Oregon industry who writes this. "i believe this is the perfect example of the corporate approach to information sharing that needs to occur across agency jurisdictions to bring all terrorist activities to justice." this writer's underlining, "terrorism is terrorism." I agree. "whether domestic, international, social, economic, environmental in nature, these actions are all crimes against society and an insult to our free society." I agree with that statement. Here's another one. From the national abortion federation. "our statistics show that

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since the national task force was created, there has been a decrease in extreme violence against abortion providers. Last year we experienced the lowest level of extreme violence in more than 15 years." this to me is a good tribute to people working very hard in preventing these kinds of things from happening at abortion clinics. The letter goes on, "we have worked closely with the task force and know firsthand how important and effective their work is. We believe that the existence of the task force has saved lives by preventing and prosecuting those responsible for acts of violence." and I do have to tell you that on the f.b.i. Ten most wanted fugitive list is this person. He is a terrorist. His name is clayton lee wagner. And clayton wagner has been involved in a number of activities that have to do, first of all, with escaping, and then he was in possession of a firearm and he has ties to anti-abortion extremists. Vehicle theft, survivalists techniques. Armed and dangerous. A violent criminal and a terrorist by every definition of the word "terrorism." because he intimidates people who are operating under the existing laws of the -- of the nation and the localities. And so there's from the -- from that particular segment. Now the forestry world. You know, there are people who have arguments about forestry and so forth. But here's from the boise cascade corporation. This in response to a million dollar loss from an arson fire in monmouth. You heard me mention a terrorist incident in monmouth was with the boise cascade. Their loss estimated at a million dollars it's not right to damage people's property and try to intimidate the forest service under the laws that are there. This person writes he "in Oregon alone we have lost millions of dollars to what we have come to realize are domestic terrorists. As their destructive efforts continue to grow in both frequency and lawlessness, we wish to voice our solid support for the task force." and so we have the community input. I would like to read from one person who wrote -- I think a great example of how people become intimidated, and then believe that they can't stand up. They can't come to the city council. They can't let their views be known because to do that will invite someone to do a terrorist act on their property. And so in keeping with that, i'm not going to say who this person is, or who this group is, but i'll just read a -- read a paragraph. "our board of directors have given specific directions not to raise any undo attention to the terrorist debate for concerns of retaliation to our industry and our organization. While our concerns need to be made to you --" this is a letter addressed to the mayor -- "and chief kroeker, I wish to make this correspondence discreet. I hope you can understand the nature of our request and appreciate your efforts in keeping our concerns confidential." this is an industry who has been terrorized enough so they can't stand up in a open forum and express their concerns. This is a community that is upset and concerned about the safety of its employees and the safety of its properties that they operate under, legitimate corporate laws of our nation. The american forestry sources has written this -- they've been headquartered in Portland for decades. The a.f.r.c. Represents nearly 90 forest product manufacturers and forestland owners from small family-owned companies to large multi-national corporations in 12 states west of the great lakes. Many of our members have offices, operations, or conduct significant amounts of business in the city. It is for these reasons that the a.f.r.c. Is compelled to ask the city council to continue supporting the Portland police bureau's involvement in the f.b.i.'s joint terrorism task force. " so there you have the -- the community input. You have my -- my recommendations. And I would like to close with this -- with this little word that you see at the bottom of your screen. It is our -- it is our objective. It could be our logo. It certainly is -- is a mandate for the city, whether it's done with the joint terrorism task force or without, we have an obligation, and I have an obligation as your chief of police to prevent terrorism in Portland. And to prosecute those who are responsible for the violence.

**Katz:** Thank you, chief.

**Kroeker:** Thank you very much.

**Katz:** Let's hear from randy kane. Then i'll open it up for questioning. Randy, did you want to say anything?

**\*\*\*\*\*:** Just a couple of things.



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**Katz:** Yourself for the record.

**Randy Kane, Lieutenant, BOP:** Lieutenant Randy Kane, Portland police bureau. I want to identify an unsolved arson that occurred at the Lovejoy Surgi-center. This is one of the cases where we worked in conjunction with the A.T.F. On this with the F.B.I. It's one of the issues that we're concerned about. Nationally. That's why we are taking steps to find Mr. Clayton Lee Wagner, the chief mentioned earlier, and these are not items that occur and go away. As late as September 6th -- pardon me -- September 7th Mr. Wagner was involved in Memphis, Tennessee in an automobile accident. He later hijacked another vehicle, but this is from a news report on the internet that says that several pieces of evidence in the vehicle, including a pipe bomb, various law enforcement I.D., a police trooper's hat, handcuffs, and other related items were found in his car. This person could show up anywhere nationally, and that's one of the issues that we try to take a look at, try to predict down the road, make sure that we're in contact with the people in the community that are most at risk for Mr. Wagner. Additionally, I'd like to point out that although we've had the arson fire at Ross Island sand and gravel that was claimed by the Earth Liberation Front, in their -- in a communique, other fires do occur that are not claimed by individuals. And the chief mentioned the fire of the arson of several police vehicles. That's one of those arsons that hasn't been claimed by anyone. We don't know whether a group or an individual is responsible for that. So that needs to be made clear, that that's not connected to any known group at this time. Additionally, as late as this last September 21st, down in New Mexico, another example of an arson that occurs at in this case a primate research center. It destroyed a building. During the four-hour fight from firefighters to put out this fire, the roof collapsed. Thank goodness nobody was injured. This is an example of the national scope. This arson has not been claimed by any group. So it's probably appropriate for the local jurisdictions to be investigating this. They're also in connection with the Bureau of Alcohol, Tobacco and Firearms, as well as the F.B.I. It's an example where jurisdiction is not clear. The local jurisdiction can investigate and share information with those other federal agencies on a coordinated basis. This is the kind of authority that we're seeking in this ordinance here. That's really all I have.

**Katz:** Okay. Before we get to questions, you recall, when we had testimony over several weeks on this last year, the issue of the squirrel case came up, and Judge Marcus's ruling. If you read Judge Marcus' ruling he said that the city must review the files of the criminal investigation -- criminal intelligence division files once every two years. By our city attorney. I had asked the city attorney to do it annually. In fact, we'll be asking the city attorney to do it quarterly. And we have the review letter that I want to hand out to the council. And I want to read it. For those of you who don't have copies. "On August 17th, 2001," -- this is a memo from David Lesh to myself -- "I conducted an examination of the files of the Portland Police Bureau's criminal intelligence division. The purpose of the review was to determine compliance with O.R.S. 108. He goes through the language. The chief identified it for us on the monitor. The criminal intelligence division has prepared and maintained 12 new reports since my last audit in January of 2000. Because the sample was small, I reviewed every report. I found C.I.D. to be in full compliance with both statutes and the court order in the squirrel case. Specifically each report was directly related to criminal activity. Also during the examination, I spoke with Lieutenant Randy Kane about currency I.D. practices. I found Lieutenant Kane to be familiar with the O.R.S. and the squirrel decision."

**Kroeker:** Mayor, I'd like to answer a question also that has been asked about the audit and the propriety of files and so forth. People have said this to me -- well, that's fine, but what prevents a police employee from keeping his or her own files, or storing them somewhere, or -- and my answer is there is nothing that keeps anyone from breaking the law. We are in a society of laws. We have the management, we have the guidelines, we have the specifics. A police officer puts his job on the line when they do that kind of thing. Because of the management of the lieutenant and watching after every activity of every employee, there is a constant managerial control over people. But we

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have to make sure that we understand that cops are people. And they can be criminals if they choose to. They don't choose to. They choose to wear this badge and swear on oath to do the things they're supposed to do. And so, you know, you can -- you can have a circuitous argument about, well, all the safeguards in the world aren't going to prevent someone from doing something illegal, and that's true.

**Katz:** Lieutenant cane, you have to help me on this. On page 2 of the ordinance, c, under supervision, there's a last -- there's a sentence after supervision, and am I understanding -- my understanding is that that was not in the agreement last year. Is that correct?

\*\*\*\*\*: That's correct.

**Katz:** Do you want to read that, then?

**Kane:** This sentence provides "failure to abide by local state or federal law by a Portland police bureau officer can result in the suppression of evidence in criminal trials, in civil liability against the city of Portland or individual officers, and in the criminal prosecution of officers." additionally, just a nuts and bolts answer to questions i've heard raised in the press and elsewhere, how this works, when my officers are asked to participate in a task force case, I go to the supervisory agent in charge of that case. I explain to that agent the local statute, the state statute that we have to abide by, and they brief me on the case before any officers take any action on that case. In that manner I make sure that the state statute is complied with prior to any actions by my officers on terrorism task force case.

**Katz:** Okay. Questions, go ahead.

**Saltzman:** I just wanted to ask the question about the size of the criminal intelligence unit. That is a -- as you showed us on the slide, five officers, a sergeant, lieutenant, administrative support. And how does that support -- I was going to ask you, how does that compare with the size of similar units, I guess in the cities you named, minneapolis, denver, new orleans, sacramento?

**Kroeker:** Lieutenant cane could answer that better than I could.

**Kane:** In the past the c.i.d., as it used to be called, was larger. We took some budget cuts in years past. We're still at five officers. Other cities have larger units. Some cities have smaller units. It's quite the gambit across the scope.

**Saltzman:** Do you know sacramento's, for instance?

**Kane:** No, not specifically. I do know sacramento has an officer assigned to the task force down there.

**Katz:** Go ahead.

**Francesconi:** Cut me off here. There's the microphone. Chief, just a couple of questions. You know, you ended by saying it's your primary responsibility for fighting terrorism, which is true, but it really is all of our responsibilities.

\*\*\*\*\*: Yes, it is.

**Francesconi:** One incident you left out, as fire commissioner a couple years ago, there was actually an anthrax threat that turned out not to be -- not to materialize. That's when I first became aware of this and made me think about it more deeply, but I still have just 2-3 questions is all. One, from your testimony I think you actually said that the Oregon statute covers the f.b.i. Activity. You clearly stated, and all the documents here, 'cause it was a question, whether the Oregon statute applies to the Portland police officers, and you said that in your testimony, all the documents, loud and clear, that the answer's yes. I think if your testimony you also may have said that the statute covers the f.b.i. Is that true?

**Kroeker:** No. The f.b.i. Operates under u.s. Law, u.s. Attorney guidelines.

**Francesconi:** Right.

**Kane:** And a different set of statutes that are federal. So a Portland police officer, while operating under federal guidelines, may not break the o.r.s. Law. It's an o.r.s. Law that applies to Oregon

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police officers. So there's no way that they are allowed to exceed the -- the statutory limitations of the Oregon law.

**Francesconi:** Even the f.b.i. Officers acting?

**Kroeker:** No, no, no. F.b.i. Officers, they're different.

**Francesconi:** That's right. But the guidelines in looking at the attorney guidelines, they seem pretty close to me to the Oregon statute. Not the federal statutes. If somebody wants to point out the differences to me, they can.

**Kroeker:** Randy can probably do that.

**Francesconi:** Well, there's language here that a mere speculation, indicating planned violence by a group or enterprise, mere speculation that force or violence might occur during the course of an otherwise peaceful demonstration is not sufficient grounds for an initiation of an investigation under the section. I'm quoting from the attorney general's guidelines. Because that's a concern that i've heard raised.

**Kane:** That relates back to what I view reasonable grounds in the o.r.s., 181.575. You have to have reasonable grounds. It's not a mere hunch kind of deal.

**Francesconi:** Right. But the main questions I wanted to ask you, and I asked you ahead of time, chief, it's on the civilian review side of it, which is also a principle in this country, that civilian review of the military, civilian review of police. As I understand it -- and this is -- you have the lieutenant, and you initiate this change -- directly reporting to you on these activities.

**Kroeker:** Yes.

**Francesconi:** So you are the one responsible if these -- if the statute is violated, correct?

**Kroeker:** Correct.

**Francesconi:** And you accept that responsibility?

**Kroeker:** I do.

**Francesconi:** And then you report to the mayor. And there's where the civilian review comes in, I take it. So under this system, the mayor, I guess we don't need to get into details, but I would expect that you would talk to the mayor about these activities, and the mayor in consultation with the city attorney will make sure that the statute and the guide lines are followed. Is that how you're viewing this?

**Kroeker:** Yes, it is. And that is our reporting relationship here in the city of Portland. Obviously the courts and the u.s. Attorney is intimately involved in this with the decision that has rendered its opinion and then has this audit that the mayor has discussed and the results of which she read to you. And so there is that -- that oversight for us. The concern that people have, rightfully so, you know, about the public's interest and the public should have oversight of police operations, and so forth, and that is a valid one, but there are some things that we have to -- we have to be very forthright here in saying, as we do this work the secretive and -- not since sister necessarily, but some acts that are planned are sinister and we wish our acts to be under proper review, and I report those to the mayor, a civilian representative of our community, but to have a -- a -- let's say an independent advisory group and so forth, which as you know we have many advisories, this is one area that because of the nature of the confidentiality of these investigations that are very -- that are held very, very tight, this is one area where I do not want to have someone, you know, involved in knowing exactly what everyone's doing here. The site of the f.b.i., of course, goes up in their review, all the way up to the u.s. Attorney general. And then of course when -- when there are violations, if there are, the people who are -- who are involved will be the first to say, you know, as they hear of something, they have in years gone by, apparently here in Portland, the news media is very quick to point out any infractions as they -- as they occupy their role in public information dissemination. But here, I guess, it comes down to a point where ultimately we have to have the city of Portland and its leaders to trust us. And our intelligence officers. [ laughter ] we have to trust that they are doing the job --. [ gavel pounding ] -- of keeping the city of Portland safe. Other

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than that, we cannot go and take our investigations and make them public documents for everyone to see, including those who perhaps don't trust us.

**Francesconi:** No. And I agree with that. Plus, you have security clearance issues. There's a lot of issues there. That have to be addressed.

**Kroeker:** Yes.

**Francesconi:** I guess I did have a frank and a very good discussion with the a.c.l.u. Referenced in one of these letters before this. And they're very concerned about the issue of terrorism and safety too. But they're trying to make sure that there's this adequate check and balance, especially on the activities. I'm pleased to hear, mayor, that you're looking at these quarterly with the city attorney. I think that's very healthy. I guess my only request is respecting -- and maybe it's not possible because of security clearance issues and because you can't divulge information, which I perfectly understand and agree with -- but looking at that audit function, just to make sure it's being performed, because we do need to trust you, but we also -- there's a mayor and there's a city attorney, and there's other layers, but looking at that question after this hearing, I was hoping we could do it before the hearing, to see if there's anything that could be done -- i'm not talking about a whole citizens review commission. I'm not talking about a public forum where you air confidential security stuff. But i'd just like that looked at just a little. The answer may be that's the best we can do.

**Katz:** Okay. Further questions? If not, we have an invited panel. Mike wagner, representative from planned parenthood federation of america. We have some people who traveled to Portland on this issue. Julie powers, planned parenthood of columbia-willamette. Terry daley, downtown women's health, and carrie ortman from lovejoy. I assume that's the lovejoy clinic.

**Kroeker:** Yes.

**Katz:** I'm going to ask you to keep your testimony to three minutes. We do have to give folks some time to testify, and I don't want to cut anybody off later on for two-minute testimony. But we have -- actually we have a full agenda this morning and this afternoon. All right, who wants to start? Mr. Wagner, why don't you.

**Mike Wagner, Assistant Director, Planned Parenthood Federation of America Security**

**Group:** Okay. Thank you. Mayor Katz, commissioners, my name is mike wagner. I'm the assistant director for planned parenthood federation of america security group. For the record, our offices are located at 810 seventh avenue in new york city, new york, 10019. For the last 15 days our nation's attention has been riveted on an act of international terrorism which I think drives home to most of the citizens in this country how vulnerable we really are. Nevertheless, what we find extremely important in our line of work is that women's reproductive health care facilities have been and continue to be the number 1 target of domestic terrorists in this country today. We are vitally concerned about our ability to protect our facilities and to share information with law enforcement on both a local level, a regional level, and a national level. The information that the chief shared with you about clayton wagner is one example. We have many other examples -- and i've provided some material to share with you a little bit later on some local issues that have national implications. We have worked closely with the joint task force in a number of cities around the country and have appreciated their responsiveness to our concerns. A good example was in albuquerque just recently. Ricky lee mcdonald was convicted of a series of arson attacks on clinics there after a comprehensive investigation by the joint task force that involved representatives from the albuquerque police department intelligence, the a.t.f. And the f.b.i. On the local level there are a number of people from the pacific northwest who have come to our attention over the years, and specifically i'm sharing some information with you about robert rudnick from bend, Oregon, a local protestor who travels across the country. Mr. Rudnick -- rudnick has shown up in monmouth, new jersey, where he was convicted of a violation this summer, traveling in the company of richard brock from california, michael henry walker from florida, in pensacola, driving

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their truth trucks, which had large graphic anti-choice displays on them. They were stopped by the police down there and found a wide range of firearms with them, including bullet-proof vests. All of these individuals had prior arrests and convictions for different activities in different states. It's certainly a matter of concern to us, the fact that, you know, local police and people who work with the task force can share this kind of information, work closely back and forth, is of paramount importance, because we then have the ability to alert our people and to alert local law enforcement across the country to issues of concern when these folks show up.

**Katz:** Thank you. All right.

**Julie Powers, Interim Director, Planned Parenthood of the Columbia-Willamette:** Mayor Katz, and commissioners, I'm Julie Powers, and I'm interim executive director of Planned Parenthood of the Columbia-Willamette. I'm here today to testify in support of the Portland joint -- the continuation and support of the Portland joint terrorism task force. Planned Parenthood has been providing women's health services and care in this community for more than 35 years. We have two urban locations in northeast and southeast Portland, and two suburban locations in Beaverton and Gresham. In 1993 after a large school shooting in multiple clinics in Boston, Congressman Elizabeth -- Congresswoman Elizabeth Fuhr and U.S. Attorney Chris Rogers convened a meeting of local, state law enforcement with clinics to begin what has been nearly a decade to keep clinics safe from terrorism in Portland. Planned Parenthood has been the target of multiple terrorist activities through the years. In 1988 a package bomb addressed to our Beaverton clinic was intercepted by the post office after a similar bomb was found at the Women's Feminist Health Center. And in the early 1990s we obtained a restraining order against members of Life Advocates of Oregon for blocking the entrance to our Gresham clinic. In 1996, a bullet was fired through the waiting room in our Salem clinic. And our most recent encounter has been an anthrax letter scare in 1999. Just to be clear, we're making a distinction here between terrorist activity and lawful activity. For years we have also had lawful picketing of our Gresham facility, the second Saturday of every month, from 10:00 to noon. We have had fairly routine lawful pickets at our Salem and Bend facilities, as well as the rare lawful picket of our southeast and northeast clinics. Additionally, we've even had self-styled pro-choice lawful pickets who come to counter-demonstrate against those who oppose abortion. We don't much care for any of this activity, for or against, as it all serves to distress our clients. However, it is every citizen's right to engage in these activities, and we understand, respect, and even value that right. What we oppose is terrorist activity. We believe that the Portland joint terrorism task force has been a step in the right direction for coordination of law enforcement to help prevent further anti-choice terrorist activity. They're examples of how an absence in the area in the 1980s failed to connect the activities of people like Shelly Shannon until it was too late. Shelly started out at a southern Oregon clinic as a protestor. Her activities at the clinic became more aggressive through the years. She then burned the Ashland clinic to the ground, completely destroyed the building and damaged several adjacent businesses. She we know went to Kansas and shot and wounded Dr. George Tiller. It was not until her arrest and subsequent trial that all of these connections were made. We support the joint terrorism task force because we believe that coordinated efforts among various levels of law enforcement can help prevent such tragedies. Planned Parenthood has seen a significant change in the way local law enforcement work with our clinics in the recent years. Now when there are clinic shootings or bombings anywhere in the country, local police have made an effort to drive by the clinics and be a presence. The 9-1-1 system has been modified to highlight calls coming in from our facilities. We have been informed when high-profile figures from one of the terrorist organizations is planning to be in town or informed when suspects in other states start moving our direction. All this has helped to keep our clinics alert and safer. In closing, our final concern with failing to reauthorize a task force would be the message it sends to local anti-abortion terrorist groups, several of which are located in the Portland area. We would hate to see any of these groups feel emboldened by such a move and we

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would fear the resurgence of terrorist activity. At the same time we're sensitive to the issues raised by our coalition partners who have voiced some concerns about the scope of the joint terrorism task force. And while we would oppose the wholesale dismantling of the task force, we would be open to working with all parties involved to see if some modification would be possible that would meet everyone's needs. Again, planned parenthood urges you to reauthorize the Portland joint terrorism task force. Thank you very much for this opportunity to testify.

**Katz:** Thank you. We've asked the sound system person to come here, because the sound isn't working very well. So when you testify move very close to the mic. Thank you. Go ahead.

**Terry Daley, Downtown Women's Center, 511 SW 10<sup>th</sup> Ave., Portland:** Hi. My name is terry daley.

**Katz:** Your voice doesn't carry, so move even further.

**Daley:** I work at downtown women's center, 511 southwest tenth avenue here in Portland. Our clinic has been providing abortion services for women in the safe environment for the last 25 years. The clinic is safe and we feel secure as a result of the joint terrorism task force. Since we've attended meetings, which have been convened at the u.s. Attorney's office, at our sister clinic over at lovejoy, we feel safe because we know the difference between protestors who come peacefully to tell us they're not -- they're not happy with what we do, and the difference between them and people who stealthily come in ways to harm our doctors and our clinics, there can't be any way to exaggerate the difference between those two phenomena. We had a trial here in Portland in 1999. One of our doctors needed to wear disguises to come to work. All of these things that we learned about how to take care of ourselves we learned from the joint terrorism task force. We think we were very naive before these times, because we thought that people do have a right to protest and we felt very strongly about the civil liberties involved there, however people who are bent on harming us or our patients or our staff are not observing proper law-abiding activities. They do not respect our civil liberties or those of our patients. All I can say now is that we implore you to continue to authorize this force because we know whom to call and when to call for help. And I think that that's probably the most important thing I would have to say. We have the numbers of all of our providers in the police department and at a.t.f. And f.b.i., which is kept updated on a wall, and we have meetings of security staff on a regular basis because of this. I thank you for the opportunity to speak to you.

