



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF OCTOBER, 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; Harry Auerbach, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.

Commissioner Saltzman arrived after the vote on Consent.

Item No. 1185 was pulled for discussion and, on a Y-4 roll call, the balance of Consent Agenda was adopted

	Disposition:
1164 TIME CERTAIN: 9:30 AM – Recommend approval of the Pearl District Development Plan (Resolution introduced by Mayor Katz) (Y-5)	36032
1165 TIME CERTAIN: 10:15 AM – Approve the appointment of members to the Citizen Review Committee for Independent Police Review (Resolution introduced by Gary Blackmer) (Y-5)	36033
CONSENT AGENDA – NO DISCUSSION	
Mayor Vera Katz	
1166 Confirm appointment of Noma Hanlon to the Workforce Investment Board for a term to June 30, 2002 (Report) (Y-4)	CONFIRMED
1167 Confirm appointment of Robert Holmes to the Business License Appeals Board for a term to expire December 31, 2003 (Report) (Y-4)	CONFIRMED
*1168 Pay claim of Niccole Byrd (Ordinance) (Y-4)	175967
*1169 Pay claim of Joni Cunningham (Ordinance) (Y-4)	175968
*1170 Pay claim of Mark Lajoie (Ordinance) (Y-4)	175969

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<p>*1171 Pay claim of Tangelia E. Purdom (Ordinance) (Y-4)</p>	<p align="center">175970</p>
<p>*1172 Designate and assign a strip of Bureau of Fire, Rescue and Emergency Services land as public street area (Ordinance) (Y-4)</p>	<p align="center">175971</p>
<p>*1173 Lease for construction office and staging area at 2384 SE Ochoco (Ordinance) (Y-4)</p>	<p align="center">175972</p>
<p>*1174 Agreement between Emmanuel Community General Services and the City for use of Local Law Enforcement Block Grant funds (Ordinance) (Y-4)</p>	<p align="center">175973</p>
<p>*1175 Authorize the Purchase Agent to sign a Purchase Order as a contract with Software AG, Inc., for annual software maintenance in the amount of \$93,296, without advertising for bids (Ordinance) (Y-4)</p>	<p align="center">175974</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>*1176 Amend contract with Winterowd Planning Services, Inc. for the preparation of a master plan update for the Portland International Raceway (Ordinance; amend Contract No. 33292) (Y-4)</p>	<p align="center">175975</p>
<p>*1177 Contribute \$550,000 towards the purchase price of a 22 acre parcel of property located at the intersection of SE 158th Avenue and SE Martin Street, in the Powell Butte area of the East Buttes Regional Target Area (Ordinance) (Y-4)</p>	<p align="center">175976</p>
<p>*1178 Accept a grant from Multnomah County in the amount of \$120,275 for operation of an integration program for senior citizens who have mental retardation/developmental disabilities (Ordinance) (Y-4)</p>	<p align="center">175977</p>
<p>*1179 Amend agreement with Parsons Brinckerhoff Quade & Douglas to include an expanded scope of services and provide additional compensation in the amount of \$41,158 for improvements for the Heron Lakes Project (Ordinance; amend Contract No. 33214) (Y-4)</p>	<p align="center">175978</p>
<p align="center">Commissioner Charlie Hales</p>	
<p>*1180 Authorize Cooperative Improvement Agreement and Supplement No. 1 with Oregon Department of Transportation and Tri-County Metropolitan Transportation District of Oregon maintenance and operation of traffic signal on NE Sandy Boulevard at 96th Avenue and street improvements to 96th and Sandy (Ordinance) (Y-4)</p>	<p align="center">175979</p>

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<p>*1181 Authorize agreement with Burlington Northern and Santa Fe Railway Company for modifications at the railway crossing of North Marine Drive and Rivergate Spur track associated with the North Marine Drive Extension - Phase 2 Improvement Project (Ordinance) (Y-4)</p>	<p align="center">175980</p>
<p>*1182 Authorize Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon for projects and services associated with the Parkrose Park & Ride facility and the Airport Light Rail Project (Ordinance) (Y-4)</p>	<p align="center">175981</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p>*1183 Authorize an Intergovernmental Agreement with East Multnomah Soil and Water Conservation District to administer monies for the Columbia Slough Watershed Council to be used for program development and watershed stewardship, assessment, restoration and education projects (Ordinance) (Y-4)</p>	<p align="center">175982</p>
<p>*1184 Authorize a multi-year Intergovernmental Agreement with Multnomah County for vector control services, authorize compensation amount for the current fiscal year, and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175983</p>
<p align="center">Commissioner Erik Sten</p>	
<p>*1185 Authorize the Bureau of Water Works to enter into an Intergovernmental Agreement with the State of Oregon Department of Environmental Quality to perform an expanded preliminary assessment at TCN Enterprises, Inc., 4415 NE 148th Avenue, which has been identified as a potential source of groundwater contamination in the Columbia South Shore Well Field (Ordinance) (Y-5)</p>	<p align="center">175988</p>
<p>*1186 Extend term of ordinance granting AT&T a long-distance telecommunications franchise (Ordinance; amend Ordinance No. 162822) (Y-4)</p>	<p align="center">175984</p>
<p>*1187 Extend term of a temporary, revocable permit granted to TCG Oregon, aka AT&T LNS (Ordinance; amend Ordinance No. 173990) (Y-4)</p>	<p align="center">175985</p>
<p>*1188 Agreement with Central City Concern for \$105,000 to support its affordable housing activities and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175986</p>

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<p>*1189 Agreement with Legal Aid Services of Oregon for \$42,206 for the Legal Aid Services of Oregon, Fair Housing Enforcement and provide for payment (Ordinance) (Y-4)</p>	<p>175987</p>
<p>REGULAR AGENDA</p> <p>Commissioner Jim Francesconi</p> <p>*1190 Create City of Portland Parks and Recreation Board (Ordinance; enact City Code Chapter 3.27)</p>	<p>CONTINUED TO OCTOBER 10, 2001 AT 9:30 AM TIME CERTAIN</p>

At 11:00 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF OCTOBER, 2001 AT 2:00 P.M.

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

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

At 3:20 Council recessed.

At 3:30 Council reconvened.

		Disposition:
1191	TIME CERTAIN: 2:00 PM – Consider the Martin Luther King Jr. Blvd. Viaduct Project and order the preparation of a staff report to Council (Hearing; Report introduced by Commissioner Hales)	PLACED ON FILE
*1192	TIME CERTAIN: 3:30 PM – Agreement with the Portland Office of the Federal Bureau of Investigation to participate in the Portland Joint Terrorism Task Force (Previous Agenda 1127; Ordinance introduced by Mayor Katz) (Y-4; N-1, Hales)	FAILED TO PASS

At 6:28 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.

OCTOBER 3, 2001 9:30 AM

Francesconi: Here. **Hales:** Here. **Sten:** Here. (Commissioner Saltzman arrived late.)

Katz: I'm here. Are there any items to be removed off the consent agenda?

Moore: We have 1185.

Katz: 1185, okay. Tom o'keefe is -- where are you? I didn't see you. Any other items to be removed off the consent agenda? Any items by the council? All right, let's vote on the consent agenda items. Roll call.

Francesconi: Aye. **Hales:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. 1185.

Item 1185.

Sten: Tom asked this to be pulled, and we've been aggressively investigating all the potential contaminated sites. The water is safe, but there's parties that have -- have in the past I think done things they shouldn't have, and we're in the process of trying to figure out who's responsible for what. We actually have, I think as most people know, a lawsuit underway with two other companies, and this is part of some preliminary work. I didn't ask the water bureau to come over, so if there's extended questions we can set this over and get more technical information, but I think tom wanted to comment.

Katz: Tom, go ahead.

Tom O'Keefe: To me this is something that shouldn't be on the no discussion agenda, because we have gone down this slippery slope before about pollution. We're currently suing boeing and cascade for about \$6.5 million, which accumulated over several years, and now we're going to start to spend 70,000 to monitor this new pollution. I'm concerned when in the report it says there's presence of tce in water from this well, which is wellhead p-10, at concentrations above the state drinking water standard, as well as the presence of other volatile organic compounds in the dissolved phase. So that particular well had head to me should be brought off line. We don't know when the city brings wells on-line or off anymore because council passed the ordinance so council doesn't have to be informed anymore. The water bureau can do this on their own. And it does say that it is above safe drinking levels. I'm concerned that if you don't pull that well head off and don't use it, and if this report finds there is a plume in place and you do move the plume by pumping from that well, the same thing could happen again, which is one of boeing and cascade's defenses in the court -- they have filed for a jury trial on this, i'm sure you are aware of. One of their defenses is when you knew about the pollution, you continued pumping, moving the plume field, making the cleanup more difficult. If we take that one particular well off that could never be used for a defense if we have to go to court over this. Also, I never see in these agreements where the company involved, which is tcn enterprises, about them contributing towards this. Now, boeing and cascade settled with everything. They set up a working arrangement with d.e.q. So every quarter d.e.q. Bills back boeing and cascade and boeing and cascade pay them off. If you were a private owner and you have a -- an oil tank that has to be removed from your property, you become responsible for this and you pay for it. And I think we should, instead of letting monies accumulated, which happened in the boeing and cascade problem, which is \$6.5 we're trying to get back from them, that we don't let it happen here and we make this company start paying up front so these costs do not accumulate down the road. So I do have concerns about well p-10, because d.e.q. Has already said

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that it is not safe. It's above the state drinking water standards. So there is pollution there. And we should be concerned about not letting the bill accumulate so the ratepayers do not have to fall into the same problem, which is going on with boeing and cascade.

Katz: Thank you, tom.

*****: Thanks.

Katz: Questions? Before I turn it back over to commissioner Sten or can the council what their pleasure is, is there anybody else who wants to testify on this item? All right, commissioner Sten.

Sten: Well, there's several issues there. One is legal strategy, which I understand a lot of tom's points. We are in an active case, so i'm not going to -- I don't want to discuss whether I agree or disagree with the legal strategy. Two is that the well fields themselves, we have not yet turned them on this summer, and have actually last summer didn't need them until an event late in the fall. The council did decide -- i'll just remind viewers -- not to need a council action to turn on the well fields, and in that authority rests -- and that authority rests with me, but we do always notice the public and particularly give warning to our big customers, just because of the chemical makeup is slightly different and for industrial processes people need to know. So it's something we press release and put out there. And this well field, this particular well, as tom particularly points out, has not been in production and won't be, is my understanding, but I will verify that and make sure that that's the case. So I actually think, as usual, mr. O'keefe is right on the right points. This is just a contract. On the final point, if I had a mechanism to charge this company or if they would do it voluntarily to pay for the initial assessment, I would, but I don't know any way to do that, and I think it's more -- we have to get the assessment done. They're not going to pay for it at this point. And so I would much rather not be in litigation with boeing and cascade, but that's the way this is -- you know, this process has run in this country. And it's a bit bigger than me.

Katz: What's the council's pleasure? You want to move on in and get a report on this particular well?

Sten: That would be my recommendation.

Katz: Okay. Thank you for flagging it to us, tom, as always.

*****: Thank you.

Katz: Anybody else want to testify? Roll call.

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

Katz: Mayor votes aye. We're now to time certain. Item 1164.

Item 1164.

Moore: Recommend approval of the pearl district development plan.

Katz: I have about five talking points, and I won't do it, move this hearing along and listen to the folks working on this rather than listening to me. So come on up. Who wants to start?

Don Mazziotti, Director Portland Development Commission: I'll start. Don mazzioti, director of the Portland development commission, members of the council, and mayor. On september 24th, I sent forward to you the final draft copy of the pearl district neighborhood plan, which we're going to present to you today. And we've also briefed your execs, and I hope that that briefing has provided you with the information that you need, but we're prepared to answer any questions you may have. I want to knowledge bruce allen, sara heineken for the work they've done, but also call your attention to the fact that many other bureaus were involved in the development of the plan and it's a list too long to read, but one which we acknowledge. Just a few words before I use john carroll and nelson abiel. We're pleased to join with the neighborhood to bring forward the final draft. It is a final draft document, and one which is by those terms open and welcome, your input, comment, and possible changes should that be necessary before it's finalized. In many respects the plan was modeled after the old town/china town development plan, which this council adopted in 1999. That document helped organize the various groups in the neighborhood, in old town/china

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town, and has led to a number of coordinated actions in that area over the past several years. We're hoping that over time the Portland water bureau district plan will have the same effect. The purpose of the plan is to lay out a vision. The goals and priorities of the neighborhood. It was prepared by the neighbor, not by p.d.c., nor the city, but obviously we had a great deal of participation by city bureaus and p.d.c. Staff. It's been reviewed and unanimously approved by the Portland development commission. It does not, however, come with any funding commitments, an implementation of the elements of the plan will be subject to future public and private budget decisions over time. Now i'd ask john carroll and nelson to discuss the plan, its conclusions, and recommendations. John?

John Carroll, Portland Development Commission: Thank you. Good morning. My name is john carroll.

Katz: Good morning.

Carroll: Really had the pleasure to participate in this process, and what is unique in this process, I have to share, is that while supported strongly by p.d.c., the whole effort really was a neighborhood-based planning and discussion effort. I think this is important because a lot of times the public comes to a neighborhood and says this is what we want you to think about, this is our concerns about what's going on in your neighborhood, and what in fact happened is that p.d.c. Came to us and said as neighbors, as people who are living and working and operating within the district, why don't you tell us you see are problems and opportunities looking down the road. I think with the guidance and the help of p.d.c., certainly bruce allen, sarah heineken, tom armstrong and sumner sharp, a little bit like herding cats, but it was a very important discussion that we had, and I think what you'll see here and what you'll hear from the people that will come and talk with you is that they feel strongly that it does reflect their view of what is happening in the neighborhood. It reflects their views about what's going to happen in the future, and identifies a number of steps that will help us get there. I think it has got to be, again, underscored that it's a community-based assessment of their circumstance and their future. And so as you look at it understand that we will come back to you, as we prioritize and underscore what we think's important for the development, that we will be back to you, we will be asking you to participate with us on some basis, either in planning and other ways. So again, I appreciate the opportunity personally and appreciate your support of the plan in advance. Thank you.

Katz: Let me just interject that i'm not going to support any more planning efforts that are independent of the planning bureau. So if there are planning efforts that need to be done, it's got to be incorporated into our work plan.

Carroll: Do not disagree with you.

Katz: Okay, just wanted to make that sure.

Nelson Abeel, President Pearl District Neighborhood Association : I'm nelson abeel, president of the pearl district neighborhood association. Good morning, commissioners, and madame mayor. I think it's very important to underscore what john carroll has just said about this being a neighborhood-based concern. And I think that you should also realize that this is partly -- this -- the need and call for this study, and development plan, was basically based on the tremendous success of the pearl district neighborhood association. This is not a distressed neighborhood. And I know that you're all aware of that. But one of the concerns of the neighborhood association was that success and development was preceding at a pace -- proceeding at a pace in which there was really no time to really look at all the planning efforts that had been made, the vision efforts that had been stated by this city's government over ten years ago, and take a deep breath and look at what had actually been built, both by private developers and the city in terms of its infrastructure, and just see whether the -- the course -- whether the whole project of the buildout of the pearl district is on course, what the needs were that were not being addressed, and how we could sort of tweak this --

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this plan to include everybody and to make sure that when the buildout of this community is finished, and it becomes the densest community in Portland, Oregon, that it's got everything that it needs to really be part of an inner city community. And this development plan, i'm very pleased with. I'm pleased with its brevity, i'm pleased with its action. The prioritization of actions that are going to be called upon to be done by both private and public parties. And this is going to be a plan that is going to be on every developer's desk. It's going to be on every bureau chief's desk. And it's going to create the integration of the -- of the river district vision, the central city plan, and the river district guidelines. I think it's important to the pearl district. I think it's important to the city of Portland. And I think it's important to the metropolitan Portland area that -- that the pearl district, river district, is a huge success. Thank you.

Katz: Questions by the council?

Hales: I got a couple. Your action item about transportation has an item in it which I agree with, which is to discourage surface parking lots. And it's certainly something I want to address throughout the settle city, abouts as you know it's a pretty intractable problem in the commercial downtown because of how lucrative a surface parking lot is compared to the amount of capital investment to keep it going. You got any specific suggestions about what we ought to do? Actually when I looked at that, I thought, well, in the pearl district we don't have much of a problem there because the market's go good it will take care of this, and yet it hasn't in the downtown. So any particular ideas about how to take that from a good intention to some tangible results?

Carroll: Well, first, I think it's important to remember that the c.c.t.m.p., there's a plan that suggests there's a certain amount of parking spaces, there's a way to manage through there, so we're not creating more. And then I think the streetcar's a good example of providing an alternative that - - discourage isn't the right word, but an alternative to people bringing their cars cars into the core and hopefully over time you won't see a great deal more pressure brought on to provide more parking. Maybe we'll start doing what we had hoped, and that is people start using the transportation systems and the huge investment that's been made there. I would hope, in the spirit of what nelson was sharing about the density and the very successful neighborhood, that you'll find that those surface parking lots will undergo some pressures, that the owners will find alternatives, development alternatives that they might consider on those sites. There is certainly a strategy for consolidating parking. You did it at the brewery blocks, in terms of providing additional short-term parking and parking in the neighborhood. And there are other opportunities within that district to consolidate parking. Maybe you can. And I think it's over time. It's not going to happen tomorrow afternoon, but I think over time you can use your infrastructure investment, intense growth and development that's occurring there now, look at those concentrations of parking on a site, and maybe a mid or highrise -- or midrise format. I think you can capture some of those lots over time. Just a general development philosophy.

Hales: In terms of practice, are you seeing people charging monthly rates for the surface parking that are approaching downtown rates?

Carroll: They are -- they are starting to sneak in that direction, certainly.

Hales: Yeah. I always want to flag that. I don't have a snappy answer, but --

Carroll: I also see the streetcars full of people and I wonder what they were doing before we had the streetcar in place.

Hales: Right. Another point, which is really not a question so much as a comment, and I think you've done a great job on this, and I think it's a great grassroots planning effort and I look forward to working with you to implement the action items on the charts, but it seems to me there's one thing missing, and i'm going to continue to bring this up, and that's an issue for all of us, it's not your problem, quote, unquote, it's not our problem, and that is we -- I believe a real neighborhood is a mixture of public space, private development, and the nonprofit sector. And we don't really know

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how to make that happen in the pearl district. Yes, we have pica and pnca, in the arts sector, we have some presence of the nonprofit sector. In traditional small lot neighborhoods, residential districts in the city, the churches and the synagogues figured out a way to get into those neighborhoods and build neighborhood-level facilities, as early as the late 1800s in what's now the south park blocks district. We don't know how to make -- we don't know if we're supposed to make that happen. We don't know if we're supposed to help. Or how it will happen. But I just want to keep flagging that. It's not a real neighborhood if it's just housing and stores and parks and streets. And I don't know -- again, this isn't your problem. I'm not trying to make you feel bad because you didn't include this in your report. We haven't included it in our strategies either, but I want to keep flagging it. I don't know whether it's a conversation between you as stewards of that neighborhood and people in the city who have an interest in this issue and the association of downtown churches. I don't know. But I think it's not a real neighborhood unless we have a diversity of nonprofit institutions there as well as a diversity of for-profit real estate and public works. And I don't know.

This is an experiment. This is the biggest experiment in the country in creating a new neighborhood from scratch. And we're doing a great job. And we're getting a lot of custody dose for it nationally, as we should, but we haven't solved that -- we haven't checked that box of foster the small-scale, nonprofit sector, the civic realm of churches and synagogues, ymcas. You know, some of that sounds quaint today, but I don't think it's quaint, and yet I don't know how to solve the problem. I want to keep bringing it up until somebody else figures out how to share the problems.

Carroll: People will share thoughts, they do represent those nonprofits, those arts institutions. And you must appreciate that they will not go away after this presentation today, that they are in the trenches, and they're trying to effect the very changes that you're alluding to. And certainly this plan, or this effort, as you read through it, does recognize the importance of open spaces and community spaces, and certainly building on the efforts, even down at the horse barn site where you're talking about bringing community housing and community centers, and the like. You'll have more than enough people in your face talking about community investment. So that's -- that's a very important part of this. So we want those people to allow -- allow them to share their thoughts with you.

Hales: Okay, good.

Katz: Further questions? Thank you, gentlemen. Karla?

Moore: We have grant guyer, kristi edmunds and sue pritzker.

Katz: Come on up. Hi.

Grant Guyer, Steering Committee Member, Public Spaces Working Group: My name is grant guyer. I reside on northwest hoyt. As a steering committee member on the public spaces working group I want to highlight a few opportunities for you, particularly speaking to what commissioner Hales has just talked about. I know that he has been working on the possibility of doing a public marketplace. We're looking at the old post office there at broadway. This would re utilize an under-utilized section of northwest broadway. The union stationary, and the north park blocks. Great resources that are under-utilized. It would be a regional city and neighborhood asset. So we're very glad that's being considered. Notably the city has made a commitment to public housing in this area. One of the major complaints, though, of the actual residents in this public housing is that they feel strangers in their own neighborhood. There are none of those places that commissioner Hales was just talking about, where they feel that they can buy into and participate. Therefore, we're particularly looking at the centennial mills, which the city, with Portland development commission, has recently purchased. A great opportunity to reuse, again, an old industrial structure, using the industrial heritage, the architectural heritage of Portland and making some sort of a river front regional city and neighborhood connector there, and also tying in the river renaissance and reutilizing the river. That's a project that may take ten years or so, but we're

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working towards that. We'd like to highlight that for you. Also, i'd like to identify the need to have a more diverse resident population. There has been this commitment to affordable housing. But we need to have more family-sized units. This will involve sacrificing some of the numbers, but sometimes we have to look at quality versus quantity, and therefore especially with the demographics of single-parent families and of dual-income families who don't want to have cars, don't want to commute, driving their children all around, to utilize the transportation infrastructure, the cultural infrastructure of the central city library, Portland state, the museums. One thing that you could do is encourage both daycare, private schools, and a public school. Maybe just as we thought of reusing the city park instead of a highway, we should also work with Portland public schools to reidentify how we identify a population for students. And identify where the parents are working rather than necessarily where they're living. We can put a few more families into this neighborhood, but also there are many people that work if the city downtown area. We hope that you can work on maybe making the first public school in 80 years in the downtown area. And there is a need for this, of all the schools being closed down, Portland public schools is going to have to open a middle school in the next ten years in the northwest. So there's an opportunity for that. I know there's an opportunity you've been discussing with Portland state for an elementary school with their school for education. That's on the streetcar line. All of this is to make a neighborhood in which people, seniors, middle-aged people, and families, who are the cement of a community, bring them into this community also. So I would like to finally say that there's an opportunity to knit together an even more diverse and exciting central urban fabric building on the notable success of the private-public partnership already achieved through your interaction. Thank you.

Francesconi: I didn't recognize your first name. I'm sorry. I should have. Well, you know, commissioner Hales is right about the nonprofits, but frankly i'm not sure what we do about that. Maybe some people in the audience do. But on the park side and school side, I think there's a specific role for us. So I was going to say this later. Parks is looking for a site for a community center. Centennial mills is on the list. There's some other sites on the list. So if people have some comments about that. Because, you know, that would add a lot to attracting families with children.

*****: Right.

Francesconi: As well as seniors, adults, et cetera.

Guyer: One thing we noted, we don't have the population density of manhattan, but the creative success of the -- what do we call it? Chelsea peers in new york, a public-private partnership, has really brought that part of the city into the whole flow of the city. That's what we want to do here. We want to bring this into the flow of the whole city and the region and not make it a cul-de-sac. Those connections are very important. For the neighborhood and for the large area.