**Katz:** Thank you. Thank you. Move, move.

**Cary Ortman, Director, Lovejoy Surgi-Center, 933 NW 25<sup>th</sup> Ave., Portland, 97200:** I talk really loud. Mayor Katz, commissioners, i'm the director at lovejoy surgi-center, 933 northwest 25th avenue here in Portland at 97200. Thank you for giving us the opportunity to talk to you, because you all pretty much know just from being in the community the violence and the escalation that's gone on over the years. At lovejoy ourselves we've had three arson fires. We've had one package bomb. We've had three hoax bombs. We've had 46 locks cut, glued, or torn from the building. We've had bullets through the windows. We've had shots fired in our parking lot. We've had our cars vandalized, brake lines cut. It's gone on for years and it's escalated. Eileen class the woman who founded lovejoy and who is the owner, her children had to be bussed separately to school because it wasn't safe for them to sand at a separate bus stop. This isn't new in Portland, but what has been new is that the protests turned to violence several years ago in a different way. And lovejoy's always supported that right for those picketers to be outside of our building and to show that they protest and that they are not pro choice. That still happens today. We have our protestors on the corner every day. We use them as landmarks to give patients directions on how to get to the building. [ laughter ] people in the community know, if you live in northwest Portland, or you travel down cornell, you're going to see picketers and you're going to know. We probably know more about those protestors than some of the people that support them. But the Portland police took a leadership role, not only in Portland, but nationally. And when I go out and about the country and

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I talk, i'm so proud to say that i'm from Portland, because other providers go, wow, you are so lucky. Because Portland was the first city where the police actually said that when terrorist activities happen it's a crime. And it gave those police a difference. It said that you don't have to have this as a social issue. You can look at this as a crime. And when a crime happens, we treat it like a crime. When protesting happens, we treat it as protesting. Taking away this task force may make sense in some ways, but like every other person on this panel says we have no idea what we have seen prevented. We know that there's a national network. And now we know an international network from -- from when they got koop in france, where people are supported to travel across this country to protest. And they're being supported. And we need intelligence on -- need intelligence on that to save the lives of the people that provide this care and the patients that are in the building. Thank you.

**Katz:** Thank you. Question?

**Saltzman:** First of all, thank you all for your testimony. I think you provide an important perspective on this issue that wasn't present in last september when we considered this ordinance. One question I wanted to ask, i'm not sure who, maybe mr. Wagner, but anybody, isn't it true that we have entire counties in the united states, and I was going to say perhaps even states, where people cannot access abortions because the doctors are so afraid for their personal safety?

\*\*\*\*\*: Right.

**Saltzman:** From threats, domestic terrorist.

**Katz:** For the record identify yourself.

**Wagner:** Mike wagner with planned parenthood federation. Approximately 98% of the counties in the united states do not have a resident abortion provider. And it's largely because no one will take it on. They're too afraid in terms of the fear, harassment for their own lives and for their families.

**Saltzman:** Isn't it true we also have a Portland-based website that lists doctors on their ten most wanted list, encourages them to be murdered, basically?

**Dalely:** I'm terry daley of downtown women's center, yes, two of our doctors were on that so-called deadly dozen list. It was a most frightening time for us, because those are the kinds of things that make you see your people are actually targets. It's not your organization, it's not your property, it's not even your patients, it's the people who provide the services. That was -- that was frightening.

**Saltzman:** Thank you.

**Katz:** Thank you. Mr. Wagner, you live in new york?

**Wagner:** No. I telecommute.

**Katz:** You telecommute. Ron mathis, rob degrab, dr. Koom, norm costa. Please keep your comments to three minutes. Ray, why don't you start.

**Ray Mathis, Executive Director, Citizens Crime Commission:** Thank you. Good morning, mayor Katz, council members. My name is ray mathis. I'm the executive director of the citizens crime commission. We're a nonpartisan, nonprofit affiliate of the Portland chamber of commerce. Many of the remarks I prepared were about the background of the task force which I think the police chief, chief kroeker, has covered adequately, and so I won't bother to repeat them. As you know, the federal state, local law enforcement work together on a daily basis on any criminal investigations, which is exactly and only what the joint terrorism task force is about. The only thing unique about the task force is that the focus is on groups and individuals who are involved in plotting or committing criminal acts to force political or social change. Oversight comes from prosecutors, courts, and the laws, as well as written policies of the participating agencies. Agents, police officers, and others who exceed their legal authority are subject to civil and criminal liability as well as administrative sanctions within their own agencies. Our multi-layered law enforcement system cries out for better coordination. Indeed, we have observed firsthand during the past couple of weeks what can happen when intelligence services and law enforcement agencies are not well coordinated and do not have in place a means for efficient exchange of information. The

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continuation of the Portland joint terrorism task force is an important step in our fight against terrorism. The citizens crime commission strongly urges the council to support this task force. To those who are concerned with civil liberties being violated, we suggest this, that civil liberties are two words, and if we can't protect the civil side there is no liberty. Thank you.

**Katz:** Dr. Koom.

**Michael Caan, Assistant to the President, Oregon Health Sciences Universities:** Good morning. My name is dr. Michael caan and I work as the assistant to the president of the Oregon health sciences universities. I also have a research program that's contributed to the development of treatments for breast and prostate cancer, problems of infertility. Because of what I have to tell you today it's very important that you understand that my own research program does not currently use animals, although we have in the past. Like most americans, though, I understand the value of animal research and basic science, so important for the development of treatments for human and animal disease, therapies for diabetes, aids, alzheimer's, cancer, along with antibiotics, vaccines and surgical techniques just to mention a few things, all had origins in animal research. I have spoken and written about the importance of humane animal research and how it benefits humans and animals. Recently I was invited to visit the university of south florida located in tampa. Shortly before this trip, I was alerted that a midwest activist had announced my visit to florida on an e-mail list serve. This person, who I later learned, and i'm quoting here, believes we must be willing to do whatever it takes to gain animals' freedom, even if it means the killing of a so-called animal abuser. Solicited letters to the university administration and to my academic colleagues. I also received an e-mail from the educational coordinator for florida voices of animals telling me I was unwelcome in florida. I responded explaining that although I support the humane use of animals in research, I did not myself use animals in my program. Let me just step out of the sequence of events for a moment. One of the largest animal extremist groups in the world, p.e.t.a., people for the ethical treatment of animals, subsequently picked up on the midwest and florida postings and created a special web page just for me on their website and solicited e-mails and letters. I learned that p.e.t.a. Was not focusing on my own work, but on the fact that I worked for an institution that conducts animal research. P.e.t.a. Never mentions, however, that my institution is fully accredited and compliant with all federal and state laws. Back to the sequence of events. My plane was met at the airport in tampa by animal extremists who tried to engage and film me. Exercising their rights under a florida open meetings law, they were present at virtually all of my scheduled meetings with committees. Some stood outside the meeting room doors, distributing out flyers that made outlandish claims. Others were t-shirts that said keep primate tester dr. Michael kahn out. Others asked why I was lying about using primates in my program, a question that a sympathetic faculty member turned into an accusation, insisting in obscene language that I was lying about not using animals at the present time. In one meeting news media with video cameras burst into the room. They never interviewed me, choosing to accept unchallenged the claims made by the extremists. There were handbills full of incorrect information. There was no way for me to reach out in dialog with those responsible for this campaign. Naively I did try on one occasion to talk to one of the extremists, but he showed no interest in talking. I received threatening phone calls at my hotel, knocks on the door in the middle of the night. I never knew who was coming to the door of a meeting room. This put me in a constant state of fear to the degree that at one point when a casually dressed faculty member who I did not know entered from behind me, I jumped out of the way in fright, later apologizing. It got so bad that an armed state police officer was assigned to look after me. The constant presence of an armed guard made me recognize that I was a sitting duck to anyone with a weapon. At one point of being accused of telling lies, all the while trying to address the academic concerns of my colleagues, I considered returning home to Portland for reasons of personal safety. My nerves were shot, but I decided to remain in this stressful situation for the planned two days. At a little after 4:00 a.m. On the morning of departure the police met me in the



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lobby of the hotel, escorted me to a taxi, followed me for a few miles, waved good-bye. I thought it was over, I breathed a sense of relief. I checked in the airport, passed through security. Suddenly as I was stepping on to an escalator, I became aware that some of the extremists, muttering we came to say good-bye and we were afraid we missed you, had physically surrounded me. I managed to step aside so I could descend the escalator. An alert gate agent, noting the message on their t-shirts, phoned airport police and I was quickly boarded on to an empty plane. I was to learn, however, that it still wasn't over. Now back in Portland, animal extremists shout at me from the road above my home and I have found that someone is ransacking my garbage. All this terrorism is new to me. Remember, I do not use animals in research. I work for a university that does. A university, I remind you, that is fully compliant with all laws and measures up to the highest standards of animal care. I believe that the events I have recounted were meant to terrorize, to coerce by filling with the terror by the use or threat of violence. But some animal extremists say we do not use violence, we demonstrate, destroy property, but we never hurt or injure people. What are we to think of that? Maybe we should ask the four scientists at my institution who receive letters armed with razor blades set to cut the hand of the opener. I think they call that the use of violence. Maybe we should ask our center administrators who regularly receive anonymous telephone calls, unsigned mail, and e-mails that all but threaten them with death. Even if these communications stop carefully short of illegal death threats, the administrators felt the force of their violence. Maybe we should ask the scientists at another university who has been warned that his children's pictures will be put up on the internet, hostages in other words, until he stops his research. The leaders of the animal extremist movement say they are nonviolent --

**Katz:** Are you almost finished?

**Caan:** Yes, ma'am. -- say they are nonviolent in the tradition of gandhi, king and parks. They point out they haven't physically assaulted or killed anyone, at least not yet. That fact doesn't qualify them as nonviolent or put them in league with gandhi, king or parks. These people appeal to the consciences of their adversaries. Gandhi and king chose to suffer. Animal extremists choose to make us suffer. A little over a year ago the f.b.i. Found my name and home address written on a file card in the home of a former national spokesman for the earth liberation front. Mr. Rosebaugh has been arrested for trespassing at the primate center, publishes a website on how to make fire bombs, and distributes a video called "igniting the revolution." painful as it is to be in the crosshairs of terrorists, neither my colleagues, nor i, will bow to their force or be deflected from the force of discovery leading to human and animal disease cures. I challenge those who taunted me in florida to tell the parents of a critically ill child that research is not important. The only time these terrorists did not follow me was when I passed through the cancer ward at florida's moffatt hospital. Go figure. Thank you.

**Katz:** Thank you.

**Rob Degraff, Association for Portland Progress:** Good morning, mayor. Members of council. My name is rob degraff, appearing this morning on behalf of the association of progress. I want to express our strong support for keeping the Portland police bureau involved in the joint terrorism task force. We're all too painfully aware of terrorism these days. The fact that this joint task force is focused on domestic terrorism does not make the issue any less important. The strategy of provoking fear for one's safety in one's opponents to silence them is something that we as americans cannot support. The Portland police bureau should be involved in our law enforcement networks designed to arrest and prosecute those who resort to these tactics. We are not unmindful of the civil liberties challenges that the issue of terrorism raises, however our law-makers have recognized these concerns in both state and federal state statutes, along with the constitutions provide severe sanctions for law enforcement that oversteps its bounds. We believe in the professionalism and honesty of our Portland police bureau and their willingness to honor the state, federal constitutions

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and state statutes while carrying out their duties. We hope you will vote to keep the pbv involved in this task force.

**Katz:** Thank you, rob. Norm, move over.

**Norm Costa, Co-Chair, BOP Chief's Forum:** Mayor Katz, commissioners, thank you for this opportunity to testify. My name is norm costa, one of the community co-chairs of the Portland police bureau. A policy advisory committee to the chief of police. The chief's forum is representative of the collective populous of Portland. The forum unanimously endorses the police department's involvement in the f.b.i.'s task force. Portland have set a standard for community policing throughout this nation. This should ally fears about the abuse of anyone's civil rights. Attached is a roster of the chief's forum. Sincerely, thank you.

**Katz:** Thank you, norm. Dr. Kahn, thank you very much for coming here and sharing with us your stories. All right. Tim wiggly, president of the Oregon forest industries council, mike dikesel. Fred rosenbaum, and then we extend the courtesies to our elected officials, in this particular case he's also the executive director of the world affairs council, jeff merkley.

**Katz:** Go ahead, sir.

**Mike Dykzeul:** Good morning, mayor Katz, and committee members. For the record, my name is mike dikesel. Mr. Tim wiggly sends his apologies, as he was unavoidably detained this morning. Would like to echo our appreciation for the opportunity to speak to you today. I will be brief thanks to chief kroeker's comments which were several ones that I had communicated to the mayor and to he in person. Oregon forest industries council is a statewide trade organization representing Oregon's private industrial forestland owners and legislative, regulatory and political processes. Although we are headquartered in salem, a number of our member companies either have headquarters or significant office and community presence in downtown Portland. First let me make no mistake that considering the notion that ecoterrorism and terrorism in general exists in and around the city of Portland, and what's more the nature of these acts of terror, which are crimes, are becoming increasingly more dangerous and costly within our industry and potential for the unsuspecting public. What started off as monkey wrenching and the equipment spiking of trees and civil protests have slowly but surely escalated into our blatant acts such as fire bombing of timber offices and harvest operation sites throughout the state of Oregon. Our last panel talked about some of the actual harms that equated to razor blades in envelopes and a lot of people make the comment that there are no -- there have been no injuries in regard to ecological terrorism acts. I'd like to bring up the point that back in 1995 tim wiggly's counterpart in the state of california, mr. Gill murray, president of the cfa, was -- fell victim to ted kazinski, the unabomber with a bomb in his office. If there's a difference between the terrorist acts, if you'd like to say there's a difference, i'd like to make that clear. I'd like to echo the same comments that chief kroeker made. That in our opinion terrorism is terrorism. A thing where most dealing with us in our industry these days is the environmental side of the terrorist acts, but terrorism is terrorism. We've heard several definitions that using threats of violence and fear are the basis of it all. So whether it be international, domestic, environmental, or social, they're all acts of terrorism. And they're all crimes and we look to the leadership of this council and the police bureau in any corner of the state to bring these folks to justice and really urge a full prosecution furry in their prosecution. It's difficult for us to imagine any city government, especially Portland city council, daring to turn their acts against the acts of terror against an abortion clinic or burning of a cross come a church yard or someone's front yard. These are all acts of terrorism and all deserve the same level of response. Our nation earned some - learned some very cold hard facts about terrorism on september 11th. We all remain shocked and in disbelieve at the horror that took place in Washington and new york. What was more shocking was that level of these acts didn't come very quickly, but they were planning for months and even years before that fateful day. I guess the involvement of the police bureau in doing preventative

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work rather than reactionary work to actually situations of violence is something that we support very highly. And i'd look for your support.

**Katz:** Thank you, thank you, ray.

**Fred Rosenbaum:** Mayor Katz and members of the council, my name is fred rosenbaum. I'm a resident of the city of Portland. I've worked with the city council for many years under various mayors, chaired the human relations commission of the port of Portland, chaired the housing authority of Portland for 14 years. I've also dealt with the city on various other responsibilities. I'm a retired air national guard brigadier general, and still work with the department of defense on various assignments. I have been greatly concerned about terrorism for the last few years. At a briefing which I attended at the pentagon a year ago a statement was made by a representatives of the joint chiefs of staff that war in the future, traditional war, will not be seen in the next four to six to eight years, however, he said, I do have a big, big, big concern. We all have a big concern. That terrorism, international terrorism, is a very definite concern and possibility. And as we unfortunately witnessed their concern was well taken, possibly understated, however their concerns on a national basis were ignored. All kinds of papers have been issued on terrorism, going back nine years. I think it was senator hart who formed the first committee. Other publications were published. We get publications every year dealing with terrorism, how to organize, what to do. But as you read in the paper yesterday today dealing with terrorism I guess spread with 40 different organizations and how are we ever going to get this altogether? I don't know. But one thing is of primary importance. It's extremely important that all of our intelligence agencies and police departments have joint access to information which might lead them to terrorist activities and help protect the citizens of our community. The Portland police involvement with the f.b.i. Joint terrorism task force is needed at this time more than ever before. To gather information that deals with these possible acts of terrorism and take action to protect our citizens. I am definitely not talking about curtailing civil liberties. I am talking about protecting lives. I've worked all my adult life with civil rights organizations, be it the urban league or the a.d.l., many other organizations. But at this time, particularly since the event of september the 11th, the citizens in our city and the state are entitled to the best protection that can be developed. In light of that, mayor Katz and commissioners, I want to talk to you for just a minute about weapons of mass destruction. I urge you to assist in the funding of an established team presently in the hands of the Oregon national guard dealing with the defense against weapons of mass destruction. Such a team has the responsibility to respond to nuclear, radiological, biological and chemical weapons. These teams have been funded through the department of defense and at the present time Washington, california, and idaho have such teams, plus 27 other states. We do not have anything.

**Katz:** Frank, I have to cut you off.

**Rosenbaum:** Okay. Let me say thank you, vera.

**Katz:** Thank you.

**Rosenbaum:** Thank you, commissioners.

**Katz:** We also have senator jenny burdick. Want to make room for two elected officials. I assume those -- I didn't see anybody else come in.

\*\*\*\*\*: I want to put my name on the list.

**Katz:** Yeah, I know, but you're not an elected official.

\*\*\*\*\*: Oh. Okay.

**Katz:** All right, you go ahead.

\*\*\*\*\*: You were here first.

**Katz:** You're also out of order, so please sit down. You'll get your chance to speak. Go ahead.

**Jenny Burdick, State Senator, Senate District 6:** Thank you very much, mayor Katz, and members of the commission. My name is jenny burdick, i'm a state senator for senate district 6, which includes downtown Portland. When I woke up on september 11th and got the horrible news,

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my reaction was just like everyone else's -- first of all shock followed by profound grief for the direct victims of this attack. My second reaction was grief for what I feared would be an assault on civil liberties in this country in response to the attack. I had historical basis for that. In the last time we were attacked as a country was pearl harbor. And it was followed by, in my view, the darkest chapter of this country's history, when people who might have been a threat and the thousands and thousands who looked like them, were rounded up and put in concentration camps. I do not want a repeat of that, and that is why i'm here to support the joint terrorism task force. There's an easy way and a hard way to fight terrorism. And both ways are options right now. It is a very frightening situation. The easy way is to take the terrorists and anyone who may look like them and do a broad sweep. We've seen that happen in our country. We've seen american citizens of middle eastern descent thrown off of airplanes so far. There's the hard way to fight terrorism. That's what the joint terrorism task force does. They hone in on the people who are actually a risk. And the people who look like them. The people who carry the picket signs outside the clinic peacefully are not swept up in this link, in this net. That's the way it should be. That's the only way to protect our civil rights. And if this project of ending the terrorism is not successful, then the american people will have no choice but to go for the easy way. The joint terrorism task force is the best protection we can ask for our civil liberties right now because we live in a different world now. We do not live in a world where we can have our head in the sand. Are there risks? Of course there are risks. Power and secrecy are a potent and potentially dangerous combination. We need to realize what we're doing here. We are combining power and secrecy. Commissioner Francesconi made some excellent points about the importance of accountability. I don't know what the accountability system is. There has to be one. There has to be regular monitoring. There has to be support. The people on this task force are cut from the same cloth as the people who gave up their lives in the world trade center. But it's a stressful job. They need support. They need constant reminders of what their mission is, and how important our civil liberties are in this country. Without that protection, it's a risk. It's a risk either way. It's a risk to do it. It's a risk not to do it. In my view, the risk not to hone in in any way we can on the real terrorists and leave the other people who may look like them alone is the greater risk. So I support continuation. Thank you very much.

**Katz:** Thank you.

**Francesconi:** Jenny, that's the best testimony i've heard in five years. That's the message we need to get out to a lot of people.

**Burdick:** Thank you. [ gavel pounding ]

**Katz:** This is a deliberative body, and so the hissing will not be accepting here. We will clear the chamber if this continues. Representative merkley.

**Jeff Merkley, Director, World Affairs Council of Oregon:** Thank you very much, mayor, members of the commission. I'm here to testify as director of the world affairs council of Oregon and specifically to the issue of dialog about international issues. I think a key component of freedom and of understanding is the ability to hold a dialog with the world. And sometimes that dialog with the world includes hosting world leaders here in Portland. And I think that that's one mark of a major city's privilege and opportunity in the world, is to hold those conversations. The world affairs council has attempted to bring individuals to Portland who will amplify understanding and encourage dialog about difficult and complex issues around the world. In bringing those leaders, we face security challenges. And when we face those challenges, we need to have experts on communication and security techniques to whom to turn to help us understand what is appropriate in putting on the event and how to coordinate or to do the coordination for us closely with the federal protective services, with the state department, with the embassies of the foreign countries, with the security delegation that will come with the speaker, and so on and so forth. We are certainly not security experts, nor experts in communicating on these issues, and the joint task force has been a very important place to where to turn to concrete that balance of security that

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enables us to exercise one of the beautiful privileges of liberty that is conversing about complex issues with people directly involved in them from around the world. And so I want to thank the task force for its role in assisting us, and say regardless of the other issues discussed today, somehow we need a body of that nature if -- if Portland is going to be able to host individuals who bring with them a security risk.

**Katz:** Thank you.

**Merkley:** Thank you.

**Katz:** Thank you. All right. We're now ready for public testimony. I have asked the a.c.l.u. To quickly organize a panel, 'cause at some point we're going to have to go to two minutes, and I wanted to treat the opposition -- okay, come on up and sit down. Okay, who wants to start? Okay. Go ahead.

**Henry Sokomoto, Japanese Citizens League:** Mayor Katz and council members, my name is henry sokomoto, representing the Portland chapter. Japanese citizens league, a nationwide civil rights organization. With regard to the anti-terrorism movement, we urge that those who formulate laws against terrorism and those who enforce such laws to use care and caution that the constitutional and civil rights of american citizens and legal immigrants are not violated. Such violations have happened in the past history of the united states. The attack against the united states on september 11th caused some to ask at this time of this crisis, if americans ought to give up some of their civil rights in order to help a stronger anti-terrorism movement. We would argue that losing any of your civil rights will lead to abuses of your personal freedom and losses of property and self-esteem. I speak from personal experiences. I was born in Portland, Oregon, an american of japanese ancestry. The day after the attack on pearl harbor on december 8, 1941, I went to my classes at the old lincoln high school. I stood in assembly with the rest of the student body. And pledged allegiance to the flag. Of the united states of america. Loudly and clearly. But I became a target of hostility and discrimination because of the way I looked, along with others of japanese ancestry. Here are a few examples of the losses of civil rights imposed upon japanese of american ancestry. In the days following december 7th, 1941, without warrants, subjected our private residences to searches of private property, and they arrested and jailed leaders of the japanese community. In march 1942 a curfew was imposed on us to be in our homes from 8:00 p.m. To 6:00 a.m. Executive order 9066 issued february 19, 1942, led to the incarceration or imprisonment of 120,000 persons of japanese ancestry and japanese americans. Behind barbed wires, under armed military guard, all this without charges being filed, without a trial, without due process. In 1980, congress established the commission on wartime relocation and internment of civilians to analyze the government contention that the 1942 internment decision was one of military necessity. After six months of public hearings, and 18 months of investigation, the commission issued its report on february 24, 1983. It concluded the promulgation of executive order 9066 was not justified by military necessity and the decisions that followed from it were shaped by race, prejudice, war hysteria, and failure of political leadership. In the current atmosphere of uncertainty in the united states, unfortunate racial incidents have been reported in the press. These remind me of the hostility and discrimination I suffered in the days after pearl harbor. Racial taunts, threats, acts of vandalism, and overzealous racial profiling against citizens of arab background are acts of ignorance. Political leaders and law enforcement officials must ensure that civil rights are protected. Thank you.

**Katz:** Thank you. I'm going to ask everybody, please, limit it to three minutes. Thank you very much. Go ahead.

**Scott Sokomoto:** Good morning, mayor Katz, council members. Name is scott sokomoto. As residents of the city and members -- as members of one of the oldest civil rights organizations, we are very concerned community. As we understand it, the Portland joint terrorism task force ordinance makes for provisions for accountability of its actions to the city or its residents. For an

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organization with a mission statement as broad and ambiguous as it, this is, to my community, a real concern. This is a nation governed by checks and balances. It is vital to our security that we strengthen our ability to track, apprehend those who would destroy us. It is equally vital that we provide safeguards against having innocent people targeted, spied upon and harassed by law enforcement and our government. As a result of the ttf Portland has handed over city-paid police officers to the task on collecting information on local organizations, individuals, in an attempt to prevent and deter terrorist acts before they occur. Exactly what constitutes a potential terrorist act is vague, as are the task force's message of targeting individuals and organizations for surveillance. Because Portland police officers are deputized by the f.b.i., their activities may not be regulated by state law and administrative rules that prohibit political surveillance by the police. Among those protections are provisions that require files to be audited and purged if no criminal activity is involved. In contrast, f.b.i. Records are permanent and may be shared with other agencies. The f.b.i. Assures us that there is no need for our city's leaders to oversee the actions of the pgatff because there are laws in place to protect innocent citizens. Unfortunately the f.b.i. Has a less than stellar record of adhering to those laws. Many of us remember too vividly the documented cases of surveillance and internment of innocent japanese americans during world war ii. My father, along with 120,000 others of japanese ancestry was one of those whose privacy, freedom, and liberty were taken away under the guise of preventing a threat to national security. With no way to review or oversee the actions of this organization, we have no way of making sure that this isn't happening. A year ago our city council voted with little discussion and no citizen input to formalize its relationship between its local police and the f.b.i. Now with this opportunity for community input it is time for our city to provide its residents with a way to monitor the actions of this organization. We must establish a forum that allows us to hold Portland joint terrorism task force accountable for its deeds and methods. We must have the means to ensure that our basic civil rights, the rights on which this country was founded, are not attacked in the name of protecting citizens from harm.

**Katz:** Thank you. [ applause ] [ gavel pounding ] all right, one more time, and we'll stop the hearing and we'll clear the chambers. If you support what you hear, you can wave your hand so we know it. I know some of you are oldtimers -- I don't mean in age, but you've been here before. But clapping is not acceptable. This is not a school board meeting. [ laughter ] did you have a question.

**Francesconi:** No, that's all right -- sir, it wasn't clear to me from the end of your testimony, it sounds like you may support the task force itself, you just want it monitored. Is that right?

**S. Sokomoto:** That's very true.

**Katz:** Yeah. I just want to let both -- everybody know that members of the task force are actually working to protect the civil liberties of people of arab and muslim descent right now on a variety of occasions, and we have been very -- the chief and I have been very outspoken as well as the council, because you're right, that was -- that was one of the darkest moments in our -- on our history. And people of muslim religious beliefs and middle east background need the protection and are getting it from the members of the police bureau and the task force. So thank you. All right.

**Stephanie VanZuiden:** Mayor, members of the council. My name is stephanie. I live here in Portland. And i'm here today to express my concerns about the joint terrorism task force as someone who has worked to provide abortions and abortion counseling services. A little bit of my history -- in 1992 I served as abortion counselor and physician assistant at the planned parenthood in missoula, montana. This planned parenthood in fact started providing abortion services because the only abortion clinic in town, blue mountain, was burned to the ground. From 1994 to '98 I worked, coordinating the volunteer escort programs for both reproductive health services and hope clinic for rim. Hope clinic remains as far as I know the only clinic in the nation that has had a doctor kidnapped and held for several days. I was also in charge of coordinating escorts at

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reproductive active health services the day the ten most wanted list was released to the st. Louis media by the american coalition of life activists. In 1998, I moved to Portland and worked for one year as an abortion counselor at lovejoy surgi-center and still available for ultrasounding there when they need me. I know the threats to abortion clinics and providers firsthand. I have dealt with bomb threats and butyric acid attacks. I have picked up bullet-proof vest-wearing physicians from airports and driven them to the back door of clinics. I've seen guns sent to abortion providers directly after another provider was murdered. I have unlisted phone numbers and blocks on my license plates. I have experienced the fear and intimidation by extremists directed at those who provide reproductive services. I've read the ordinance currently on the books and the proposed ordinance before you today. I realize that there have been some minor changes to language, but in my opinion they do not rectify the problems. Let me be clear. I strongly believe that there should be a cooperation and communication among all law enforcement agencies to address threats against abortion providers, clinics, and the women who obtain services from those facilities. There needs to be protection and response by law enforcement when threats of violence are made. However, it is not necessary to deputize Portland police officers as special federal officers and place them under the supervision and direction of the f.b.i. It is not necessary to jeopardize our Oregon constitutional guarantees to ensure that our safety is protected. It is not necessary to turn over surveillance documents to the federal government where they will be kept forever, even if a person is only engaged in legal political expression. The task force agreement does not provide truly independent oversight. We must not lose sight of the need to maintain a balance. I am confident that we can prevent acts of violence against women without standing an agreement that federalizes city police officers and puts our constitutional protections at real risk. Thank you.

**Katz:** Thank you. Why don't you move the mic closer to you.

**\*\*\*\*\*:** Sure.

**Katz:** Thank you.

**Bob Marshall, Organizing Director, Oregon Federation of Nurses and Health Professionals:**

Good morning, mayor, council members. My name is bob marshall, the organizing director with the Oregon federation of nurses and health professionals. In these times nothing is more important than protecting our country, its citizens and its residents, but as we attempt to bring terrorists to justice and prevent future acts of terrorism we must not allow fear to sacrifice our constitutional commitment to freedom. Labor activists have expressed great skepticism about the focus of the task force. Recently a Portland, Oregon organizer with the carpenters union received a call from the officer on the task force. The organizer answered all the officer's questions about an event to take place at a nonunion work site. A few days later the work site was shut down and no workers were there. We feel the employer was notified by the officer and find that a serious infringement on labor's right to organize. The Portland police filming of the powell's workers organizes their union and a task force officer notifying employers about union organizing does not protect Portland from terrorism. The u.s. Attorney general has stated that protecting our civil rights is an absolute necessity. We must realize that constitutional rights are our best source of security. Many senators and national leaders are urging that our country take great care not to trample the civil rights of our citizens. Here in Portland, I feel we must not rubber stamp the reauthorization of the task force without listening to and acting on the community's needs and concerns regarding the civil rights of all citizens. To quote a u.s. Supreme court decision of 1967 that invalidated the anti-communist laws would seem appropriate at this time. Quote, it would indeed be ironic if in the name of national defense we would sanction the subversion of one of those liberties, the freedom of association, which makes the defense of the nation worthwhile. Thank you very much.

**Katz:** Thank you. Let me flag this to lieutenant cane. This has been an incident that keeps generating and repeating itself, so toward the end i'd like for you to explain what happened, if my understanding, it was a beaverton police officer, not a Portland, but that's a minor distinction, but

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it's something that you need to share with us. So I hope mr. Marshall, if you're concerned, you let the beaverton city council know. Okay, david.

**David Fidanque, Executive Director, American Civil Liberties Union of Oregon:** Thank you, madame mayor, commissioners. Oh for the record, i'm the executive director of the american civil liberties union of Oregon. As I believe you all know, the a.c.l.u. Has worked for many years to prevent the f.b.i., as well as state and local agencies from engaging in surveillance or disruption of organizations and individuals based solely on their constitutionally protected political or religious beliefs, activities or associations. Throughout its history, f.b.i. Officials have assured the public that they were interested only in enforcing criminal laws and had no interest in the political views of innocent citizens. Unfortunately, as you've already heard today, history has given the lie to those statements. In every decade, not just in the 1940s with japanese americans, but in the 1960s with the reverend martin luther king, in the 1970s and '80s with other organizations, including the committee in solidarity with the people of el salvador in the '80s, act up and other aids activists in the '90s, the f.b.i. Has consistently and continuously engaged in political surveillance of organizations and individuals who were doing nothing but engaging in constitutionally protected activities. Throughout that period, and continuing today, the f.b.i. Continues to resist efforts to release those files that were gathered in violation of the constitution and in violation of federal law.

As recently as 1997 john lennon's files were finally released after a 14-year court battle. I won't go into the details of that here, but you have some of it in my written testimony. Representatives of the task force have sought to reassure us again today. We would like to be reassured, madame mayor. We are sympathetic with those who assert that the task force is necessary to combat violence and threats of violence against abortion providers and other types of criminal activity. We agree that those threats of violence are real and must be addressed. But there must be a way to accomplish that mission without jeopardizing the constitutional rights of innocent citizens. There must be a way to encourage cooperation between local police agencies and the f.b.i. Without deputizing Portland police officers as federal agents and putting them under the direct control of the f.b.i. Which is subject too much less stringent guidelines than are provided for in Oregon law and by state administrative rules regulating intelligence-gathering activities. The memorandum of understanding acknowledges those stricter requirements of Oregon law, but in practically the next paragraph has a provision deputizing Portland police officers as federal officers. It's not all clear to us whether or not those guarantees of Oregon law and Oregon administrative rule actually apply when those officers are acting as federal agents. In the aftermath of the tragic events of september 11th, most public officials have agreed that we should not sacrifice our basic freedoms in order to make america safe. Nevertheless, the bush administration has asked congress for sweeping new powers for the department of justice that would not be subject to judicial review or oversight. Should congress grant any of that unprecedented authority, the safeguards we advocate would be even more necessary than they are today. Prior to renewing the agreement, we strongly urge the council to include the attached list of safeguards and insist that they apply to all members of the task force. Madame mayor, I have attached that list of safeguards. I also have with me today the a.c.l.u. File that was gathered by the f.b.i. From the 1950s through at least 1975. We don't know if there's been anything since.

**Katz:** Okay, david, thank you. Chief, and randy, again, let's -- the question david raises that will need a response, whether the rules -- when are c.i.d. Officers act as partners with the f.b.i. On many southeast of the cases, whether the more stringent rules of the o.r.s. Apply or -- I think you answered the question, but we'll come back and revisit that again. Thank you.

\*\*\*\*\*: Thank you.

**Katz:** All right. Let's open it up for public testimony. It's 11:36. I'll go one round with three minutes and then -- well, let's -- let's do two minutes, and trust me, you can do -- you can say what



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you need to say in two minutes as well as in three. We've been through this before. So let's take three names -- one name, one name.

**Katz:** Okay. So let's -- I think you can do it in two minutes. Who wants to start?

**\*\*\*\*\*:** First name on the list?

**Katz:** Go ahead.

**Howard Thorn:** I'll start. Good morning, mayor and commissioners. My name is Howard Thorn. A working class citizen of southeast Portland. I consider my civic duty to be here today. First of all, I want to say that, you know, we're quite stunned with the horror of the -- you know, the terrorist attacks back east. They were sort of an exercise in, you know, ghoulishness and horror and they were very heinous acts. We want to see the perpetrators found and punished and tried in an international tribunal. However, I need to say that violence always begets violence. We do not want such a terrorist attack or multiple attacks to be used as an excuse to stage a bombing attacks --

**Katz:** Move away a little bit.

**Thorn:** Okay. -- to stage bombing attacks on the citizens of the muslim world in north africa and southwestern eurasia. Now for the domestic front here in Portland, we live in a system in this country which is causing grievous damage to other peoples of the world, to ecosystems, to working class people. Ecosystems are under attack by -- by organizations -- for example, corporations that are -- who are into resources extraction at any cost. There are attacks on living standards of working class people. And so to overcome this and to avoid global and national disaster, we need to work for radical social change. And the sooner that the people of this country and in particular the rulers of this country realize that they must eventually come to terms with radical social change the better off we will be. Now, we have many activists here in the Portland area who have been persistently and tirelessly and valiantly working for radical social change for years. And they are to be commended. And I fear that any -- any alliance between the Portland police and the f.b.i. Will be used to totally restrict their civil liberties. We as human beings have what I would call an invaluable right for several types of freedoms, and I would say among those would be freedom of assembly, freedom of conscious, freedom of the press, freedom of expression, freedom to organize. And you believe so we are assured that these will absolutely and unconditionally be protected, then this country cannot really be considered a democracy in any way, shape or form.

**Katz:** Thank you, thank you.

**Ruth Kovacs:** Thank you. Good morning, mayor Katz, and the council members. I'm Ruth Kovacs. I wear black because I'm a senior citizen and very comfortable in black. I wear it to the movies with my friends and my grandson's birthday parties, but I am not a terrorist. I'm a citizen who loves America. I wave the flag, I sing the songs, and I want only the best for my country. One of the things I love most about the democracy is the first amendment right to gather with friends and speak our minds about certain issues. Lately an issue that concerns me is the movement of -- to free a wrongly convicted man who's been on death row for almost 20 years. I've reviewed the known facts and I'm convinced he's innocent, and I want to do whatever I can to help him win his freedom, but I am not a terrorist. I hide my eyes when there's violence in the movies or tv stories or on commercials, and even at Disney films when I watch them with my grandchildren. I could not do property damage or physical harm to anyone. My home and family has always condemned violence. My son was a conscience objecter. My sister helped provide food to the homeless for 40 years. Our family has eight teachers and eight others involved in social services. I am not a terrorist. I do not want to be afraid of the Portland police. I do not want you to get confused about the difference between peaceful demonstrators and terrorists. I implore you had a if the task force renewal is approved on behalf of all the citizens who work to achieve justice by exercising their first amendment rights, please, be sure that those like me are protected and do not become victims. My children do not want to see me on tv being loaded into a police wagon. Therefore, I have to

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join the demand to not renew the j.j.t.f. And I thank you for this opportunity to vent my opinion. Thank you.

**Katz:** Thank you. Why don't you move closer.

\*\*\*\*\*: Okay. Well, good morning. I think you know that I oppose the joint terrorism task force --

**Katz:** Identify yourself for the record.

**Cort Greene:** Cort greene. I have sent all of you hundreds of documents of f.b.i. Abuse, sometimes 2-3 different times, i've been lucky enough to be able to talk to some of your staff personally about this with a number of other people. You would think about 40 different intelligence agencies in the united states, along now with three different joint terrorism task forces, that Portland could at least withdraw from the one they have and maybe use that money towards the city's workers who contract's up and maybe give them a better insurance policy. We have a crisis of freedom and democracy in the united states, and it seems like you are all part of taking that away. Yet last week jesse jackson said that we were creating a police state with the 500 new draconian laws that were passed in the war powers situation that congress gave to president bush, somebody who stole the election. The history of the f.b.i. Is clear. They've murdered people from the black panthers to the american indian movement to martin luther king. If you can condone working with them something's wrong you.

**Katz:** Move back a little bit.

**Greene:** You have betrayed your fiduciary responsibilities the first time you went along with this task force. To do it again is a crime. We've even had a city councilman support fascists and terrorists when he went and spoke at reverend moon's event here in town in april. You brought the dali lama here who supported fascists during world war ii. And terrorized 95% of the people by enslaving them. It seems to me you don't care about freedom and democracy. All you care is protecting the rich, the powerful, and have no sanity or compassion for working people, for the poor and oppressed, who the f.b.i. Has always been against us as a political police force from its very inception. I mean, the first thing they did with the mann act was go after a black man for dating a white woman, when after the anti-war movement in world war I the iww, the palmer raids, they have a long history of abusing peoples.

**Katz:** Thank you, court. Okay. Let's go.

**Moore:** We have robert king, kathleen sullivan, and charles steinwindle. Is there a jerry allville?

**Katz:** Come on up. Go ahead.

**Robert King, President, Portland Police Association:** I'm robert king, the Portland police association president. I'm here today on behalf of officers and sergeants to testify in support of the police bureau's involvement in the joint terrorism task force. I am as the police association president the leader of one of the largest labor organizations in the state of Oregon. And are grown up in a union home. The rights of workers and the rights of people in our country are dear to me, and i'm confident and here to assure you and other citizens that officers who are involved in this activity are not in fact targeting legitimate unionizing activities or other lawful activities of citizens in our city in our country. But rather, as others have testified, that they're going to do work to prevent terrorists acts before they occur. I think what's important about this is that it lies at the very center of the mission of the police organization, the Portland police bureau, to both reduce crime and reduce the fear of crime. And I think in the days following september the 11th there is an increase in fear among citizens in Portland, and so I see the -- the participation of officers and a sergeant on the joint terrorism task force as something that is positive in helping us combat that. Why is it important? It is important because it increases the police bureau's ability to keep Portland safe. And our officers want to participate because it increases our ability to protect families in Portland. Which is what is in the hearts of officers and lies at the very core of the mission of the police bureau. Thank you.

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**Katz:** Thank you, robert.

**Kathleen Sullivan, Oregon NAROL:** Good morning. Mayor Katz, commissioners, my name is kathleen sullivan, representing Oregon narol. We're urge urging the city council to approve the Portland joint terrorism task force renewal. I'm not going to take very much time, because I think you've heard quite a bit from the choice community. There are a couple of things I wanted to point out. One is why we're so concerned. One of the most important things is that we feel terrorists are really emboldened when we take steps not to stop them and not to stop their terrorist activities. And in Portland, unfortunately, we have had several occasions where people who are anti-choice and extremists have actually gone out and perpetrated violence against clinics and doctors. And we certainly don't want to embolden them to continue that. I think that clayton lee wagner was mentioned, and I don't know if it was actually mentioned what he wrote on his web page, but he did threaten to kill everyone who works at planned parenthood from janitor to doctor. And that's just the kind of speech that I think clinics, their patients, their volunteers, need to be protected from, as well as those actions. Also just want to briefly acknowledge our coalition partners. Oregon narol, as well as planned parenthood works in coalition with the a.c.l.u., the league of women voters. So we're certainly sensitive to the concerns that they have brought up here today. And we will be very happy to, if the mayor or someone else on the city council were interested in putting a group together, to discuss their concerns and sort of heightened assurances from the city for their concerns, we will be happy to participate. That's all i'm going to say. I thank you for giving me the opportunity this morning.

**Katz:** Thank you, thank you. Go ahead.

**Jerry Auvil, Organizer, Carpenters Union:** Good morning, mayor Katz, city commissioners. My name is jerry auvil, an organizer for the carpenters union. Thank you for allowing me this time to speak. I am the carpenter organizer who was called by a beaverton police person who identified themselves as a Portland joint terrorism task force individual and through conversation afterwards with richard cane, lieutenant cane, and representative from your office I understand that the Portland police officers had no connection with that. There are about 3500 union carpenters who work in the metro area and we're growing. We're growing because we organize workers for better pay, working conditions, and benefits. We have organized big companies up and down the west coast -- that work up and down the west coast with many carpenters to small companies who may have only 5-10 carpenters. We are organizers -- we organize because some employers have trouble following all the rules as employers. Such as providing workers' compensation and unemployment insurance, withholding taxes and paying their portion of taxes on workers. We organize through worker support, through community support, and through the laws of our land. This is an important time for our country in the light of the last couple weeks. We have suffered a great trajedy from terrorists. All of us want those terrorists brought to justice. All of us want a safe place to work, raise our families, and enjoy the fruits of our labor. We support the Portland joint terrorism task force to do its job. To do it well. To do it with a commitment and integrity that would make us all proud. This debate here is also a part of our heritage, of what our great country is about. That is also what we want protected. We want our constitutional rights protected too. Many political leaders throughout our great nation have said the same things under much greater trials and tribulations than we face today. When attorney general ashcroft was asked for greater power to search for terrorists and bring them to justice before they can hurt us, he was in turn asked what his definition of terrorism is. We think that is not an unfair question today. We also think it's not unfair when the task force comes across labor organizers and union organizations, that they do their due diligence to identify any threats. And then when they see that there are none, they watch from the sidelines, watch but not hinder those working toward the betterment of workers. Our work benefits this city. The city benefits by higher taxes from workers that make better wages.

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**Katz:** Thank you. I just want to flag something. We have a full -- morning and afternoon agenda. And tonight is a -- the beginning of the highest holy day for jews in this community. So we will go on, if the council is okay, until 1:00, but I don't know how we're going to get through the whole -- the regular agenda and the afternoon agenda without -- without a majority of council members. We'll have to work through this, and i'll do it between 1:00 and 2:00. See what we can postpone. All right, go ahead.

**Marjorie Sandoz:** Good morning. My name is marjorie sandos. I will live in southwest Portland. As of august 10th I have a new daughter-in-law whose father was born in india. He worked for many years at the new york trade center, the world trade center, and happened not to be there on september 11th. Last friday he returned to the trade center to see for himself what had happened, and one of the things that was a big blow to him was not just what he saw, but the way he was treated now as an indian after this event compared to how he was treated previously. He felt that he was scrutinized because of his color, and this saddened and frightened him. He called his three daughters, one of whom lives here in Portland, and urged them to change the names on their answering machines, take the indian words off the answering machines. Our new daughter-in-law has had trouble sleeping and feels anxious and is certain that she's being watched more closely here in Portland because of her race. I'm here to oppose the joint terrorism task force and urge that the terrible world trade center trajedy not be used as an excuse to increase racial profiling, which we've been fighting against in this town for our minority communities for years. I urge that it not be used to curtail the liberties of activists, unionists, feminists, environmentalists, and civil rights activists in this community, intimidated by the joint terrorism task force and its stated responsibility to prevent trouble before it begins, which means they're watching people before they've done anything illegal. These very groups are those who are fighting for a more just world in which a more equitable sharing of the world's wealth and power would help prevent terrorist acts. There are other ways to protect ourselves, including abortion clinics, besides the joint terrorism task force. We as civilians can help protect our rights and do that through our unions and through our other organizations. The f.b.i. Has not necessarily stopped acts of terrorism. It has targeted those of us who are working for change. I urge you not to support the task force. Thank you.

**Katz:** Thank you.

**Alan Graf:** My name is alan graf. And i'm a new york jew. I was born raised, educated in new york. My family lives in manhattan. Luckily everybody is still safe and found and alive. And I just want to say that i'm not going to go into the horrors of it, because it was a very horrible experience for me and for everybody else. I want to get right to history and accountability. I've given you some exhibits. You've heard a lot of promises and a lot of statements today about the police following the law, especially specifically o.r.s. 181.575. And you're all familiar with what we call squirrel v moose affectionately where judge marcus found that the police intelligence violated the statute and ordered a continuing audit. Well, we did a mass defense, of the protestors in the iraqi bombing protests, and during discovery in that trial we discovered an intelligence report that the Portland police issued noting intelligence taken, exhibit c, page 2, specified noncriminal activity. So this was a violation again of the statute and judge marcus' ruling in squirrel. They were spying on dan handleman, who you all know was maybe a contentious person, but law abiding and peaceful. And so there was a violation. So the police have not followed that. And specifically the auditing which mayor Katz calls to your attention in david lesh's memo, very interesting to me, because what I heard from mayor Katz today, she said that -- that david said ought continuing has been done since january of 2000. Well, if you look at the february 17th, 2000 letter from attorney rogers to judge marcus, exhibit d, which i've handed you, it says that for the past two years the city attorney's office has not done the auditing. The auditing was not done. And if you look at page 2, attorney rogers says to he doubts that the city attorney is even capable of doing auditing because it would be a conflict of interest since the attorney -- city attorney represents the police that he

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wonders whether they can even do that sort of thing. And so the idea that the city attorney is going to be the audit of this task force, the attorney rogers even doubts that that's the -- that's a possibility.