Kristy Edmunds, Director Portland Institute for Contemporary Art: Okay. My name is kristy edmunds, i'm the director of the Portland institute for contemporary art. At first i'm going to speak, but at first I wanted to read something that madeline kokes prepared. She's with wieden & kennedy. She served on the pearl --

Katz: Make it quick, because she's going to take your time.

*****: She's taking my time.

Katz: Yeah.

Edmunds: I'll fast-forward her. [laughter] basically in paraphrasing her letter, it's really about dressing addressing why wieden & kennedy moved in to the neighborhood. And reflecting on the experience being what she refers to as awesome. Basically what their biggest concern is being in the neighborhood provides stimulus to the people that work there and helps us attract new people. But it won't work that way if the neighborhood becomes homogenized. We need to preserve the art. There was a spiritual side of our mood and that's why dan wanted to create a place where the

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community could together. That's why they have pica in the building. They need to keep art alive in the pearl. There's also very practical things that they identify too, which is many of their employees are living in the loft spaces around there. And again, it gets into affordable housing as well as family. Many of these single people are now having children and want to continue living in the district. So there's a big call there for neighborhood daycare and housing. So that's from madeline. And i'll pass it in. I mean, I think of it in my involvement in this plan has been one in which I watch in the arts, certainly in this community, which has actually a very young infrastructure for the arts and cultural community. It's the commercial galleries, very few nonprofit spaces available. It's a young infrastructure. As such, it has deep vulnerabilities. The sheer kind of initiative of people wanting this kind of work, of reflecting our cultural and expressive life has been what's happened. With pica, I think charlie, you said something earlier, because of the markets -- because the market's so good it will take care of it self. The reason i'm interested in this plan is that when the market isn't so good, things don't take care of themselves unless there's a vision that's really been put forward that again consensus, that had deep integrity. There's nothing to aim at when people get off course, they stop aiming. And this plan, I think, really gets to helping this infrastructure succeed, gain momentum, and move forward in a very effective way. There's also been millions and millions of dollars of private investment put into that neighborhood around an identity of an artistic, urbanized, highly aesthetically informed and creative kind of services and creative community that if the arts aren't moved forward into a long-range vision that identity piece goes and you have a snowballing after that. So i'm strongly supportive of that. The other thing that I wanted to say is that pnca and pica referenced in this plan quite a bit are not property owners. And yet we are considered nonprofit cultural anchors. I think that that's a key long-term thing. We just habitually have a difficulty in the nonprofit world dealing with general operating. We cantilever a long way off of a support base. And often do not have facilities on top of it. And a facility indicates a kind of heritage and a place to anchor you and move forward from there. And I think that those pieces are very crucial. It also, the presence there, helps us as nonprofits animate the parks that are going forward. Jamison square. We can program in them and animate in them very effectively in ways that generate additional neighborhood participation and citywide participation. So thank you.

Katz: Thank you. Kristi?

*****: Would that be close enough?

Katz: Yeah. Just make sure that the sound travels.

Sue Pritzker, Administrator, Child Peace Montessori School: My name is sue pitzker, the administrator --

Katz: Closer.

Pritzker: -- the administrators of child peace montessori school on the north park blocks. My comments are two. One to support the actual process that happened here over the last year and a half. From developers to nonprofit representatives, it was the most exciting and dynamic process to be involved in. Whether it was a question of substance or semantics, the conversation was always really lively, and I think it probably, if we could recreate what happened, it would be a fascinating matrix to use for this kind of process in the future. I think I represent here children, families, parents, and the nonprofit sector. Child peace has been at -- on the north park blocks for 13 years. Under great adversity. We've been before this chamber testifying for prostitution-free zone. We have dealt with drug dealers and constant reconstruction of streets, parking problems. But we have been able to stay there, and the children, the 120 families that use our services every day, have had the opportunity to really partake in this neighborhood. It isn't easy. And with the changes in the pearl and some of the lofty plans that you have in front of you, the possibility of nonprofits and especially nonprofit schools totally exiting from the pearl district could be a reality. We need that

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kind of support. That's why I really was particularly excited to hear commissioner Hales comments. Child peace is working really hard. At this point we have a very short-term lease, little time to stay in the pearl if we don't pull something off. We're working with the housing authority of Portland, hoping that we can forge an arrangement to be part of a future project, but we will be in a situation that we will probably have to fund-raise and do a condo purchase just so that we can keep our monthly outlay at a point that we can really afford without, once again, having to completely dismiss ourselves from the pearl district. So these are issues that are really important -- they're financial issues -- in order to build that sense of community. I would like to have you keep in your mind, if you ever go in that direction, that vision of children walking, playing, laughing, on the streets. Their parents frequent the shops. The very presence of those children, for the last 13 years, has been a primary factor in changing the area, having everyone in the community really be sensitive to helping support a sense of -- of safety in that neighborhood. I think that's an important dialog, and I do feel like this document was very thoughtful in supporting the desire to have a very well-rounded community, including nonprofits and children.

Katz: Commissioner Saltzman?

Saltzman: I was just curious, how many children attend child peace from parents, families, that live in the neighborhood?

Katz: Same question I was going to ask.

Pritzker: Hmm, depending if you go further up into northwest, probably 20 -- 20-25.

Saltzman: Children or --

Pritzker: Families, uh-huh.

Saltzman: How many total?

Pritzker: Out of the 120. But our families come from mostly Portland. There's a small number that come from outside the city limits.

Saltzman: I just wanted to ask kristi. Sounds like child peace is on a precarious lease here. I assume pica has a longer-term leasing situation.

Edmunds: Yeah, we have a longer term leasing situation, and pnca as well, but it's still one of those things. It's tied also how to how the private companies are doing.

Katz: Let me just flag something, because this is a discussion that we've had at the progress board, fascinating as we begin to see the new census track. Before we make any decisions on the demographics of the city, not just a neighborhood, we need to clearly understand what is happening. The question that commissioner Saltzman asked you is a very valid one in terms of how many living in the pearl district. One of the things that I think the neighborhood association ought to begin to pursue is how many couples, young couples, married or not, are planning to have children, and we need to know what they want to do. I know, it's -- it's intrusive, but we're beginning to ask a lot of these questions before we start doing a lot of planning for larger units, for families, when that may not even be in the picture yet. So the council's going to proceed on some strategy planning in the first -- and the first element of that would be to understand the demographics, especially the 2000 census.

Guyer: Pat rumer has done this type of study. She'll be speaking later.

Francesconi: She's gone door-to-door. Where is pat? I didn't see her.

Katz: Part of that also is gary's work we've asked him to do in terms of why families are leaving the school district. We can guess, but we don't know that for sure. So wanted to flag that. Thank you.

*****: Thank you.

Moore: Al solheim and pat rumer.

Francesconi: Pat should go next. She has the answer to your question.

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Katz: She didn't bring me the report so I don't think she's going to go next. Pat, why don't you go ahead. Bring the mic closer to you.

Pat Rumer, Director, Zimmerman Community Center: My name is pat rumer, the director of the zimmerman community center in the river district. In some ways i'm kind of the new kid on the block, because i'm a newly-formed -- are I represent a newly-formed nonprofit that didn't exist a year and a half ago. I believe that about a year and a half ago tom appeared before you and talked on behalf of the zimmerman trust fund, which is about to make a commitment to seed a community presence in the river district. I've been on board since july of 2000. I'm working with both old town/china town and the pearl district neighborhood association, and I served on the steering committee for this plan. We have a program planning committee comprised of volunteers from both neighborhoods. And i've been particularly interested and active around the issues of family housing, as well as community services. I have found a lot of support from people in both neighborhoods to what we are trying to do, because of the fact that there is a real dearth of the kind of nonprofit kind of community-level presence that you're talking about. In terms of religious institutions -- and I want to address particularly what commissioner Hales raised -- I have been in contact with both the association of downtown churches and i've actively -- actually joined the northwest community ministry, which is an interfaith group that has been in existence for over 20 years in northwest Portland. It's really hard to say, in this day and age, that a church or synagogue or a mosque, or any other faith tradition, has the resources to buy land and build a building in the river district. And in some ways, i'm not sure why they would do that, because you're either a streetcar ride away or you're a bus or you're walking distance. So it's a pretty hefty major religious institutions in both neighborhoods. So what i've been seeking to do is part of our overall mission of building and supporting civic and spiritual dimensions of community, is to network with those religious institutions as people move into the area, to at least let them know of their presence. And that through the northwest community ministry, to kind of explore the outreach they do, how some of that might reach into some of the areas in the river district. I've also met with the ywca and friendly house to look at the fact how could we partner together to serve the diverse communities that live in the river district. In terms of families, this summer we partnered with the Portland farmers market, and because of I gather some comments that commissioner Francesconi made about the lack of children in the pearl district --

Francesconi: Which he dearly regrets.

Rumer: Right. I was approached at the market by a young mother with her 8-month-old son who lives in the pearl, who said she wanted to start a play group. I said, well, how can I help? So we began to do a family community survey at the Portland farmers market. There were lots of children there, many of whom didn't reside in the area, but who lived in the general northwest central downtown area. Out of that a play group has begun. It has about 6-7 children below the age of 2 years of age. And I think, mayor Katz, you're very right, that if there isn't conversations right now with people who live in the pearl, or for that party old town/china town with children about when they grow, what kind of community services need to be presence, you're going to lose those.

Katz: Right.

Rumer: I think it's a real strategic time. I think this plan looks at that in terms of trying to address that issue.

Katz: Thank you. I don't know if the council recalls that homer gave us a sense of demographics when he was first started to develop the pearl as to where these people are from. Remember, we asked the question, where are they from? Are they from here? Are they from somewhere else? What is the demographics? And I think we need to kind of return and really take a hard look on that. Because if in fact you all are right, and there is a potential for families in the pearl district, then we ought to know it today and begin planning for whatever we need to do.

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Rumer: Uh-huh. One of the people who was instrumental in terms of helping me identify this is a family that moved in to the pearl district over five years ago when their daughter was in the eighth grade. They made a very intentional choice. They wanted their daughter to be able to use public transportation. She went to st. Mary's. And just graduated from high school. And she was one of the people who talked with me about the need for looking at if you're going to have all ages, from very young to very old, what kinds of public services need to be there.

Katz: Thank you.

Al Solheim: Mayor, council members, al solheim, a property owner in the pearl district. When I first heard of this plan, I thought, this is just what we need, another plan. You know, things are going well, and it seemed like it had been planned to death, but I think the toughest times probably in the evolution of the pearl district are yet to come, you know, with the new exd zone, we're moving out of the a lot of the great existing building, moving further north. I find myself right now I guess looking at this plan document already and sort of thinking through some of the strategies and opportunities particularly north of lovejoy. The whole unsung story in the pearl district has been jobs. We always think of galleries, restaurants, some arts, but there's actually thousands of jobs there right now, and I think it's really important that through this document and other efforts we'll be able to continue to increase and move those jobs further north. I know that's something you're really concerned about. You know, the housing, arts, economic development all have to work together. So I applaud this plan. I think it is bringing together a lot of elements that are -- need to be brought together and will help us move forward. I think it's absolutely critical. The pearl district, we've been through the easy development, I think, and I think it's going to get tougher as we try to interrelate and sustain everything that's gone before us.

Katz: Thank you.

Moore: That's all who signed up.

Katz: Anybody else who want to testify? Okay, council has any questions? If not, resolution is to recommend approval of the pearl district development plan. Roll call.

Francesconi: Well, this is a good plan, but as one person testified it's really the process that created the plan and the interaction among folks that's maybe the most important. Just focusing for me as parks commissioner on the neighborhood amenities, because maybe that's the part that I could do my small part to help some of this become real and get more children in the -- in the pearl district, which is partly my responsibility, or government's responsibility to provide the amenities, so from the parks standpoint I already mentioned that the community center -- and there are three locations that we're looking at -- and the areas of the city that parks thinks has the highest priority for community centers are inner southeast, where we have a lot of working families that have been there that some think they were promised a community center a long time ago and then this part of town, northwest. Those are the two top areas that we're looking at, to let people know. There's also the issue of kind of neighborhood parks to make sure you can throw frisbees, but do other things, the playgrounds that you talk about in here, and so it's important that they be developed. And then the linkages which you talk about here to the river and river front development, which the mayor is taking a lead on with river renaissance, is a third component that parks can play a role. The fourth is that connection to the park blocks back over burnside which you mentioned here. Parks is actually looking at that too from our perspective, connecting it to the mid-town park blocks and the ace report, how that connects forward. So actually we're proceeding with our portion of that study, including its linkages over burnside. The reason i'm being specific in mentioning those things us because we did have a very good dialog with parks when I was present looking at potential promises. Some of which are -- many of which are mentioned in your plan for a potential bond measure. Parks has 170 projects on that list. And it's now trying to prioritize those based on a broad criteria. So then we're going to be coming back to northwest, with me present, to kind of say

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this is what we think about the projects, what do you think? So I wanted to highlight that to you, because those are specific ways to advance what's in your plan in those four areas. I think the idea of a charter school in the river district at some point, in the pearl district, does make accepts. They're going to want to see demographics and where it draws from. I think a regular school, you better forget about because the numbers aren't there yet, but a charter school that could attract is something that this district -- I was part of their strategic planning for Portland public -- and they really want to do this. And the interim superintendent doesn't just -- I don't want to say it this way -- he delivers on things. So it is a priority. It's not the top priority. Closing the achievement gap is, but it is a way that we have to also attract upper-income families into the Portland school system if we're going to have, you know, a school system that everybody wants to use and a charter school in that area would be good. So those are things that I think I can help with in trying to accomplish this plan. I mean, the broader question, how do you get housing with enough units to attract families, which grant talked about. I mean, it's all connected to that. But if you have schools and you have housing that can accommodate the families, that they can afford, and then you have parks and open space and public spaces, the families and children will come, because we're planning for 20 years, we're not planning for tomorrow or the next day. And families will come as the demographics change. But I don't have any answers for you on the middle-income housing there, other than to recognize we need that too for this thing to work. But thanks for all your work. Aye.

Hales: I heard somebody say once that the difference between being involved in something and being fully committed is like the difference between the chicken and the pig and the ham and egg breakfast. The chicken was involved in the breakfast, but the hog was fully committed. And I think these people maybe conform to that silly joke. You have something in common with some other districts around the city. Alberta street, hollywood, sellwood neighborhood, woodstock, belmont district, in that the ownership of the plan and the ownership of the place is clearly in the hands of the people that live, work and have investments there. And the city agencies are involved in the project as partners. But if the ownership of this document ever shifts from you to this building, you're in big trouble. So you're on the right track for the same reasons that those neighborhoods are on the right track. It's not that city agencies shouldn't be involved in the work, and they were, and that's great, but the initiative and the ownership and the stewardship of the place has to be in the ranks of the people that we heard from today and their equivalents in other neighborhoods. And the people that you pass that responsibility on to when, you know, you've been to enough meetings, which I hope isn't any time soon, because all of you are doing a great job. But I just want to praise that in particular and take note of that, that that's why this is a good plan, is because you own it. And please keep it that way. Aye.

Saltzman: Good work. This is a really creative plan. Nice to see so many interests coming together with a great vision here and I hope we can find some resources to actually move ahead on some of these things in the future. Just on the issue can the pearl district be a family-friendly neighborhood, I think you all have, you know, the right instincts, you want to talk about child care as an indispensable element for making that happen, but we all know, and I think from gary's maybe demographic study, as long as Portland doesn't have the requisite densities of a new york city throughout the city, there going to be families, when they reach a certain stage, when their children get to be beyond infants, they're going to reach for the suburbs or reach for our inner city neighborhoods -- or our neighbors in the city that have large-lot homes. So I think that's the struggle, is can we take something like the pearl district and truly make it a place where families can stay beyond when their children become 3 or 4. Or coming back, when they're maybe in the eighth or ninth grade. So I think that's a challenge. I certainly look forward to working with all of you to try to make that vision a reality, because I think it is essential to the success and the diversity

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and the diversity of incomes that we also want to see of people living in this neighborhood as well. Aye.

Sten: I agree. It's a great piece of work. I admire how long you guys have been at this. It's exciting. I get down there at least every few weeks and take a walk, and something is different. It's just wonderful. I mean the two themes that come out of this to me that seem pretty obvious is that we should try and plan open spaces and parks and public space with kids in mind. I think that's clear. And then the other thing I think we should really -- one thing we can do, I think, is focus in -- ask don and bruce to help me in how to gain -- and actually I wanted john and al -- in terms of permanent ownership for some form of nonprofits. That would be best achieved by a private-public partnership where we look at big the front end of a space and buildings being anchor tenants. The city is not in a position to take down land for nonprofits given the density. But if we were thinking ahead on future developments there may be cost effective ways to shore up a more ambitious project with maybe second floor space or something that's a little bit hard to do at times between us. One also that comes to mind for me is if lo and behold the market delivers the grocery stores in the area, maybe there's a place to do something on the horse barn site which had been slated for a grocery store. Had a conversation with nelson this weekend, and maybe if there's two other grocery sites -- and -- it seems like that's something we could take on. On the -- and I think, you know, ultimately, probably, there probably won't be as many nonprofits. Certainly this is a model we're trying to figure out what the montessori school, hat building, even though there it takes more fund-raising as I recognize. I'd be interested if a work group gets going to have more feedback on the question of family housing. I guess the way i'd frame it is it self-evident to me that we should build a neighborhood that works for kids. It's not self-evident to me to what extent we should subsidize larger units to try and push families into the neighborhood, because it seems to me unless you can get that to a critical mass you're setting yourself up for failure. I could be wrong on that. It isn't that families can't live in the existing units, it's that they can't afford them. The units are big enough for kids, it's just they're too expensive. By you have to by definition have to put dramatic dollars into getting them in. Clearly we should build so that as markets shift and change families are welcome there. How much we should pay right now to get those prices down to family size -- i'm not saying we shouldn't, but it needs a little more work and a little kind of hard look at exactly how many housing dollars do we have and what's the best strategy. I would be real interested into digging into that. There may be middle ground on that as well. I look at these housing numbers a lot, and that it's not just the pearl district. I mean, for the most part, you know, irvington right now has more housing units than it did 30 years ago and less people. So that's because the bigger homes are so expensive they tend to go to people with less kids. And meanwhile, enrollment is through the roof if the david douglas school district, 100% in the city limits. So the Portland district is not the only school district. So we have one school district in the city limits that is a wash with kids and putting them into portables which is dividend david douglas and another one, which is most of the rest of the city, which is actually losing kids in many of the key neighborhoods. This is an issue that I think -- and our new housing director, has done some great work on this that i'm looking forward to. I think we need actually some ownership products and ideas to really attract families back into all of the inner city. And particularly the more expensive areas. This may be an area we could kind of do some work in the pearl district. I think that one needs a little bit more work before it's obvious to me what should the strategy be, but on the nonprofit space, on building out, the parks and other things that make sense too kids, I think that ought to become our next focus. And I just end by saying it's awfully exciting to be in a position where, you know, you have density, you have neighborhoods, offices that have come, we have a streetcar, so we're really dealing with those things that often don't get dealt with until the very end, but these are the things that will really ten

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years from now make or break this neighborhood and decide whether it's interesting. I'm ready to continue on. I appreciate you guys giving us the chance to do so. Aye.

Katz: Post office, 511, and the pieces of property that we own, the p.d.c. Owns, are really now my focus with don and his team in terms of trying to identify what is the potential for the next 10-15 years. The time line is pretty far out on some of the parcels, much closer on others. What is it that we can do to round out the character of this neighborhood. So that work has just begun. And i'm sure you all will be involved in it. The concern that I have now is the economy is really, if not in a recession, then seriously teetering on a recession. And it's the small businesses, the art galleries, the lofts, some of the lofts, where rents are relatively low, and my -- my hope is that those of you who own the property are sensitive to that and manage your rent structure so that the nonprofits can stay.

We see, as neighborhoods get very successful, and this one is successful, that a lot of the artists are pushed out and they move somewhere else. And you lose a tremendous asset and a quality of your community when that happens. So that's kind of the red flag. There's some things we're talking about now with p.d.c., not necessarily in the pearl district, but in the west end, how do we keep small businesses alive, is there anything that we can do? So for those of you who are developing and have the ownership in the pearl district, and in the river district, please make sure that you don't push people aside, because you need additional revenues. Aye. [gavel pounding] all right, thank you for the staff work and for the community involvement. Really appreciate it.

> all right. 1165.

Item 1165.

Katz: All right. Where's gary?

Moore: They're coming in.

Katz: Okay. Introduce yourself, gary.

Gary Blackmer, Portland City Auditor: I'm gary blackmer, Portland city auditor. We've been all waiting a long time for this gentleman to show up, richard rosenthal, the new director of the independent police review. I'm really eager to hand the reigns over to him, because for a variety of reasons, number one is I think he can bring some period of time tease, insight, skill and attention that will truly make this an exemplary program, something other communities will want to copy in the future. I think he brings integrity and skills and knowledge that will also improve the quality of our policing and we're working already in building a good partnership with the police bureau to identify ways that they can improve, ways that we can -- we can help improve the processes that they go through with handling their complaints. So he's only been here two days, but already i'm seeing eager progress. So i'm tickled. And I think he would like to meet with each two individually in the future to introduce himself, but if you have anything you'd like to say at this point, feel free.

Katz: Introduce yourself. I think we've read your resume, but tell us a little bit more. And then, gary, who will introduce the panel?

*****: I will.

Katz: Go ahead.

*****: Thank you, mayor. It is with some trepidation --

Katz: Identify yourself for the record.

Richard Rosenthal, Director, Independent Police Review: I'm sorry. I'm richard rosenthal, director of the independent police review division. As gary said, I took over two days ago, and it is with some trepidation that I take the reins from gary. But with a lot of excitement. I was a deputy district attorney in los angeles county for 15 years. I specialized in major fraud prosecutions for many years, and have taught nationwide, areas from everything from financial crime investigation and prosecution to search warrants and such. And about five years ago joined the special investigation division of the d.a.'s office where I specialized in the prosecution of public officials,

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police officers, and judicial officers. During the course of that experience -- and none of your names have never come up -- [laughter]

Francesconi: It's still early.

Rosenthal: But it's still early. [laughter] during the course of that experience, I had the opportunity to, for lack of better terms, uncover the rampart scandal of the los angeles police department, and for the past 2" years have been working exclusively on the investigation and prosecution of police officers involved in the rampart scandal and specifically became the primary liaison of the d.a.'s office with internal affairs of the los angeles police department. So i've had an opportunity to work with internal affairs investigators over the past year on hundreds of investigations and coordinate the largest public corruption investigation in los angeles history, california history. Over the past generation. It was with that experience that I was able to see the good, the bad and the ugly of internal affairs investigations, and became very interested in the concept and participating in civilian oversight of law enforcement. And that's really why i'm here. One, because I read about and studied the proposal that auditor blackmer and the council and the mayor put together. Very excited about it, about the prospect of helping this to work, of working with the council, with the government, with the police bureau and civil rights groups, and trying to make this civilian oversight group the best in the nation. And what i'm hoping is in 3-4 years, that people are going to be coming from other cities and wanting to know how we did what we did. You know, i'm new to this city. I'm new to this area. And my plan is for the first several weeks and months is to go on a listening tour of sorts and my first desire is to meet with the mayor and each commissioner and your staff, find out with a your interests are, what your concerns are, what you think needs to be done and how we should organize this, and then get down to the business of making it work.

Katz: Thank you. Questions, anybody? All right. Gary. Thank you, and welcome. Welcome to the city.

*****: Thank you.

Katz: We're looking forward to starting as soon as possible.

Blackmer: Well, the business before you today is a resolution, which appoints the citizens to the citizen review committee of the independent police review. We had 48 applicants to this process. And we put them through a screening of their written applications and then an interview process. We had citizens that were the key deciders of this. We had members of piac, which was the previous citizen committee. That was the 8 of the 9 people voting. I voted in lieu of a director who wasn't on board at that time. And frankly, i'm extremely impressed with the kinds of citizens that stepped forward to offer their time and services for this important responsibility. And it was a very difficult decision, but I think we have nine people who reflect not just diversity, but leadership, the community involvement in their background, and also empathy. So let me kind of walk through and if we could have each of them stand up I can read their names off and you can at least see them and ask we move forward, if you have an opportunity to meet with them, or come to one of our meetings and see them work, we would certainly appreciate that. What we did was we literally drew names out of the hat to determine who would have one-year terms and two-year terms. Those terms are renewable. So it was more a party of transition so that we have four people who have one-year terms and five people who have two-year terms. And so i'll read off those who have the one-year term and then those that have the two-year term. And these are in the order that a figure from council drew them from the hat, is my understanding. Eric turrell. And then we have alice shannon. Richard alexander is on vacation. He can't be here today. We have hector lopez. And then for the two-year terms we have robert euland.

Katz: He didn't give up, did he?

Blackmer: Not at all. [laughter] we have brian pollard. Denise stone.

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Katz: She didn't give up either.

Blackmer: And t.j. Browning.

Hales: Talk about not giving up.

Blackmer: And henry miggins. So as I say before, you have a resolution to appoint these members to the committee for the terms specified in the resolution. I should also note that we have charles ford and robert wells who were former piac members who are here to pass the torch so to speak. Charles ford, would you stand up, please. And then robert wells.

Katz: Robert and --

*****: Oh, and jose martinez too.

Katz: Why don't the three of you --

*****: Gary. Oh, and tucha made it too. We have four of our piac members.

Katz: Stand up. Do any of you want to say anything to us? Words of wisdom? All right, come on up, come on up. Identify yourself for the record.

Charles Ford: Thank you. Charles ford. I've been before the council many atime and representing piac. I think today is the first day i've felt very comfortable addressing you, because truly it is the day we've looked forward to since we went into the session last year trying to create something differently. In preparation i'm thinking what I would like to say today, I want to reflect for just a moment. 1968 I became a member of an organization known as police community relations. That was a long time ago. The reason why that came about was because of certain activities within the community and the police department. We persisted and we pursued to move from there to what we have now as an oversight. And as we pass this torch today we want to reflect on why we are here. We're here because the oversight is an idea that came from the community, came from citizens. It's something that we created. It's been around for 20 years. We've had our ups and downs, but we're quite happy to say the oversight in Portland, Oregon is still alive. And that's a real gratifying for those who have been part of this for so long. The new people who's coming on, I can tell you we wish you well. It's a hard job. It's a job that you all must take serious. I'm sure we all will. We as piac were part of one organization in this nation that ranked high, so you're not -- we're leaving, but we're not leaving with any hard feeling. We want to wish this body of people the very best. We want to wish the police department the very best in working with this. So mayor, thank you, for the opportunity to have served so long. This is an end of a eight-year term for mow, and i'm extremely delighted that I had the opportunity to serve Portland and its citizens in the capacity of an advisor to the police department. Thank you very much.

Katz: Thank you, charles. Thank you for all your hard work. That is a rowdy group that you corralled at the meetings. For those of you here, if you feel you want to add something, please come on up, otherwise thank you very much for your service.

Blackmer: We will be having cake and punch downstairs so that the members can actually meet, because they've not really had an opportunity to talk with each other and to meet with the piac members.

Katz: Thank you, gary. Let's open it up for public will testimony. Is there public testimony, karla?

Moore: We have dan handleman.

Katz: Is that it? Anybody else want to testify? Come on up, if you want to testify.

*****: Good morning, mayor.

Katz: Good morning.

Dan Handleman, Portland Cop Watch: Commissioners. My name is dan handleman. I'm with Portland cop watch. And before you all get concerned that i'm a big ol' negative nancy I want to remind you that cop watch is here because we want to see the best civilian review system possible, and that's why we attended piac meetings for so many years, and why we'll attend the ipr meetings

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and why we're monitoring the appointments of the new citizen review committee. First there's been some talk in the community about the conflict of interest about the applicants for the board who were interviewing and choosing the new members, but that was built in into the ordinance. We recommended leaving the appointments as is, where the five -- six members were appointed by council and seven came from the neighborhoods. And it's something to consider. We also recommended adding term limits and removal criteria for people who weren't fulfilling their jobs properly. Now this is a little bit more difficult issue, but I need to address it. There's one candidate who was rated ninth out of the 14 applicants, and was a controversial choice. At public meeting where the appointments were discussed, seven former piac members asked for reconsideration of this candidate. And those included both folks who are applying for the job on the new ipr and folks who weren't. It included members of the majority group for the mayor's work group on piac and members of the minority group of the mayor's work on piac. The only dissenting vote was the auditor. Without going into details about their concerns, we believe that having a person on the board who has caused concern among three people who are going to be members of the new board before the process even begins could be a serious mistake. In addition, there are others who felt below the cutoff who were unable to be interviewed for some reason, who might better serve the goal of a diverse board representing the community. And the vote that took place actually to put this person in ninth position occurred before the discussion happened raising these concerns. And i'm not trying to embarrass anybody here or put anybody on the spot, and I know that one consideration was the council members support for this candidate, but the ordinance as written says the council support may be considered in choosing the candidates. We really think the structure has enough problems as it is, without introducing strife among the citizens from the outside. So I thank you for your time.

Katz: Thank you, dan.

Francesconi: Dan, I have a question about something else. You're fighting for your principles, which is -- I think you would prefer an independent -- totally independent civilian review. Can you still support this and try to make this work when you have a belief that a different system would be better?

Handleman: Well, as I mentioned, commissioner Francesconi, I spent the last nine years going to almost every piac meeting and doing my best to make sure the citizens were doing the best they could within the boundaries within the ordinance that created piac. I intend to do the same thing with the ipr, that is to push them to do the best they can under the ordinance, but they'll come under the limitations set on them by council. I'm going to say that I believe that a stronger review board's necessary, but time will tell. We'll see how much can get done under the structure.

Francesconi: Okay, thank you.

Katz: Thank you.

Timothy Herman: Timothy herman, 333 southwest park, downtown, Portland here. I just want to mention here that as a starting point the new person on board from l.a. -- I can't remember his name -- may want to look at two previous cases that were heard here at city council regarding patrick dinan and richard koenig. These two cases were situations where internal affairs personnel wrote statements in the i.a.d. Review that were not correct, and it went through the whole process and city council here had ample opportunity to step up to the plate, recognize the inadequacies of the police reports that were presented at that time and address the issue. And instead, on both occasions what happened was that there was a denial of the inadequacy of the report and without comment the whole thing was dismissed. So there's never ever really been, as an observer, a satisfactory resolution to either patrick dinan's previous case or richard koenig where it's undisputed that those reports were written in ways that didn't reflect the facts of the situation. So the new person on board may want to go back and take a look at those two situations in particular. I'm sure that he

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probably wouldn't have much problem finding others. The city council has had repeated opportunity to stand up for police accountability brand -- beforehand, and without the will on the city council's part, the machinery is really pretty irrelevant. And i've just really seen nothing to reflect any change on will city council. These are -- these are things that could have been addressed a long time ago. And instead we've had a change in procedures and review and review and review. So I just -- I just hope that this really does reflect a genuine will on the part of the city council to get police accountability.

Katz: Thank you. Anybody else want to testify? All right. Roll call.

Francesconi: Well, first, I guess to just briefly, for the piac members that were here before, and some that are currently on the new board, I thought you did a very good job before. And I can think of three policy issues that you raised repeatedly. Two of which have been addressed we're making progress on. One is the timeliness of the investigations. You kept harping on that, and as a result of that we finally put some more resources on that and we're moving on that. The second is how we treat minorities, people of color, ethnic diversity. How we translate things. There's much more sensitivity on this. We have more to go in terms of the issue of racial profiling, but you've been a consistent voice on that issue. The third one is excessive force, which you've always raised repeatedly in all the reports. The problem with the old system was the -- I mean what we were -- you were limited on just the issue of the quality of the investigation, but yet we would be up here trying to look at the underlying conduct. And the system just wasn't working. So hopefully with these changes we now have a group -- and I love the way gary described it -- leadership and community involvement, diversity, and you added word "empathy." before being up here, now in more a judicial role on matters like this, I was just an advocate and I advocated for one position or another. Now you represent the community, you bring those experiences, you bring empathy, both for the police that need a fair process, the victims, but you really represent the public. So you're not advocates now. You represent these large community values that are really essential. And I think that with the terrific staff person that you now have who understands the legal process, but also understands how the police operate, under the umbrella of the auditor, which gives you some independence, you have a great situation to make this thing work. And it's really important not for the police, for fairness for the individual officer, because this is very serious to them, for the victims, it's very serious to them, but the larger issue is police credibility of the system to the public. That's why this is so important, especially right now. Given the issues -- I mean, before september 11th it was so critical. After september 11th it's the most important issue in the city and the country, how do we preserve individual rights to protest at the same time is how do we keep our people safe? The police are going to be right in the middle of that. So we're going to need you with your varied experiences to come together. And gary, you deserve a tremendous -- the other thing I like about this group is it's a mixture of old and new. Not just old piac and new, but some new Portlanders. I've ready most of your resumes. And you have some new people in this thing, which is good. We need some new talent, new energy, and experiences from other places. Gary, you deserve a whole lot of credit for setting this up. Now let's hope it works. Aye.

Hales: We have spent a lot of time talking about the system, quote, unquote, and i've certainly been a participant in that. Like all the rest of us i'm making my best judgment -- or best guess that this new system will be effective in providing oversight and getting at justice and at assuring people that there's fair and impartial citizen review of the police power in the city of Portland. So I think this is a reasonable system, but more importantly people in any system make the difference. And I think we have a group of people here, and staff and oversight from the auditor that are going to assure that this system has a good chance of succeeding. I certainly hope that all of you -- although jim's right -- move from advocacy to stewardship here, but I might remind dan that all progress is the -- as I think george bernard shaw said all progress is the work of the unreasonable man. Maybe we

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should also saw woman in these days. And that I expect each of you vocal and fervent in what you believe, as well as good stewards of the community values that you're now going to try to uphold. Thank you. Aye.

Saltzman: We've got a great new group here and a great new executive director. Certainly 2" years, three years i've been around, i've come to realize that piac has produced some very extremely controversial cases. And the process itself was extremely controversial. And I wanted to thank the existing and departing piac members for all the hard work they've put into this. It's equally incumbent that each one of you be prepared to put in probably an extra amount of hard work in this process. One of the reasons we all selected you was your commitment to thorough training and your commitments to attendance. That's going to be very essential as we get you off the ground and as you establish your own credibilities. I think you will do that exceptionally. That's my hunch. And looking at the people and people in charge. And I just want to also thank gary blackmer for really stepping forward and even putting his toe in the water on this issue in the first place. There was no reason he had to come forward and offer to try to figure out some alternatives, but he did, and I think -- I think through some pretty long hearings I think we've crafted together I think the best compromise amongst all the interests here. And I think I have high hopes that you will do a great job. And hopefully keep the number of cases we have to review down to a minimum. So keep up the good work. Or start the good work. Aye.

Sten: Richard, welcome to Portland. I'm glad you're here. And gary, the retirement piac members, those who are moving on, thank you for a lot of hard work. I think it's no secret, some of the ways - - rules you were working under were not ideal, so I think that makes your hard work all the more impressive, because you really pushed through a lot of things. And I thought did justice much of the time. And I really appreciate it. And particularly too to some of the new people on the new board, i'm looking at brian and t.j. Who advocated for the other system. I thought this system stood the best chance, and that's really why, but it wasn't 100% clear to me, you know, because these are not simple questions. And dan and the others watching this closely, you know, I really appreciate the effort to try -- let's try and make this work. If it doesn't work we will change the system again. But I think it very much can. The idea that some of the strongest opponents stepped in in a constructive fashion bodes very, very well. In my estimation you have two things difficult to balance, but I think this group can. One is on a case-by-case basis we need to find out what happened and come to a fair decision. That's never easy. I think the way we're going to do intake and the independence and some of the ability to both work with the internal affairs and do your own investigation, if you deem it necessary, I think really gives you the ability to do that. And i'm quite confident that will work. The second, which I think is tougher, is to try and use this as a system to really do continuous improvement to the process. At the end of the day -- I mean, I sat through some of the most -- for me -- gut-wrenching and difficult conversations both privately with activists and police officers and publicly in these chambers around he's issues. I think anybody that hides from the fact that there's a deep gap between a lot of this community and the police force they're fooling themselves. I don't think that's completely the police's fault, nor completely the community's fault. And I think your bigger job is to take lessons from each of the cases and turn them into suggestions and communication to try and bridge to that gap. So many times I sat up here, listened to a case, and for two years in some instances, the internal affairs department going and around with some citizen about what exactly happened. The point they're arguing was not the point of the issue. I mean the point that really they needed to look at was how could this situation have been avoided? Not did the officer violate -- you know, and that had to be figured out. At the point at which we were figuring out did the officer violate the basic order, the situation was far past where we should have been. I'm looking for basic sense and communication, sometimes particularly with deadly force and other issues that are very, very serious, but some of these cases

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really need to be about how can we do community policing in the right away as opposed to, you know, do they or do they not get something on their record, those are important questions, but sometimes we miss the forest for the trees in the he she had, she said kind of thing. I'm looking for you to help us think bigger, look for the systemic ways that we can help improve the relationship between the police force, which is desperately needed and the citizens who don't always trust it. Really, that's what I hope you can -- I hope you can help us do. That's a big task. But if I were looking at a different nine people I might be worried, instead i'm optimistic. Good luck. We'll be there to help. Aye.

Katz: First of all, my appreciation to the piac team. You did yeoman's work. And I came to many of your meetings and watched you struggle through very difficult cases, an as somebody said just a few minutes ago the rules of the game weren't always helpful to you to make some of those decisions. And I want to thank you for all the recommendations that you gave me and the chief to improve the police bureau. I didn't always agree with you, but 99% of the time I did. And that's -- those are pretty good numbers. And we're moving ahead on some of the recommendations. Some of them will happen very quickly, some will take a little longer period of time. So thank you for helping make the police bureau a better police unit here for the city. Richard, welcome to Portland. You need -- and I think it's in the code -- they must be trained. Training of the citizens in general orders and the rules of engagement, policy issues are really critical, because most of the improvement as commissioner Sten said comes from changing the policies internally. As you begin seeing some of the trends repeat themselves over and over again. The second request in addition to training is try to keep as many of these cases away from us. [laughter] we are the wrong people to bring them. We are a political body. And my hope is that you now in your new role, and the team in a new role, will be able to be a little bit more unanimous in some of these cases so they don't come to us. And then, richard, in your new role, and as police commissioner, I need your help. I need you, with all your background also to tell me what it is that we need to do, aside from the work that you have here as you begin to really get into some of these issues, issues that may be -- ipr may not be interested in, but I may be interested in. Please, keep the communications open. You'll be seeing me on many of your evenings. Aye. Thank you, everybody. Good luck. Have a good time. They feed you well. [laughter] thank you. Welcome. All right. 1190.

Item No. 1190.

Francesconi: We need to hold this for one week.

Katz: You want to hold it?

Francesconi: Just one week. Bring it back. Hold it over for one week.

Katz: Any objections to holding it over for one week and bring it back next week? Hearing no objections, so ordered. [gavel pounding] thank you, everybody. We stand adjourned until 2:00. At 11:00 a.m., Council recessed.

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2:00 PM

Katz: Two issues before we start. One, the item that follows 1192, karla has a sign-up list from last week, and those are the only -- we're just going to continue with that. We are not opening it up for anybody else at this point. And before we start that item, the chief and jeff and -- I don't remember -- I think lieutenant Kane will respond to all the questions that you have asked. Now, on this item, gentlemen, I got a memo about something that this is a part of a federal record and anybody can come and talk and we can't ask very many questions. Tell me a little bit so we are all prepared.

Item 1191.

*****: Okay. This is --

Katz: Brant, identify yourself.

Brant Williams, City Engineer: Brant william, city engineer with office of transportation.

Katz: Brant, sorry.

Williams: This is for the federal requirements for an environmental assessment, the other is the city process. The requirements means we have to keep the record open ten days after this hearing, so after that time we'll bring a report back to council and have a discussion about the issues that are raised at this hearing, but because we need to leave it open for ten days the hearing's going to be a little bit more formal today than our typical hearing, and we'll conclude it later when we bring a report back to council.

Katz: Three minutes each.

*****: Three minutes each.

Katz: Except --

Hales: One other thing here too, is we'll have a number of alternatives in front of us today, but we're not going to select one today. We're taking system on those alternatives.

Katz: Okay. I just needed to understand what was happening. Go, fine.

Hales: Go ahead, brant, or mike.

Katz: Whoever wants to do it. I hope I didn't scare you. Go ahead.

Moore: I need to read the item.

Katz: Sorry, karla.

Katz: Okay.

Francesconi: Just in time to read the item.

Jeff Kaiser, Oregon Department of Transportation: Good afternoon. Mayor, commission members. My name is jeff kaiser, project manager for odot here in region 1. Our purpose today brant mentioned was to conduct the formal federally required federal hearing for the martin luther king, jr. Viaduct replacement project. And as an introduction to this hearing process, i'd just like to briefly summarize two things. One our purpose and secondly the process that this project will go through from this point forward. As I said, the purpose of the project is to replace the structurally deficient viaduct, which as I believe you're aware is currently load limited to 62,000 pounds, which means loaded semi-trucks traveling in a southbound direction cannot use the viaduct. They need to take a detour to go around that. And that problem cannot be corrected until we do this project. In the course of coming to the alternatives that we're going to consider today, we developed a set of objectives based on input from the community, considerable input from the community, and what we have before us today are two alternatives. One, a no-build alternative and the other a build alternative. Within the build alternative there are two design options that you'll be

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considering today. Other alternatives that we also looked at included rehabilitating the existing structure to try to maintain its historic character, and also looking at grade or below grade alternatives in the same location as the existing viaduct. The process that will be followed after this hearing is that once the hearing is completed and the ten days that the record closes, which I believe is October 13th, ODOT staff and city staff will get together and analyze the testimony and come up with a recommendation that will bring back -- we'll bring back before council to consider before we move -- move forward in the process. Once council and ODOT are comfortable with the design and the solution that we're going to carry forward, we'll prepare a final -- or a revised environmental assessment and submit that to the federal highway administration for their approval and issuance of a finding of no significant impact. Once that occurs, then we have federal authority to go ahead, begin final design, and to begin the acquisition of right-of-way. We're targeting going to construction in 2005. That's the extent of my comments. I want to thank the council for assisting us in conducting this hearing process.

Katz: Okay.

Williams: Again, Brant Williams, city engineer with the office of transportation. The replacement of the M.I.K. Viaduct is going to be one of the more significant projects to happen in the central east side. This -- the viaduct is a key facility for the southern triangle area, but it's also a major gateway into our central city. It carries approximately 54,000 vehicles a day. This project is more than simply replacing a worn-out bridge. Staff from the Portland development commission, the office of transportation, have been working closely with ODOT as part of the environmental assessment process to deal with a number of issues. However, the important contributors have actually been the citizens and the community representatives who have participated in both the citizens advisory committee and the design -- design review advisory committee. Because of the significant involvement that has taken place and the numerous hours that have been put in on this, we've been able to successfully work through a number of key issues. These being providing a multi-modal project that provides good bike and pedestrian facilities, improving access into and out of the southern triangle area. Maintaining good east-west access and connectivity for local traffic. Making sure that the future corridor provides for any of the south corridor transit options that are currently being developed. That the appropriate water quality facilities and environmental issues are taken care. Improving access to the Springwater trail, of course very critical. And designing a project that fits well within the neighborhood, maintains historical character of the bridge, and contains quality urban design features. I'd like to take this time to acknowledge the excellent work that was done by many of those who volunteered their time and efforts to work on this. No doubt the project that will go on to design and final construction will be much, much better due to the work that these individuals have put into this project. I also want to thank Lloyd Lindley for the excellent work he's done in looking at the urban design characteristics of the project, as well as some of the operational characteristics. Also the Portland development commission stepped forward and provided the necessary fundings to -- funding to acquire Lloyd's services. So that was greatly appreciated. Again, this is an important hearing. This -- this project is significant enough that it requires plenty of public involvement and plenty of public feedback. It fulfills the two purposes that we talked about -- the need to have the public hearing for the federal requirements, but also for our city process, to make sure that we do have quality public input and feedback for these significant decisions. With that I think I'm going to turn it over to Lloyd Lindley and he can talk about the various different alternatives and design options. Lloyd?

Lloyd Lindley: Thank you, Brant. Madame Mayor, Councilors, I'm going to talk to you about the two options that the staff came up with, as well as the design character. Those will be the two

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pieces that i'll be addressing. But first what i'd like to do is talk a little bit about context. One of the things that we recognized is that the viaduct is really a part of a much bigger system. And if we think of the -- if we think of the columbia river gorge scenic highway and the sequence and the series of fun events all along that highway, we talked about the fact that highway 99 could be an equally lovely scenic corridor coming into the city. It has a lot of holes in it, but it has a lot of features as well as, such as Oregon falls if we start at Oregon city entering into the metropolitan area, Oregon city falls has wonderful classic stone work. The southern pacific bridge. A bridge at Oregon city is one that's an icon for Oregon city and as well as mccullough was known nationally and internationally for designing the bridges on the pacific coast and in central and south america. Other features along the route are the old region 1 headquarters of cascadian building, the pylons, the lovely tree-lined boulevard in eastmoreland and all the improvements occurring along martin luther king, jr. From broadway north towards the columbia river. As we approached the viaduct, we begin to enter under a natural gateway with the ross island bridge, and that's just wrapping up now, restoration of the balustrades along that bridge. And enter into the central city.

The committee worked long and hard on trying to figure out what the bridge should look like, what it should feel like and what the structure should be, and came up with a -- an eclectic kind of solution based on connie mccullough features and other kinds of --

Katz: A bridge by committee, right?

*****: What's that?

Katz: A bridge by committee.