Also, I know jim, you're familiar with the gatti decision. Right now the gatti decision, issued by the Oregon supreme court, says that attorneys can't even supervise undercover activities. So right now you don't have the -- the attorneys can neither audit nor supervise intelligence activities, so there's absolutely no oversight whatsoever.

**Katz:** Allen, your time's up.

**Graf:** Excuse me?

**Katz:** Allen, your time is up.

**Graf:** I want to be --

**Katz:** Excuse me, excuse me. Oh, that's a familiar voice, I think. [ gavel pounding ]

**Graf:** Can I say something really quickly? I just want to propose that you put a civilian review board in. I will be glad to volunteer to be on that board. Civilians, especially lawyers, know what confidentiality is, and we can be sworn to confidentiality. If you're going to put this task force in place, don't leave it to the fox guarding the chicken coop. Put us -- put civilians in that will watch the rights of the civil liberties of this town.

**Katz:** Thank you.

**Graf:** Thank you.

**Francesconi:** Allen, i'm sorry, just one thing. Referring to jeff rogers, is this the february 17th letter you're talking about?

**Graf:** Yeah, february 17th letter, correct.

**Francesconi:** Where does he say what you said?

**Graf:** Look at page 2, the second-to-last paragraph. It says " -- second sentence. Since city attorneys advise and represent the city an attorney-client relationship we question in retrospect whether we're in the best position to provide independent auditing of a city bureau." he wrote this to judge marcus. And this was stated. And he said the auditing hasn't occurred for two years after david writes you a memo saying that auditing has occurred since january of 2000. Obviously the two attorneys in that office who aren't talking to each other.

**Katz:** Any other questions?

**Katz:** Thanks, alan. Okay.

**Joseph Snyder, Member Local 189:** Hello, city council. My name is joseph snyder, i'm a member of local 189. I've been active in the cross border organizing committee for two years. It's nice to spend another lunch hour with you all. I wish you'd have occasional evening sessions so that working people can come here. I'm sure there's more folks who would like to be here. One of the most -- like everyone, september 11th was stunning, horrifying to me. And it only got worse later in the day when afterwards we saw crass attempts to exploit the deaths of thousands of people for self-serving political gain by politicians on the tv screen. And it's continued since then. Perhaps the most repulsive is attorney general ashcroft's attempts to use their deaths to attack civil liberties, which in this case seems to be a desecration of their memory. It would be nice -- I wish my job were a lot more like the f.b.i.'s. You screw up and people hand you more money and power. That's great. What a racket. I have -- i've been reading lately -- I went to grad school in history for a while, and I was taught the value of primary sources, so i've got this book, documents from the f.b.i.'s secret wars against dissent. So we've got the f.b.i.'s own documents. In the '80s the f.b.i. Did extensive monitoring, surveillance, spying upon, attempts to disrupt supporters of el salvador, although it's never been convicted of a crime or any of its principals have. It's been peacefully opposing u.s. Foreign policy in central america for 25 years now. But the f.b.i. Wrote a teletype, saying this, this is from the new orleans office to headquarters. It is imperative at this time to formulate some plan of action against these people and specifically against individuals who defiantly display their contempt for the u.s. Government by making speeches and propagandizing

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their cause, which apparently the f.b.i. Regards as illegal somehow. And the only one we could think of -- let's see, the carpenters, c-block, so this is what the joint terrorism task force is supposed to do? Chase around union groups and then phone people up and tell them that they're subversive? Let's say no to this.

**Katz:** Thank you. All right. How many more people want to testify? All right. We're not going to -- sorry, we're not going to get there today. So what i'm going to do, we'll go till 1:00, is continue the testimony -- continue the testimony next week before we vote. And so we'll go as far as 1:00, have the testimony, hear from the council, and then we'll vote, because we do have other items on the agenda. I'm sorry.

**Moore:** We have michael kahn, james cunningham, and terry daley. They will be followed by mary winsig and steven hansen.

**Katz:** Go ahead, sir.

**James Cunningham:** The only game in town, I guess. Good afternoon now, mayor Katz, and members of the council. My name is james cunningham. I'm here to speak today as a private citizen. I am a captain for united airlines. I'm also a member of the Oregon air national guard. But today I do not represent them. Represent their beliefs or policies of united airlines, although I am an agent of the Oregon air national guard I do not speak in that capacity. Like many of you on the council, and many of the people in the chamber here this morning, I have spent my entire adult life in some form of public service --

**Katz:** Excuse me. Let me interrupt you for just a second. People are leaving and I want to make it very clear that the people that will be testifying next week are the people who signed up for today. We're not going to take any new testimony. So if you didn't get to testify and you don't want -- you may not get to it until 1:00, then we'll hear from you next week. And karla, we're going to have to manage the calendar next week to give us plenty of time so we don't run into this situation. Okay. I'm sorry.

**Cunningham:** That's fine.

**Katz:** We'll get you back to two minutes.

**Cunningham:** I think it will be shorter than that.

**Katz:** Okay.

**Cunningham:** Like many of you on the council, and many people in the chamber here, i've spent the majority of my adult life in some form of public service. As a private citizen, I have a foot in both camps, of both government service and of private service. Through my affiliation with united airlines. And with a foot in both camps, I have specific responsibilities for the protection and welfare of the general public. As a captain for united airlines, I have a defined public responsibility for their safety and welfare as long as they are in my care in the process of conducting my duties as an airline captain. I also have a degree. My undergraduate is in political science with an emphasis in constitutional law. I am painfully aware of not only the need, but the responsibility to protect civil liberties of all of our citizens. I believe it's in the citizen's best interest to have all public and certain private assets available for use of any undeclared -- of any declared emergency. An organization structured like the joint terrorism task force will provide local networks designed to add, address, and combat criminal terrorist activities, initiatives and other dealings that are critical to ensuring the defense of personnel and material as -- assets, and making sure that those assets are available and safe for the use by local, state, and federal agencies. I urge you to carefully examine the strategic plan, that the joint task force puts forward, because I have, and i'm convinced that our nation's and citizens of Oregon's civil liberties will be protected. That's all I have to say. Thank you.

**Katz:** Thank you. Go ahead, sir.

**Tia Plimpton, State Coordinator, Oregon N.O.W.:** Good afternoon. My name is tia plimpton, the state coordinator for Oregon n.o.w., national organization for women. N.o.w. Has been on the

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forefront of women's reproductive choice for over 50 years. We have seen both sides having to struggle with tremendous issues of social importance. Right now the national organization for women opposes the renewal of this particular joint task force. We believe there must be a continual process towards a compromise of certain issues. We do not deny the horror that has been cited before me in previous testimony. In the last several years across the united states -- in the last several years the united states has spent billions of dollars on counter terrorism, notably in the middle east, and still there is little fear of the united states for many terrorists and their organizations. I wonder, is counter terrorism largely a myth? Despite the government's ability to cite a few assorted successes. Consider that even in totalitarian countries such as china where few liberties exist, there continues to be and has always been terrorist attacks. Specifically one reality that is historically and contemporarily chilling to now is the fact that the f.b.i. Paid informants to infiltrate the women's movement as long as four decades ago. They also made a file on n.o.w. N.o.w. Is law abiding. N.o.w. And others who are a target of domestic and/or international terrorism must support methods other than the invasions, the intimidation, the cruelty, retribution, or revenge in coping with wrongdoing and crime. Given the hostile legislatures and the anti-choice terroristic forces that are at work around the country, the issues pro choice advocates are varied and daunting, and they indeed are deadly. Pro choice advocates from the anti-choice, anti-women, anti-family extremists. We need not lose our civil rights. It seems to me that this should not be an issue of binary choices. You either save us or you abandon us. There's got to be a compromise, more time spent working out the details so that all sides are just and we're not caught between an abuse sandwich.

**Katz:** Thank you.

\*\*\*\*\*: The terrorists on the one side and the surveillance on the other side.

**Katz:** Thank you. Karla? Let's move it.

**Katz:** All right. Who wants to start?

\*\*\*\*\*: She can.

**Katz:** Let me ask you something. Why aren't you in school?

\*\*\*\*\*: We had a field trip coming here.

**Katz:** Oh, good. Just checking. Just checking. All right. Go ahead, why don't you start.

**Maricela Best McKay:** Okay. Hello. My name is maricela. I'm here not to talk for or against the task force. I'm here for both sides to contemplate. Considering the fact that most of the time the reason why someone is against the task force is because they feel it would infringe upon people's civil rights and perhaps target innocent people, I think there's a way for both sides to agree and come up with a beneficial conformity on the issue. Two people came to our school. One of them for the task force, the other against it. The one for the task force was from the Portland bureau of police. He said the definition of terrorism was somebody who committed a crime for political purpose or reason. First of all, if this is the joint anti-terrorism task force's definition of terrorism, gandhi and martin luther king could be considered terrorists. Suppose they an african-american girl in times when black americans could not go to an all-white school. If I did attend that school, would I be a terrorist? I think a good definition that both sides agree with is needed. Secondly, I think the people who -- secondly, I think people would not very pleased if the community had more input. Not as in a company saying they agree with the task force, but people being heard and having people's ideas considered and sometimes used. As I was saying, people would like more input and control into what the task force could do and how it was judged. One way to do this would be to have people from both sides come together and discuss an effective way for the task force to run and to a way the rules could be set up. This would also be a good way for the task force to be judged on how it rules the rules and safeguards, and if necessary change the rules so they are more effective and easy to follow. That way the public would receive the benefit of a task force without the possible costs of their civil liberties being infringed upon. Also they could have

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the security of knowing they can do things to make sure the task force is not overstepping its duty. Thank you for listening. And I hope my comments and suggestions have been of some use to everybody and if possible helped create a win-win situation. [ applause ]

\*\*\*\*\*: Whew:

**Katz:** Could you tell us what school you're from?

**Best McKay:** I'm from the metropolitan learning center. And i'm very interested in this. So I spent a lot of time on this speech and i'm glad you could hear me.

**Katz:** Well, thank you very much. Thank you very much for taking a lot of time on this and I appreciate you being here. Thank you. Go ahead.

\*\*\*\*\*: Should I give my name?

**Katz:** Sure.

**Laurel Ann Hess:** My name is laurel ann hess. At the beginning of like two days ago, I was for this, but after hearing everything i'm kind of opposed to it, because it seems that -- well, actually on cnn they had the picture of a guy, and they said I was a terrorist, and then the guy walked into the police station, said what did I do? And cnn made a mistake. And they also made a mistake when the afghanistinians, they were celebrating in the streets, that was a clip from a movie in 1993. So i'm opposed to this because I don't want people of races to be like told -- or like taken into custody because they were of that race like during world war ii when like the concentration camps. I think that was wrong. And I don't think we should do that. So i'm opposed to it because it sounds like that's what the going to start happening, because I think we're going into war.

**Katz:** Thank you. All right, karla.

**Katz:** All right. Go ahead.

**Steve Hanson, President, International Longshoreman and Warehouseman Union (ILWU):**

Thank you for your time. My name is steve hanson. I'm the current president of the international longshoreman and warehouseman union located in Portland. My local, which consists of about 500 people are hard working, good americans. They serve their country when they've been called upon to do so. They have one terrible flaw, though, they belong to a union. I believe that i'm a good citizen and a credit to my state. But I must not be because I belong to a union. Because of my union affiliation I can be considered a terrorist. I can be spied on, have my phone tapped for that reason alone. The history of the f.b.i. -- excuse me -- and the union go back for 70 years, from about 1930 through 1954 the f.b.i. Spied and lied about our union. The government and the f.b.i. Tried to deport our union president five times. Twice going all the way to the supreme court. The government and the f.b.i. Used paid informants, paid agents, and disgruntled labor leaders to lie about mr. Bridges. Supreme court justice murphy wrote in his opinion on the bridges case, seldom if ever in history of this nation has there been such concerted and relentless crusade to deport an individual because he dared to exercise the freedom that belongs to him as a human being and is guaranteed to him by the constitution. The yale law review observed that perhaps no man in america has ever been persecuted and prosecuted with the legal system as harry bridges. According to the pbs documentary, harry bridges, the man in his union, the justice of the supreme court was so disgusted with the government and the f.b.i. That he asked harry if he could swear him in at his citizen's ceremony, and he did. We use a motto in our union that we got from the iww. It states that an injury to one is an injury to all. This is as true now as is ever. If the city of Portland thinks it needs this task force, then we believe there must be true civilian oversight, because power corrupts, absolute power corrupts absolutely. Other thought, which is useful here, is that those who forget the past are doomed to repeat it. I realize I stole those last quotes, but I don't remember who from. Important to remember during these stressful times is our civil liberties. We need to use logic and our good sense. We are a progressive state, which has made intelligent decisions in the past. Thank you very much for your time.

**Katz:** Thank you.



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**Mary Winzib, President, ILWU, Local 5:** Hello. My name is mary winsig, president of the international longshore and warehouse union local 5. In light of the horrible events that have happened in new york, pennsylvania, and Washington, d.c., one might believe that it is a time that we, members of labor unions, environmental groups, community activists, and others should stop our opposition to the joint terrorist task force, but actually this is a time when we need to raise our voices louder and more forcefully. Nobody can deny how terrible the events of september 11th are. The images, pictures, and sounds will live with us forever. We mourn for the people who have lost their lives. Many of them our own union brothers and sisters. Their lives cannot be trivialized. But we need to look at the bigger picture, a picture that is supposed to reflect what this country is about. We have to remember why we oppose the joint terrorism task force in the first place. We have to remember the right to organize for better working conditions without harassment by the f.b.i. Or the police is an important human right. We need to remember the history of the f.b.i. And they've spent a lot of time, money, and energy investigating people that they consider terrorists, such as martin luther king, eleanor roosevelt, and harry bridges. And we need to know that we must raise our voices in dissent and cut through reactionary politics and oppose what we really goes against the constitution and our freedoms. As horrible as the events of september 11th have been, it would be equally terrible that in our grief and confusion we give up our constitution I can't really rights. It frightens me that workers in pursuit of democracy in the workplace will be videotaped by police or the f.b.i. Like the pals workers were while we leafleted and walked in peaceful picket lines because we were considered to be black clad anarchists. We've been told we were filmed because they thought we could break the law, however they never filmed my employer. [ laughter ] because of this, I strongly recommend that the elected officials of Portland please listen to the voters, many of us union voters, and listen to our beliefs and vote against continuing the joint terrorist task force.

**Katz:** Thank you.

\*\*\*\*\*: I also respectfully ask that the city council remember that the joint terrorist task force was in place during the day of september 11th, and yet these events occurred.

**Katz:** Thank you.

**Jeanne Carpenter:** Mayor Katz, city council members, my name is jeanne carpenter, organization for the communications workers of america in Portland, but i'm speaking as a citizen of Portland. I have a concern with the renewal of the Portland joint terrorism task force. Many citizens before me have expressed their concerns like the lack of oversight, the history of, quote, mistakes, unquote, by the f.b.i., the collecting of information about people and organizations, et cetera. It seems to me that the history of the f.b.i. Is to investigated people and organizations that try to make changes to policy in this country or who speak out against injustices and create mass movements. Some of those movements were labor, civil rights, the women's rights, and anti-war movements. In my opinion, these movements all had a positive effect on the united states, but they were all investigated and adversely impacted by the f.b.i. I have no faith that the current f.b.i. Is any better than the f.b.i. Of those eras. My question to the counsel council is, why do you want to infect the Portland police bureau with this type of decision-making and bad practices? Already we've seen an example. The videotaping of the powell's bookstore workers by Portland police. They were handing out leaflets to passersby in front of their store. That's not a crime. Furthermore we hear there's a shortage of police officers, yet the department uses police officers to videotape leafleters for hours and hours. I support the recommendations of the a.c.l.u., citizens, and organizations must have the ability to challenge the conduct of agencies that are prying into their lives instead of supporting this task force with the f.b.i. This council should be supporting my first amendment rights.

**Francesconi:** One of the things that's troubling to me, the root of your appropriate concerns are freedom -- civil liberties, freedom of speech, freedom of assembly, freedom to do what you want, freedom to organize. That's the root of your concern. And it's legitimate. Yet, we hear the

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testimony from the o.h.s.u. Professor who really wants those same rights for himself. He wants to practice, he wants to be able to travel, and where groups are using illegal means to prevent his freedoms, don't we have to have -- isn't there some common ground here and does there have to be a mechanism to break that up, whether it be in your case, the f.b.i., or a terrorist group?

**Winzib:** Well, in my opinion, what people are calling terrorism, it's not going to end by the f.b.i. Spying on citizens. I mean, till we change the policies of the u.s., until our elected officials look at what the -- our citizens are worried about, people are worried about the environment, people are worried about primate testing, people are worried about unionizing. But yet we don't feel like we get any support, or not very many support -- much support from you guys. So, I mean, that's why, in my opinion, a lot of people do these type of things.

**Francesconi:** Yeah, but, okay, I mean we need to have that discussion, but you can't use violent means, you would agree with that. You can't use violent means to accomplish it.

**Carpenter:** And the powell's workers weren't will go violent, when they leafleted, but they were being videotaped by the officers.

**Katz:** Let me say something on the videotape, because my office worked with the may day leaders on the demonstration, and that issue came up. And there was a reality that there are a lot of people videoing each other, and so they want all that taping stopped, but there were reasons for it, and there were a lot of people taping. So and nobody quite knew who was taping whom and for what, and what organizations they belong to.

**Carpenter:** We don't have the power to arrest you, though.

**Francesconi:** Just so i'm clear, I wasn't talking about that, and i'm not justifying that taping.

**Hanson:** Can I spend 15 seconds on his question? Ecotrust properties fewer people are going to be --

\*\*\*\*\*: Just 15 seconds.

**Katz:** Okay.

**Hanson:** Your concern is exactly what my problem is. I don't consider being a union member the same as the person harassing that gentleman. I don't send letters, I don't harass people, I don't follow, go to the airport, I don't confront them. But yet you -- you're looking at me that way.

**Francesconi:** No, no, i'm not.

\*\*\*\*\*: Well, no, you just got done comparing --

**Katz:** That's not --

\*\*\*\*\*: -- those two issues together.

**Katz:** This is not going to go well. All right, karla.

**Katz:** Okay. Do you want to start?

**Joe Keating, Oregon Chapter of the Sierra Club and Oregon Wildlife Federation:** Sure. My name is joe keating. I'm representing the Oregon chapter of the sierra club and Oregon wildlife federation. We have -- we have concerns about what's happening, and our main concerns run to what everyone else is saying. We are concerned about the loose definition of terrorism. Which has the potential of coming back to take away the civil liberties of folks who are actively involved in the progressive community on -- and on whoever is in the dissent mode. We're also very concerned about the lack of oversight. We have a need for redefinition, a clarification of terrorism, that can be addressed perhaps by the -- by the council as far as adding definition to the document itself as to a proactive position that would address guarding the civil liberties of folks. The -- the -- the points that allen brought up in terms of the inadequacies of the city attorney to provide oversight are real. That needs to be addressed. There's need for the involvement in community in defining what that oversight would be. And we need to be able to work together to be able to accomplish that. In no way are the needs of all the folks who testified here as far as protection from terrorism to be taken lightly. That has to be a prime mandate that you all have. But also the prime mandate that you have is to act wisely, especially in this particular period of time to protect the civil liberties of all

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the folks in this city. As an aside, I say grassroots organizer, what happens with things like the joint terrorism task force is that it marginalizes folks. It chills folks who should be able to have full confidence to go out to protest, to do what they have to do, and on the other side it -- if you're being surveilled as an active and being treated as a terrorist, you have a tendency of going that way also.

**Katz:** Thank you.

**Keating:** So it marginalizes and increases the chance of terrorism. Thank you.

**Hales:** Jim made a valiant effort. Let me try again at the risk of repeating the mistake as jim thought it might have been, because I don't think it was. I want to put this as a question to you and your organization, and also the a.c.l.u. And some others. The it really reflects on this great testimony that we got from the young lady from m.l.c., I called a halt to the last agreement because there was language that said we're going to investigate, quote, left wing and right wing groups. That was the mission of the joint terrorism task force in the sloppy language of last year's resolution. The mission, as it's now written, is to investigate and prosecute those responsible for criminal acts of terrorism. That's tightened up a bit. Now, my question to you, and it's good that we have another week, because i'm open to an improvement in that definition. But it seems to me that the common ground that jim was asking about is that there should be a distinction between investigating people because of their status or their beliefs, whether you're an arab or a member of a union, versus investigating them because they're involved in a violent plot against whoever, abortion providers, the lawful government of the united states, or you or me for whatever reason. And I guess i'm open to suggestions about what rules of participation we have as a community on the I think shared understanding that probably everybody in this room has, that if we're talking about real violence, that's one thing. If we're talking about membership in a group for the color of your skin that's another. If the words don't match those intentions, i'm open to different words.

**Keating:** I think you're right on in terms of the sensitivity of the -- of the wordage here. There are two words that are significant. One is criminal. What are we talking about criminal? The differentiable between violent criminal activities in terms of terrorism, we're all against. That's not a question. But when you make the crossover, like the wonderful little lady from m.l.c. Made in terms of equating activities similar to martin luther king, in terms of nonviolent civil disobedience, those types of modes, that clarification needs to be made. The wordage of how that takes place is something we can go back and forth on, but that has to be made. None of us are involved in -- in encouraging violent terrorism activity. We have to stop that. It's a problem for the community as a whole. The second word in there is the word of violence itself. And that needs clarification. The making sure that we're talking about the same thing when we're talking about violence. And so clarification on those two items would help the ordinance essentially, and of course the second area is the area of accurately coming up with some type of oversight which needs to be addressed that can take it out of the city attorney's hands and add a broader view in some way.

**Hales:** Thank you.

**Katz:** Thank you.

**Bishara, Coordinator, Arabs Building Community:** My name is bishara. I'm the coordinator for arabs building community. I want to start, first of all, by saying that i'm a palestinian who lives here in town. And I want to start by also thanking the mayor and the police chief and the other city agencies for making sure, always being in contact with us, to make sure the safety of the arab, muslim community, anyone who looks like us. I want to start by saying why my organization is named arab building community, why is it not an arab-american building community. Because specifically we have been as a community always on the fringe of the system. We have always been, to be accepted we had to be a hyphenated community, like arab-american, african-american, so on. But the dynamics of the country we come from, specifically palestine, has been that wherever we go there is an attempt to suppress our identity. And so while I stand before you as a palestinian with an american citizenship, I want to identify myself as a palestinian because i'm

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proud of it. I also want to condemn the act that happened in new york, and maybe we can discuss the issue of violence and so on. I am opposed to any acts of violence in the united states, killing civilians who are innocent and so on. But that does not translate, since foreign policy and domestic policy are at the table today, being civil liberties or the acts of terrorism, that does not translate to my opposition to the palestinian people using whatever means to rid themselves of the violence of going hungry, of being occupied, of homes demolished and so on. This is not foreign policy, foreign today, but I want to proceed by telling you that the anti-terrorism task force does not to be in place for the arab community and the palestinian community to be harassed in this country. In 1986 there were nine people, eight palestinians and one african, a woman married to one of the palestinians, were attacked by the f.b.i. And i.n.s. And arrested and accused of being members of the popular front for the liberation of palestine, one of the palestinian organizations back home. So the system really creates already an exclusion for the arabs and the americans here. I'm opposed, of course, to the joint terrorism task force.