Lindley: Kind of. And so with that, in terms of the spirit and the character of the place, we did look -- we looked at a number of different bridge tips the. We looked a mezzo-american, borrowing from sort of the central american culture. We looked at some other classical designs, and sort of landed on this one particular design. Talking about the function a little bit. I think it's important to recognize that as brant said, connectivity is a very important piece of this. I think the neighborhood thought that was important as well. Not only connectivity from the neighborhood to the river, but to the river and from the river to the neighborhood. As well as connections to the spring water corridor and -- and to the ross island bridge. And as well as at the north end, getting connections from the bridge structure down to division and linking in into the central east side. What you see before you is the highway option which has carruthers and division place and division as the major east-west access through, and then routes down on the north end off m.l.k., routes up and off on a jug handle ramp system at the south end the on the west side, and then also improvements which you'll see a little bit more of off woodward, connecting to the ross island bridge, and down to sixth avenue. The boulevard has one other -- or two other little differences. One is that ivan, the committee thought it was important to have a connection there, and we were unable to connect underneath the fill area, but we are able to get a ramp down over and across to ivon, direct connection to the springwater trail, and then another connection down to division place. There is a stair in each option, and the hatched area is the actual elevated structural area. The rest of it is either on grade or on fill. And in blue you can see the -- the rail line, freight rail, and passenger rail that currently runs through there, and an expanded section that would accommodate other rail service that may come through in the future, such as light rail. Again, talking about the differences between the two options, the highway is a little wider. It's 100 feet wide. It has a seven-foot pedestrianway or sidewalk. Eight-foot shoulder, which is combined with bike service. And 12-foot travel lanes. The curbside barrier is actually at the edge of the curb, next to the bike lane, or the curbside lane. And both options have parking below. If we look at the boulevard option, it's a little bit narrower, it's 93 feet wide. It has eight-foot sidewalks, about a

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foot wider. It has a six-foot travel lane for bicycles, a little narrower, and 11-foot travel lanes for automobiles. Overall the aggregate is where we get the additional area to shrink the structure down. This was an important element with the drag, they wanted to see as narrow a structure as possible, and so working with the office of transportation and their staff we kind of pulled out all the stops and tried to get a narrow structure that would meet pedestrian and bicycle needs in a comfortable manner. And the balustrade in the boulevard option is actually incorporated into -- or the barrier, the crash barrier, is incorporated into the balustrade, and I'll talk more about that in a minute. The highway plan, just running down the plan quickly, at the north end there is a storm water management area, an interpretive area, two of the pylons you saw in the first slide would flank either side of Martin Luther King, and provide interpretive and historic information, which is part of the eis. Other landscaping along Division, redevelopment opportunity in between the Grand and M.L.K. Viaduct, preservation of the slip ramp that comes northbound on to Grand, and of course showing a widened section where the rail transportation would be accommodated on the south side of Division. The structure begins -- the elevated structure starts right at the edge of Division and spans across to Division place. There is a gateway, a significant gateway, at the south end, which include two more pylons with the historic interpretive information. Cedars down the center, some kind of public art in the middle. This one happens to show the jug handle on-ramp. It's a two-way on-ramp. Interchangeable with either the highway or boulevard option. What's new also on this is we've taken a slip ramp off that comes off of south -- or northbound Grand and put in a merging lane that traffic can come and enter into highway 99 without stopping any longer. The truck folks that we talked to really kind of liked that idea. Also at Woodward we've provided a left turn at Woodward and Sixth, which is a free left for truck and vehicle access into the Ceid. And then we've provided pedestrian improvements between the Ross Island bridge and Woodward. And those would include a series of ramps and stairs and landscaping features. The boulevard -- the difference with the boulevard is in general the overall structure is narrower. It does have an on-ramp which was an idea that would get grade separated access into the district over the railroad. One of the issues with the trucking industry right now and others who access that area, as well as the neighborhoods, is that if there's a train, then all of the streets along there back up. The jug handle that you saw previously does that. This one provides direct access off of M.L.K. Over the railroad tracks and down to Carruthers. There would be access along the west side of the bridge structure and then a slip ramp coming back on and merging in. So this is a little bit narrow. It does provide some redevelopment, future redevelopment opportunity, at this side, and provides a connection here to the Springwater trail, a direct connection. That's the Ivon connection I talked about earlier. The rest of the improvements are rail the same. The other significant piece that is the same is that this -- the area on the underside of the bridge is being utilized and activated by perhaps developing public parking in there, which we also heard in our one on one interviews from the neighborhood and businesses that parking is scarce in that area and that would be a good use if it was designed. So the ramp options, I've kind of covered. Again, just briefly, the jug handle is a two-way on and off system, which gives us the rail grade separated access to the district. The on-ramp in the southbound direction, back on underneath the Ross Island bridge from the district, is a direct access. And then directly off M.L.K., down to Carruthers on the north end. This is an image of what the underneath side of the structure might look like. We are using a girder system, a box girder system, but there's an opportunity for some public art on the columns, as you might see in the parking lot that's just been completed underneath I-5. Some things have gone on there to really make that place more lively. We'd like to learn some lessons from that and try to incorporate that into this bridge structure. This shows the ramp coming down at Carruthers and the

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m.l. Paulson building on the left. The gateway features and the architecture of the bridge, the design of the bridge, is all tied together based on a rose. You'll see the motif returned over and over again. If you look at new growth on a rose, it kind of telescopes its way out, and the leaflets branch out from that rose. And the idea here is to incorporate that into this and use other northwest symbols throughout. This image shows the pylons where we'd have interpretive information and the -- the cedars going down the center of the -- of the bridgeway down on the fill portion of the structure. And again, the streetlights, you can see the unfolding of the street light concept. In elevation, the pylons at each -- at each end of the bridge, mostly on the m.l.k. Side and on the grand, on the south side at the main gateway to the central city, are reminiscent of the kinds of pylons you'd see on the pacific coast, like at waldport or newport or the siusalaw river. This gives you an image of the wall, the retaining wall, where the structure is actually on fill or on grade. And this is the bridgehead where it springs out over the industrial area. All the balustrades end in a plaster. There are pylons that are used where we have to have some screening protection over the top of the railroad. So we tried to integrate the whole concept together with this pylon and the screen and the balustrade itself. The balustrades are inspired by the douglas fir tree. Each of these is a little washed out, but each one is a little pyramid. This shows the barrier integrated in and this is the crash barrier or an i.d. On the crash barrier for the curbside in the highway option. These panels have been a point of discussion -- what should they be? Another public art opportunity we think. Some ideas using northwest symbols could be cast into those. We think there should be quite of bit of texture in that because they could be an invitation for spray painting and so forth, so we would like to make them something to deter that kind of activity. The light poles again, this one shows the unfolding of the shaft. It would be a nonstandard light pole. It's designed to fit this bridge. We are carrying the standard light pole as well, an all-concrete pole, and the light fixtures are those that have been selected by the office of transportation over a long period. They have quite a range, and we worked with the committee and selected that. Again, some of the symbols that we've talked about. One of the items -- I think this is another opportunity that we could make a great statement on this bridge. And it may go beyond just building bridges. It is creating a monumental piece at the entrance to the bridge. And one of the ideas that came up was developing a sister to Portlandia. Minerva, the goddess of art, wisdom and protection. And this happens to be in vienna. We did some sketches about what she might be. Don't know what the actual answer is. But it could be another opportunity to make this grand and maybe monumental statement to Portland as you come into the south end of the central city. And on that note, i'll turn it back over.

Williams: I think we're ready for testimony. And that's the end of the presentation.

Katz: Let's do some questions. I know we have under federal guidelines, but we're going to run it our way. Questions by the council?

Hales: Just to a comment, to thank this team. We ought to mark this day. We've got more work to do on this project, but the fact that we've got odot and our staff and the design community talking about the design that bridge is a good situation. And if you look at some of the bridges of the recent past that were built, you know, with fairly -- i'll put this more politely than I have in some contexts -- generic design, and to be talking about art and beauty and bridges in the same sentences in a public hearing is a place that we should be. And I appreciate the flexibility and creativity that's gone into this project so far.

Saltzman: I have a question.

Katz: Go ahead.

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Saltzman: So do I understand the design option has already been selected, the one you showed us on the screen, as opposed to the mayan influence or eclectic city hall or columbia river gorge style?

Lindley: Yes.

Saltzman: That's no longer part of this assessment phase?

Katz: Identify yourself for the record.

Kaiser: My name is jeff kaiser. I'm with odot. What you have before you is the best effort of our design review advisory committee, odot, and the community in coming up with some recommendations. Nothing is selected at this point. We hope we've captured everything that the community has asked us to try to capture in this. If we haven't, and that's demonstrated by the hearing, then of course something else could be considered.

Saltzman: The other question is, I know there's been proponents in the central east side of eliminating the viaduct altogether, and I guess going at grade. Why was that option eliminated?

Kaiser: The option hasn't been eliminated. We first learned of their proposal at the very last open house, which occurred about a month ago. We had other testimony at open houses and in our public involvement that asked us to look at an at-grade solution. We did. We also looked at a below-grade solution. And in every case it didn't operate as well or meet the objectives that the community and the two agencies put forth for the project as well as what we've presented to you today.

Saltzman: So those options have been analyzed, then, as part of this process? And ruled out for some reasons?

Kaiser: The concepts have been analyzed and ruled out for some reasons, right.

Saltzman: And the community did involve, I assume, central eastside commercial enterprises?

Kaiser: We did. They sat on our design review advisory committee. And they've participated in other forms on the project.

Saltzman: Thanks.

Katz: Let me ask another question. Don't misunderstand, because I think elegant bridges add wonder to a community. But in terms of the total 1% for public art, did you ask the community if they would like to see a portion of that switched to another location to recognize the entrance into the community? You point i'm trying to make is you don't need to spend all of it or any of it on the bridge itself. Now, i'm not saying that's a good idea, because I agree with commissioner Hales, I think we ought to be looking at how to make this something very special, but you might want, when you got to minerva you lost me a little bit. I just want to know if you gave the community an option of that. There may be another place in the community that they really would like to think of a piece of public art.

Kaiser: Jeff kaiser with odot again. That's a possibility. One of the problems that we have is that this is a -- this project is being funded with highway bridge replacement dollars, which are federal dollars, that provide some pretty strict limitations in how you spend them. And so if solutions that are a part of this project depart from those criteria, then that would have to be funded by other dollars.

Katz: Let me interpret that. That the federal guidelines have a percent for public art?

Kaiser: No. On this particular --

Katz: Do they care with -- i'm just giving you this as an example. Do they care if there's a minerva statue at one end as opposed to somewhere else?

Kaiser: They care to the extent they wouldn't want to pay for it.

Katz: It's got to be on a bridge?

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Kaiser: No. What we have here is a historic structure that's eligible for --

Katz: You didn't tell us.

Francesconi: Italians built good bridges with artwork too. The other is thank you. I heard the Germans, I got to get the -- the other is, you may not know about this, underneath, near the crescent park here, and anyway we're talking -- I can see from the blank look on your face you don't know what I'm talking about. We would like that property from you for our park.

Katz: A little gift.

*******:** Duly noted.

Francesconi: Charging \$2.5 million for that? Anyway, Lloyd, I do have a serious question from you. It was hard to tell from your summary, but can you give us the pluses and minuses of each? What's the advantage of a? Why was that considered? Summarize the pluses of minus, the minuses compared to b, the viaduct. Later we'll have to have more information on option c. We may need to get into your response a little more, but we can do that later. Go ahead.

*******:** I think the primary piece was the scale and the size of it. It was larger. It has actually all pared down a bit, although the highway option continues to be wider in the travel section. The pedestrian sidewalk is a foot narrower. Perhaps a foot --

Francesconi: Is it just speed and transportation of freight is the advantage of that?

*******:** What?

Francesconi: Speed of the vehicles, is that a reason to do a? Is it transporting freight? Did the truckers advocating for that? Just tell me why, what's the advantages of a?

Lindley: They are highway federal standards, is what a is. The highway scheme is --

Hales: A's more of a base case, in that sense, not that they had specific advocacy for it so much is that's the standard approach.

Francesconi: Yeah, but what's the advantage of a standard approach from a transportation standpoint versus the boulevard?

Williams: For speed and for carrying traffic as quickly and efficiently as possible. That's I guess the benefit of the highway design. The boulevard design is smaller scale. Technically less capacity, because you have narrower lanes. More I guess fits into the neighborhood possibly better, so --

Francesconi: So other than transporting freight, you know, that maybe would be to the city's economic advantage, I don't know, somebody could make the argument, what else -- why would we want -- I'm not sure why we're even talking about the highway.

Williams: Well, this -- this was, like commissioner Hales said, the base proposal. It does meet the federal standards. And it's the one that needs to be presented along with the boulevard design so that it can be fully considered as part of the environmental assessment process. And so once we come back to the council after the hearing and the record's closed with all the testimony and the issues, then we'll talk about the two different alternatives and determine which one we want to move forward with.

Francesconi: Okay, so you've answered pie question from a procedural standpoint, but from a transportation standpoint what are the advantages?

Williams: Again, it would -- the highway design would probably carry more traffic and at a higher speed.

Francesconi: Okay, thank you.

Katz: Capacity is the key issue, I think.

Hales: Related question on disadvantages. I don't think it's in the material, but I know it's something that you've been examining. Do you have a rough picture at this point of the property

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takes in each case and what -- can you maybe summarize that? Would condemnation or acquisition of private property be necessary for either design? Rough sense of scale of how much would have to be done in each case, jeff?

Kaiser: Jeff kaiser, odot. Either design would require staging, which pretty much is the same footprint to construct the project. So the right-of-way acquisition, as I understand it, is identical for both. Yes. I've got my help back there, so --

Hales: And what about the on-ramp, the new ramp?

Kaiser: The southbound slip off-ramp that's being considered require an additional acquisition and expense that -- so that wouldn't be the case with that.

Hales: Okay, thank you.

Saltzman: One more.

Katz: Sure.

Saltzman: Going back to the issue of at-grade or below-grade, if I understand correctly the federal bridge replacement dollars wouldn't be available for either of those options? Is that true?

Kaiser: Possibly.

Saltzman: Possibly.

Katz: We're from the government. Okay, thank you. All right, karla. Anybody else presenting formal -- all right, let's get public testimony.

Moore: Come up three at a time. We have warren anderson, denise mcgriff and marie pfeifer.

Katz: How many want to testify? All right, I do have the ability to cut the time, so we'll limit to two minutes, because we've got I think a long afternoon in about an hour. So trust me, you can say what you need to say and want to say in two minutes. Okay, denise, why don't you start.

Denyse McGriff, Portland Development Commission: Great. Thank you so much for being here today and helping us with this federal process. I'm denyse mcgriff with the Portland development commission, and I was a member of the design review advisory committee and also sat with odot and the Portland department of transportation on some of the technical advisory committee meetings as well. What I wanted to talk to you about today very briefly is the collaborative effort that we all participated in as part of this project. I won't say that that's unprecedented, but it is really very good to see that we all were able to work together. Oregon department of transportation, Portland department of transportation, and our agency, pdc, as well as being partners with the eastside neighborhoods and the business association. And I think that the collaborative effort that we had as part of this process, including all the open houses, really made this a much better process than it could have possibly been, but it was the best. There was a lot of give-and-take. I can't say everyone agreed every time, but it was an effort that was made up of people who have stakes in the district. What I wanted to also add is that based on our participation in the process, we would support the boulevard option as the best alternative to meet the needs of the east side in terms of access both for vehicular, pedestrians and bicyclists, and also the whole issue of connectivity, getting to the river, and also the fact that it's a collaborative effort in terms of looking at a possible area of the city that has been neglected. We've been working for the last four years on a streetscape plan, and our efforts and odot's efforts have co-mingled here to make it a better process. Thank you.

Katz: Thank you, denise. Go ahead.

Warren Anderson, Manager, Ross Island Sand and Gravel Company: Warren anderson. I'm the manager of ross island sand and gravel company. The ready mix, dry mix division. And i'm the member on the drac committee, design review committee for the greater brooklyn business association. We're also part of the central east side industrial council, just because we're there.

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We're down by the river. We've also asked for two ways in and two ways out of our area down there. Two slip ramps coming in, two slip ramps going out. I think to answer part of the question about why the at-grade crossing is probably not the best idea is we favor the boulevard project there because it would have the ramp that would come down to carruthers street, would go over the trains. We have a problem with train traffic there. We have a perishable product, ross island, 90 minutes concrete has to be placed. So we have to get it out of the trucks, on the ground in 90 minutes. And the trains delay us. A train can actually block both our plant there on southeast fourth and our one at albina, the same train can be that long, which is down by the fremont bridge. So we're blocking two plants at the same time. So we're eliminating the albina one with the overcrossing at tillamook, so hopefully this design will eliminate our problem down there with the boulevard plan. So appreciate that design. And we'll maintain our two slip ramps southbound and northbound that way. Also i'd like to thank the city for the grade crossing at seventh and division place. Very rough crossing and it's been improved. This last week, prior weekend, it was put down there and city engineers did a nice job of finishing the project of the street that went by omsi there. That was one of the last suggestions there. Appreciated that. So -- but the greater brooklyn business association, we support the boulevard concept there and think it will be a real improvement.

Katz: Thank you.

Marie Phillippi: My name is marie phillipi. I'm the chair of the brooklyn neighborhood and was asked to be on the design review committee for the viaduct. There are three reasons why I think the rebuilding and design of the viaduct will benefit our neighborhood. First of all, the present viaduct has no pedestrian and bicycle access. The new viaduct provides adequate lanes on both sides. The boulevard design is desired in that it would be narrower, somewhat narrower, the speed limit lowered, and more urban design much like front avenue became from the first -- harbor avenue. Okay? Secondly, the design of option b would be a beautiful addition to the southeast side of our city and would convey that we are alive and well. I would like to reiterate that the space below the viaduct be paid attention to as far as plantings, lightings, pedestrian and bicycle safety as much as the main structure. Thirdly, the rumor is the speed limit would be lowered to at least 35 miles an hour. I mention this as a plus, because we in the brooklyn neighborhood are dealing with a superhighway going through our residential neighborhood. Speeds of up to 60-65 miles an hour are taking place next to our residences that are less than four yards away. With no barrier in between. There are presently seven lanes of traffic in part of that section between powell and holgate. With the noise and pollution destroying our beautiful little neighborhood, we are hoping that the boulevard design will eventually extend south to holgate and include us. The sidewalk and bicycle lane have to go somewhere some day, right? In summary, I would like also to add that I am really opposed at lowering the viaduct at division place. The input on the businesses below, the resulting congestion, would not benefit anyone. It has fatal flaws. In summary, I definitely feel that the boulevard design with the jug handle option would be the most desired and option b would keep the historical character of the original.

Katz: Thank you.

Moore: Jim howell, per fagereng and doug allen.

Katz: While jim is doing this, somebody, go ahead and start.

Per Fagereng: Okay. My name is per fagereng. I live in the brooklyn neighborhood. Not real close to mcloughlin. I used to live in brooklyn east, so I consider it the flat bush neighborhood. There are two big problems caused by the mcloughlin speedway as the skirts the brooklyn neighborhood. One is noise and pollution. The other is access to the willamette river. The repair

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of the grand avenue viaduct offers a rare chance to fix both problems instead of rebuilding the entire viaduct the city should build a shorter bridge across a railroad tracks. This would allow the city to lower mcloughlin boulevard and cover it over. Covering mcloughlin would restore peace to brooklyn. It could also create a park and provide easy access to the river. The mayor has in the past proposed a visionary plan to cover i-405, which I generally support. The same vision should be extended to the east side. By failing to act now, it will become much harder in the future to deal with the problems caused by the mcloughlin speedway. I urge the council to consider this plan while there is still time. The viaduct needs to be rebuilt. Let's do it in a way that allows us to solve a major problem just to the south. Thank you.

Katz: Thank you.

Jim Howell: My name is jim howell. I was impressed by all the elegant renderings of the bridge there, and I hope that that would be -- be the case in the future. The only problem we have is the length of that bridge. It's 1300 feet long when in fact a 300-foot-long bridge would do the same job and we feel in a much better way. It would in fact provide the opportunity for a true boulevard. I think that this -- using the boulevard is somewhat of a misnomer here. It's an aerial highway. Pure and simple. It's not a boulevard. If you look in the dictionary, it doesn't fit the definition at all. By crossing -- by providing the east-west traffic near the railroad, you can in fact shorten that bridge considerably so it can ramp down gently to division place. The reason that that was built in 1936 is because it used to be a rail line in carruthers and it's not there anymore. So sort of like the lovejoy ramps. Why are we rebuilding this very long structure when it is not needed? It could be a very desirable boulevard south of division place. I feel that this option should be looked at. It was not looked at. I've heard comments that this -- that they looked at bringing it down, but some of the conditions in which they brought it down to grade were not the same as what I proposed, which includes a new street east and west parallel to the railroad tracks that provides east-west access and a signal at division place provides very good access for local traffic. So I can answer any questions that you might have at this time or --

Hales: Let me make sure I understand that last point, jim, and I also want to get the staff to come in on that. I know they did look at options to get down to grade, but are you saying that none of those options included what you've sketched here as an extension of a avenue, that that's a new idea compared to the other surface level options they'd looked at?

Howell: Yes, I believe so. I think they were trying to get down to -- to carruthers, the designated cross-street there.

Hales: Right. I got to tell you, I like that idea. I think that connection between omsi and the rest of the neighborhoods is -- you know, you've come up with something there that I find attractive so I appreciate that. Thank you.

Saltzman: Were you involved with the process?

Howell: Unfortunately not. I don't live in this neighborhood. I didn't find out about this project until about five weeks ago. So I -- I wish I would have been, because I don't think it might have ended up the way it has. It's really a case of tweedle dee and tweedle dum as far as i'm concerned. Basic reconcept of building a long viaduct hasn't been adequately investigated.

Katz: So commissioner Hales, if in fact this has some merit, how do we --

Hales: I think we're hearing, and we've just heard some ideas that really do need to get folded into the next stages of this process, and I -- I don't want to be closed to those at all. I think there are attractive ideas coming forward here in testimony and maybe we'll hear more yet. And I would like the committee to look at jim's suggestions and any others that we get here in the hearing and do further work prior to bringing this back to the council. You know, until the last concrete sets,

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you know, it's never too late to improve a project, whether it's a park or a bridge or anything else.

And although I think our team, the committee and our staff of these various public agencies has done good work, there's no monopoly on good ideas. So I think -- I appreciate this good idea and, you know, I think there are elements of this, jim, that I find personally very compelling. I want to look at your suggestions and any others that we get here and make sure that it's not too late to improve this project. So thanks.

Katz: Thank you. Thank you both. Go ahead, sir. Grab the mic.

Doug Allen: My name is doug allen. 734 southeast 47th. And likewise, I really wasn't aware of the nature of this project until I went to the odot open house at omsi and I really appreciate the presentations that they put on there to explain it. And it really didn't make sense to me what was going on until I began to look at what the context is. And on the odot website they show ramp connections between these ramps and i-5, and then if you look if the regional transportation plan you'll remember that there's still a massive widening project on the books between tacoma street and southeast harold street for all of mccloughlin boulevard. This is all designated as part of the sunrise corridor. I think this is the kind of thinking that really we need to start downsizing that kind of thinking, or eliminate that kind of thinking, and start looking at this from, okay, what -- what really should we be doing? Is the 50-mile-an-hour design speed really what we want? And that said, i'd like to draw the comparison between northwest Portland where we've just torn the lovejoy viaduct that had public art the columns at public expense to create a more livable environment. Now, I think anybody that's talking about a grade crossing of the railroad, that's a strawman, nobody would seriously consider the grade crossing at a railroad, so I don't know what - - i've heard earlier testimony mention that, but I don't think anybody would even imagine that. I think concepts like jim's need to be given -- given some consideration and enough effort put in so you could get a true cost of what they would be, because it just seems to be so much more attractive are just kind of moving ahead, replacing what was there, without really thinking why we're doing it. Thank you very much.

Katz: Thank you. All right, karla?

Moore: Don stephens, judith litt and nicole grumley.

Katz: Just to double-check, there is about a \$36 million project? Okay. Okay. Who wants to start?

Don Stephens: Okay. I'm don stephens. I'm a board member of the brooklyn action corps and live at 908 southeast cora in the brooklyn neighborhood. And so, as I say, i'm a board member of the brooklyn action corps. First I want to say in addition that i'm opposed to any lowering to ground level of the m.l.k. Viaduct since in addition to auto and truck through traffic impacts that would have it would seriously impede bicycle commuting to downtown. The street under the viaduct, division place, connects to the south end of the east side esplanade and is a major bicycle thoroughfare to and from the southern part of southeast Portland. I can attest to this since i've bicycled to work on a daily basis year-round for seven years. With regard to the two major alternatives being considered the highway and the boulevard designs, my primary concern is each impact they will have. The viaduct designs will affect brooklyn since traffic flow problems established in the viaduct section will influence traffic flow through brooklyn. For this reason of the two alternatives being considered I favor the boulevard alternative. Also, I prefer the suboption of the jug handle with full stop approach ramp at southeast taggart street. This configuration will have the greatest traffic-calming effect. In addition, I suggest that the boulevard design be extended from the viaduct section south to holgate boulevard. The resulting traffic calming will restore livability to the brooklyn neighborhood, as well as our historic access to the

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river and the springwater trail. This was taken away from us when McLoughlin was converted to a highway 40 years ago. As has been proven by that widening project, what we build today will prescribe the future use and livability of the surrounding neighborhoods. I therefore support the traffic calming alternatives of the M.I.K. Viaduct project.

Katz: Thank you.

Judith Litt: I'm Judy Litt.

Katz: Judy, why don't you grab that mic.

Litt: I live at 3115 Southeast Sixth Avenue. I've lived there since December of '78 and I too am a Brooklynite. I'm interested in the boulevard aspect of the viaduct just for traffic calming purposes. Now, where I live, within 500 feet of the Ross Island Bridge, we have actually experienced traffic calming while the bridge is under construction. And the last two summers I did not have to run and close my windows in the morning at 6:45 before the horrible fumes got in the house. In fact, some mornings I didn't even have to close the windows at all. And I have a very sensitive nose. I find, just to change the subject slightly, that when I leave the viaduct and I go up Grand Avenue, that if I hit the traffic signals, I move along very nicely within the speed limit. And so I'm hoping that something can be done with this project that we can control speed with signals such as with the Jug Handle entrance and perhaps there would be some other traffic lights further down on McLoughlin so that the traffic is controlled and somehow, when you get to Grand Avenue, the same volume of traffic moves alonging and it is wider, but there is actually more volume of traffic there. But with the lights it does move right along. And I propose that we have something similar to that, you know, north of Holgate, including the viaduct.

Nicole Grumley: Good afternoon. My name is Nicole Grumley. I too live in the Brooklyn neighborhood. I'm here today to express my support of the boulevard alternative with the Jug Handle ramp and full stop replacing the viaduct. I support this option primarily because it's my understanding that it would reclassify the viaduct as an urban boulevard and transfer its ownership to the City of Portland. My hope is that such a reclassification and design option would contribute to the slowing of traffic through the surrounding business district and into my residential neighborhood. I also hope that this option would increase pedestrian and bicycle access and safety. And I would hope that I could be assured of a commitment from the City that the design eventually will be built with these intentions in mind. Thank you.

Katz: Thank you.

Moore: We have Jada May, Ray Poleni and Kathryn Polaski.

Katz: Go ahead. Go ahead, start.

Ray Poleni: Good afternoon. Mayor and Commissioners. My name is Ray Poleni. I live at 6110 Southeast Ankeny Street in Portland and I speak to you as co-citizens of public transit. I hope you've seen the paper today. I'm being quoted in support of the shorter viaduct and I'd like to read into the record what it says. I feel that we should do everything possible to kind of slow down the traffic as it enters the city from the southeast. And I think reconstructing the viaduct the way the Oregon Department of Transportation is proposing both alternatives is really continuing the status quo. There are two viaducts. M.I.K. and Grand. They represent the south gateway to the central city. They should enhance, complement, but also slow down and meter, so to speak, traffic as it enters downtown east. Both plans still have two viaducts. Speed will be reduced from 45 to 35, but these viaducts will still deliver unimpeded, high volumes of automobiles through neighborhoods to downtown east. In the closing article today, it says the residual of high volume traffic for Brooklyn and the neighborhoods is crime and noise among other things. No traffic lights on the viaducts, which can slow down and meter traffic to the central city where the speed must be

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25 miles per hour. We will need only one viaduct to cross over the rails. Freight, future high speed, future commuter, future light rail. By the way, whether the money spent is federal, state, county or city, it still is our money spent for our future. Please give us full value, better value, best value. After all, money is getting scarce. Thank you.

Katz: Thank you, ray.

Romauld Polkowski: Hi. My name is romauld. I live on 3520 southeast seventh avenue, which puts me in the brooklyn neighborhood. Also it puts me on the wrong side of the gateway to the city. We do have to put up with a lot of noise and pollution coming from mcloughlin, and so I do hope that the planning does not stop here and will take under consideration the needs of the people who live south of the viaduct. As far as the two options shown so far, I am supporting the boulevard option with the jug handle access to the highway, but I do urge you to consider options presented by jim howell, please. Thank you.

Katz: Thank you.

Moore: Rod merrick, chris hammond and jerome madden.

Katz: Okay. Go ahead. Somebody start.

*******:** Okay, i'll start.

Katz: Good.

Jerome Madden, Hosford-Abernethy : My name is jerome madden. I'm the transportation chair of the hosford-abernethy neighborhood, known as h.a.n.d. That's the neighborhood that the viaduct directly goes through. I've been involved in the project for two years. The neighborhood chose to have to be the spokesperson. We have three other board members here. In fact, this project has gone on for two years, we've had the head engineer for odot retire and i've started a new family in this time, so we've sunk a lot of effort into this, along with brooklyn. The goals of h.a.n.d. Have been clear and follow our neighborhood action plan. The viaduct is our gateway to the river. As up it should be visually inviting and urban in character. As such it provides east-west access. I mean I ride underneath the viaduct every day by bicycle on my way to work. So I can appreciate that. I'd like to see that develop even further. As far as the north-south, we support a bike and pedestrian access on the viaduct. I think that's an important thing. Brooklyn benefits from, we'll benefit from, and so will the city. And that's on the proposal and I think that should be followed through with. The third thing that one of our goals was, was traffic calming measures, to make this an urban boulevard as much as possible and not a highway. Someone asked the question about a versus b. One of the things we were shooting for was a ten-foot lane, which we know slows traffic down. That's what's there now, but we got compromised on the 11-foot lane, and that's the idea behind that, as far as I know. In conclusion, we urge you to support the boulevard option. Actually i'd like to make that -- maybe we could make that contingent upon the city getting the crescent portion, but we do support the boulevard option. And we would like to see city council back that. With the on and off ramps that are parallel, we think the jug handle goes too far out into the neighborhood and takes land. The at-grade option hasn't been developed enough so it hasn't been presented to us on the design review advisory compete. We'd be willing to look at that. If it was presented, we'd like to see it as a cuplet, not as a highway, two things smacked together that really will be a highway. What we'd like to see from city council --

Katz: Your time is up. So just wrap up.

Madden: Okay. -- that the project design be followed up on by lloyd lindley, who's done a great job, or a third-party designer, that's equivalent to him, and let the design review advisory committee revisit this project at certain milestones. And we'd certainly like to see that public art in any way be incorporated.

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Katz: Okay. In other words, you think that odot would like to do this project so badly that it would give us the land for a dollar?

Madden: We can't park there right now, but we'd love to park there.

Katz: Okay, go ahead.

Rod Merrick, Pedestrian Advisory Committee: My name is rod merrick. I'm the chair of the city's pedestrian advisory committee. Also a member of the design advisory for the project. Which i've also been involved in with -- for two years, probably a little bit more than that actually. Just to stress what commissioner Hales mentioned, the significance of bridges and highway construction are very significant elements in the cityscape and need as much or more attention as other public improvements such as parks and buildings in our city. The process that we went through for this project has been -- has been given some attention, and I think it's very important. We work to understand urban design and neighborhood needs. We establish guiding principles for the design, including budget schedule, function, and design, which we are hoping and expecting will not be compromised in any later value engineering effort. That this process and documentation of this project -- process is really critical to its future success, I believe. Then of course we developed study alternatives. And I wanted to make special note of the work that brant williams has done for the city in keeping this going in the right direction. And also for mark wigg, for his efforts in keeping everything on track. And of course the other members of the advisory. The recommendations that I would like to leave with you are in favor of the boulevard option. And again, as I understand it, the boulevard option is -- started out as the required compliance with federal highway standards, which have subsequently been agreed to be adjusted because of the urban situation that we're in. And I guess the other -- the other element that's in the boulevard option is the -- the slip ramp that goes into the southeast. The boulevard option offers narrower drive lanes. The emphasis is on traffic calming, which is critical to the criteria. Shared bike-ped sidewalk. We're supporting the elimination of the jug handle on the southbound ramp, because it removes developable land, and increases the perceived width of the highway area.

Katz: Your time is up. Thank you.

Chris Hammond: Yes. My name is chris hammond. I'm with the central east side industrial council. I also serve as their transportation chair. And like several other people I was involved with the design review committee also. I'd like to thank the efforts of all those that participated from pdc, odot, and the city of Portland. Having taken several government agencies and produced a product that I think that never would have gotten to where it is right now without the efforts of all those people. The central east side supports the boulevard concept. And we hope that this project will move quickly as forward as possible. Just as a side note, the detour route passes right next to our office, which is adjacent to the viaduct, so we would like to see it move forward as quickly as possible. Thank you.

Katz: Thank you. Okay.

Moore: Kathy lynn, ron buell, and ellen vanderslice.

Katz: As people are coming in for the next item, let me just remind you that we're only going to ask those who did not get a chance to testify last week to testify on that item. We're not opening it up for further testimony. Hi.

Ellen Vanderslice: Hi. My name is ellen vanderslice. I live at 2951 northwest raleigh. I'm here today representing the willamette pedestrian coalition. Our board took a position last thursday night in favor of the boulevard design alternative. We definitely believe that narrower lanes and narrower shoulders combined with wider sidewalks will significantly slow traffic in its approach to the central east side. We think that's a good idea. I'll just mention that this -- jim howell's idea of

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dropping part of the viaduct to grade had come to our attention after the board took its position. So we've not officially taken a position on that, but in general we do support at-grade facilities and we believe that a ground-level alternative could significantly improve the pedestrian environment, and of course we want to look very carefully on the connectivity issues and bicycle connectivity and so forth. I want to commend the work of our policy analyst who has been involved with this project throughout its process. You probably know doug well. You'll know that it's attention to detail is unflagging. So you won't be surprised when I say that we also would like a close look at whether on the boulevard design a railing could be placed between the pedestrian facility and the travel lanes. On a true boulevard there would be trees and streetlights and so forth separating pedestrians from the travel lanes, and although this is named a boulevard those elements will not exist on the viaduct itself. So if there's a way to get a narrow railing in there without taking room from anybody else, we'd like to see that. Thank you very much.

Katz: Ellen, I have to ask you, is this one of your wonderful creations?

*****: I wore this hat just for you, mayor Katz, because you commented on it last time.

Katz: Did i? It's as beautiful today as it was last time.

*****: Thank you very much.

Francesconi: Even though she forgot.

Katz: Go ahead.

Ron Buel: Ron buel, 2817 northeast 19th after. I'm here today in support of jim howell's proposal.

I've heard a tremendous disconnect between the testimony of the wonderful citizen representatives from the brooklyn neighborhood association and the people who testified in behalf of jim's proposal. And that disconnect exists because I don't really think jim's proposal came in in time for them to get to review it before this hearing. He's late. Jim's late. And I was really glad to hear charlie say that he would take jim's proposal into consideration and give the brooklyn neighborhood association and the greater brooklyn business association a chance to mull it over and review it along with the transportation staff. What are the differences between the boulevard proposal that the neighborhood is proposing and jim's proposal? The differences are a traffic light at division place. All right? Now that is a big difference, because actually it gives the traffic a chance to go from that greater brooklyn business association, that area, a chance to go north and south on mcloughlin at that location. It also would slow the traffic to a 35 range, which would give more capacity, not less. 35 is more capacity than less. You know, the speed of people going through that area, any time there's a traffic cop sitting out there -- and i'm a regular driver of this stretch of the highway. As you come up out of m.l.k. And you're heading south, what you discover is that you can get up to speed pretty quickly and you can drive about 60 through there. Also coming into the city, you know, you have to slow down from about 60 to hit 30 at the speed -- at the speed sign there as you come down off the viaduct. I've gotten a ticket for driving 62 in that 45-mile-per-hour sown there. I frequently drive out to my mom's house in Oregon city or to the eastmoreland golf course that the city owns on that route. So that I understand what the neighbors are saying about speed. And I think a traffic light at that location will do traffic calming in a way that a viaduct will not. Also, jim's proposal has three lanes. Both directions. And that keeps the capacity up to the federal standards. If you do not allow pedestrians to cross or bicyclists to cross at the -- at the traffic light, but you allow them to go under the bridge that he's built over the railroad tracks, you have that bridge long enough to carry a new street and to carry bicyclists and pedestrians, it's better access than they currently have by a significant amount. So his design gives them better access.

Katz: Ron, your time is up.

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*****: Okey-doke.

Katz: Thank you.

Moore: That's all who signed up.

Katz: All right. Anybody else want to testify on this item? Okay. Does the council have any questions of staff? Charlie, do you?

Hales: I don't think I have any. Do you need to say anything to close here, brant or jeff?

Katz: With the understanding that this new proposal will be looked at.

*****: Yes.

Katz: Okay?

Sten: Maybe come back to us --

Hales: Describe the next stage of the process, you guys, and how we'll evaluate what we've heard here today.

Kaiser: As I said earlier, the city staff and odot staff will get together and examine the hearing testimony and -- and decide what needs to be looked at, whether additional ideas or concepts need to be looked at. And we'll come back to you with a recommendation. And my hope is that as staff does that, that there will be ongoing dialog with staff to management and council so that we come back with a recommendation that we don't have to go back twice. One that works.

Katz: Let me just make sure that because it is a relatively new proposal, that the community, both the neighborhood associations, the neighbors and the business associations and businesses, will have an opportunity to look at it as well.

Kaiser: That's true. But I didn't say my name is jeff kaiser, odot. We have to go back and also examine the objectives that we put together with the community's help about what we're trying to achieve out here and measure, weigh those objectives against any concept that we're considering. And so everything has to fit and make sense and have a logic flow.

Katz: You didn't answer my question.

Kaiser: Sure. I'll try again.

Katz: Okay.

*****: Could you ask it again?

Katz: That because there is a new proposal on the table, not only does staff need to look at it and do everything you just identified, but the community needs to have an opportunity to review it as well and have some input.

Hales: Maybe get a quick description of what the time line is, because drac has another couple of opportunities to meet, I assume. What's that timetable look like?

Kaiser: Well, I would say that's to be determined. If the concept -- if we add a concept that's significantly different from the ones that have already been considered, certainly we need to involve the community. Not only in relooking at the objectives, but also looking at the concept itself. The design review advisory committee was put together solely for the purpose of helping us come up with an aesthetically acceptable design. They weren't intended to be a total project advisory committee, but certainly we intend to keep them involved throughout the development of the design of the project.

Saltzman: I think what we're suggesting really is a substantially new alternative, so it sounds to me that you'll have to go back to that committee in a different vain. We need to know from you at some point, this is a substantial important piece of information ultimately, is the federal funding issue. I mean, you've commented that possibly it wouldn't be available for this -- I call this sort of the at-grade solution. I mean, we need to know at some point what the realities are of that angle. Finally, I thought I heard a number of people, unless i'm wrong, testify in favor of the boulevard,

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but with that jughead connection rather than the existing connection shown. He so i'm not sure I necessarily support that, but it sounds like there were a lot of people asking that be relooked at, unless I heard them wrong.

Kaiser: The jug handle or the slip on or off-ramps are interchangeable with both designs. To go back to your first comment, yes, funding is -- the type of funding is a very important consideration here. Not only in looking at a different concept, like mr. Howell presented, but also in looking at the boulevard concept versus the highway concept. We only have a certain number of dollars that are budgeted under the hbr program. If either of the concepts, or any concept comes out above that, then we have to find other ways to fund it. And there are, as I said earlier, there are very strict criteria in how you can use pbr dollars, and they may not entirely fund or even mostly fund a concept like mr. Howell has presented.

Saltzman: We just need more information.

Hales: Sort of that, and obviously i'll be working personally with the staff and with the committee, I believe that there is a design -- final design that we can get to on this project that will honor the work that's been done so far, take in good ideas that we've heard, and still qualify for federal funding. And that's really what brant, as our city engineer and i, need to bring back to this council for approval. That's our side of the process. Odot has their side of the process in terms of getting the federal funds, but our side is to come back to you with a final design, with further consideration of what we've heard today, and just sort of stay within the parameters on all sides here of something that will work, something that meets our design objectives, and something that still qualifies for federal funding. But I don't think that's a will-o'-the-wisp. I think that's a doable proposition, and that we've heard some very good ideas here and that we have a level of cooperation here between the agencies that will get us to that objective.

Saltzman: Sounds good. I'm glad you're involved.

Katz: Okay. Further questions.

*****: Thanks.

Katz: So the community that's been working on this for two years, there's probably a little bit more work for you to do. We're not finished yet. All right, roll call.

Moore: Francesconi.

Francesconi: Aye.

Katz: What's the matter?

Hales: We don't take roll call. This was just a report and we'll close the hearing.

Francesconi: I think it was just a hearing.

Katz: She had a resolution. Sorry. [gavel pounding] okay, we'll recess until 3:30.

At 3:20 p.m., Council recessed.

At 3:30 p.m., Council reconvened.

Katz: Council will come to order. This is my third announcement this afternoon. We will only take people who are signed up. We have heard over two hours of testimony last week, and there were about, what, 45 people and I don't know if they are all here or not, but before we do that, there was -- there were a list of questions I took responsibility and had at least marshal, of my staff, make sure that I asked those questions, and I would like to bring jeff rogers, our city attorney, to the witness stand because there was some questions that -- I will read the questions and then you can respond. I need two members.

*****: Sten is on his way.

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Katz: And jeff, if you want to expand on the responses, please feel free to do so. Well, I want to make sure that everybody is here. Commissioner Saltzman, somebody -- all right. Okay. Why don't you read the item, karla.

Item 1192.

Katz: Okay. The first question that I think is for jeff to respond to, that was raised by the council, these are all questions that the council raised. In their rolls as deputized agents of the jtff, what laws govern the Portland police bureau offices who work for the task force. In other words, are officers bound by local and state statutes when they work as part of the task force.

*****: The answer to that is --

Katz: Identify yourself for the record.

Jeff Rogers, City Attorney: Jeff rogers, city attorney. The answer to that is clearly yes. The Portland police bureau officers are bound by the same statutes, regulations, constitutional provisions, when working as members of the Portland joint terrorism task force as they are when they work solely in their capacity as Portland police officers. That's also spelled out in the memorandum of understanding, the draft memo, even though it really was unnecessary to spell it out because it's true in any case, but it's repeated in that memorandum.

Katz: When the council jumped in, if there are any follow-up questions that they want -- the second --

Rogers: I might add to that, there are certainly sanctions, if an officer were to fail to comply with those provisions, those sanctions could include discipline, could include civil litigation against the officer or the city, could include criminal prosecution of the officer in some situations, so all members of the Portland police bureau are not only bound by those laws and regulations, but are subject to sanctions, if they should violate them.

Katz: All right. The second question that was asked that I think you can respond, is what is the definition of terrorism, and for the sake of clarity, should the definition be changed, strength and clarified, modified or expanded.

Rogers: The primary definition that applies to members of the joint terrorism task force is in the code of federal regulations, cfrs as they are often called, and that reads, as follows -- the unlawful use of force and 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. Now, that cfr, that code of federal regulations, which is applicable to members of the task force, is consistent with various statutory definitions of terrorism that are in federal law, and I won't repeat those unless anybody wants me to. But, in each case, I think the, perhaps, most important operative word is "unlawful" or in some of the statutory provisions, comparable word is "criminal." in other words, the task force is to -- rhythm is defined only as unlawful and criminal acts of certain types.

Katz: Okay.

Rogers: But, in terms of strengthening or clarifying or modifying or expanding, of course, that is not something that, that, that local or state governments have any ability to do, that's a matter of federal law and federal agency regulation.

Katz: Okay. The third one and I think that this one raised probably more questions because of a memo that was written related to the case, and let me read it "per judge markus's decision in the squirrel case we are required to monitor the ciu files at least every two years." I want to let everybody know that we are doing it yearly and we will be doing it quarterly. If not the city attorney, who should be appropriate and legally acceptable to audit the ciu files. Additionally,

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council asked city attorney, jeff rogers to explain an earlier memo in which he stated that the city attorney may not be the appropriate office to conduct the ciu audit.

Rogers: I think it's important, first, to emphasize that the squirrel case had nothing to do with the joint terrorism task force. That case, the opinion of judge markus was issued in june of 1996, before such a task force existed and Portland was participating in it. That decision applied only to files in the criminal intelligence unit of the Portland police bureau. I think there may have been some confusion last week about the facts in that regard, and I think that members of the bureau can clarify this, but in general, it's important to recognize that we are talking about two separate sets of files. One is the Portland police bureau criminal intelligence unit files. And the other one, which may be of more concern to some people, is the joint terrorism task force files. Those are separate bodies of files kept in separate places for separate purposes. Judge markus's decision applied only to the local Portland police bureau files.

Saltzman: If the joint terrorism task force asked to see a Portland police file, does that become then part of the task force files?

Rogers: As I understand it, and again, I think you may want to ask the question again, if members of the police bureau are up here, as I understand it, Portland police bureau criminal intelligence files never become a part of the joint terrorism task force. There can be exchange of information, but not transfer of files. In the squirrel case, incidentally, just a little background, mr. Squirrel claimed that the information in a number of criminal intelligence unit files was collected or maintained in violation of the statute. I don't remember the exact number. I think it was about 10 documents that he challenged. Judge markus reviewed those documents and concluded that all ten of them, the information and all ten of them had been collected appropriately, and lawfully, and that the information in nine out of ten of those had been maintained, kept, while lawfully. He concluded that one of the ten documents had been kept in the criminal intelligence unit files longer than it should have been under the statute. And with that finding, he then issued an order directing various procedures to be followed to try to insure that the files collected and maintained in the criminal intelligence unit were done so in accordance with the statute ors 181.575. There were a number of steps in that. One of the steps was that he ordered that the city attorney do an audit of those files every two years. And that we report the results of that audit to the mayor. He specifically said that information, that report was covered by attorney-client privilege, and was not a public document. And apparent he concluded the city attorney's office was the best suited to do such a review. Several years later, the subsequent action was filed and in the process of that, I wrote the letter that has been, has been pointed to. That letter was raising a different concern. Clearly there's no conflict of interest in the city attorney reviewing criminal intelligence unit files. In fact, that's an inherent part of what we do. Working with our clients to give them legal advice, to try to insure that they understand and are able to comply with state law. So, there is certainly no conflict of interest in our doing it, and that's, again, indicated by the fact that judge markus thought it was a good thing to do. My letter to judge markus later raised a different question, and that was it appropriate for a judge to seek to rely on us for that review and tell us what we have to do with that review. Tell us to review one client and report to another client. In other words, there were a bunch of jurisdictional legal issues involved in that and that's what my question was directed to. There is certainly no doubt that it's appropriate for us to do that monitoring and report to the mayor or to the council, as you wish, if you want us to do it. Obviously, there is a policy question of whether you may want additional or different review, but that's, that's something that you will need to address. I guess that's probably the answer to that question, but there may be --

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Katz: Let's, because there has been some discussion there was last week regarding to have, in addition to your self, or in lieu of a judge reviewing it, and then, is it all right if i, commissioner Sten had suggested that probably the new director of ipr look at it, and I said to both commissioner Francesconi and commissioner Sten, that I am open to consider that. That's aside from this issue, and I need to hear your opinion on that.

Rogers: Again, I think I should preface it with reemphasizing yet again that I am talking only about criminal intelligence unit files. And the joint terrorism task force files, which may be of particular concern to some people, are a separate issue. Not subject to this kind of review. In terms of whether it is advisable to have, for instance, a retired judge audit, criminal intelligence unit files, occasionally, I think there is nothing in law which outright prohibits it. I may be a little less categorical in that than the attorney general's office and I might indicate the attorney general's office --

Katz: Which attorney general?

Rogers: Of Oregon.

Katz: Okay.