**Katz:** Your time is up, so why don't you finish up.

**Bishara:** Okay. What I want to tell you is that my worry is that the government is taking this as a jumping board to acquire public sanctioning for what it normally does to the arabs -- arab and muslim community here. I had a personal story to tell you. But being -- i'll stop. I wasn't going to say it anymore, but if you have questions maybe you can ask me. I'll tell you.

**Katz:** Yeah, he's got a question.

**Saltzman:** Do I understand you to say that you do not condemn violence against israeli citizens?

**Bishara:** Is this part of the joint terrorism task force in Portland, Oregon?

**Saltzman:** You just made a statement.

**Bishara:** Yes, I did.

**Saltzman:** Is that a personal statement or a position of your organization?

**Bishara:** No, that's a personal statement, sir. And I think in the mideast, palestinians, anybody, has a right to fight occupation, just like the french had the right to fight occupation.

**Saltzman:** Terrorist acts against israelis are okay?

**Bishara:** Sir, if you want foreign policy on the public debate right now, i'm willing to debate you. Do you want to do that?

**Saltzman:** No, but you just diminished your credibility with me considerably.

**Katz:** Thank you. Joanne, why don't you go ahead.

**JoAnne Bowman, Vice President, NAACP of Portland:** Thank you. Good afternoon, mayor, and members of the city council. For the record, i'm joanne bowman, first vice president of the naacp of Portland. You have received a copy of a resolution that I dropped off at each of your offices the first week of september, so I won't read that. I also have a statement that I was going to read today, but I think i'll just make a couple of points. I think people have been so eloquent today that what i'd like to do is to remind the city council about the issues that we were dealing with here in the city of Portland around the police department and police accountability prior to september the 11th, because those issues have not gone away. They're still out there. And they're still issues that must be addressed. And so I want to remind you that there's a racial profiling task force, there's an over-representation of people of color in the criminal justice system, that's being run by the local safety council. The naacp over the past year have been involved in community meetings talking about citizens over their interaction with their police department. The Portland police department's own statistics will tell you that if you're african-american you're four times more likely to be stopped and arrested in the city of Portland than if you're any other color. In addition, you know that there are 40% of the complaints filed in a northeast precinct are filed by african-american citizens. 75% of all exclusions issued by Portland police officers are issued to african-american and latino residents of this community. So these issues didn't go away after the bombing happened on september the 11th. These issues are issues that as a community I know many people are working

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on and trying to resolve. Ncaa our opposition to this task force is real simple. It's because our history and our experience has been that working with the f.b.i. And the police department in the city of Portland has not been productive for the african-american community. Just recently, as early as in the mid-90s, when the Portland police bureau were keeping records on young people in northeast Portland, who were called gang affiliated youth, the only reason we stopped that was because somebody filed a lawsuit and found that that was unconstitutional. And so I encourage you, as you move forward in your deliberations, I believe we will have a task force, but I believe it is your responsibility as our leaders to make sure that our civil rights are protected through that process.

**Katz:** Thank you.

**\*\*\*\*\*:** Thank you.

**Katz:** Thank you, joanne.

**Katz:** Go ahead.

**Desiree Helegers, Clerk, Quakers:** Mayor Katz, members of the city council, i'm the clerk of the peace and social concerns committee of Multnomah meeting of the religious society of friends, the quakers. Quakers have been at the forefront of social justice movement since the 17th century. Quakers have participated in among others the abolition movement, the movement for women's suffrage, prison reform, the civil rights movement and resistance to every war. Though our participation in these movements often placed us at odds with the federal government, the principles and social changes for which quakers worked are now seen as fundamental to our civil society. Despite our long history of commitment to nonviolent social change, members of our community have in the last several decades been subject to unwarranted and politically motivated investigation and in some cases harassment by the f.b.i. We understand the need for the Portland police department to communicate and cooperate with the f.b.i. In investigating both threats of violence and crimes that have been committed, however we believe that a standing task force is a different matter altogether. We believe that officers of the Portland police department should not be deputized as federal agents and invested with the authority to investigate the political activities of Portland citizens. We are additionally concerned that the task force is not subject to civilian review. We believe this city-federal agreement compromises the ability of Portland police officers to perform their most fundamental functions as peacekeepers and officers of the law. When the city entrusts police officers with responsibility for investigating and documenting the activities of local activists, it places these officers in an adversarial relationship with citizens engaged in the public exercise of their rights to free speech and freedom of association. The city there by places unnecessary stress on the relationship between citizens, the police department, and city government. In the current climate of national anxiety it is more incumbent upon us to remain more vigilant in protecting the democrat principles we hold so dear. We must not allow the terrorist attacks of september 11th to diminish our commitment to democracy and to the civil rights and liberties that define it.

**Katz:** Thank you. Okay.

**Katz:** Go ahead.

**Lila Schwartz, League of Women Voters of Portland:** Mayor Katz, members of the city council, I am lila schwartz, and I represent the league of women voters of Portland. September 11th was a day of unspeakable sorrow. The tragic events of that day underscore how important it is for law enforcement agencies at all levels to cooperate with one another to combat terrorism. And the league of women voters supports and encourages this cooperation. Oregon's constitution and other laws provide certain protections of our rights of free speech, privacy, and association that exceed those under the federal law. Our concern is that the operation of the task force, under the less protective u.s. Attorney general guidelines, may undermine those rights. We ask you to make the faithful observance of Oregon law by the task force an explicit and contractual condition of

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Portland's participation in the funding and operation of the task force. An oversight mechanism should be instituted so that the city council and the citizens of Portland can be assured that the task force is conducting itself in a way that protects our fundamental rights. Such oversight would not be unprecedented. We understand that the federal law now requires local u.s. Attorney oversight of certain undercover activities. Let's extend that concept to the operations of the task force. The ordinance creating the task force was passed last year with no public hearing or debate. The strength of democracy is based on the consent of the governed and understanding that decisions are made through thorough examination and discussion. The league believes it is important to carefully consider the impact that this task force is having on politically active citizens of Portland and urges the council to address the concerns and recommendations made by the organizations and individuals here today. Thank you.

**Katz:** Thank you.

**Fred Smith, 3728 NE 18<sup>th</sup> Ave., Portland:** Mayor Katz, members of the council, thank you for allowing me to speak today. My name is fred smith. I live at 3728 northeast 18th avenue in Portland. I'm the chairperson of the sabin neighborhood association, and i'm speaking now as their representative. Last february the sabin neighborhood association held a well-attended meeting about the joint terrorism task force. Our principal speakers were charles Hales of the city council, and allen graph of the national lawyers guild. As a result, sabin adopted a unanimous resolution opposing the city's participation with the joint terrorism task force. This monday our neighborhood association reconsidered that resolution in light of the terrorist attack in new york city. After a lengthy discussion, our association overwhelmingly reiterated its opposition to city participation on the joint terrorism task force for the same reasons that we stated before. Our particular concerns are the threat to civil liberties guaranteed by the bill of rights of the u.s. Constitution, the expensive salaries for the eight police officers involved, the questionable policy of employing paid informants, their integrity and motivation, and lastly the lack -- the lack of evidence showing an emergency exists in Portland. Now I speak in a personal capacity. The attack on september 11th has produced a patriotic upsurge where many people are being guided by their emotions rather than sound reasoning. President bush is taking us on a course to war of unknown dimensions. We have every right to question where we are headed. President bush has left no middle ground for those that do not agree with him. He states that you are either for the united states or you are for the terrorist. The implications of such a statement are terrifying. Will there be witch hunts against his opponents? Will there be assassinations? Extreme religious figures from foreign countries are not the only people to fear. I ask you to protect civil liberties and to discontinue your support for the joint terrorism task force.

**Katz:** Thank you. Karla? Oh, i'm sorry.

**Elizabeth Perry, Workers Rights Education Project:** That's okay. We switched. Mayor Katz, members of the city council. My name is elizabeth perry. I work for an organization, workers rights education project here in world. Another an organization dedicated to protecting the rights of immigrants, particularly the right to live and work in safe communities in safe conditions. , as mayor Katz mentioned, is a day of reflection, it's a day that our community reflects on the immense trajedy of our nation as we continue to express our sorrow and determination in aiding those people who survived the devastation of september 11th. This is a difficult time for our community, and we recognize the incredible challenge that we face in being able to assure both security and freedom. Because of our belief in a just -- that a just society must protect the civil rights, we, the staff, workers, and board of workers rights education project opposed the continued operation of the Portland joint terrorism task force in its current form. There's a strong and growing political voice from the immigrant community. This is threatened by the task force. Unfortunately throughout history in times of crisis the face of the other becomes suspect. The trajedy that we have all experienced has already shown the intolerance that can breed in fear. And we've heard reports

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already of people being mistreated during these days of being -- mistreated because of their race and their color. We ask the city of Portland to demonstrate the commitment to the founding principles of this country. We ask for thoughtful measures in this time. It is deplorable to see the city of Portland resemble certain countries where people are threatened because they express their beliefs. Instead of allowing for a secret police force, Portland should rather seek to set an example for the rest of the country of what healthy political engagement can accomplish. We ask that the Portland joint terrorism task force be dismantled. We believe that law enforcement organizations in our city have done a good job of coordinating efforts. To keep our community safe. We believe that this task force will ultimately deteriorate the civil and political rights of Portlanders instead of increasing security. We believe that allowing this police force -- this joint terrorism task force to exist and to spy on peaceful, progressive, social and labor and environmental groups accomplishes nothing, is wrong, and should be abolished.

**Katz:** Thank you.

**\*\*\*\*\*:** Thank you for your time.

**Katz:** All right.

**Katz:** This will probably be the last -- well, we'll see. You support that, all right. Okay, go ahead.

**Eric Dover, Physician for Social Responsibility:** Okay, i'll go ahead. Try to make this as brief as possible. My name is eric dover, a physician in Portland and a member of physicians for social responsibility. We're an international, national, and state organization that's worked since the 1960s to abolish nuclear weapons and we won a nobel peace prize in 1985 for this work. In addition, we work an a number of other issues including chemical, gun violence, hanford issues, et cetera. We're a peaceful group that believes in nonviolence, yet in the past our organization has been the subject of investigation by the Portland police department's criminal investigation unit. Nationally i'm not aware of the f.b.i. Being involved in the organization, I did not check with national, but it would not surprise me in regards to our anti-nuclear position that we have been investigated by the f.b.i., as many other groups have been. We're deeply concerned about the formation of the Portland joint terrorism task force and wrote a letter six months ago alerting mayor Katz to our concerns and reasons behind them. And never received a response, even though we asked for one. We see it specifically as a vehicle to spy, disrupt, discredit, and create fear in unions, socially and environmentally responsible organizations, and/or any individual that thinks differently politically, environmentally, or religiously than the mayor or her police force. For the Portland police department this behavior dates way back to the, quote, red squad that destroyed those with different political beliefs and continues to this day in regards to unions, environmental groups, social responsible groups. In fact, one of our members was arrested at waterfront park for just holding a sign protesting the fact that there was a nuclear submarine docked in Portland. The f.b.i. Has a horrendous record also. From hearing the definitions i've heard today in regards to the terrorism, I guess I could consider the Portland police department and the f.b.i. To be terrorists. We already have a -- we're already getting a taste of the Portland joint terrorism task force and physicians for social responsibility fears that the loss of first amendment rights is going to get worse. At this time we're targeting people and labeling them punks and anarchists. There's been a couple of, quote, noise violations that have been responded to with unusual number of police members, and it's -- from what i've read and heard, goes to the point of looking at people's tatoos, investigations into their life, et cetera. Oregon p.c.r. Respects the work and concerns of the pro choice community who has been quite supportive of the task force. Unfortunately we do not feel that the task force is the appropriate vehicle to prevent them from the violence they have endured. Just look at the recent terrorist attacks on the east coasts. They have both have these task forces in new york and Washington, d.c., yet they were the -- they were afforded no protection from the terrorists.

**Katz:** Thank you. Doctor, your time is up.

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**Dover:** I just have a couple more statements, i'll be done.

**Katz:** Your time is up. I'd like to have other people testify.

**Dover:** Well, i'll say one thing, i'm offended by the way this -- this whole situation was stacked. I think that terrorism is our bypass tarred child, and that we are responsible for the reason that we're having terrorism at this time and as others have said it is the political individuals that are not affording us what we want --

**Katz:** Your time is up and you're out of order.

\*\*\*\*\*: Thank you.

\*\*\*\*\*: I'll go next.

\*\*\*\*\*: Sorry if I was offensive to you with your statements.

**Katz:** Well, you -- oh, never mind. All right.

\*\*\*\*\*: Mayor Katz, members of the council, i've included a written statement --

**Katz:** Do you want to identify yourself for the record?

**Lawrence Tuttle, 610 SW Alder, Suite 1021, Portland:** Yes. My name is lawrence tuttle. My address is 610 southwest alder, suite 1021, Portland. I'm testifying as an individual, although what I do most often is serve as an advocate for the environment. I probably would not have thought about testifying today had I not read the statement of both anne steel, the public information officer from the Portland office of the f.b.i. In "the Portland tribune" on september 18th. To quote, there can't be any rational reasonable person who does not understand the need for a joint terrorism task force. Before anyone ever made a statement, the f.b.i. Branded potential opponents of the joint terrorism task force as irrational and unreasonable. Domestic terrorism is real and it is dangerous. But it is no more dangerous, I submit to this council, than any effort by the f.b.i. Or any police agency to preempt, denigrate, or marginalize persons hoping to express their political opinions. The city should annul its marriage to the f.b.i. For this reason alone. I draw your attention to section 4. It purports to provide protection under the Oregon constitution and statutes. It does not. Because we have deputized Portland bureau -- special federal officers who are deputized under the direct supervision of the f.b.i., the so-called protections under the Oregon common law and statutes apply only to state and local law enforcement agencies. The task force is no longer a state or local law enforcement agency. It is a federal law enforcement -- enforcement agency, and will there by be preempted by federal law.

**Katz:** Are you finished, larry? Not quite.

**Katz:** Oh, okay.

**Tuttle:** The artfully crafted section 4 in the agreement allows the task force to escape the controlling authority of Oregon statutes and common law and to circumvent existing judicial opinions, limiting political surveillance by the Portland police bureau. If this were not the case, the agreement would be unnecessary.

**Katz:** Thank you.

\*\*\*\*\*: Hello, mayor, and council members.

**Katz:** Yeah. This will be our last testimony, and then I want to sum up what I think I heard, issues raised that I want you to respond next week. Okay, go ahead.

**Saldy Polishuk, Vice President, Portland State University Faculty Association, AFL-CIO:** Good afternoon, mayor, and commissioners. My name is sandy. I'm a resident of Portland. I'm here representing my union. I'm vice president of the Portland state university faculty association, aft-afl-cio. Since the end of the cold war it seems that terrorism has become the replacement for communism as our boogie man. Because of that, as a student and teacher of history, I am not surprised to see the anti-terrorism task force to appear as the latest incarnation of the red squat. Infamous to historians at least, and to many others who testified today, for its record on spying on law abiding citizens and residents, exercising their constitutionally-protected rights as they participate in the participate in the democratic civic dialog. Violating people's rights, created



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justified fear and paranoia, intimidating people out of exercising their first amendment rights of free speech, and diminishing their willingness to speak out and participate. Once an institution is created, its need to justify -- it needs to justify its continued existence. We fear we will see the task force busying itself investigating law abiding activists and groups such as unions, dissidents and other individuals and organizations, in clear violation of our civil rights. But since the nature of spying is secrecy, we will be unable to protect ourselves, except by inactivity. No one is suggesting the Portland police should not cooperate with the f.b.i. When there is a genuine threat of terrorism, but this city does not need an ongoing task force to make this possible. I happen to be in rockaway beach this summer when the bungled bank robbery, i'm sure you heard about happened, and the bank robbers -- would-be bank robbers ran to wheeler. Within a very, very short time, immediately, not only the wheeler and the rockaway beach police were involved in searching for these people, but every police station at the -- department at the coast, as well as Portland, the f.b.i., and the coast guard, do not need to preplan for these cooperations to be done when there's a cause for them. Thank you.

**Katz:** Okay, thank you, everybody. Chief, why don't you just come up -- you don't need to respond, but I just want to make sure, both chief and lieutenant cane, come up here just if a second. The issue, again, the clarification -- and you'll do that next week -- the clarification between what rules -- excuse me.

\*\*\*\*\*: Do you mind if I stand here?

**Katz:** Do me a favor and sit down over there he's all right.

\*\*\*\*\*: Beat me up again.

**Katz:** The issue of what rules apply when the criminal intelligence unit acts then as a member of the team, because they do things individually, and separately, and then they do things together. We need a clarification of the issue, what happened with the beaverton police officer, and I know, lieutenant cane, you have talked to some folks about that previously. So I appreciate that. The issue -- question of the definition came up. And so we -- I don't know if anybody on the council wants to explore a new definition of terrorism. I want the council to think through whether you think the city attorney is the appropriate person to review those files and to -- and to let us know, instead of once every two years, quarterly, whether the files that have been kept by randy and our unit are files that deal with criminal activity as far as the last report, 12 of them just did. Whether you think that's enough. That's for the council. And then I need to better understand with the order by u.s. Attorney ashcroft what that means in terms of the task force. There will be a task force. And what relationship that has with our current task force, is that automatically under federal order, feed into the task force that mr. Mossman is going to organize? Okay. Council, any other questions? Let me start from here and then we go across.

**Hales:** Aside from the question from the city attorney, we don't have to do this right now, but i'm interested in hearing more about how regardless of what the language says, though the language matters, how you as chief and you as the lieutenant in charge are going to report, at least to the mayor, who's the commissioner in charge and a sufficiently 81 what's going on. I want to hear more about the reporting. The attorney part of it is sort of an auditing function. I want to hear about the reporting side of how this participation will be managed, not just how it would be looked back at to see how it had done with respect to the legal restrictions. So I want to hear about that.

**Katz:** Okay. Jim?

**Francesconi:** Well, the issues have been raised. I'm actually concerned about the audit function. One of my questions is -- -- one of my questions is about the letter I read from jeff rogers. That's the issue I think we have to look at.

**Katz:** Yeah. And I talked to david lesh. Jeff rogers will come in next week and respond to the issue that alan graf raised.

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**Saltzman:** My question, I think it was covered probably in the mayor's first point, but i'd like more clarity on what the act of deputization by the federal bureau of investigation of our officers means, and particularly with respect to o.r.s. 181.1575, how does that affect our compliance.

**Kroeker:** It doesn't relieve them of their obligation to that law. I will just say that now.

**Saltzman:** Just further clarification.

**Kroeker:** We'll address it.

**Saltzman:** And how the new u.s. Attorney's task force will subsume this task force.

**Katz:** Will its duties be the same as what we currently have? I don't know if you know that, but maybe by next week you will.

**Sten:** A couple issues. Is this on now? Chief, i'd like you to consider a more explicit directive that goes to the officers that outlines these issues and whether or not that would be a good idea and give me some feedback. I know I asked the city attorney last week for some information, if we could make the distinction between Oregon law and federal law explicit, and something that could then, I think, go in the manual in the future edition we're sharing with the public, so people could, if it was explained further and in writing I think people could turn to that and it would be helpful. I'm interested in some clarification also as a second point on -- there's been an issue raised that if we collect information that turns out, you know, that was collected in good faith and reasonably, but turns out not to be relevant to a criminal activity, my understanding is we have to destroy it, or purge it, but the f.b.i. May not. And so i'd like some clarification on what's to happen with that, that information. And then third, from the city attorney, I would like a legal analysis of what types of civilian oversight are legal, which is different than what may be appropriate or best, but i'd like to see what the range of legal options for civilian oversight of the audit -- both the auditing and ongoing function are so I can think about that, because I think that's an issue that's resonates with me, that if there was a way to create more civilian oversight in a way that didn't compromise the operations, I think it would go a long way towards ultimately, you know, I just want -- we're going to make statements next week, but the only way we can solve these issues is working together, and there's got to be a way to get at some of that. And obviously I think our -- I think it's self-evident, and if we argue it otherwise it takes away our credibility that our auditing function at the attorney's office has not been up to par. So I would like to look at least what's the range of legal options, because I don't understand that for both auditing and oversight.

\*\*\*\*\*: All right.

**Katz:** That our city attorneys -- no, there was -- we'll clarify that.

**Kroeker:** When you say legal, you mean as in the court case or as in the statutes?

**Sten:** I don't know -- I mean, I would like to -- I would be open to some much more structured civilian oversight of this rather than what we've done today. I also think our city attorney is correct, that it's a very difficult position for them to be the auditor, because if there's a gray area they will defend the police. That's their client. And so I would like to look at what is the range of options that we could use for auditing under all of the existing laws, as well as oversight. It would seem to me that -- I don't know whether it is advisable is a different question, but I don't know whether it's legal to, for example, as Allen graph suggested, swear to secrecy some number of citizen advisers to review these things on a regular basis. If that's legal, I would like to at least consider it and talk with you about the advisability of it, but first I need to know what's the range of legal issues, which I think is really more an attorney's function at this point.

**Katz:** So it's legal versus whether this is advisable since a lot of it is --

**Kroeker:** I have the distinction. I understand the distinction.

**Katz:** Okay, okay. Thank you. And then we'll continue it. We'll have only the testimony for people who came here today to testify but because of the time and our -- and our schedule we've asked them to come back next week. I will not open it up for any additional testimony. And then

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we'll discuss these issues with you. Okay, fine, thank you, everybody. We'll go on until 1:30. Let's take -- let's clear the chamber first. Karla, do we have a time certain for next week?

**Moore:** That's the pearl district and ipr citizen committee appointments.

**Katz:** At what time? Call my office we'll let you know. I need to check with the auditor's office. We're going to continue with our agenda, so please, let's try to move quickly and see if we can clear the morning calendar. I do need to leave at 1:30, I have to eat, because -- all right. [ gavel pounding ] all right. Excuse me. Folks, I need karla. Karla, item 1146.

**Item No. 1146.**

**Katz:** Does anybody want to testify on this? Why don't we have -- why don't we have a roll call, then.

**Francesconi:** Well, it's good, mayor, that you put this together. I guess the only thing in addition to maybe two things we could do additionally is, one, talk about some differences between us. One of the good things that's come about, one of the few good things, is the emphasis on, we're kind of all in this together. I really think we in Portland need to have more conversations that are not born from tragedies, especially across racial lines. And ethnic lines. The other thing is it would be nice if we could economically support people that are -- could be victims. So one of the suggestions I heard, a friend of mine recommended, actually it was darlene, maybe we ought to go to a lot of arab restaurants right now intentionally and give them business. Now, fortunately, we're seeing much more good than hate in our community. And it's not been responded to so far the way after pearl harbor, but it could change. And that doesn't mean there haven't been isolated, ugly incidents. One of the best things that's happened was right afterwards, there's been a clear call. Ironically, the first person to mention it here in the city was the police chief, when he said we can't discriminate against arabs and muslims. And there have been some good signals that way. So I guess beyond the resolution, if we could maybe have some more structured conversations about this issue. And if we could consciously try to support economically by how we shop and where we eat and people that would be good as well. Aye.

**Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** It is the members of the task force that have been very sensitive because of the chief's and my concern and we expressed it vocally that are making sure that our arab community and the muslim community are protected, to the best we can, with the manpower that we have. And we do that with all the religious communities of faith, because there is hate in this community. I hope that we can minimize that. And I think certainly the chief's position on that has. Commissioner Francesconi, your notion of visiting places of business is a good idea. And we ought to show our support for communities that are americans and are being -- could be or are being discriminated by a very small element of our community. Aye.

**Moore:** 1140?

**Item No. 1149.**

**Katz:** We're doing 1140 -- i'm sorry, where am i? Whoa, whoa, whoa. We're doing 1149. Second reading, roll call.

**Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. Read 1148, because it's got to be rescheduled.

**Item No. 1148.**

**Katz:** All right, we didn't do all the work that needed to be done. I'm sorry. It's been a busy two weeks. So this is rescheduled to wednesday, october 10th. Any objections? Hearing none, so ordered. All right, 1150. Roll call?

**Item No. 1150.**

**Francesconi:** We ended up putting an emergency on this. And the reason is I think that licensing went and talked to --

**Katz:** Is there an amendment to it?

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**Francesconi:** No. Let's see, i've forgotten who the two that voted no.

**Saltzman:** I voted no.

**Francesconi:** Commissioner Hales and commissioner Saltzman. The reason is if we don't do this and it doesn't pass, then the contracts, the rest of the towing contracts, don't get passed, including small business contracts. So i'm not asking you to change your -- I am asking you to change your vote, but not your reasons.

**Hales:** That's fine. I said my peace. I move that we apply --

**Katz:** In your book you've got an amendment to do that. And you've got it?

**Francesconi:** Right. It's included with the council clerk's memo of september 25th. There's a memo from marion gaylor to the council clerk. So it's in your packet.

**Katz:** Okay. Do I hear a second?

**Saltzman:** Second.

**Katz:** Any objections? [ gavel pounding ]

**Items No. 1151, 1152, 1153 and 1154.**

**Katz:** 1151. Why don't you keep reading. 1152, 1153, 1154. All right.

**Hales:** Vicky is here to answer questions, I think, only, but were you planning on making a presentation or just answer questions?

**\*\*\*\*\*:** Either way.

**Katz:** Why don't you come in and make a brief presentation. And I have a question with regard to the purchase of them, because right now we don't have the resources.

**\*\*\*\*\*:** And we understand that.

**Katz:** Okay.

**Vicky Diede, Office of Transportation:** Very briefly, in the sake of time, the five items i'll break into three groups. The report to council, the formal recognition by council that the project is substantially complete and the fact that we're running the cars and providing -- we are in fact providing the special and peculiar benefit to the property owners within the l.i.d. Boundaries means that we can now go and start the process to do the final assessments. The next three items, the iga with p.s.u., the amendment to the city psi agreement and the amendment to the city stacy and witbeck contract all have to do with preliminary engineering for what we're calling phase 3 of the project, which is from the current to the riverplace. The iga is the mechanism through which the city has access to the federal funds to use for this, and that is their stated purpose. The city psi, it's for psi to provide the technical and professional services to do the preliminary engineering. And in that, that amendment, we also anticipate the inclusion of the preliminary engineering for the harrison street connector. We can put those projects together. There's some significant savings. But the notice to proceed on that is dependent upon approval by pdc and by the council. And the city, stacy and witbeck contract is a no cost amendment to the city. They have agreed that they will do this within the current budget. And lastly, the city inekon contract, again, this is a no cost, no obligation extension of the option period. We are not obligated to buy one more car, but should we choose to buy another car, we have extended the option period and we've set some pricing through that frame.

**Katz:** Questions by the council?

**Francesconi:** I just had two. I've talked to commissioner Hales about this, at some point, not now, but at some point it would be good and very positive to get a review of the streetcar.

**Diede:** Uh-huh.

**Francesconi:** In terms of what the goals are, objectives. It appears to me to be very successful and have met all our goals. I think it would be good to have an assessment done and a report. When would be appropriate for that?

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**Diede:** I mean, I have that information available right now, but my sense is that you have other things you need to do today, so I would be more than glad -- although i'm leaving on vacation tomorrow --

**Francesconi:** No, there's no rush.

**Diede:** I'll come back in a couple weeks and go through and do an update on the project and talk about our benchmarks that we use to measure our success.

**Francesconi:** Maybe you could do it in written form.

**Diede:** I will send a memo to the council. If you'd like further discussion we can do that.

**Francesconi:** Then the second thing, at some point it would be good to have a financial plan as we're going forward. And does that make sense? I know you're trying to --

**Hales:** Phase 3 or beyond that, you mean?

**Diede:** The capital project for phase 3 or the ongoing operations and maintenance?

**Francesconi:** Not ongoing. To take it -- do we have the money to take it -- we need to get it to the river. Do we have the money to do?

**Katz:** No.

**Francesconi:** Or a plan to get it there.

**Diede:** We have plans to get pieces of it, but it still ends up there's a hole in there.

**Francesconi:** When you're ready, at some point, i'd like to have that whole plan.

**Diede:** Absolutely, absolutely.

**Katz:** Then they raid pdc.

**\*\*\*\*\*:** Yes.

**Katz:** All right. Anybody want to testify? All right. Let's do -- let's accept the report. Do I hear a motion? Do I hear a second?

**Francesconi:** Second.

**Francesconi:** Did somebody want to testify?

**Katz:** No. There are two people still here I think for communications.

**Francesconi:** Aye.

**Hales:** I'll just make a quick statement. I just want to commend vicky for the good work she's doing, the whole team, including the folks that are mentioned here, our contractors, have done a great job. The key is that line ends now at a place that makes no sense. Riverplace makes a lot of sense. Beyond that, it's a lot foggier as to where we go next and how and when. I love the streetcar. I'd love to see streetcars all over the city, but I can't today say that it makes any sense to go south of riverplace because there's nothing happening there. And I can't say today that it makes sense to go across the river, as much as I want to do that, because there's not a destination like the river district or Portland state over there that's ready to be connected to the streetcar. Michael powell has volunteered on the psi board to lead a committee to look at those issues. I think a conversation between that committee and the council in an informal setting would be a good idea, but frankly I think we've got plenty of time, although, again, i'd love to be building more streetcars next month, we've got plenty of time to figure out where we go after we get to riverplace. But I think we all need to redouble our efforts effort to make sure we get to riverplace, get the streetcar to the river in its original alignment and take a deep breath and figure out what's next. Aye.

**Saltzman:** Aye.

**Sten:** Aye.

**Katz:** Aye. Mayor votes aye. 1152.

**Item No. 1152.**

**Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. 1153.

**Item No. 1153.**

**Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

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**Katz:** Mayor votes aye. 1154.

**Item No. 1154.**

**Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. 1155.

**Item No. 1155.**

**Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Katz:** Mayor votes aye. Thank you. 1156.

**Item No. 1156.**

**Katz:** All right, is he here?

**John Voracek:** My name is john voracek -- how many minutes do I have?

**Katz:** You have three minutes.

**Voracek:** My name is john voracek. I live in Portland, Oregon. If I can just -- I am here basically speaking on police brutality, but I would like ten seconds. The gentleman, I just -- the palestinian gentleman -- i'm a jew. The palestinian gentleman who was here, as he was walking out, I gave him two papers, documenting what happened in the west bank in gaza on the day of the bombing. When he realized what it was, he threw it back in my face. That's what you're dealing with. Okay. Again, my name is john voracek. I'm a Portland resident here since 1993. If I can give you some of my background so you know where i'm coming from. I'm a vietnam vet, combat vet, I was in vietnam '65-66, spent ten months in the bush, fighting, not on the sidelines. I'm a jew. I go to israel on a fairly regular basis. To stretch a point, i'm a freelance photographer and I spend time with the israeli troops up on the lebanese border and on gaza, at the syrian border, and I was in in gilo when they had a fire fight there, photographed there. Not a lot scares me, not a lot bothers me. I'm 58 years old. I have never been arrested up until the 18th of this month. I don't do drugs. I don't do -- I don't drink and I don't smoke. You know, nothing. I'm an angel, but as a background, this is what I don't do. I was peacefully protesting in front of the nelson downtown plus gym regarding their attitude towards the bombings on the -- the -- in Washington and new york, and I --

**Katz:** Who were you protesting against?

**Voracek:** I was protesting against the gym, the north -- nelson's nautilus downtown plus. It's a gymnasium and basically their attitude, that was told to me, they don't think this is really our concern. What happened in Washington, d.c. Is not our problem. I was protesting there. Anyway, on the 18th I got arrested. And I was charged with disorderly conduct and criminal mischief 2. Like I said, I have never been arrested before in my life. Why I get arrested is for the courts to decide. But the time that I spent in the -- in the police -- in the police car, until the time I got to the jail, I spent I think like eight hours in the jail there. And everything I say is documented by michael hess, investigative police review, judy taylor, maxine bernstein in "the Oregonian," and "willamette weekly," gentleman who -- nick butnick. They have the whole documentation of what happened.

**Katz:** Excuse me, they have the police report as well?

**Voracek:** They're probably going to get the police report.

**Katz:** I'd like to see the police report.

**Voracek:** Sure. To make -- I talked to them probably an hour and a half, two hours, but by the time I got to the police department -- to the justice center, I guess is where they -- they arrest you, or whatever, I was so verbally abused, not physically abused, but verbally abused, that now I fear for my life. When I walked in here today and I saw all these uniforms, almost started to shake. Actually, not only myself, and with what happened, in the police car, my -- I feel like my property is threatened. Like I said, i've supported the police department all my life. I almost got arrested here during the wto riot because I saw the kids setting up the cops for something, and I kind of stuck my face in there to let them know, hey, don't set them up, and it's just -- right now, considering what happened in that car, what happened with one particular police officer, for me it taints my attitude towards the Portland police department. And, you know, -- and I know what you

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guys went through here, just listening to the attitude of some of the people toward the police department, and i'm -- you know, I -- I sympathize with you guys, and the accent's new york, I was raised in new york, I lived in california for 30 years, when I got out of the service, but my respect now, because of one particular police officer for the Portland police department, is about zip. I see them walking on the street. I cross the street, because i'm scared to death. Again, they -- the judy taylor has the documentation. It was taped.

**Katz:** Excuse me, your time is up. So let me ask you some questions. You did make a complaint, formal complaint?

**Voracek:** Yes. I was actually told by one of the police officers, you better get the ia. When I went to michael --

**Katz:** Another police officer told you to file a complaint?

**Voracek:** Yes. The night that they -- I was in jail from about 1:00 till about 8:00. I didn't know how -- I guess i'm a -- you know, what I was telling people, i'm a virgin when it comes to what happens with the police department. I had my handcuffs on until about two hours before I left. My jail mates, or cell mates, whatever you want to call them, what you call a lockup, I think they put you in. I had no idea I was arrested. Everything I know about the police department is from tv and the movies. I was not advised of my rights. I was not even told I was arrested. I mean, I was jumping up and down in front of the thing, and when the cop put my cuffs on me, I figured, oh, I yelled too much, whatever, fine. We got in the police car, and when you read the documentation, thank god there was a ride-along with them who will document what happened. I mean, I didn't go to all these people just to make a -- you know, jump up and down and say, you know, like I don't like you guys. It's hurts me to no end to say I don't trust the Portland police department anymore. One cop, one situation, 58 years, I don't want to go near these guys.

**Katz:** Okay.

**Voracek:** They scare me.

**Katz:** All right.

**Voracek:** Thank you.

**Katz:** But before you go, when I hear stories like that, and I did not -- I don't know if you talked to elise marshall in my office on this one, and you didn't write me, because I don't recall --

**Voracek:** No. I came down here today, picked up my property and --

**Katz:** All right. Do me a favor, I know they have it upstairs as a complaint, but I would like permission to see the police report.

**Voracek:** Fine with me. Can I ask you one light question?

**Katz:** There are no light questions.

**Voracek:** No, this is light, honestly.

**Katz:** Okay.

**Voracek:** I travel a lot, and all the years i've traveled in the airport, and the last year or two I haven't seen it, I travel israel a lot, travel back east, and i'm coming through, i'm tired, i'm bummed out, whatever, and what always used to pick me up, after I walked through and I see somebody's filing face on a wall, a gigantic picture. I haven't seen it for ages. Is it still up in your picture.

**Katz:** My picture?

\*\*\*\*\*: With the big --

**Katz:** You need to talk to the port of Portland. I don't even -- I actually have never seen it.

**Voraneck:** I'd be walking down, dragging, and --

**Katz:** You're very sweet, but go call them and let them know. All right, thank you. 1157.

**Moore:** She has asked to reschedule.

**Katz:** We got through the morning. We've got half an hour for lunch and we'll be back at 2:00.

We stand adjourned. [ gavel pounding ]

At 1:30 p.m., Council recessed.

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**Hales:** Here.

**Francesconi:** Here.

**Sten:** Here.

**Katz:** Present. 1147. Okay, steve, somebody come up, come talk to us. We had a lot of people talking to us this morning. I'm ready to listen to more.

**Item No. 1147.**

**Steve Muir, Emergency Management Coordinator, Portland Fire and Rescue:** Mayor and council, on behalf of -- in light of recent events, september 11th, our office -- our front office of emergency management is in support of a resolution designed to bring several bureaus together to review all the current policies and plans in response to terrorism. Our current -- our current plans -

**Katz:** Is that better?

**Muir:** How's this? Is it working better?

**Katz:** Yeah. Something's wrong with the mics and something's wrong with our buttons here. They don't work either.

**Muir:** Is this better?

**Katz:** That's much better.

**Muir:** Okay. In view of recent events since september 11th, Portland office of emergency management, in cooperation with the police bureau, the fire bureau, and bureau of emergency communications propose a critical review of all of our emergency plans for terrorism, in regard to terrorism. And as a part of this resolution what we're asking is that we would form an emergency management council made up of key federal, local, state, responders to deal with this particular type of event. It's -- I want to make note that we have a number of plans that deal with terrorism right now. We have our city's basic emergency plan, for which we respond to all types of emergencies. But in addition to this we also have specific plans to deal with aspects of terrorism. And in addition to that we also have a metropolitan medical response system plan currently under development to deal with the medical aspects of both biological and chemical terrorism. So we have a number of plans in place. We have a number of plans we're continuing to work on, but we believe in in order to be -- in order to be prudent and responsible we need to bring all these players together in a council and begin to -- a total review of all the actions that were taken at this time.

**Katz:** Questions?

**Francesconi:** Just maybe one thing, maybe about the name. This has been discussed. Because we -- terrorism task force, I think, is the name. Portland terrorism task force. Well, we have about two other ones that are close in name. So would this work? Emergency preparedness council? Or emergency management council? I don't care. But I think we need a different name.

**Saltzman:** I like preparedness. Let's go there.

**\*\*\*\*\*:** Emergency preparedness council, yes. Okay.

**Francesconi:** Okay.

**Katz:** Was this --

**Francesconi:** I think it's an amendment. Or can we just --

**Katz:** Yeah. I don't have the language --

**Francesconi:** Here.

**Katz:** Do we need an amendment on that?

**Francesconi:** We do. I don't know that if qualifies, but --



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**Katz:** Do I have a city attorney? Anybody? I propose we change the Portland terrorism task force to the emergency preparedness council. That was a motion by commissioner Francesconi. Is there a second?

**Saltzman:** Second.

**Katz:** Any objections? Hearing none, so ordered. It's amended.

**Muir:** Very good. Any other questions?

**Katz:** Questions?

**\*\*\*\*\*:** We do have a member of the public who would like to speak on behalf --

**Katz:** In a second. Question?

**Hales:**

**Saltzman:** I was just going to comment, it wasn't a question, but one of the other aspects we hope this emergency preparedness council will do, all the things you're doing, it's all important, I think we all agree, the best way to be prepared for some of these incidents that you talked about, is simulation, simulation, simulation, tabletop, tabletop, tabletop. One of the things that our resolution does call for some tabletop and simulation drills to occur later this year and early next year, but the other thing that than come out of this is much that came out of our y2k council, which I know you were also a part of, and that was really an opportunity to sort of learn what are the best practices of some of our private sector companies and our federal government partners, at least in the y2k situation it was dealing with a more specific issue. Hardware, software, computers. But now I think we need to look at sort of best practices about facility security. One issue I have a hunch our federal partners are further along than we are on the facilities security issues. There's a lot of things I think we need to take a look at. We obviously need to look at it with the whole idea of balancing -- you know, we want to remain an open and accessible government, we have to balance it with the threats we all face, those in public office, people whose -- city employees, state employees. And I know these fears are very real, not just due to september 11th, they go back probably to oklahoma city. People who take their kids to daycare in the Portland building I think are very -- they think about it every day. We need to be thinking about it. I think, you know, one of the issues I want to see addressed is looking at removing onstreet parking around the Portland building, around city hall, around Multnomah county courthouse. I think that's an issue that we need some help on, or possibly making it -- putting city cars back there like we used to have a lot city cars parked there. Maybe it makes sense to have the city cars parked there and not have onstreet parking. Those are some of the issues the council should include in its review.

**Katz:** Let me respond to it. Because we did have -- we did have a respond after oklahoma city. You may want to review that.

**Muir:** I have, yes.

**Katz:** And see if it needs to be upgraded a little bit. We did, commissioner Saltzman, but the pieces of it were -- some of them were very expensive. And so we took what we thought we needed to do. But you're right, it does need to be reviewed, but you don't need to start from scratch.

**Muir:** Very good point. And we have been reviewing it. We'll continue to look back over it. And then make recommendations back to council that the number of different types of things that we believe are risks and needs that we have currently in the Portland area, not just for our own, but for many of the regional partners that we'll be participating with. But we'll certainly add a member of the Portland facilities, Portland bureau, that would be able to address toes specific concerns. We actually have a group list of about 25-30 agencies that we're intending to involve, everybody, including to name a few of these, the f.b.i., our office, and Portland fire and police, Multnomah

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county emergency management and sheriff's office, gresham fire, and Washington county emergency management and sheriffs, tualatin valley fire, we went past some of the fire -- Multnomah county health, Multnomah county ems, the state health department, the port of Portland, state police, area hospitals, area utilities, including the phone, local emergency planning committee deals with hazardous materials. Again, maintenance bureau, red cross, salvation army, ambulance, tri-met, va hospital. So we're collecting quite a list of potential partners we'd like to at least invite and become a part of this that we feel we have a critical role in getting the big picture, assessing the -- the needs, where we are now, and coming up with a real coordinated response and a plan that we'll bring back to council.

**Katz:** Okay. Further questions of steve? Come on up. Anybody else want to testify? Thank you so much for waiting around this morning.

**Muir:** That's quite all right.

**Katz:** When you finally were released.

**\*\*\*\*\*:** I got to see it on tv.

**Katz:** Okay.

**\*\*\*\*\*:** Mayor and commissioners, i've been --

**Katz:** Identify yourself for the record.

**Carol Helm:** I'm carol helm. I've been working in machining services for the past 20 years. I'm here representing myself as a citizen, even though I am a neighborhood emergency team member with the Portland fire bureau. In the past I have served on as a red cross disaster volunteer, san jose, california flood task force, and privately in a book I wrote entitled "a common sense disaster preparedness guide." the red cross encourages citizens to be prepared to survive for two weeks or until help can arrive. I feel that Portland needs to be able to survive indefinitely as help may not be available. Our national economy is enduring great strains. Portland's path to a healthy future is in the ability to be prepared. This could reduce damage and minimize disruption to activities and daily services, thus escalating the recovery process. So anything that Portland can do to enhance the current program, add to it, I think would be an excellent -- an excellent move. And I do like the name that you voted on.

**Katz:** Thank you. Okay. Further testimony? Roll call.

**Francesconi:** Since public safety is one of our primary responsibilities, we always have to continue to improve, and we can do more to make sure we're coordinated to become safe, even safer, but I think it's also important to let our citizens know that we have taken this very seriously, even before september 11th. It's really been a privilege for me to observe the Portland fire bureau. They responded so well at the bluff fire, not by accident, but because they'd been trained. And they prepare for events. So in 1998 they actually have had simulated preparation for chemical-biological defense, and they had a training session when they did exactly what commissioner Saltzman said, where they had models where terrorism struck, and so are very prepared to handle that kind of event. And our citizens need to know, we're not just kind of getting a resolution in light of september 11th. This has been part of the mission of the Portland fire bureau, the police bureau, the bureau of emergency services. Having said that, pulling together this council to keep our focus, and looking for additional ways to work with regional partners whom we already work with, is good. So I thank commissioner Saltzman for being a part of the impetus for this. And we'll do the best that we can, if that unfortunate day ever arrives. Aye.

**Hales:** Aye.

**Saltzman:** I'm just pleased we're doing this. I think it's incumbent upon us, also in light of the events, but frankly it's time to redouble our efforts and to the extent that we need to at all aspects of

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what threatens us today, whether it's terrorism, earthquakes, and as I said earlier the best way to do that is to simulate, have these drills with our regional partners, but also with our city partners as well, and to make sure that we have all of us together on the same page and that we are prepared. And I guess, you know, the one silver lining in the last week now is that elected officials across the country, you've got our attention. Too often I know emergency preparedness is something that only gets the attention every once in awhile like when the year 2000 comes around, but now it's a heightened interest, and to the extent you have our attention and interests, and you have actually us wanting to see this report in 60 days, I think it serves us well, serves our citizens well, and this is definitely something that we need to move on with. So I appreciate the leadership and appreciate the ability of all the bureaus in the city to work together on this. Aye.

**Sten:** Aye.

**Katz:** During the y2k group that we had over and over again we said to be prepared for natural disasters or any other situations. There are certain basic things that you need to have in your hall closet and in your car. And those won't change. And I think we need to probably repeat that message without scaring the public about what they need to have in their home so they would have the water and the flashlight and all the -- all the items that we identified that you mentioned. So happy to have the group come back together again. Aye. All right. [ gavel pounding ]

**Katz:** Thank you. 1158. Let's read 1158, 1159, 1160, we'll come back to 1161, because it doesn't belong in there. All right, why don't we read all those.

**Item No. 1158, 1159 and 1160.**

**Katz:** Okay. The team come up. Let me see if I can recall where we left off. Because we're probably -- this is going to be probably a short meeting, because we're going to come back, but there's things to report. If you recall correctly, most of you with my being the exception wanted to move closer to a cx designation, but having said that you had some concerns that you shared with gill and graham. And some of those are issues that are in your additional amendment request that we're not going to deal with today, but I took them to heart, and they're the telco issue and some other issues that -- that -- it was the telco issue.