Rogers: Department justice, Oregon department of justice did do a complete -- an audit of criminal intelligence units files within two years after judge markus ordered an audit, and in an affidavit submitted in a subsequent lawsuit, richard witlock, the assistant attorney general stated that he thought, quote, "because access to and dissemination of information in the Portland police bureau, criminal intelligence file is limited to law enforcement, it would be inappropriate for persons outside of law enforcement to review information contained in the criminal intelligence files. I think I would state that a little less categorically. I am not sure that there is an outright prohibition on your directing a judge, for instance, to do such a review, but I think it may be legally inadvisable. There may be law enforcement reasons, too. But the chief or members of the bureau can certainly address those better than i. In terms of the legal issues, I think it raises some possibility of legal risks for the city. I see no way of investing a judge, for instance, or another civilian with attorney-client privilege, and so that when he or she reviews those documents, I think there is the possibility that, in the process of legal action, information that anyone would think should not be disclosed would be required to be disclosed as part of the discovery. I think that there is the possibility, therefore, of litigation involving that. I think there is the possibility of a difference of opinion between such a person doing an audit, an outside judge retired judge, for instance, and our office. Would put the police bureau, I think, in a difficult position, what advice to follow. Having said all of that, I think that those kinds of things and some other considerations may make it inadvisable legally to do it. I don't think it's outright prohibited.

*******:** Can I ask a little -- I am not sure I want to walk, if we are going to walk all through the seven questions.

Katz: Yeah, we are, because we divided it, but pursue that point.

Hales: Let me pursue that point, jeff, because you, in your -- at least in lisa's memo she talked specifically about this question of civilian oversight, and that that's not permitted under fbi policy and federal law and so forth, but I guess what I am -- one of the questions that I asked last time that was sort of addressed here, though, in the memo, kind of got lost, and that is, we have this form of government in which each commissioner in charge is part of the chain of management of that bureau. In this case, the mayor has assigned the police bureau to her own portfolio. She is the chief executive of the bureau. I assume that, but I need your clarification on this, that although maybe committees and judges and those kinds of third party oversight are proscribed, that there is nothing here, put this in the form of a question, is there anything here that would limit the mayor's

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ability as the commissioner in charge to oversee through the chief the activities of our staff as they perform these functions under this agreement?

Rogers: No, there is nothing that prohibits complete and thorough oversight by the mayor, access to the files, or any other steps that she wishes to take.

Hales: Good. That's the only answer that's acceptable to me.

Rogers: Thank goodness I gave you that answer.

Hales: I mean, in terms of whether I would vote for this, or not.

Rogers: That's completely clear. The mayor is -- as you say, is the commissioner in charge of police by her own designation, and she has, she has open access to the files of the Portland police bureau, and she may provide access to others certainly within the government structure.

Hales: All right. Chief, mayor, I will ask this question of you later, but as far as you know is there any disagreement with the f.b.i.? Okay.

Rogers: I do want to clarify again, just, broken record sounding, we are talking about criminal intelligence unit files, not the Portland joint terrorism task force files.

Katz: That question needs to be asked with regard to those files, as well.

*****: So go on, please, I am sorry. I am not sure if I understand that distinction.

Rogers: We have been advised and it appears to be the case that no one outside of the federal structure, as provided for in their regulations, has access to the Portland joint terrorism task force files for the purpose of auditing them. They are two separate sets of files. The Portland joint terrorism task force files are kept in the f.b.i. Offices, and the criminal intelligence files are kept in the Portland police bureau, and that's a point that I think is important to consider, to all these considerations and I think understandably because it can be confusing, has gotten lost in lots of the discussion in the past weeks.

Hales: So our staff would be compiling those files, but the mayor, as the commissioner in charge, wouldn't be able to have access to them?

Rogers: That's correct.

Katz: Is that an accurate -- because I thought I heard a different response. We will get them up in a minute. We will go back to that question.

Rogers: I could add what, perhaps, someone is thinking. There is nothing to prevent the, the chief or members of the task force from reporting to the mayor, upon activities, but if you are talking about inspection of files kept in the f.b.i. Offices, that's a different matter. And that's another area of confusion in all of this, is thinking about activities of the people involved in the task force versus the files. So, there are a number of distinctions that I think do need to be kept in mind, and are easily lost in the discussion.

*****: Can I go back to review?

*****: Yes.

Saltzman: The notion of some sort of a review of the police, criminal intelligent unit files, I heard you asked about retired judges, citizens, I guess one of the issues I was interested in, or a nuance of that would be what about the notion of a special grand jury that could be convened annually, much like Multnomah county does right now, to review its correction system? Is that a model that, that could possibly -- I am not saying I am supportive but is that a model that will pass muster?

Rogers: If you are talking about an officially convened special grand jury --

Saltzman: Whatever the county does with respect to the review of the corrections system.

Rogers: Right. The county has a statutorily created mechanism for grand juries and it is pursuant to that, they do that kind of review. I don't know the question -- I don't know the answer to your question offhand. Even if it were authorized, of course, it would then require the, the approval and

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cooperation of presumably the district attorney's office in the court system. But, I probably should not try to guess on the precise answer as to whether it's illegally possible without looking into that more. That's the first I heard of that possibility.

Saltzman: That would not encounter the attorney-client issue, I would assume?

Rogers: Grand jury -- grand jury proceedings are secret.

Katz: Oh, yes.

Rogers: You might want to ask david lesh on that, as former prosecutor, but --

Katz: Jeff, they do talk afterwards.

Rogers: Grand jurors?

Katz: Members of the grand jury.

Rogers: They probably shouldn't be talking very much. Are you talking about the review of the jails? Yes, that's a different matter, but the question would be, in my mind, whether there is attorney-client privilege, if they were conducting this kind of a review of files. I would be surprised if that were the case because I think it's not -- it can't be created just by that, but I am certainly, certainly will look into it, further.

Francesconi: Well, the issue of the criminal intelligence unit is not in front of the council now, and I wasn't clear, the joint terrorism task force is. Now, I wasn't clear at the last hearing of the difference and I wasn't clear that we don't give files from the criminal intelligence unit to the joint terrorism task force. That was confirmed by the chief yesterday in a conversation that we had and he can talk. It seems to me that where we need to go, I had like more civilian oversight of both but on the issue of the f.b.i., according to what you have just said, that may not be an option. On the issue of the criminal intelligence unit, that issue is not in front of us. That may be an option. If we can deal with the issue of attorney-client privilege you raised. I think a special grand jury would require legislation in order to do that, and I am not sure we need that, but that's something that could be explored. Commissioner Sten's idea may be the most practical of using the auditor, that procedure, bass I would assume that would be easier. I think, I think a judge asking under the hospices of the mayor if the mayor chose to do that might be able to use attorney-client privilege but maybe not. So, I guess rather than getting a big debate on this right now, I would just like the mayor to look at that. I think you have the sense from the council, we would like more civilian -- not civilian, more review, if you can produce it. I guess that's where I am at. I have one other issue on this --

Katz: Before you get to the other issue, jeff, comment on mr. Rosenthal. Charlie -- the new ipr director. His review of --

*****: Comment on the possibility --

Katz: Right. We talked about the grand jury. Talked about a judge. You didn't comment on whether a city employee whose job it is to hold the police bureau accountable.

Rogers: I think that would not present the same attorney-client problem that somebody outside the city would present. I think that he would probably have to be acting in his -- in a capacity under our office to achieve that because in his capacity in ipr, he's not officially acting as an attorney for the city. I think probably that could be, could be accomplished.

Katz: All right. I do commit to all of the city council to continue to review this issue with jeff, and come back to you with the recommendation because it doesn't have anything to do with this particular agreement, but it is something that is of concern to the council members, and I respect that. All right. Thank you. Further questions --

Francesconi: I had one of you, jeff. It was on the definition of terrorism. I guess, you said unlawful act just now, and I can see under, I think you said that --

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*****: Yes.

Francesconi: But when I am looking at the definition here, in the federal statute, it actually says the unlawful use of force and violence against persons or property, and it also uses those same terms under the attorney general guidelines. It says, activities involve force or violation and a violation of the criminal laws. And so, it's not just unlawful activity?

Rogers: No, that's correct. What I meant to say by that is, unlawful or criminal is a prerequisite. You have to get through that hurdle and then you get to the other, more specific components of the definition to see whether it fits in terrorism. But, the -- from a statutory point of view and a regulatory point of view, the fact that nothing that is not unlawful or criminal is terrorism, I think maybe of some reassurance to those who are concerned that the statutes allow open access and willy nilly coverage of people. The definition of terrorism requires that it be focused on unlawful or criminal acts.

Francesconi: But with violence.

Rogers: Correct. With all those other things.

Francesconi: And the reason I say that is because j-walking is unlawful, but it doesn't have the threat of force or violence, and therefore, it would be inappropriate to use the task force for those kinds of activities.

Rogers: Absolutely. I misunderstood your point. The rest of the definition certainly creates lots of additional hurdles that must be gotten over before the task force would be reviewing those matters. But, the primary prerequisite --

Katz: Let me read the, the later, appears to be intended, this is definitions of acts of terrorism, as an activity to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of government by assassination or kidnapping, and --

*****: Correct. Some people --

Katz: Cause of violent act or an act of danger to human act that is a violation of the criminal laws of the united states or any states. Okay. Further questions of jeff, and if not, I will bring the chief up. Chief, why don't you come on up. Randy, come on up with him. We will get through the rest of the questions, and then we will open it up to testimony. The other question was, what does attorney general ashcroft's order for more jtffs mean to us locally. How does it differ, change or affect our current status of the jtff?

Mark Kroeker, Chief of Police: Thank you, mayor Katz, and members of the city council I am mark kroeker, chief of police of the city of Portland, and indeed, general, attorney general ashcroft has issued an order which expands the jtff procedure, process across the united states in directing that in every field office of the f.b.i., the jtff should be created, and managed. This directive does not change in any way or alter the provisions that are in the memorandum of agreement, which is before you. This agreement predates this decision and there's nothing in that agreement that in any way alters or is altered by the attorney general's directive, and point of fact, now in the city of Portland, the jtff has expanded by other law enforcement agencies know joining it, specifically the united states secret service, the alcohol tax and firearms, u.s. Customs service and the u.s. Marshal's service now, count themselves as partners in the joint terrorism task force of Portland. A multi-agency task force, it's expanding in its size, but its scope remains the same, and there's nothing in the directive that changes any of the, of the articles of the memorandum of agreement.

Katz: Regardless of the building safe guards to assure the Portland police bureau does not infringe on the civil rights of citizens in our community, specifically, how will the chief and lieutenant Kane report to the mayor regarding the bureau's participation in the task force?

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Kroeker: Well, as I have been doing, mayor, I will continue these operational briefings to you. I hold this direct report in our organizational chain of command, lieutenant Kane accountable and I hear from him as to the operational activities of these investigations. In addition, the joint terrorism task force is publishing a semi annual written report of its achievements, it's accomplishments so we will have that, and this goes to all participating agency heads and that includes the Portland police bureau under the agreement should you choose to ratify it today.

Hales: Can I go back. Worry the bone I was chewing on before, and that is, you report to him and he reports to you on the activities of our police officers while they are working with the joint terrorism task force but some of the records of that work, I assume, those files are about individuals or about individual investigation efforts, about individuals or investigations. Those are the f.b.i. Files, and she can't look at them, right?

Kroeker: Nor can i. Nor can i. Lieutenant Kane is deputized and because of the enumerated powers of the federal government that give to the f.b.i. Specific investigative powers, only those people who have those powers can do specifically those investigations for which the federal government preempts the local jurisdictions and as a result, and consequence, only those people who are deputized have access to the files. Specifically, the files that are in the joint terrorism task force are, you know, monumental, as you can imagine, the work being done over there, but this is the file work. The actual operations and activities, and breath of the investigation, threat analyses and things of that nature, I get that kind of briefing --

Hales: And again, I don't want this to sound flippant but the loop that I am concerned about that I think still exists or the reporting line that still exists is that you are in a situation under this agreement to be able to say to the chief, you know, chief, I know we are supposed to be investigating terrorists, but all the fears that people had are starting to come true and instead, we are doing something else, and he can then report that to the mayor, and the mayor can say, wait a minute, even if he don't have access to these individual files, right?

Kroeker: That's exactly right, and not only that, as the city attorney pointed out, there is nothing in either the prioritization process or the agreement that exempts Portland police officers from, from the confines of the Oregon statute which limits the capacity of the Portland officers and their work, and so that if they choose to do that, and err out of the strict guidelines we have and the policy and the law, then they are violating the law, themselves, and are subject to not only the consequences of the law but of discipline.

Katz: Randy, did you want to add? Move the mike -- identify yourself.

Lt. Randy Kane, Intelligence Unit: I am lieutenant Kane, the intelligence unit. I read every report that an officer writes over there. If I have any questions, I called dave lesh, I asked mr. Rogers sometime ago to give me one contact person in the city attorney's office that knew the appropriate statutory language, that knows the common law, and if there is a question at all, in what we are doing on the jtjf in regards to the Oregon state statute I call dave and talk with him.

Katz: So the one protection is that they are still covered under Oregon statutes even though they do the work.

*******:** Well, and the policies of the bureau.

Hales: The protection that I am focusing on, and as you know, I care very much about is that we have this form of government that allows civilians, elected with clear management responsibility oversight of what each and every one of our employees does and that chain is not broken here.

Kroeker: No, that chain is not broken, as for any other agency that participates, they have -- they put their own people under the operational guidelines of the, the agency, in this case, specifically

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the f.b.i., but they maintain their own managerial review of their activities in conformance to their own policies as we have ours.

Hales: Okay.

Katz: All right.

Sten: I guess this is almost, you know, more a devil's advocate question but given those parameters, why not prioritize the officers and provide what the f.b.i. Wants through this criminal investigation unit, and feel like we are actually in control of the situation as opposed to turnover officers you don't even get to know for sure what they are doing.

Kroeker: Because by having them in the f.b.i.'s nation-wide approach to the investigation of national and international terrorism, we are able then to make the application step from that national terrorism network that exists to its very local and domestic implications here, were we not to do that, we would, we would be cut off from the things that are going on that, by communications, e-mail, phone traffic, and the like, are taking place and in a directed approach by national terrorist organizations. So, by having that participation, we have access locally to a prevention step to those things that could harm Portlanders.

Katz: All right. Council understands that the police bureau collects evidence or information about someone and that evidence or information turns out to be, turns out not to be relevant to any criminal activity the evidence is destroyed. How does the f.b.i. Handle such evidence once they determine that no crime has been committed? Randy, do either one of you?

Kroeker: The attorney general has its guidelines, and there is the federal law, then there is the f.b.i. Policy that has an overarching effect on all the evidence that's gathered by the jttf. Once that evidence is gathered there, the reports, physical evidence, and so forth, then it falls subject to the f.b.i.'s policy and procedures. The reports that are generated and maintained there are on f.b.i. Forms. And so access to these forms have to be in accordance with the federal law and the department of justice and the f.b.i. Regulations and policy, which include a very separate and distinct apparatus for inspection and is auditing and a very separate review policy, including the various committees of the u.s. Congress, and so the laws that have to do with the freedom of information act, privacy act and the policy that is in place in the f.b.i. Governs what happens to that information there. As your city attorney mentioned, a while ago, a report that is generated by the criminal investigation -- I am sorry, criminal intelligence unit does not migrate from that unit over into f.b.i. Files. It is -- it is retained as a local ciu file of a case that is not a jttf-type case. Those jttf-type cases on terrorism, specifically, and the definition that we have been talking about, those stay there and are percentaged in do course of time if they are not -- purged in do course and time, and if they are not criminal, it is determined there is no substantiation or some type of a dead end that takes them to a noncriminal position, they are destroyed in the f.b.i.'s purging and processing procedures, which launches out according to benchmarks with statute of limitations from 10 to 20 years.

Katz: To what extent can citizens under the freedom of information act get some of that information?

Kroeker: There is a process, and I have to tell you I don't know the specifics of that particular process, but there is a process for access that has been designed in the, in the u.s. Code.

Katz: For both auditing the ciu and -- let me just explain why I am doing this. These are issues that people who testified raised, as well as council members raised, and I want to get them clear at the beginning of this testimony that we are going to hear next. For both auditing the ciu and civilian oversight of the jttf, what type of civilian oversight would be legal under our agreement

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with the f.b.i., is the police bureau open to more civilian oversight, discuss the legal versus the use of having an oversight committee. I think that some of that we answered but go ahead.

Kroeker: Yes, and the principle answer is by the city attorney had to do with those that are legal in nature, and on the operational viability side, ie, the operational effectiveness of an intelligence unit, if we are not talking about jttf but rather ciu, specifically, the criminal intelligence unit operating outside of jttf activities, here we do have a process. It's a process that has been generated by a court. The judge has directed that these audits take place and so forth, and I am comfortable with that process. I am also open to looking at other things. I have to tell you that, that I wished to remain open on that discussion --

Katz: On the --

*****: I will continue the discussion. I also want to --

Katz: You mean open on terms of who else or to look at?

Kroeker: That's right, and various things I have heard having to do with oversight. I am happy to participate in this discussion. I do want to point out that we are talking about very, very delicate and sensitive decisions that can have far reaching implications on what we are trying to do in the protection of human life, and that is the operatives, the people that gather information, people we share and gather information from and the like, it's a sensitive kind of a situation, and it's very easy to take a step that looks good and then have a result of unattended consequences. It really damages the collection under the law and procedures, bon identified collection of the information that becomes intelligence and later -- bonified collection of information that becomes intelligence and preserves later future life.

Katz: Randy. Explain the issues discussed by one of the union organizers regarding an incident with the beaverton police officer. The organizer alleged that jttf was involved in shutting down a worksite they intended to organize. This is an issue that came up at us and was --

*****: Over and over.

Katz: Over and over again, and was -- well, I don't need to go further in terms of the labor -- northwest labor council, but I want randy to explain it once and for all.

Kane: Surely. I have talked to jerry, to the officer and I have talked to that officer's lieutenant at beaverton police department. What happened was the officer became aware of a public event from a public website, and notified his lieutenant of that in a crowd-management scenario, not as a part of the task force.

Katz: Not as part?

Kane: No, not part of the task force. If the task force came up at all --

Saltzman: Was this officer not a member of the task force?

*****: He is. He is. But also does local work for beaverton, also.

Katz: Just a minute. Now, we are not going to have applause here but remember, that the officers who work for the task force also do work for their police bureau, aside from the task force.

Kroeker: Beaverton officers who are working there, do beaverton cases and he was engaged in a beaverton case.

Kane: So it wasn't an investigation, it's more of a crowd management type of information. The lieutenant asked him to call him. The officer did that, reported back to his lieutenant. The lieutenant called mr. Audville, asked more questions about the site, traffic flow, pedestrian access, safety of the site. The lieutenant went out to the work site, talked to the property control person, arranged for the property control person to rope off an area within the work site where it would be safe for people to gather and make their presentation. And the property control person agreed to that, sid they would rope off an area in the middle of it. That saturday morning, the lieutenant

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drove out there. He was surprised to see the work site shut down. Nobody told the beaverton police that they were going to shut down the work site. They still provided traffic control, apparently the site I am told was on the valley highway, a major thoroughfare in Washington county. They still provided traffic control with police cars to make sure the highway wasn't shut down and the event happened. And that's what took place. The officers tried to call a couple times to talk to him and explained what happens. He hasn't been able to get contact yet with him.

Katz: Okay. Further questions that I think that covered all the questions. If not, then we will start again. Only the people who did not get a chance to testify. Yes, randy?

Kane: Can I say one thing on deputization. It's important to realize, again, in the -- and the chief touched on it, that the mandate from congress to the different federal bureaucracies, atf, f.b.i., the alphabet soups, so that one agency, the atf, may have different legislative mandate from congress. It's not only local officers that need to be prioritized to work on a terrorism task force. Some of the other federal agencies need to be reprioritized to work on terrorism issues with the f.b.i. Because congress gave that particular topic to the f.b.i. I just wanted to make sure that that was clear.

Katz: Hopefully they will talk to each other.

*****: That's the point of the task force.

Katz: Okay. Let's open it up. Karla, why don't you read the names.

Katz: We will give you all two minutes each, thank you.

Valerie Chapman, Pastoral Administrator, St. Francis Catholic Church: Good afternoon, mayor Katz, city councilman, I am valerie chapman, the pastoral administrator of st. Francis catholic church in southeast Portland, I am here today as a person of faith and a leader of a catholic community that has served the poor, vulnerable immigrants and marginalized people for 125 years. I am asking that you would not pass this resolution through this day. But, rather that you would take the time that is needed to address the real concerns that citizens have about civil rights. I heard yesterday on the radio that it would not matter what we said here today because decisions are out of our hands. I hope that that is not the case. Today, more than ever, we need democracy to work well. It is difficult to testify against the continuous of the joint terrorism task force because there are some people who see this as a sign of unpatriotic behavior or of sympathy with terrorists, but that simply is not true. History has taught us that we can easily give up our civil rights and protections when we feel threatened by a real or imagined enemy. These are dangerous memory that is we really need to hold onto. Lest we repeat the mistakes of the past. We cannot forget the era of mccartney. Our country has long separated the various branches of government for the protection of our freedoms and to limit the concentration of too much power in the hands of too few. Last week, chief kroeker asked us to trust the police and city officials, and I believe that we have to do that. But trust goes two ways. Citizens are asking for a voice in the creation of any kind of task force, that deals with terrorism. Again, I would ask you to refrain from making the decision today, but rather to gather together the citizens who are concerned and develop a task force structure and an oversight body that protects our freedoms as americans and minimizes the potential for abuse of power.

Katz: Thank you.

*****: Thank you.

Leslie Cochran, AFSCME 3336: I am leslie cochran, speaking today on behalf of 3336, which represents the department of environmental quality workers. Many workers in this country face severe roadblocks to organizing. And I think a lot of you or all of you know what some of those roadblocks are. When the Portland police videotaped participants at labor rallies, leaders see yet another barrier. And when the city collaborates with the f.b.i. In such activities, as we fear that

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they have and will, we get even more concerned. We get concerned about the interference with legal activities, as well as excessive harassment for civil disobedience. Civil disobedience informs that trespassing has been practiced historically when all other rights have been exhausted. In the case of labor rights, civil disobedience is practiced after employers have repeatedly violated the national labor relations act undermining the ability of workers to use legal means. While the Portland police officers have worked with labor during such activities we are concerned about what an alliance with the f.b.i. Portends. The f.b.i. Has a history of treating leaders, particularly those who have practiced peaceful, yet illegal tactics like martin luther king, jr., as criminals. Peaceful forms of protests, some legal and some not, be grounds for videotaping, record collection, phone tapping and other invasions of our public and private lives. We urged the following before you decide how to vote on the continuation of the task force. Consider how comfortable the city is with tying itself to an organizational structure which prohibits civilian oversight. Consider other oversight mechanisms that might satisfy the community. Continue discussion with the community, who are concerned about how concepts such as terrorist and criminal might be used in specific situations and the task force is and is not allowed to do in specific situations. Thank you.

Katz: Thank you.

Mary Rose, Women's International League for Peace and Freedom: I am mary rose, and I am representing the women's international league for peace and freedom. Mayor Katz and city council members, fellow citizens, Portland branch of women's international league for peace and freedom, 200 strong has questioned the formal arrange of an f.b.i. And Portland police joint task force since late november of last year. Our organization has been labeled as dangerous in the past for our peace activism and political dissent. Our founder, jane adams, a nobel peace prize winner was even called the most dangerous woman in america by j. Edgar hoover. We are concerned that the proposed joint f.b.i. And Portland police task force would tend to chill our constitutionally guaranteed citizens' rights, such as assembly and political discussion and activism. We oppose the task force for similar reasons as other groups have stated. In formal cooperation between police and federal investigation is sufficient. There has not been any public accounting for what the task force has already been doing. That f.b.i. Records are permanent and shared instead of being audited and are purged. Especially that the criminal intelligence unit has spied on social justice groups in Portland without cause. As kathleen has already said and sung, must surveillance be the price of speaking out? In conclusion, I want to direct your attention, mayor, and commissioners, to the pamphlet, our patriotic duty to dissent. Published in the 1970s, when you and i, vera, were demonstrating for feminism.

Katz: Oh, for more than that.

Rose: It is still relevant today. Please notice especially the seventh item under basic responsibilities. The responsibility for elimination of illegal or cruel police practices. Thank you.

Katz: It was more than that. It was every saturday. Thank you. All right. Karla.

Katz: Go ahead.

*****: Do you want me to go in order?

Katz: Excuse me?

*****: Do you want to go in order?

Katz: It doesn't make any difference, we are going to hear from all of you.

Steve Sherlag, National Lawyers Guild: I am steve and I am here on behalf of the local chapter of the national lawyer's guild. Our country has been immeasurably changed since the strategies and the staunching loss of life on september 11. In the sobering days sense there were many calls

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for action, some military and some not. The local chapter of the national lawyer's guild believes the funding of the joint terrorism task force is not the right solution, and strongly urges the city council to reject the proposal. Why? Because we are concerned with the task force's impact on civil liberties of Oregonians and specifically, of Portlanders. We are deeply concerned that our government has kept surveillance files on united states citizens who have engaged in protected first amendment activity, including peaceful discourse, lawful assembly and peaceful civil disobedience. The strength of democracy undergoes its greatest test in times of conflict. However, if any american is not free to dissent, then the terrorists will have won. They will not have destroyed our freedom but we will have done it ourselves. Moreover, chief kroeker's proposal has many fundamental problems. And fundamentally they all begin with a lack of civilian oversight of the task force. First, regarding the federal prioritization of Portland police bureau officers. There's been no evidence or explanation provided why deputization is necessary, advisable, or exactly what is hope accomplished by such deputization. Chief kroeker's explanation today is fundamentally lacking. The notion the f.b.i. Will not cooperate with Portland police bureau officers is fundamentally untrue. We know that if american lives, if Portland lives, if Oregonian lives are at risk the f.b.i. Will communicate with the Portland police bureau on this, irrespective of deputization. The inevitable conclusion we must draw is that deputization is intended to thwart the clear mandate of ors 181.575. It's also designed to keep the Portland police bureau officers that are deputized outside of your control. I will tell you that right now. If a Portland police bureau officer who is deputized under the federal f.b.i. Oversight and you, mayor Katz, want to know what that officer is doing, they will be able to refuse to tell you. And when I hear about the legalize about the transfer of files, I hear legalese but not straight answers. When chief kroeker is telling you files are not transferred, he's not telling you that the information in the files is not being transferred. The files, themselves, physically are not being transferred. But if they are being photo copied, the photo copy can walk itself over into a joint terrorism task force file, and the photo copy can sit there outside of your control, outside of our control, and outside of the mandate of the Oregon revised statutes. So, I am telling you, they are trying to keep it away from you, mayor Katz.

Katz: Your time, I am sorry but your time is up.

Sherlag: I do think that -- I would like to address the city council because I disagree fundamentally with regard to many of the things that chief kroeker and jeff rogers had to say and I think that the process of allowing a two-minute address isn't adequate to explain our fundamental legal disagreements.

Katz: Let me ask the council if they would like to extend his opportunity to testify for another two minutes.

Francesconi: Or we can just ask you what are your fundamental legal disagreements.

Sherlag: Okay. Well I would be happy to walk through marshal's memo because I have a copy of it today.

Francesconi: Briefly.

Katz: We are not going to take ten minutes on this.

Sherlag: We don't have to take ten minutes. First of all, if we look at paragraph 1 where it deals with the deputization of --

Katz: You testified on that already.

Sherlag: I understand that. What it talks about in paragraph 6 is fundamentally at odds with that, or, excuse me, paragraph 7 because what it indicates is that these files will be placed outside of your control and outside of the control of the ors. So, we need to understand that what will happen is these files will be out of our control. Second of all, if you take a look at the definitions of

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terrorism in paragraph number two, there is three definitions of terrorism. And the two that were started with the ones that were the most beneficial to chief kroeker, the third one, which is cited there, and I note the language here is much broader, and it says, the violent acts as described earlier, but the second language here is, appears to be intended, and I have to tell you that the language, appears to be intended is extremely broad, and I want to know who it is that's going to make that judgment call. On action that is appear to be intended to intimidate or coerce a civilian population. That is very broad language and should cause you pause and should cause you concern. I can also tell you that with regard to the freedom of information act requests, that was addressed earlier here, I had a conversation with an employee of this building, I am not going to disclose who that was, but I had a conversation this very day with one of your staff members about a freedom of information act request that they put forward fairly recently, a couple years ago, about activities that occurred 30 years ago and they got a four-page document back, 3.5 pages of that document were blacked out. That is the protection that is available in the freedom of information act request, the protections are nonexistent. They are not what we have in mind when we enacted 181 here in the ors.

Katz: Thank you.

Dan Handelman, Peace and Justice Works, Portland Copwatch: Mayor Katz and city council, I am dan handelman with peace and justice works for Portland cop watch and I am here again to raise concerns about the Portland joint terrorism task force, which we see as an unnecessary use of city resources and a danger to civil liberties. I am glad this year you put the item on the regular agenda for public debate. This is an important discussion to take place in the wake of the tragedies in new york and Washington d.c. As I mentioned last december, our organization has been improperly spied on at least twice by undercover agents of the Portland police bureau's criminal intelligence unit which has been expanded and absorbed and currently housed in the f.b.i. Building. So, this discussion of where the files are is very confusing to all of us out here, I think. In 1992, undercover officers came to a peace and justice works meeting and filed a report alleging unspecified criminal activity in our efforts to encourage strong oversight for the police which is what judge markus objected to. There is no criminal activity in encouraging strong oversight of the police. In a lawsuit as you know, he filed a ruling demanding ciu adhere to ors 118.0 575. In '98 another officer passed information to the ciu about a pjw visibility action in which a number of people were arrested. This was noncriminal but was also noted that it organized a lot of demonstrations against u.s. Policy in iraq. Our court challenged the existence of that document continues. To be clear these are the two files we know about that came up during court hearings, how many files are out there that haven't been seen by the community handed over to the judge or reviewed by the city attorney's office. In december, we demanded you give the public a neutral study outlining the terrorist threat to Portland that prompted the creation of the jtff. Such a study never surfaced and if you remember the governor and mayor said there was no threat to Oregon in the wake of the bombings. Last week's presentation made it clear that no arrests were made and no terrorism was prevented in Portland by the task force. As such it seems hard to believe that eight full-time Portland officers and over a dozen law enforcement agents, needed to investigate terrorism. We have never denied there is a potential for it to occur in the u.s. We recognize an with no legitimate suspects will make its own work to justify its existence. The officers should be pulled off the task force and put back on more tangible investigations like homicides and rape. Please do not renew the jtff.

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Katz: Let me clarify because I said, at that time there was no information. At that particular time. And now additional information continues to be developed, but at that particular time there wasn't.

Handelman: But you are saying that there were 18 months, we are only 12 investigations open and had no arrests made.

Katz: I am correcting the point you made just clarified that at that particular time the chief and I said that there was no -- that we knew of, at that --

*****: I understand but my --

Katz: I just wanted to clarify that, thank you. Karla.

Pam Allee: I am pamela allee and I live in north Portland. On behalf of my four grandchildren, I am requesting that you have the wisdom and courage to disban the world joint terrorism task force.

The f.b.i., 93-year record of unremitting disdain for the rule of law, is evidenced by many violations, ranging from invasion of privacy to outright murder. And includes frameups, as well as the withholding of evidence. Rather than protecting us from people who are unincumbered by humane valves the f.b.i. Uses the same unsavory types in its relentless crusade against liberals and I might say progressives. Please refer to the very abbreviated lists I have given you, for examples. These are very abbreviated lists. And please, don't tell me again that the f.b.i. Adheres to strict department of justice guidelines. A week after your assertion that union activities are never infringed upon, a carpenter's local was investigated by the pjttf and I don't care what I have heard today. I don't believe it is correct. And the unions organizing campaign was sabotaged but we have heard today has been very disingenuous. Attorney general ashcroft's record includes vigorous opposition to a woman's right to choose and one of those documents there will show you its pretty good evidence. The face act of 1998, under janet reno, who was relatively nicer than mr. Ashcroft, had exactly three face convictions. And I believe that there are 37 domestic terrorism convictions that same year. As for mr. Mueller's intent or ability to reform the bureau's deep culture, we have heard that before, and it was in the 70s, when coentell was banned. Executive order 12333 quietly restored to the f.b.i. Its powers. Fool me once, shame on you, fool on me, shame on me. We, the united states of america were not just a nice piece of real estate. We are best embodied in our bill of rights and I have contempt for and fear of those few who are attempting to capitalize on the september 11 in order to remove our most valuable asset and I have pity for and fear of those many who are so weak that they could ignore history and trade the true united states of america for a dubious security.

Katz: Your time is up:

Allee: Terrorism can only beat us if we play by their rules and abandon our bill of rights.

Katz: Your time is -- your time is up:

Allee: I ask you to show wisdom and courage and revoke the pjttf. Thank you very much. [applause]

Katz: We will clear this council chamber.

*****: I want to address the --

Katz: You need to identify yourself.

Jim Cowing: I am jim, testifying today as a private citizen. I want to address the homework assignment given to us by the little girl from nlc. She posed basically the notion that we can redefine terms and come up with arrangements that will address everybody's concerns, so I am going to talk about some definitions and some problems that we need to solve. The first is the notion of violence against property, we really have to narrow that down so that it's not including things like cutting through a chain link fence to protest on a nuclear site or spray painting over a

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billboard that attempts to convince children to break the law and buy cigarettes. Those are clearly protests that should not be considered acts of terrorism, certainly, and most people, I think, would agree with me that those aren't really acts of violence. The next topic is what tactics constitute terrorism. And it was suggested that essentially that personal harassment and stalking were terrorism but, I think you really don't want to go there because employers hazard their employees all the time, and they break the law to do it. An extreme example would be recently in some steel workers were locked out by kaiser and they finally won their year's long battle to go back to work, and ever since, they have been so hazard, including by managers who are bringing guns to work, so there is a threat of violence, they have been so hazard that a couple of them have committed suicide. That's how horrifying their workplace condition can say are. But I don't think, you know, that the f.b.i. Or the city council wants to investigate employers for that sort of conduct, let alone label them as terrorists so we have to be very careful about expanding the notion of terrorism. The next problem is taint by association. During the '80s when the central american activists were investigated by the fbi for terrorism, caught up in the investigation where some nuns protesting systemic torture and the terrorist-nun theory sort of goes like this. The none free speech associated them with others who oppose the government in el salvador and by doing that they were associating themselves with the guerrillas who oppose the government and the u.s. Labeled those as terrorists and the nun therefore were encouraging -- the nuns were encouraging terrorism.

Katz: Why don't you finish your thought.

Cowing: It's really an obscene notion that by protesting terrorism, you are going to bring down on your head a, an investigation for terrorism.

Katz: Thank you. Next.

Paul Maresh: My name is paul and I live in north Portland. I am here to ask you not to renew the pjttf. Last week chief kroeker made the statement, that would be illegal. My answer in today's parlance is, well, duh. [laughter]

Maresh: That's why we are here today. The ciu has been found engaged in illegal activity numerous times, the city attorney has not been complying with the court order to periodically review and encourage the ciu files. Under pjttf, unreviewed and purged files will become property of the f.b.i. Out of the jurisdiction of our courts. For this reason, the pjttf should not be renewed. The police bureau has had as many as seven officers videoing and photographing as few as three union organizers. Not at may day, they were workers. The pjttf interfered with the carpenters union also engaged in activity protected under the bill of rights. There is no credible prohibitions against such abuses in the future. For this, the pjttf should not be renewed. Last week in testimony in favor of it, we heard illusions to the benefits of public, private cooperation and intelligence gathering. In the names of karen silkwood and judy berry, it should not be renewed. In short, the f.b.i. Has well documented history of the programs using paid informants to infiltrate and harass progressive organizations involved in illegal activity for. This reason, and because the ciu's history of breaking the law and violating the u.s. And Oregon constitutions will most likely continue under this ordinance, pjttf should not be renewed. This ordinance, as written will enable the building of a big brother brigade and enhance its ability to trample people's rights and for that reason, the pjttf should not be renewed. Thank you.

Katz: Go ahead.

Jordana Sardo: Good afternoon. My name is jordana, the Portland organizer of radical women and feminist women's rights and leadership training organization. As a socialist feminist, lesbian and civil rights activists whose organization has been spied on by the Portland police because we advocate an independent civilian police review board, I urge you to not renew the Portland joint

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terrorism task force. The f.b.i. Has a history of sweeping infiltrations, harassment, sabotage and persecution of social justice movement and its organizations. It has always opposed feminism as a challenge to the status quo in u.s. Society. In addition to thick files on feminist organizations they have gathered information and set feminists against each other in an effort to derail a movement with revolutionary potential. I am thrilled to know that the national organization for women and women's international league for peace and freedom also oppose the pjttf. Unfortunately, some feminists support the pjttf because they believe the f.b.i. Can be relied upon to protect women's right to abortion. Radical women advocates for public investigations into a tax on clinics in order to organize against these assaults. We oppose the call for f.b.i. Investigations as a solution to the violence against clinic staff and clients. In the mid 1980s the bureau of alcohol, tobacco and firearms allied with the f.b.i. In its actions toward the women's movement. In the everett Washington clinic fire bombing case the atf considered the pro abortion movement a prime target of their investigation. More than once the atf as well as local police hinted that clinic supporters set fire to the clinic to get support and sympathy. F.b.i. Investigations have done nothing to curtail the diminishing ability of women to access abortion services. We need a revived feminist movement and trained community security to insure clinic safety. Pjttf is no exception to the numerous police agencies that use broadly defined guideline to say divide and destroy our organizations and promote government policies that revitalize which hunts against feminist, socialist and other movements for social change. We each remember where we were september 11 when we heard the horrifying news thousands of people were killed in a terrorist attack in new york and Washington d.c. But while the whole world mourns, dangerous characters are trying to wrap our grief in a u.s. Flag and use it to justify violations of our civil rights and the kind of military intervention that has made this nation such a hated target. Instead, we must be allowed to organize to eliminate the gap between rich and poor if we are to stop the bloodshed. The misery of billions of men, women and children around the world stems in large degree from the imperialist policies --

Katz: Your time is up.

Sardo: I would like to finish, very brief. It's very brief.

Katz: Excuse --

Sardo: Activists --

Katz: I will put a time limit on this council so that other people aren't going to be able to testify because you are taking their time.

Sardo: Well, it is less than 30 seconds, I would like to finish.

Katz: You and others --

Sardo: I would like to finish. I would like to finish.

Katz: Then we will --

Sardo: The men and women we represent call on the city council to dismantle the pjttf, we must carry on in the spirit of labor organizer, mother jones who a century ago said pray for the dead, but fight like hell for the living. Democratic rights are necessary ingredients to build a vibrant mechanism multi-issue movement that is intent on winning lasting peace and justice.

Katz: How many more to testify? People are taking more time. They are not letting other people testify. Just a minute. Thank you.

Katz: 6:00?

Hales: I can't go --

*******:** We took time off of our work --.

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Katz: Just a minute. People need to testify for two minutes because what we are doing is -- I am not going to have a disagreement with you.

*****: You have already got one.

Katz: Why don't you testify, 6:00?

Jody Heatlie: I am jody from northeast Portland. I do not like the idea of the police being deputized by the f.b.i. To spy on citizens again. Police chief kroeker asked that we trust him. If someone who had their phone tapped during the vietnam war I say that we have no reason to trust you. Trust has to be earned. But, you have not done that yet. I say no to the Portland terrorist task force because it is dangerous for our civil liberties. The f.b.i. Has a long and notorious history of breaking the law by violating our citizens, civil rights, liberties and harming lives. In my lifetime, as the cold war was instituted, if you oppose mccarthy ism you were banned to communist. The cold lawyers were looking for communists under the bed in fear of suspicion. We had decades of the cold war through the '50s and '60s on and on, anyone who disagreed with government policies was suspected of being communist. The woodchuck included guilt by association. Any opposition to u.s. War was suspect. The civil rights movement from the student nonviolent coordinating committee to martin luther king and his organization was spied upon by the f.b.i. Groups who oppose the vietnam war were spied on, as were so many groups for social change. F.b.i. Files were kept on everyone. We want no more of this, no more excuses for government to try and intimidate and silence our dissent. Suppressing freedom in the name of freedom is wrong. Suppression benefits those who want to control. If you, again, make the mistake of voting for this measure it would definitely need real independent oversight and an independent review board. If there is extra funding, I think that it should go for the needs of our city, which is the homeless, affordable housing, and the crumbling schools. And if you really want to prevent terrorism, we must change our destructive foreign policy to a new humane one.

Katz: Thank you.

Michael Marino: I am michael marino. I live in northwest Portland. Good afternoon, your honor, and members of the city council. I am hoping you will vote no to -- you will vote in favor of eliminating the terrorist task force. The city attorney, mark kroeker, various individuals, have talked about terrorism, including the gentleman from ohsu who testified previously, and referred to -- included terrorism, instead of the terrorism, included derogatory remarks. What I do see is clear, is that what will be happening with the joint terrorist task force, if it is put together, or if it is maintained in its current form, it's being maintained to avoid accountability. The police already have the jurisdiction to enforce crime. That's what they are there for. To say, oh, maybe they are in this police department, no, they are no the joint terrorist -- no, they are over here, that, that makes it so that the, the city attorney, when you ask them a straight question, says well, it might have been this or that, or might have been the other, you will have the same thing, if anything ever goes to court. People will be very confused, the issues will drag on and on. The joint terrorism task force reports directly to mark kroeker. The police chief reports directly to mayor Katz. And that leaves you, mayor Katz, as the thin blue line, if anything goes wrong at all of this. And if everybody who was in favor gets three minutes and everybody who is opposed gets two minutes, I don't know how much we can trust you.

Katz: Thank you. Okay. Go ahead.

*****: Bill williams, amy, and george black.

Katz: Go ahead, sir.

Bill Williams: My name is bill williams. And I am the director of the subversive unit with the bureau and the special agent in charge of the operations at lewis & clark college in southwest

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Portland. I am proud to report a very modest level of subversive activity on the lewis & clark campus since the initiation of the Portland joint terrorism task force and operation squish student protest. [laughter]

Williams: Of course, the always dangerous level of red communist professors on the faculty of lewis & clark. And I submit to you exhibit a, a small red cloth found in the faculty lounge. However, since the formalization of the terrorism task force, lewis & clark students have organized teachings, lectures and one make fun of the f.b.i. Day, as part of an ongoing program to inform the student body about the f.b.i.'s long history of targeting student political activists. In conjunction with the extremists have collected a number of brief letters in opposition to the terrorism task force, as a result of our unit's effective operations. I have with me these letters in their original receptacle. I submit to you, exhibit b, a small box resembling the standard issue f.b.i. Surveillance van.

Katz: Sir, that's, that's not necessary. As one can see, that the, these opposition letters, our unit needs to be given a greater mandate to control the disruptions of students. In conclusion, my report, I would like to reassure the mayor and her council that the spying and disruption that our bureau, indeed, is in, will effectively silence the concerns of students on the Portland joint terrorism task force and we can --

Katz: Your time is up.

Williams: I am just finishing right now. And we can once and for all, turn lewis & clark students into law-abiding capitalist consumers, thank you and fremama.

Katz: Go ahead. We are going to end this testimony at 6:00. I just wanted to let you know.

*****: Why do I have to go on the heels of the really, really important people?

Katz: Identify yourself.

Amy Sacks: Amy sacks. Number 1235,52648, this was the idea of one of my colleagues back there who figures if they stamp the arm, of everybody who has any dissent with law enforcement in public, the f.b.i. Won't have to keep so many files, they can run a bar code across us, excuse me a scanner across us every time we show up for a protest, and then they will be able to keep track of where we are all the time. Seriously, nobody is happy about what happened on september 11. I am certainly not happy, and beyond the fears that were expressed articulately by some of the others here today, one of the things I am afraid about is the broad mandate and freedom this task force has and the broad mandate it gives to our police who already, as far as I am concerned, are spending too much time concentrating on the wrong sort of so-called criminal activity, is that by doing so, you will force anybody who wants to go out in public and exercise their rights of freedom of speech to, to cooperate with terrorists. Let me see if I can explain this correctly. The f.b.i. Should be able to understand, for example, that a union is not a terrorist organization, and yet, it's been made clear here that as recently as a couple of months ago, and for as long as a century they have targeted unions, union activist and is organizers. And that's what worries me, because I am all in favor of violent terrorists being caught. I don't want to see any more people killed. If law enforcement is serious about concentrating their efforts in this area, they need to rethink this very broad mandate that we have heard about today. And I would really hope that the commissioners would rethink the very cavalier attitude of the mayor and the police chief about civilian oversight because I think that that would be an assistance. I had a quote I wanted to bring out today but I am afraid I forgot it but it's very brief. James baldwin the afro-american writer, said our obsession with fighting the enemy within is extremely dangerous because we keep telling ourselves this is where the real enemy will be found and as soon as he is cut out and destroyed like the cancer he is, everything will be fine. The problem is, that this obsession with finding the enemy within turns us

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against each other and keeps us from focusing on our true enemies. And I believe how he put it, is that this becomes something that cannot be controlled and destroys the very foundations of democracy that it was meant to protect. Thank you very much.

Katz: Karla, keep reading the names. Keep going.

Katz: Why don't you have a seat, sir, thank you.

Steve Royal: I am Steve Royal. Sierra Club forestry, I am not here speaking on behalf of the Sierra Club. After living in Portland in the Portland area for ten years total, and being --

Katz: Let me, we will start your time in a minute. We had several -- we had another person coming in testifying on behalf of the Sierra Club. Did the Sierra Club take an official position on this issue?

Royal: No. After living in the Portland area for ten years total, and being a Sierra Club outings leader, I heard about Cascadia forest information and musical shows. I went to one where they talked about a Native American sacred site that was clear cut by the forest service. I read their literature and thought they were doing good. I lived in Vancouver at the time, and went to the Vancouver Sierra Club forestry committee meetings and discovered that they thought they were doing a good job. I did not agree with that assumption, and started Vancouver Forest Offenders. I drove my car to various timber sale actions around the Cascade learning how to monitor timber sales and organize around bad sales like Eagle Creek, and how it feels to be attacked by the F.B.I. Or counter intelligence program for organizing where I live. Although I let everyone know that I do not agree with property destruction I received seven, one-minute messages on my voice mail while monitoring a timber sale on the weekend. The messages were me talking in my car while my phone was off as I drove while working my day job. The first message I said hey what's happening. While the jazz tune played, on my radio tune to KMHJ accompanied with a white noise track. The messages progressed to me, cursing at a car that had tried to cut me off this traffic. This phrase was repeated over and over for the last minute of the last message. This audio production was a multi-track analog editing session emanating from a bug in my car. What a waste of my tax money. How many people did it take to produce that seven minutes of me talking to myself on the phone? We all paid for it. How many more wasteful blunders do we have to go through?

Katz: Thank you.