\*\*\*\*\*: Uh-huh.

**Katz:** So you have that in your book. And probably those will come back when we're ready to vote on actual code language. But the council wanted some more language to guarantee that -- that this part of town remain predominantly housing as identified in the comprehensive plan, but to allow a little bit more flexibility -- which is what the planning commission did -- for development, for office development, or some other kind of development. And we gave the task to gill, and now i'm going to pass the ball over to gill, because since the last meeting things have been happening, and I want you all to know what's happening, especially the public, and then hear that there's still more work to be done.

**Gil Kelley, Director, Bureau of Planning:** Correct. Very good summary. I guess -- gill kelly, planning director. I would -- I would frame it as you have in front of you two alternatives already to you've had for some time, one from the planning commission and one from the west end steering committee. As the mayor said, you asked me, many of you asked me to see if there couldn't be essentially a third alternative that you could expect. You still have in front of you the choice of many of those others. I'm certainly not here to advocate against the planning commission proposal, I think it's a solid one, but I have spent a lot of time in this intervening period crafting a third alternative for you. I've done a number of things to present that -- or to create it, and I will tell you today we're not completely there yet on defining it for you. So we'll be asking at the end of my presentation for you to give us an additional three weeks to come back to you, two weeks

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essentially to refine this and present -- and give it to you in writing, and then a week for you to understand it for the public to look at it, and then come back to you in three weeks for a vote. That vote, in turn, would be to essentially select among one of those three alternatives, or even to refine one of them, and send us away to do the actual code -- detailed code language for it, which would then be subject as well to a further public hearing and adoption. Let me explain sort of what we've been through in the last few weeks. I have convened two groups, essentially, to give me some advice in coming back to you. One group consisted of -- whose focus was really on the housing protection question, particularly just getting clear, since at the last set of hearings we had there was a variety of opinion about what numbers of housing units we were talking about were at risk, that sort of thing, and I think that that information has become clear. I don't know that we need a lot of detail today, we'll present it to you as part of the package in three weeks. That essentially has not been a zoning focus discussion. That was a discussion on what is the scope generally of the affordable housing problem. The second group I convened was a group of people who are designers, developers, and project managers, some of whom have had experience developing projects in the west end already, and others in the adjoining pearl district. The question I posed to that group is what kinds of things would you advise in terms of creating another alternative? Proposal to the zoning here? I did not ask that group to come to a consensus. It was not a committee. It was simply meant to be a group of people who could advise me so that I could put something forward. And that group included a lot of people you're familiar with, and some of whom have testified here before. And a lot of good ideas came out of that, which have informed the proposal that we're -- have formed the proposal we're working on, or the third alternative that we're working on. In addition, and I think we actually gave you a memo on monday that -- or yesterday morning that showed sort of a chart laying out three scenarios. You have also asked a number of you that I consult directly with steering committee members and see if there's some way to bring elements of the planning commission's proposal and elements of the steering committee's proposal together. So I have over the last couple of days had conversations with principles at app and in the steering committee. And those conversations have been very fruitful and i'll ask in a few moments for a representative, greg goodman, to come forward, to give his impressions and remarks about those discussions. Essentially I think that that is a fruitful track that is leading to the creation of a -- refined third alternative from what you even saw yesterday. And that's another reason for taking a little bit more time to really record that and make it available to you in writing and to the public in writing. And again, that will not consist of detailed code language, but of essentially of text and bullet points. Let me just describe to you sort of the basic notions in the third alternative and my current thinking about it. It would --

**Katz:** Give us, just very briefly, the reasons for it so that we can connect the new thinking.

**Kelley:** Yes, yes. I think the purposes, and many of these you alluded to, mayor, at the beginning, are to ensure over the long term a sense of very mixed use urban neighborhood in the northern part of the west end, so we're really -- this discussion is focused on the area that comprises roughly 15 blocks between salmon and burnside in between 10th and the 405 freeway. That's been the area of debate. The notion there was to protect -- the council was very clear on the notion of protecting existing housing in the area. Also, allowing the flexibility to create office, including stand-alone office use as part of the mix. And to find ways to incent the creation of new market rate housing in the area, to sort of make a complete neighborhood. Other purposes were to give some direction incentive, and otherwise, as far as we could, under the zoning, and realizing the zoning is a limited pallet of tools, to the reuse, redevelopment of surface parking lots and other under-utilized sites in that neighborhood, as well as to protect the cultural institutions and the buildings of historic

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significance. Those have been our basic guideposts in creating any kind of new alternative for you to look at. What the proposal would essentially do is -- would be to stay try to the plan, in the sense that we would retain the zoning in that area, but we would employ two other existing com plan policies. I can enumerate those for you. They essentially -- let me see here. Thank you. They essentially ask us to examine ways to encourage, infill and redevelopment as a way to implement the livable city growth principles, particularly in the central city, and that is an existing policy that exists. As well to find -- to explicitly redevelopment under-utilized and vacant sites. And there are goals in the urban development goal, in the housing goal, the economic development goal, that all speak to this question. There were what we would do is to allow on sites that do not currently contain existing housing and sites which are underdeveloped, that is to say primarily surface parking lots, vacant lots, and lots that have buildings comprising less than 1 to 1 far, we would give those buildings -- excuse me -- those sites the right to build either housing or office. However, we would want office buildings to essentially contribute to the sense of neighborhood, and to also recognize that the district really is a matter of not raising buildings and developing whole new super blocks, but really -- it really a matter of infill development. And therefore this proposal would really encourage that kind of infill development. It would ask new office buildings to be -- to behave in a civil fashion, that is to say to have active ground floor uses and limit parking on the ground floor. It would allow a height limits for residential on those sites of 250 feet but allow 150 feet for office, so that office would not physically dominate the district. It would allow a bonusable portion of the f.a.r. For office steel within the height limit, provided that it does certain things for the well-being of the neighborhood and we're still working on what that list would be, but that could be contributions toward affordable housing. It could be contributions toward arts, open space, streetscape improvements and other things in the district. I'm looking down my list here. It would have a minimum floor area ratios for new buildings, so that we're getting essentially the infill that we want. It would disallow the kinds of uses that we discussed last time that were not desirable to the council that exist, for example in the current cx zoning, things like telco hotels, new surface parking lots, drive-thru facilities. Auto repair and so forth and so on. It would also put conditions on full block development, to the extent that there are all full blocks that would be redeveloped, that are out -- that are eligible sites for office development, those would be required in line with the planning commission proposal to be 50% mixed use, so it would be 50% housing, 50% nonhousing.

**Katz:** On full blocks?

**Kelley:** On full blocks. So I think the -- we've had discussions, just in the last couple of days, with -- with greg and others at a.p.p. Who are feeling more comfortable with this alternative. There's still an area where I think we want to continue some discussion, and that is how to -- this seems to take -- let me back up. This seems to take care of the existing housing question. It seems to take care of the desire to allow flexibility for use on those nonhousing sites. It seems to pay attention to the sort of fine grain nature of the district and the infill qualities. It's directed at reusing surface parking lots. The one area where we still have some discussion there, before I feel comfortable advancing this as a whole alternative to you, is to find some additional way or ways to incentivize to market rate housing in the district, because I think we don't want to end up with a situation where we have existing affordable housing and new office, but in fact we have that third critical element in the mix which is new market rate housing. Ultimately that's really going to be achieved best through the development strategy, but it's sort of the one area left here. And we'd prefer to take that route in this -- this proposal, it's truer to this proposal, than to take the route of finding brakes or I think that in terms of -- again, this needs to be subject to public review and debate.

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But in terms of seeing will this third alternative, which I took as my instruction from the council, would meet acceptance of steering committee representatives and a.p.p., I think we're very close on that. I think what -- what partially the next two weeks will be used for will be to close any of those gaps that remain. I think those are quite closeable. And we can have something to you as an alternative in two weeks that would satisfy the parties.

**Katz:** Okay. Let's hear from the city council. And then -- let me just -- how many folks wanted to talk about generally the concepts that gill outlined? Okay.

**Hales:** I want to ask a procedural question first. And then a couple substantive questions, because, frankly, this whole proceeding is starting to resemble the movie "groundhog day" where we keep having the same hearing over and over again. In two or three weeks, the city council is going to get to vote on a zoning decision, and then vote on regulations or incentives to make that zoning designation work the way we want it to. Is that right? You're going to bring us back action items in terms of city council votes on ordinances and regulations in three weeks?

**Kelley:** In three weeks the two-week was to have something to you in writing so you had something in advance of that.

**Hales:** Good. I appreciate that. I want to go back and reset the context a little bit, because i'm very concerned about some of what I think I heard you say. Again, this is a district, like that rip van winkle slept through the biggest real estate boom since 1905 with virtually no private investment and a \$50 million streetcar. Okay? So that's the context. Secondly you're proposing things like a requirement that new office buildings have 50% housing and that this be 150-foot height limit on new office buildings, even if we did zone it cx? Am I getting you right there? No. On your first point, the requirement for housing would only pertain to full block development.

**Hales:** Right. That's what i'm talking about.

**Kelley:** Everybody has agreed that the pattern of development here is going to be infill.

**Hales:** Some. There are full surface parking lots in this district.

**Kelley:** I don't think there are any actually in the area we're talking about. This is the part west of tenth, north of salmon.

**Hales:** Okay, half blocks, then.

**Kelley:** Right. There are quarter and half blocks. Some even smaller.

**Hales:** Again, gill, i'm less interested in voting on something that -- whether from exhaustion or good negotiation --

**Katz:** I was trying to save you.

**Hales:** -- all the parties agreed to than in voting something that will actually result in activity in an area that has been in a coma, okay? So that's my objective. Frankly, if these folks don't all agree, that we adopt something that produces results, i'll choose -- if those are the choices, i'll choose results. When was the last time anybody built an office project with significant housing in it? I think it was the koin tower. When was the last time anybody built --

**Kelley:** The gregory would also qualify too.

**Hales:** I didn't think it had a significant office component, but I might be wrong. And when was the last time anybody built a 150-foot office building? I think it was robert duncan plaza. So i'm not sure at all that the market will in the next 20 years support the notions that you're posing. So encourage -- you know, reassure me that this is going to result in not just a good plan, but what we've been -- why we got into this in the first place -- activity.

**Kelley:** Right. Well, let me just back up and say two things. First of all, I think it's -- it was not our intent to get too deep into this detail today because I think that you need to have something in front of you in writing ahead of time. And i'm giving you sort of the verbal -- verbal summary.

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That was one of the reasons for asking for that. On the first point, I think that there's plenty of land now zoned for office, which can support heights in some cases in downtown up to 450 feet. So we're clearly here not trying to zone for all market conditions. What we're trying to do is address the basic notions that people have, that this is kind of a mid rise district. It is not the downtown office core. It's something different. But that office should be encouraged and tolerated as part of that mix. And so that was the reason for setting the office at that scale. Secondly, it's felt that office should not physically overwhelm the sense of neighborhood there. We have a fairly narrow and tenuous connection between the housing, the robust housing that's occurred in the pearl and the housing that exists and is continuing to emerge in the south end of the west end. And this little neck in between is an area that by everyone's estimation ought to have a housing emphasis. It doesn't say exclusively housing. A housing emphasis. So here I think the only real limits we've put on office are -- are keeping it to a height limit of 150 feet, and to say where you do go to a full block template you'd need to provide housing as part of the mix. Those have seemed reasonable in our conversations with a.p.p. In the last couple of days. Now, whether those will actually get things developed or not, is a good question. I think part of what we're doing is zoning for a long term future. We're saying that's what we see this character of the district is. And people will either choose to build or not build there. If they want to actually build a highrise building, there are other places to look.

**Hales:** Maybe this is a question more for others than for you, but i'm very interested in having people who own property in this district come in and say either I am planning to build something, because of these new regulations, or, sorry, I can't build anything because of these new regulations. Speculation or abstraction i'm losing patience with.

**Kelley:** I doubt you're going to get anybody who's going to come in and say i'm going to build anything right now given the current market.

**Hales:** I understand that, but i'm interested in a strong feasibility and practicality test, given that the zoning we've had or the regulations that we've had, and/or the market we've had for the last 20 years, somehow haven't worked together to produce any significant private investment in this district.

**Kelley:** Yes. And that includes, by the way, the cx portions -- it's already zoned cx. So it is a problem. In general, I think the market does not hit everywhere at once. I think that to the extent that the zoning in this quadrant has served as any kind of hindrance, I think that's been liberalized substantially. It has not been completely liberalized to the extent that downtown office core zoning is.

**Katz:** Okay.

**Sten:** One question. Make sure I get this right. The notion right now is in order to protect the existing housing and allow some flexibility to create a slightly different new zone that allows us to do both, does not go cx, rx. Be named something else.

**Kelley:** We sort of toyed around with that notion. I think the cleaner thing to do -- and this has been part of our conversation the last couple of days, I think I know the rx has some symbolize for people on both sides of this debate -- policywise it seems a lot simpler and in fact a lot simpler for us to get something back to you sooner to use the rx base zone, but to create a subdistrict within the area that would liberalize the rules for sites that do not currently have housing or have a substantial building already on them.

**Sten:** Okay.

**Saltzman:** Does that mean type 3 conditional use?

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**Kelley:** No. In fact, still one of the points of conversation is where we would employ the conditional use process, and it would be fairly limited or streamlined both in terms of the criteria and in terms of its -- situation to which it's applied, but that's still a fine point that we're discussing.

**Katz:** And I need to hear about that from people who have gone through the conditional use process.

**Kelley:** Yeah. And you'll get stories both ways.

**Sten:** Mayor, could I then -- it's not a question. I just want to give one quick informational update, because there's been a lot of stuff flying around. Part of this discussion back in June that got intermeshed was the issue of preserving housing.

**\*\*\*\*\*:** Yes.

**Sten:** I think everybody agrees that zoning has some impact on that, but it also begs a bigger question because no matter what you zone it you have to spend money and work with owners to actually preserve housing. There's a couple pieces for those of you who weren't maybe at the last council hearing. We did pass on August 29th, I think, a no net loss for housing in the whole central city. It's just a policy. And it needs to be implemented, but it actually is an updating, but also a strengthening of any policy that council's had to say it's really the goal to preserve and/or replace the housing that we lose. So that as this district builds out -- and I don't think it's enough, but we've never achieved it -- but as it builds out we're not going to have less low-income housing than we have today. The corollary to that two things. There's regulatory strategies and spending strategies that will need to be in place to make that policy have any success or teeth at all. There's a report that the bureau of housing community development just put out, but Martha McClendon took the lead on that, very good, with all sorts of other city input and community input, and he can we can share copies of that, and we'll be getting that to the council and it looks at ideas of regulatory and other tools we can take to make further progress. We need to have a further discussion of that. Also just given all of the many events that have happened in the last month, I've been working with Mayor Katz and the Portland development commission to try and hone in on what the five-year spending plan of the tax increment district should be. Try and make sure that in this critical first couple years when the housing is most likely to be saved, that we have the financial resources in place to do it. Still working through it, but we expect to bring that back sometime in the next short stretch of time. So that will be I think complementary kinds of conversations that we need people to keep track on as the zoning gets finished, because I think the zoning itself, without those other efforts, you know, is clearly not enough on this issue.

**Kelley:** I would just say on that point too, or related point, I think that Greg Goodman, and Steve Siegel, who we've had conversations with over the last couple days have been very, very helpful in acknowledging the variety of policy objectives here. The one very significant move in the conversation has been that a.p.p. And others do acknowledge that there would be risk to existing housing units by completely liberalizing the zoning in terms of not applying to all those properties. That's been a major shift in the discussion. We for our part have been looking for ways that the council was interested in allowing flexibility for office, so we took that direction from you and I think those two shifts in the conversation allowed us to create something a little bit different here for your examination and you still have those other two options on the table.

**Katz:** Okay.

**\*\*\*\*\*:** I think it would be important to hear from Greg during the discussion.

**Katz:** Greg?

**\*\*\*\*\*:** Greg Goodman.



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**Katz:** Did anybody sign up?

**Moore:** Yes, we do.

**Katz:** Who signed up? All right. Can you wait? Go ahead, go ahead and call the people who want to testify.

**Moore:** Come up three at a time.

**Katz:** This is conceptual only, so, folks, we don't need to hear the same thing over and over again. You'll have plenty of time to testify to a final product. Hopefully we'll get to one. Okay.

**Ralph Austin:** Madame mayor, members of the council, i'm ralph austin, director of urban housing, as well as board president of the community development network.

**Katz:** Talk into the mic.

**\*\*\*\*\*:** It's not moving over.

**Katz:** Karla, we have beeping sounds here and lights aren't working.

**Austin:** I'll sit over closer to howard. But today i'm speaking mostly as a member of the west end directors advisory group, the group that gill alluded to that's been discussing the zoning issues.

And i'm here to basically express my support for the general approaches that are coming from the bureau on this instance. I support the proposal in concept, because I believe it captures the essence of what's going on in the west end and the best. Why is that? Well, because I believe the west end is more about designing a good development strategy than it is about zoning. And the proposal I think most closely resembles a tool that abe applied strategically. The cx rezoning proposal that's been discussed, I believe creates too much risk of fueling displacement of existing housing. I don't think that's a good deal for the public. However, i'm also of the school of thought that doesn't think that the rx zoning is sacrosanct about that approach. And I think the proposal gill is working on offers reasonable opportunities for commercial development that can meet attainable standards. And it maintains the basic fabric of the neighborhood, while creating incentivizes to redevelop the under-utilized sites with a broader range of uses. One of my frustrations in being involved in this issue for three years now on various task forces is the insistence by almost all the parties that it's not, quote, about the zoning. For whatever reason it seems that it has been about the zoning. And I -- this in some ways addresses commissioner Hales' concern about making sure that something happens. And, you know, there's evidence that it hasn't been about the zoning, because there's a mix of cx and rx, and it's really more about the strategic planning development process and the market, and I just think that the proposal that's being crafted offers the best solution for getting past the zoning controversy and just getting on with a viable development strategy.

**Katz:** Okay.

**Francesconi:** So, ralph, you testified I think in favor of rx before for the reason of the displacement you addressed here, but now having been part -- right? Am I right about that?

**Austin:** Right.

**Francesconi:** But now for the reasons you just said, you think this third approach is even better than sticking to the planning commission's rx because it will help us move beyond the zoning and maybe add just a little bit of flexibility without harming the housing? Is that a fair summary?

**Austin:** That's accurate in the past there was this dichotomy between cx and rx, and in that context I supported rx. Now that there's a third way, I do think there's a best way to get past it and get on with things.

**Francesconi:** Thank you.

**Irwin Mandel, 1511 SW Park Ave., Portland:** Good afternoon, mayor Katz, members of council, miss moore. Irwin mandel, 1511 southwest park avenue. I'd like to deal with this issue of parking transfer and parking structures. Apparently both the proposal for the south end of this zone

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and now this revived proposal for the north end, both call for transfer of undedicated general parking to parking structures. Are we now going to turn a good portion of this entire west end, running from market to burnside, over to parking structures? Is there no other way to resolve the issue of the open, undedicated parking surface lots? I think commissioner Hales is absolutely right.

Where are the specifics? Who wants to develop what? We've never heard that. From the beginning of this entire process what we've heard is, well, we want cx zoning because we need flexibility. And this word has never been backed up with flexibility defined in any way. Flexibility to do what? Now I see the bureau of planning has adopted the same word. Flexibility. Flexibility ourselves right out of specifics. No one yet has come forth with the specifics. And I think commissioner Hales is correct. I'd like to hear someone come up and say, well, okay, these new rules are pretty good or reasonable, and here's what I would plan to build in the zone -- let's ignore the practical cats for a moment of -- excuse me -- the realities of the economic situation. All of the things being considered equal, i'd like to hear someone come forth and say, okay, i've got this half block parcel, here is a building that i'd like to build, part of it is housing and part of it is office, and here's where i'd locate it, but until you hear something specific this is rather pie in the sky. And the only thing specific that I see in this at the moment is the development of parking structures. You are caving in to the parking interest. I'm sure that something more than maintaining -- well, and I hate to use invective, but, you know, being a former new yorker, we always spoke about slum landlords. Are we now developing slum parking lords, willing to let the land just lie there, collect the income, contribute nothing to the real development of the city, just keep the money coming in, we've got a cash cow. I'd like to see something change along that line. Thank you.

**Katz:** Yeah, there is a difference between us new yorkers and Portlanders sometimes.

**\*\*\*\*\*:** Sometimes.

**Katz:** All right. We'll ask -- we'll bring that back to gill.

**\*\*\*\*\*:** Yeah.

**Greg Baldwin, 320 SW Oak, Portland:** Greg baldwin, 320 southwest oak. I want to express my appreciation to you and gill for inviting me to participate on the committee. I think it was a constructive effort. It was stimulating. Received adverse advice, and that which could be synthesized has been in what gill has presented. There are three areas -- or three areas of recommendation that haven't made it through the process yet. And I simply wanted to flag them for your consideration, and i'm sure they will be discussed in the next 2-3 weeks. One, your policy on no net loss for affordable housing I think is particularly germane in this area. And it might be appropriate to very simply state it, elaborate on it, and apply it to the central city plan as it would apply to this particular district. I think a lot of us would be reassured that you have a policy to which -- or for which all of us have an obligation to fulfill. Second, in terms of looking for a zone that is appropriate for this area, an option would be to take the c out of cx and you will find you have a zone that is fundamentally not use specific, that has evolved well over the last 20 years, and with overlays it can specify very effectively how you can promote retailing in an area, office in an area, historic district in another area, and I suspect can do the same for housing, particularly when complemented with design guidelines that complement the overlay regulations. The third and perhaps the most important is you need a resource, in part unencumbered by plans. He noted that in the '70s we all put \$700 million on the table, and from that \$700 million came the plans and development of a regional transportation system. And that same process worked in the lloyd district and the river district. And was in part -- is in part analogous to what got the downtown plan -- or the development in the downtown going. And finally, fourth point, which is -- gill made this

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morning, which I think is extremely important, the challenge is to make housing competitive with all other uses. In fact, this area more attractive than other uses. Not to reduce the -- the opportunities associated with the other uses to be as low as that that may be assigned or applied to housing in this area. You can imagine a civil rights policy that would reduce everyone's right to those who had the fewest. I appreciate very much being invited to be a part of this process. And I wish you well. Thank you.

**Katz:** Thank you. Karla?

**Lili Mandel, 1511 SW Park Ave., Portland, 97201:** Lilly mandel, 1511 southwest park avenue, Portland, 97201. Oh, i've got flexibility, lots and lots of flexibility. We've got, everybody's got flexibility: We're all practically double-jointed. That's a word I have heard everywhere. We hear it from all sides. Well, what exactly does flexibility mean? Able to be bent. Well, I wish to congratulate the west end steering committee. They have now gotten, by being able to be able to be bent, and they can now bend the rules to build their parking structures, which they wanted originally. We're back where we started from. Do than the not kid yourself. Because in this wonderful new option that I read -- he has the -- you have it there -- we now see parking structures. New option? This is nothing new. Except I don't know how they were able to convince all of you very, very bright people, including someone i've had a lot of respect for, people on the --

**Katz:** They haven't convinced anybody here yet.

**L. Mandel:** I hope not. So now, in spite of other things that you've done, you have had the aces -- well, I shouldn't say aces -- people may not know what that is -- the advisory council of experts has been here, everybody got their two cents in, and they definitely said that parking structures are an anachronism and that under no circumstances should we build anymore, but, oh, no, we've got flexibility. So we can bend, bend over. You don't need zoning. Hey, you don't need zoning anymore. When you've got flexibility, you don't need it. Forget it. We've solved that problem for you. Oh, then we hear -- what a wonderful group. They all got together and they compromised. Well, compromise has many, many meanings. Ahh, I think we have been compromised. There was compromise here. We're back from where we started from. What did they give us? These wonderful people that sat down together? Nothing. They added something. They gave us flexibility. For which I am very, very grateful. Now commissioner charlie Hales asked a very interesting question. What activity are you going to have there before? Well, now put in those wonderful, wonderful parking structures, and that is going to give you activity. Duh. I mean, come on. If you can explain to me that this will give you activity, it boggles the mind.

**Katz:** Thank you. Thank you.

**Deborah Olson, 1218 SW Washington, Portland:** Hi. I'm deborah Olson. I live at 1218 southwest Washington, and i'm here today because I believe we should maintain housing in the west end area for some ungodly reason there are people who love to live downtown. I live in what is called the burnside triangle. After 10:00 at night it's still a very noisy area with all the nightclubs going on. Three nights ago I took a walk from the post office down to fifth and glisan along the bus mall. Sometimes i'll take the bus. Other times I will walk. Three nights ago I counted 20 people sleeping outside a place on fourth and glisan. Not enough housing. Dignity village is also another resource that proves there's not enough housing. Back in long beach, california, they had two large aquarium amusement-type parks. The city of long beach, if memory serves me right -- it's been too many years ago -- sold the land and they promised they would not get ready of the aquatic animals, the whales and sea lions, and as soon as the done deal was done all the sealife was farmed out to different places. They didn't get that in writing, so if you're going to build commercial zoning -- and I understand anyplace that has four or more apartments is a commercial

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business -- specify you need a couple of floors of apartments for housing, moderate, low income, penthouses, whatever, but don't give them a permit if they're not going to put some housing in each building that's erected out there. There's too many people sleeping on the streets. That's all I have to say.

**Katz:** Thank you.

**Art Lewellan:** I'm art lewellan, and I wanted to take the advantage to come in and give my comments to the council. I participate in the planning for the city of Portland, and i'm proud of the accomplishments that the city of Portland has achieved over the years. And hopeful that our future will have the same kinds of successes. I'm familiar with much of the development going on and argue, support, them when acquaintance, friends, may be opposed to them because of funding or some clause or part of the plan that includes elements that don't seem right, like parking garages. For me, as long as a parking structure is not an imposing structure, that is adds something to the surface more than a blank, empty or car-filled building, then it's like a disguised parking structure. Architecturally you can make them fit. I think that the district, if it's going to be of a higher density, higher activity will have to accommodate some increased access by automobiles for employees and residents, and take that into account. On your decisions. But for me I guess you could call me a urbanist in my philosophy, and Portland excels better than any other city i've ever visited. So I have confidence. And this latest option for this part of town looks like it's making that mixed use more feasible, more -- it's more a thought-out plan to achieve that goal, which to me looks like it's -- if Portland continues -- in the direction it's had over the past -- I want other cities to be able to learn and make a better place for seattle, san francisco, but those two cities I see them developing to a degree that's just not an improvement. Just neglecting so much of the mixed use philosophy of how to make a better place, just developing to the enth degree as if the structures are everything, but they're not. I think Portland proves that. The unbuilt environment, the park, the streetscapes, they're so important. The west end to me looks like it's going to one day connect with the other side of five -- i-405, connect freely, openly, become one place. I hope that we're not neglecting any of the open space requirements that a district of that size is going to need. I wasn't real happy with open space proposals that occurred with the capping of the i-405. I just really unsure of them. So looks to me like it's -- you're going in the direction that I have to say i'd support. So thank you, council.

**Katz:** Thank you, art. Okay.

**John Carroll:** Good afternoon. My name is john carroll. Just very few quick thoughts. I think this is an excellent conversation. I think it's very positive. And I think it suggests that we all have very high expectations for growth within our downtown core in support of the infrastructure that you have all voted for, like our streetcar, like our light rail and so on. So I don't see any dark clouds. I do want to say that I think what's important about this effort, if it were to be successful, is that we need to create an environment that does encourage mixed use development. And that it has to be, I believe, driven in part, or the majority of it be driven by the marketplace. I think imposing restrictions that are prescriptive that put people in positions of having to do things, just because the zone and the restrictions placed upon them, i'm not sure that meets the long-term objectives that community that's trying to grow and grow in a responsible way. An example, river district, exd, I know there's a -- a contract agreement with hoyt street properties as it relates to affordable housing and market rate housing in general, and I think I can tell you that from our own personal experience there's been market rate housing that could have been developed within the zone. I think you would all agree that the river district has demonstrated that the marketplace is a wonderful and very's efficient environment in a good economy. If the economy's not good you're not going to see

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a lot of commercial, a lot of office space developed, so I don't think you'll find yourself in that conflict position. There are strategies, one of which is this marketplace and public and private strategic relationship. Certainly the safeway, the museum place project, the safeway, the st. Francis, the ywca, the project for the middle block, the existing safeway for 200 units, and commercial, and mayor support parking for the adjacent uses around it, demonstrates there is a market opportunity there. And it's in support of housing and it's in support of the infrastructure. So I would encourage us to continue the conversation the next couple weeks have gill come back, share some advances or some ideas that we may advance that talk about the marketplace, that talk about these partnerships that irk and all of you have developed over the years. Thank you very much.

**Katz:** Thank you. Karla?

**Moore:** That's all we have signed up.

**Katz:** Anybody else want to testify?

**Greg Goodman, Co-Chair, West End Steering Committee:** Good afternoon. My name is greg goodman, co-chair with michael powell. West end steering committee. Went up yesterday to -- we got invited up to the rock, to the planning bureau, gill and graham invited us up, and to say that it was a fruitful discussion would be an understatement. They -- both parties came ready to work. Once we determined that there was going to be a round table, so nobody would be able to sit at the head, we got right into it. No, i'm just being -- i'm being facetious. But we couldn't have had a better work session. And we probably went over, in rough numbers, 10 what we consider to be outstanding issues, because everybody focuses on what we have disagreed on instead of what we have agreed on, and there was a lot of common belief on -- into what the west end should be. So we just wanted to focus on what we disagreed on. We probably went through relatively easily nine out of ten. And I am very, very confident that we're going to be able to get all the way there within the next few days, let alone the next three weeks, and have something for you. There is a -- a -- I think an understanding that the district should be a mixed use district, which is very important, which would in turn obviously allow for housing and for commercial use. The issue is that is before us right now is how do we incentivize market rate housing? Without de incentivizing commercial at the same time? I'm also happy to say that probably the biggest issue that as gill elaborated earlier too -- or about, that was just such a smooth issue was the recognition that we need to preserve and protect the affordable housing up there. And whenever possible, and obviously this is dealing with some funding issues, whenever possible not just protect, but to upgrade units like the kent that should be upgraded. So there was absolutely no disagreement. That was a one-second comment. And like I said, as long as incentivizing market rate housing and housing in the district doesn't come at the expense of de incentivizing I think we're pretty much all the way there. I remain very optimistic. I'd like to just touch a little bit on something that was said with regards to parking. With all due respect to the mandels, the cctmp governs parking, you can't just building build parking to build parking. There can't be parking structures all over. What the city has recommended, the planning committee has recommended, and our steering group agrees with, is one of the incentives to promote development up there would be in the event that somebody develops on a quarter block parking lot that might have 60 parking stalls, they would have the right to put those stalls or somebody would the right to put those stalls in a structure. This is what the city came up with when they -- had they allowed the port to build the port building down in northwest Portland. It's the exact same thing. Nobody that I know of is going to take a 60-car surface parking lot and build a 60-car garage, because the surface stalls are already paid for, the parking stalls cost 15 to \$40,000 a stall. So somebody would have to go out and take all the

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parking, all the parking stalls, and for get 'em -- get somebody to agree to close them down and then try to build a parking structure. I think the chances of that are -- I think it's the least of our worries. Now I don't mean that disrespectfully, but I didn't want to take the eye off the ball on what's important. I think this is all -- I think what positive can happen in the west end is all about incentivizing people to do stuff. I'm thrilled to say that the planning bureau and the west end steering group as well have agreed to that. It's been -- I wish we would have had this conversation five years ago. It's been extremely positive. And if it wasn't for the planning bureau we wouldn't be here being able to give you such a good report. I'm comfortable that we're going to be able to get all the way there and have something that's great for everybody. And Charlie I agree with you, you don't want a pretty picture, you want something somebody's going to use. We need development in that area of all types. I think you look at the Pearl District, they feed off one another. Just like John said, the market takes care of it. People are telling us right now with their own dollars they want to be in a mixed use area. That's what works. So those are my comments.

**Katz:** Thanks.

**Saltzman:** Question?

**Katz:** Question.

**Saltzman:** Where does this agreement stand on the commercial height limit? I was curious about that.

**Goodman:** Well, first of all, to sum up a lot of parts, so where does it -- the height limit right now stands at 150 feet. And -- and candidly, at risk of offending people, which I had no intent to do, that was actually our suggestion. We -- you see, I would -- the issue is that -- in this small district that we're talking about, there are no full blocks. And so we have never had -- our vision for this district is to have infill. And so we have not wanted a box tower in the district. We believe at this point that there will be demand at the appropriate time to build a 150-foot-high office buildings. We could stand to be corrected at a later date. I think Charlie's concern, but I can't disagree with him, but it was our suggestion. And I can tell you that with all my heart that we wouldn't have made a compromise if we didn't think it would work. The only proof is the future, so you do the best you can, but we did not look at that as a significant compromise because we wanted it in scale with the blitz, to taper back down, so we looked at it candidly as a workable deal, but it's the sum of a whole bunch of parts hopefully in two weeks you'll have in detail. If you look at one issue by itself, you can get lost. All the tools have to be there for it to work. He so --

**Katz:** Okay. Thank you.

**\*\*\*\*\*:** Thank you.

**Katz:** Gil, did you want to close? And then I think some folks on the council may want to say something.

**Kelley:** Yeah. I'd just would close by saying that we will have more detail for you in a couple weeks to look at so you do see all the parts working together. I did want to mention, along the parking garage question, that both Mandels raised, it was never a focal point in this discussion that we should be liberalizing uses in order to build parking structures beyond what was already envisioned beyond any of the proposals that were in front of you. I wanted to reassure you about that. We will look back again and make some of those notions explicit in what comes back to you in two weeks. The one other thing I wanted to respond to is one of Greg Baldwin's points, which is a very good one, about the potential to actually had I create a new base zone for the downtown or parts of the downtown and perhaps even parts of the central city. The very intriguing notion to me and one that I think I may have suggested when I last was here on the west end as an option. And I think we should keep that idea alive as we move forward with the development strategy and with

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future central city planning, to really craft an explicitly mixed use zone that could have broader application. The reason I didn't advance that again today is that I think that there's a great deal of concern to just sort of get this piece of the west end zoning through with and done and in place so we can get on to the development strategy. And the creation of a new base zone does open up potential questions about what the standards are, where it applies, so forth and so on. It could be a longer conversation as it would need to be, that probably in fact should involve the planning commission and others. I think it's a great idea. I'd like to pursue it, but it may not be ripe just now for this effort.

**Katz:** Okay. Thank you. Before I turn it over to the council members, let me just explain why we're taking so much time. This is a very critical part of the city. And it's been a part of the city that really hasn't been touched deeply by development. And there may be market reasons for it. We've got development happening in old town, china town, the pearl district, the river district, over at lloyd center, and we're beginning to see the development of the south end of the west end. And though i'm not an expert, but I think if we sat and did nothing things might happen anyway. But the planning commission wanted flexibility and they listened to the west end steering committee and heard their concerns and thought they had put together a proposal that protected the character of the west end, or in the future character the housing, as well as giving a little bit more ability to develop some office space. And that's the reason we're here. And that's the reason it's going to take some time. And quite frankly, I don't think -- I can't allow us not to be thoughtful about this part of the city. So I want to thank everybody for their patience. I have no idea yet what's going to be proposed, but the discussions are going to go on. And when gill feels that -- that there's something here that does everything he identified at the beginning, then that will be presented to us. Commissioner Francesconi?

**Francesconi:** I want to add to what commissioner Hales said at the beginning, and that is we need to society on this thing in three weeks. So you'll get us the information, that will be good. But we have to vote on -- and this is -- you've got other issues and we've got other issues. So that's it after three weeks. The second thing I want to do is I wanted to specifically thank you, gill, and greg goodman. But before that, you know, I couldn't go to the straight commercial. It is important to allow the market to work, but -- and john, you didn't mean it this way, but in a straight market economic i'm not sure that poor folks would have place to live in the city, so I was concerned just about the escalating rents that this could cause, and I was concerned about the residential character, which is important to feed the downtown businesses. But the west end steering committee, it was also concerned about those things, maybe i'm just too paranoid, but it wasn't willing to just change the zoning, because there's other players down the road that could come in, et cetera. On the other hand, as I listen to even rick michaelson, he wasn't sure the planning commission got it right just. I was glad to hear ralph austin here today say, because he knows this housing side better than me, and for him to come in front of us and say he prefers this third approach. I think the reason is you got to get the property owners engaged in this thing. It's their property. They're going to determine what happens. And if they're saying that there's -- they need a little bit of ability to build commercial separate from residential to help enhance it, I think I thought this was a voice we needed to listen to. However, to get to the point where it's really to going to work it took some leadership and cooperation, which is the note I want to end on, from both gill and greg. And gill, I just want to tell you, that, you know, you got to some degree a bad rap. Because a lot of things were happening before you got here. You had some principles and you wanted to make sure that some things were established, and it did delay things. I'm hoping that one of the results of this hearing is that we put to rest that you don't care about businesses, you don't care about

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development, you don't care about some certainty, and I think we're coming to something, so not only do I hope we develop the west end, but I hope we put some of this to rest.

\*\*\*\*\*: That would be nice.

\*\*\*\*\*: Turning to greg goodman. We need some new, younger, new business leadership, and you're a part of it. There's been allegations made in hearings, he can, but you've shown some flexibility on this thing. And I don't care. And you want to make this thing happen. And we need that. We need you. And we need the property owners to help us accomplish the goals of residential in a vital city. We need it more than ever when we don't have places for poor folks to live, and during this economy the way it's going. So unless we have this gil kelleys of the world and greg goodmans of the world we're not going to solve anything, folks, given the current status of where we are. I look forward to this. If you can't narrow the gap on the market rate issue, we'll settle it for you in three weeks. But thanks for your work. Thank you. Thanks. Go ahead.

**Saltzman:** I just -- I say this all sounds real good today, but I still don't know what the it is. We're talking already about -- I mean, I was just handed this on monday, something that we last visited in late august, although I thought it was july.

\*\*\*\*\*: It was july.

**Kelley:** I've been a great admirer of your ability to do things quickly, gill, but I can't be asked to vote on something on wednesday that I get on a monday. In the same context over these next three weeks, I don't want to be handed something on monday of the wednesday when we're going to do the final showdown.

\*\*\*\*\*: I think our intent on that is --

**Saltzman:** I want to know what the it is. It sounds like they like it, but I haven't seen it.

**Kelley:** I totally appreciate that. This has been a lot of negotiation and brainstorming and hair pulling. I appreciate that you're presented with something fairly late. Our intent is to file a resolution the wednesday before your wednesday meeting so that you'd have a week to look at it.

**Saltzman:** Okay. And the one issue I want to raise with you you is are we -- you've mentioned -- I guess the proposal you presented originally did not allow for f.a.r. Bonuses. Now you're saying there will be in this new --

**Kelley:** What we've done is within the height limit allowed, we've talked about allowing the sort of base office f.a.r. Even in the west end steering committee proposal was 6 to 1. And we see allowing that to be bonusable to 8 to 1 or 9 to 1 as long as other public benefits were provided.

**Saltzman:** That would include all the f.a.r. Bonuses we have for central city?

**Kelley:** That's a good question.

**Saltzman:** I'd certainly want to make sure that the equal f.a.r. Bonus is part of that list.

\*\*\*\*\*: Got it.

**Saltzman:** Sounds like you've done great work, and I appreciate how you've done things quickly, but I feel left in the dust a little bit.

**Katz:** I know, and I appreciate that. Gill said three weeks. I hope we reach three weeks. But we're not going to rush this. If it takes another week, it's going to take another week. My hope is we can get it done. This is very important. Gill, you can correct me if i'm wrong, gill liked the original proposal, all right? In fact, he probably liked the previous zoning as is. And so he's really been stretching himself to try to bring something that still maintains the character of the district, preserves the -- the affordable housing, and then gives it a little bit of leeway. [ laughter ] okay.

**Saltzman:** If it takes another week, it takes another week, but I want to see it before monday of the wednesday.

**Katz:** Yeah, fair enough, fair enough. All right. Then we'll -- let's aim for three weeks.



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**Moore:** Okay.

**Kelley:** The hearing would be continued then.

**Katz:** It would be continued to then, yes.

**Moore:** The thursday the 18th, because we have a 6:30 on the 17th already.

**Katz:** What is it?

**Moore:** It's the southwest committee plan.

**Kelley:** Another one of my little projects.

**Moore:** Thursday at 2:00 p.m. Is available on the 18th.

**Kelley:** Thursday at 2:00 p.m.

**Katz:** Fine, thank you. We'll move all those items. Commissioner Sten reminded me that 1161 doesn't belong there. We disposed of it.

**Moore:** Should we read it?

**Katz:** Read it and i'll have him dispose of it.

**Item No. 1161.**

**Sten:** This was the original note on loss housing that we filed in june. We passed a more expanded one that included the whole central city in august, so I would just to move to withdraw this. It was brought back inadvertently.

**Katz:** Will send it back to commissioner stens office. Any objections? Hearing none so ordered. Shhh. [ gavel pounding ]

**Item No. 1162.**

**Katz:** second reading. Roll call.

**Francesconi:** I don't think we ever commented on this one. There was so much testimony, I want to be brief about it, but first of all it is a close call. It's not clear. And there are some issues raised, especially the one of citizen involvement, neighborhood involvement on the issue of transportation.

And sewer and water quality issues. So that does make it close. The reason i'm going to support this is primarily three. One is I believe that the land division code now is a mess. And that this is an improvement. And we do need some certainty, both for the neighborhoods and for the developers if we're going to develop the kind of city we have. It's undisputed that the current situation is a mess. So this is an improvement in my view. The second is despite the fact that there wasn't consensus reached, there's clearly a lot of involvement. And we did hear some good testimony, powerful testimony, for reasons to oppose it, but there were a lot of people supporting this. It went through a long process. And I have to give that some weight. And then the third reason is on the issue of storm water, the manual is a very important factor. And commissioner Saltzman made this point repeatedly through several days, so I hope he makes it again, which is it helps to incent positive behavior through this. And actually this could encourage better storm water management practices than not adopting this. And I hope i'm right, but I think i'm right. Then on the issue of transportation, this one is the most troubling to me. On street design. Because I do think it does give the neighbors a lever to try to help. And this is especially important in southeast Portland, as well as southwest. But because of the procedures in place to try to design streets in a more environmentally friendly manner, and because of our amendment that we put in on open space zones, which allows for skinnier streets, that's the third reason that i'm going to support this. Aye. Oh, and lastly, I want to thank everybody for incredibly terrific staff work that I observed on this. And the patience, but also the intelligence. And the care with the citizens. Aye.

**Hales:** Thanks for effective and persistent work. I'm glad that we've completed subdivision code for completion of the last subdivision in Portland. Aye. [ laughter ]

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**Saltzman:** Commissioner Hales, you're exactly right on the storm water issue. Where we landed on that with the appropriate role for land use being part of the decision being subject to the whole land use appeal process, but others being subject to technical decision-making based on the storm water manual will encourage the type of innovative storm water management weapon, and absent that keeping everything on the land use development process will encourage developers to keep things off the shelf and conventional. This is something, as I one time said, i've come into this process, maybe 2« years into a 5« or 6«-year process, so part of me is simply on a process point of view, this thing has been processed to death. It's time to bring closure. I think there's legitimate issues, but we need to reach closure on this, and I think we've come up with the best balance. I have to respect a lot of the process and involvement that went on before I arrived here. And I do think this is a -- it just time to move on and if we need to revisit this we can revisit it, but hopefully not another five years to do that, but I think the best thing now is just to get it on the books and get going with it. And appreciate everybody's involvement, citizens, staff, the incredible staff work that's gone into this. And all of you who have endured with this longer than I have. Aye.

**Sten:** First I want to compliment the staff. I know how hard you worked. I think you -- I don't even how even one would start this task, let alone keep at it for five years. I really admire what you did on this. I do think that the vast, vast majority of this is a big improvement. Unfortunately i'm not going to support it, because i'm at 90%, and the 10% for me were -- wish I agreed, but I think that this -- this approach on those couple of key issues that commissioner Saltzman and commissioner Francesconi outlined, I think it really errs on the side of trusting that over time the staff will get the standards right, not the planning staff, but the transportation and the b.e.s. Staff. And what i've found, without any transportation standards in place, that we're vesting this on, they're going to come later, all of the key things. When I look at two things that are equally good arguments, and I think there's a good argument to try and get standards together, and I think there's another good argument to allow the citizens as they have in the past to appeal some of these issues, which they can no longer do, and which is why all the land use chairs were here last week quite adamant about this, one has to err on the side that has the last harm. The appeals do cause change to happen, I think we've cut citizens out of a key point in the process, when I was in charge of it, I caught errors, not because our staff was wrong, but because our standards didn't anticipate the real world. The book hadn't really gotten it right. And so I think we've really unfortunately made a much better code, but in doing so on several key places cut the citizens out of the process, and therefore i'm going to vote no.

**Katz:** You know, this has been around for a while. And I kept asking the staff, are you sure, are you sure we're doing the right thing? Because all of us respect hoot of the citizens that came to testify in opposition to this. But it has had a thorough process several times in several different wales. And I want to just -- I want to thank the staff. This has been very difficult for them. And I appreciate all the hard work that has gone into it. I do want to ask you, though, that as this beings effective, which is within six months, if things begin to show up that we did not anticipate or that the citizens anticipate and we didn't listen carefully, that you need to bring it back to us immediately. I don't want to wait five years, I don't even want to wait a year. This is too important of an issue to let the mistakes continue, if in fact mistakes are going to occur. So with that caveat, thank you, aye. 1163.

**Item No. 1163**

**Francesconi:** Thanks for your work on this one too. Aye.

**Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

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**Katz:** Thank you, everybody. This opens up now the ability for the staff to get to work on some other issues. Aye. [ gavel pounding ] we stand adjourned. [ gavel pounding ]  
At 3:32 p.m., Council adjourned.