Genny Nelson, Director, Sisters of the Road Cafe: I am Genny Nelson, director of the Sisters of the Road Cafe. Hello to all of you. Sisters of the Road Cafe wants to go on record in opposition to the joint terrorism task force. We have a couple of questions for a couple of minutes. The first is, we have not heard when and how the general public will receive information about what is transpired with this task force. Here's a minor example after a year of what a civilian might ask. We learned that only 12 investigations were open between January 2000 and August 2001. Does this level of activity warrant the money being spent? Especially when community policing is jeopardized as neighborhood patrols are curtailed for lack of officers and for lack of funding. And the second is what about harassment. Sisters has historically witnessed and spoken out when police officers crossed the line between enforcing laws and needlessly taunting and sometimes brutalizing Portland citizens in Old Town Chinatown. How will you insure against harassment, harassment by officers on this task force? And how will you answer the question of how Portland citizens will receive information regarding this task force and what form of recourse will we have. Thank you.

Katz: Go ahead, sir.

*****: First of all I would like to say -- [inaudible]

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Skip Mahawk: My english name is skip ma-hawk. I am currently in between housing. My post office box is --

Katz: You don't need to give your address.

Mahawk: Okay. I come here in opposition of this task force because I have personally been -- had some of the task force, do things with us and I am going to give you copies, a friend of mine went to make copies. I don't have enough to give to you but as soon as he gets back, I will have my statement, and read part of it. First of all I would like to mention one thing to correct a statement by mayor Katz, who last week, and you stated that on september 11, 2001, that the most horrendous event that happened in this country, I would like to remind you that the most horrendous event that happened in this country is what you have done to the indigenous people, and ignoring of the indigenous peoples and putting special rights, including, as you heard before, the koentethrow, that was started in the american indian movement. And have given some incidents that, that I was affected by. I will give those to you, but I want to go on and say something else. I want to, as an indigenous person, we look at things from a different point of view. We are very spiritual people. We always have been. We have been connected. Our spiritual ancestors, the old ones that live before us, had a belief and they said that when you are in -. You are not sure whether it's physical or mental, then you say, I feel I am out of sorts. And that's kind of what this country is in right now. That, and I really hope that we will not create any more fear because fear and hate and anger we all know is negative. And is taught.

Katz: Thank you. Your time is up.

*******:** All right. I want to thank you and I would like to give you copies of this.

Katz: Please.

Katz: I think you have got three now. Go ahead.

Judith Boothby: Mayor Katz, city council, fellow citizens, my name is dr. Judith boothby. I am practicing on east. I am speaking today as a citizen of Portland. I used to volunteer at a local ambulance company and I know how bad it feels to drive into a neighborhood and hear gun shots. I appreciate those who put their lives on the line in law enforcement want bigger gun solutions to the terrorist problem. On the other hand I am a three-time cancer survivor. I have spent many hours contemplating on solutions to my serious problem. Do a bone marrow transplant or die. It's a scary, bad feeling to be given a zero percent chance of living. I am glad I could recognize I was being pressured to make a fear of fear kind of decision. Rather than trying to kill all the bad cells in my body, plus, perhaps, the organism, me, I chose another way. I chose to learn how to nurture myself and let others nurture me. This was not an easy decision. However, the nurturance way was empowers, cheaper and it worked. I asked the city council not to pass ordinance number 1127.

I believe important to keep more separation between our local police force and the f.b.i. Centralization, eliminates diversity. After watching our local battle for a citizen review board of the Portland police, I think we are not good enough yet at giving civilians clout in the checks and balances of watching police operations. At this time, when this has not been accomplished it is not appropriate to expand the roles and responsibilities of our local police. I am gravely concerned about the statement that all media releases will be coordinated and made jointly by all participants. This doesn't even remotely leave me with a feeling that we will be given the full story. I believe this ordinance will contribute to our losing states rights and personal freedom of expression. What I learned from my cancer trials is that it's not always necessary to do the most dramatic thing to solve scary problems. As a community, let's sit with our discomfort longer and create a new way. I believe we have the compassion to do this. And I ask the city council and mayor to avoid leading from fear.

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Katz: Thank you.

Michael Munk: Good afternoon. My name is Michael Munk. Your honor, commissioners, from what I have observed over the last two sessions, I expect you will be voting to extend the agreement with the f.b.i. I urge you before you do that, spend some time with the archives at the Portland archives of the Portland police bureau's red squad as I have. If you look at those files, look at the track record of what we now call the criminal intelligence division. You will see -- you will be persuaded, I am sure, not to trust the police department to observe civil liberties. That track record began back in 1923. We have almost 80 years of the city's history before us. And in 1923, the first report in those files relates an undercover police agent's report on Mother Blurs' speech in Portland. Which says, she is 60 years old, has a coarse voice and has a rather violent manner of speaking. This is the quality of much of the files of the red squad, and I have copies of a number of documents that I have selected, if any of you have the time and the energy to go through them, I would be glad to share them with you. But, my second purpose here today is to bring to your attention some previous efforts in Portland to bring some level of review, civilian review to the red squad, just four years ago, 1997, the Metropolitan Commission on Human Rights held hearings, listened to Lieutenant Findling, who was the chief of the red squad, and heard him testify as to the activities, the kind of procedures that the red squad was using. And came up with a series of six recommendations which were sent to your honor. Including a recommendation that before the police begin a surveillance of any individual or organization, they need to secure a search warrant from a judge in which they must present that reasonable grounds for suspicion of criminal activity.

Katz: Thank you. Your time is up but I don't recall receiving that report. So if you have got the report, I --

*****: I have the report and I have your reply to Mr. Burman --

Katz: I may have --

*****: In which you rejected each one of the six recommendations.

Katz: I would like to see it.

*****: And finally --

Katz: Please show it to me.

Munk: I will bring it in, in one second. And I also, one of the recommendations was that the city auditor perform an audit of the city to see whether we are, as taxpayers, we are getting a sufficient bang for our buck, from the activities, and Barbara Clark tried to ask Chief Moose for such an audit and she was turned down. So, this is the level of -- thank you.

Katz: Please, show it to me. Go ahead.

Diane Lane: Diane Lane, Southeast Portland. Last week, Chief Kroeker tried to justify the need for the PJTF by citing acts of arson and harassment as terrorist activities. While I certainly do not condone those behaviors, they are already covered by criminal statutes. Why do Portland officers need an official link with the f.b.i. To solve such crimes? And why did the chief mention damages to property owned by lumber companies but there was no mention of violent crimes against environmentalists, such as the bombing that severely injured Judy Berry. Why are you so eager to officially link Portland police officers with the federal agency that repeatedly violates first amendment rights and by John Ashcroft's own admission is riddled with problems. Problems such as missing weapons and laptops, some of which contained classified information. The f.b.i. And the Portland crime intelligence unit have broken the public's trust by investigating noncriminal activists. Should it be the burden of the public to mend that break? Isn't it more appropriate for the agencies responsible for the break to prove that they are trustworthy organizations, to do so, they

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must accept independent investigation of their activities. Nothing else is acceptable. If that's not possible, then the task force should be dismantled. Joint terrorism task forces are recommended as the answer to terrorism by f.b.i. Agents, whose careers depend on the escalation of counter terrorism measures. Instead of supporting the task force, Portland needs to explore alternatives with other voices, such as peace and conflict resolution expert, professor steven zunas who will be here in Portland next week. I urge you to explore alternative anti-terrorism measures, such as using the task force's half million dollars budget to form a peace and conflict resolution council.

Ken Spice: Good afternoon, mayor Katz, city council, I am ken spice and I live in southeast Portland. Last year when I came here to testify against the Portland joint terrific task force I was rather angry that I had to take a day off work only to have my testimony rescheduled, now the same thing happened again I have decided to wear my lost wages as a badge of honor. And I am proud to have given up yet another afternoon's wage to say take part in a long and honorable tradition of speaking out against the activities of my government. Terrorism is a word which requires no thought. We know that terrorists are bad. They are wrong. They are to be exterminated. The word is designed to make the mind shut down any attempt of understanding. The word is the enemy of truth, understanding and reason. Indeed the simple act of defining the word terrorism requires the use of double think, the ability to hold two contradictory beliefs in one mind's simultaneously and accepting both of them. Last week a grade school child could recognize this double thing. Our so-called national heroes, the rebels who instigated the american revolution by property destruction at the boston tea party were considered terrorists by british and would be considered terrorists under our current definition. Out of the mouths of babes. In may of this year, the director of the f.b.i. Laid out the bureau's statement for the record regarding terrorism. It is instructive to read this document as it names particular groups and particular political tendencies as terrorists threats. For example, carnival against capitalism is listed. This is a group that organizes legitimate demonstrations. Is it now a terrorist act to oppose this global system of economic exploitation? If so, consider me a terrorist. Reclaim the streets is listed. This isn't even a group but a tactic. Folks use the, reclaim the streets tactic to engage in civil disobedience. They illegally take control of a street and create an impromptu dance party. I have taken part in several of these, I guess I am a terrorist. No particular group mind you, just enagists, well, I am one of those, too. Make no mistake about it this, task force targets groups, individuals and political tendencies that engage in the time-honored as american tactics as civil did obedience. I maintain a website for a local group called the black cross health corrective. This is a group I am a part of. Black cross provides first aid and health and safety information for political activists. Our logs prove our group is being surveilled. These are sitting right here. We are surveilled by robots from the federal government. It's difficult to imagine how first aid could be seen as a threat, yet the surveillance exists. I stand here to oppose the Portland joint terrorism task force on the grounds that we have to give up too many civil liberties to do t and I end today the same way last year when this council voted to ignore the civil liberties by quoting a hero from america's past, those who are willing to give up essential liberty for a little temporary safety deserve neither. Thank you.

Katz: Go ahead, sir.

Kerry Cline, Sunya Deva: I am kerry klein. I go by the name of deva. Last week mayor Katz assigned a three-minute limit and soon after dr. Kuan of ohsu testified, and he was given 7.5 minutes.

Katz: He was an invited --

*******:** Nevertheless, you had said before he came up that it was three minutes. You had said three-minute limit before you spoke.

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Katz: Go ahead.

Cline: And he was given 7.5 minutes to give a gratuitous and personal accounting. This is contrasted by Alan Graf, who was cut off at 2.5 minutes although he was raising factual, pertinent issues. If we can see a blatant bias here in this chamber in full view, how much more bias and twisting of definitions and law goes on behind closed doors? Doors that is now clear that no civilian citizens can look behind by the city's own testimony today, there is no accountability of the PJTF. In San Diego at a Biojustice conference I was followed by no less than three or four police from morning to night, hazard, stopped five times, and under intense pressure at all times. I was acting as a street medic. I was not charged or arrested with anything. Many activists were given jaywalking tickets all the while. Other citizens were busy crossing at the red in front of police and not cited. Two officers verbally admitted to me the police were targeting us because we were activists. I believe this is illegal. One friend of mine after three days of this intense police harassment was in tears and she has ceased her activist activities because of this. Severe abuse is evident and historical. And this is in public view. How much more is going on behind those doors. Because of these reasons, I am here asking the council not to renew the joint terrorism task force. Thank you.

Katz: Thank you.

Xander Patterson: Good afternoon. My name is Xander Patterson, co-chair of the Pacific Green Party of Oregon. I guess I want to ask you guys a question, has any of this had any affect on your decision making, on the kind of -- and kind of take it as a given you will enact this task force or extend it. Is it going to be modified in any way as a result of all these really legitimate concerns expressed by our citizenry here? Is this -- is this just completely lost, like petitioning against human rights abuses and Saudi Arabia or Israel or something like that? All right. Well, another question, if this is all going to go right by, I would like to take this one brief moment, when this issue surfaces and comes into public light, am I on this list? Is the Pacific Green Party on this list? Can you assure me that it's not? That worries me. I have got a lot to be worried about. My spies, tell me, Dan Handelman, that the Pacific Green Party is, or has been on this list as a result of participating in one of its organizations. Or in its formation. Mostly worried because we are a nonviolent group, and as a nonviolent political party, we are in all likelihood going to be protesting against actions that our government seems about to take. And protests in Portland have been historically overall very good and peaceful but, I will tell you the second scariest moment of my entire life was may day a year and a half ago when I saw the police ruthlessly attack a peaceful crowd. When I saw them shoot a protester in the back at point blank range while the protest was doing what he was ordered to do by police. But, the scariest moment of my life was the next day, when Chief Kroeker, who we are now being asked to, to be happy that he's the one who, on whose desk the buck stops said, you are going to have to get used to it. That really terrified me, and I am a little concerned that you guys are just going to go right ahead with this without any oversight to enact what is ultimately a political secret police force in this, in this city.

Katz: Thank you.

*****: Police don't do it.

Katz: Go ahead and start.

William Levin: My name is William Levin. I live in northwest Portland. My testimony is perhaps not so pragmatic and it certainly is not very civil. I am upset. I don't feel that you will listen to us, so here it goes, Mayor Katz, city commissioners, I am a concerned member of the Portland community. I work, I volunteer considerable time to the civic causes and I participate responsibly in this experiment we call democracy. I am here before you today to express my opposition to the

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existence of and perceived need for the Portland joint terrific task force. First, I resent the manner in which this hearing has been conducted. Opening last week's session earlier than the announced time, allowing chief kroeker's report to continue unchecked for nearly 50 minutes. Stacking the substantial number of untimed pro task force testimony at the beginning of the proceedings, limiting testimony of those remaining to two minutes, and finally our council members dispassionate questioning of the guidelines which will govern the operating powers of the task force are, in my opinion, unacceptable. Last year, while attending the world bank protest insist Washington, d.c. I was illegally arrested as I walked down a sidewalk, far removed from any designated protest zone. While detained and before being jailed for six days I was fully shackled in metal chains, spat upon, sworn at, called fagat and slammed against concrete walls, denied food or water for 20 hours and threatened with beatings by federal marshals and f.b.i. Agents because they said my actions were un-American. Considering the f.b.i.'s historically murderous civil rights record and their terrorist tactics I can only imagine my treatment where I -- were a person of color involved in an organization deemed dangerously subversive. Mayor Katz, I am offended by the disdainful manner with which you regard many of us, as if we were errant, tedious children. It appears you primarily represent money business interest insist Portland to, I assume, to. [applause]

Levin: That I assume prefer not have their increasingly capital dealings challenged by questioning voices of dissent. Is this why the continuation of this task force seems to be a done deal already? Chief kroeker, I am not fooled by the cloak of polite language used to frame your reports. You are a polished official represent -- representative of an increasingly and insidiously repressed police force. I see racial and class profiling, harassment of youth and mistreatment of those who are different on a daily basis. I shutter to think of the potential misuse of power possible when the department is giving the city's blessing to more closely, to work more closely with federally sanctioned squads --

Katz: Your time is up. Finish, please, finish your sentence.

Levin: You know that this task force is about protecting the interest of a select few while gradually squelching the voices of those who dare to stand out and speak out against this. If there is not an f.b.i. File in my name, open it now because i, for one, vow today to continue with greater resolve my nonviolent efforts in the struggle against a culture of death. I believe this history -- that history will bear out that your complicant and reigning terror in the world over while relentlessly pursuing your greedy goals. Thank you. [applause]

*****: That got your attention.

Katz: Go ahead.

*****: You didn't hear a word he said, did you.

Katz: Go ahead.

Bill Resnick: Good afternoon. I am bill, southeast Portland. On september 11, 6,000 people were murdered in new york. Also, on that day, over 16,000 children under age 5, mostly in poor countries, died of mall nutrition, that 16,000 that day, 16,000 every day, which is also a crime against humanity. Now I mentioned the crime of murderous poverty not to relativize or diminish september 11. Those were horrible, monstrous crimes. In fact a new kind of political crime with terrible political and social implications. It's perpetrators must be brought to justice, but I mentioned those 16,000 children because the f.b.i. And many other u.s. Intelligence services have a terrible record on both types of crimes. Over the last two years, even after a series of embassy bombings and many other bombings by terrorist groups in europe and africa, the main priority of the f.b.i. And justice department in this country was to disrupt and marginalize perfectly legal

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demonstrations against the world bank, wto, imp and some of the others. Our f.b.i. Is slow to go after real terrorists and always ready to go after those who criticized u.s. Corporate behavior and the death toll it creates. Right now, in Washington, d.c., general, attorney general ashcroft is trying to quickly push through congress a highly repressive anti-terrorism bill. In fact, it's being resisted, partially successfully it appears by most of our Oregon representatives. I think you should show similar independence and commitment to civil liberties. You should know more hand the Portland police over to the penetration and indoctrination by a group with a long record and institutional culture of suppressing civil liberties, you should no more hand over the Portland police to them than the u.s. Congress should give john ashcroft his repressive wish list. Certainly, other terrorists and other criminals should be brought to justice. You should ask chief kroeker to convene a group to develop a plan for apprehending criminals, for protecting women's clinics, for arresting arsonist and is if this requires exchanging information with federal authorities, as it likely will, then you should write guidelines for that exchange. But, arresting criminals is not, does not require the creation of a large set of officers with unlimited authority and undefined but grandios mission and considerable resources to pursue and intimidate who they will and all under f.b.i. Direction. You should be insisting that Portland police stop crime, apprehend criminals --

Katz: Your time is up. I don't why don't you finish the sentence.

Resnick: You should be insisting that the Portland police stop crime and apprehend criminals not suppress critical voices who challenge, murderous foreign economic policy and also contribute so much to the vitality and moral standing of this city.

Katz: Thank you.

Sten: A question. Bill, I do respect your opinion a lot. We have talked over the years. Do you -- do you believe that planned parent hood and the clinic representatives, I understand the clinical applications people are throwing around but do you think that they are wrong to try to work with the f.b.i. On the issues they face because they, I mean, they did come in and we, you can't completely change their testimony. Their testimony was they want this thing in place to work with them and obviously, I am picking a group from the left, because I am trying to get at, I am hearing different testimony from different, do you think that they are wrong to want that, based on what they face?

Resnick: I think that they are right, in fact, to demand that national resources be used to, in fact, apprehend these terrorists who do go from place-to-place and requires a national response. It seems to me that that doesn't require folding the Portland police into the federal bureau of investigation all of its many elements. It seems to me with regard to clinic violence the f.b.i. Has done some things which are good, and should be continued. But that doesn't require us to, in fact, put the Portland police into the joint terrorism task force. We can do that and protect clinics and better by in fact having focused investigations and really putting people and targeting our police on those things rather than sort of the general terrorism investigations, which, when they are under the hospices of the f.b.i., always seem to concentrate not on right wing terrorists but, in fact, on those parts of the community that are critical of business and corporate behavior in the city. So I think in that we can do it, of course we should do it. But, and of course, we have to cooperate with those parts of the national government that are, in fact, investigating real terrorists but we don't have to, in fact, jump in bed with the f.b.i.

Katz: Thank you, bill. All right.

Katz: Go ahead.

Cherry Lambert Holenstein: Kerry, 614 --

Katz: You don't have to give your address.

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Holenstein: I already did. The democratic club continues their opposition to the task force which passed without allowing citizens their right to due process, notice, review and comment. How does one begin to address this attack on civil rights. Edmond berke, 1780, bad laws are the worst sort of tyranny and this is a bad law so I ask you, the members of the city council, who will you investigate. The word, terrorism, has come to be equated with dissent and dissent seems to now again mean unpatriotic. We are in danger of losing our language. Before you vote, please read trading with the enemy, of the nazi american money plot and day of deceit, about the day in pearl harbor, none of those responsible for such evil were investigated. Where did vera go.

*****: I am listening, go ahead.

Holenstein: But the folks here may be investigated if they continue reading such books. Recently some radio stations were told not to play john lennon's song, imagine. Can you imagine ever imagining that happening? But then 50 years ago, the state department removed 40 books from the public libraries, burned some. This elected works of thomas jefferson were removed. Imagine, thomas jefferson's works. Please read the '50s by meler and novak, between 1947 and '52, 6.6 million people were investigated. Many more investigations continuing through the early '60s. Read the day of the toad, or the hollywood ten that tells of the lives they destroyed by mccarthyism. No, the university describes the reign of terror swept through the last years. Both the governmental bodies were attempting to weaken the citizens legislature. I telephoned the library to find the quotation, and in their search, she called me back and was so taken by the quotation she kept repeating, it is so powerful, it is so powerful. I read from this, this concerns a california loyalty oath. These nonsigns were among the most respected people on the conduct. None were communist. A significant number, however, had fled from fascist europe. The people tried to warn their colleagues about the danger ahead. The german medievalist, horowitz was, the most graphic. It is the hornless oath that hooks. It hooks before it has undergone the changes that will render it bit by bit less harmless. Hitler germany of 1934, are terrified and examples harmless bit-by-bit procedure in connection with the oaths. July 3rd, 1988, the u.s. Missile --

Katz: Your time is up.

Holenstein: I hear you, vera. Stationed in the persian gulf -- I have another half a minute of testimony. Shot down, mistaken impression it was firing at an airplane. The err in judgment --

Katz: Your time is up.

Holenstein: Asked for a comment, george w. Bush, vice president.

Katz: Your time is up.

Holenstein: I will never apologize for the united states. I don't care what the facts of. March 2001, charles had an article in the time magazine, america is no mere international citizen.

Katz: Your time is up. You are taking other people's time.

Holenstein: No, you are, already.

Katz: Your time is up.

*****: You are taking longer because I am going to continue.

Holenstein : It is a dominant power in the world, more dominant -- accordingly, america is in a position now to reshape norms, alter expectations, and create new realities. How, by unapologetic and determination of will. September 2000, george w. Bush, you are with us or you are with the terrorist. Edmond berke again, 1771, the greater the power, the more dangerous the abuse. Again, who will be investigated. [applause]

Holenstein: And this is a library book, I checked it out if any of you want to read it I would be glad to just leave it here. That's your, at your secretary's desk.

Katz: Go ahead.

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Edith Casterline: I am edith casterline speaking as a private citizen from southeast Portland. I have truly appreciated the quick response of the Portland police when their help was needed in my neighborhood and at my workplace. But, I have heard too often.

Katz: I have an emergency I need to take.

*****: Should I wait?

Katz: You can go.

Casterline: But I have heard too often of Portland police judging people by the color of their skin, and have seen for myself their dangerous overreaction to peaceful gatherings of activists. There is widespread mistrust of the police in Portland, which I am afraid can lead to failure to report crimes and failure to seek police help when needed. By linking the Portland police with the f.b.i., who has a long history of violating civil liberties, the joint terrorism task force increases this mistrust, and will cause more harm than the task force does good. Simply changing the language governing the task force does not go far enough to gain people's trust. The task force should be disbanded. Last week, in city hall there was testifying by abortion clinic staffers stating that they had become safer due to the task force. The training that the clinics are receiving and the apprehension of violent criminals that target them should continue, but that does not require a joint task force. Law enforcement agencies are already expected to cooperate when there is a specific incident that requires it. Their overall operation should be kept separate, though, to maintain the checks and balances that are such an integral part of our democracy. The terrorist attacks in new york and at the pentagon were horrible. But, that should not be used to justify using city funds to have Portland police do the job of the f.b.i. I want to be able to attend the peaceful march and know that the police escort is there to help keep us from getting hit by cars, not there to spy on us. I can't ask the city to change the f.b.i. Into an organization that can be trusted, but I can expect Portland to keep our police from being infected by the moral and legal deficiencies of the f.b.i. And I can expect Portland to work toward making our police community oriented. I have been impressed in the past by the hard choices you have had to make. I hope that you will make the right choice this time after hearing so many of your constituents testify against the joint terrorism task force.

Katz: Thank you very much.

Katz: Why don't you go ahead and start.

Jada Mae: I am jada maa and I run for office all the time and i've been very successful at not getting caught, so I am going to have to bear the hardship that you have to sitting up here and listening to these things. But, I really truly believe that national security is when every, all the citizens know what the government is up to, especially the secrets of the f.b.i. And the cia. And I had my very first experience with the f.b.i., when I was 14. I went roller skating, I snuck out and went roller skate and go talked to a young gi bragging about the sites. This was in '53, I didn't know that they were already in service. Because these things are kept from citizens. So, I wrote a letter about this to my friend, in the little town I was from, of 600, pennsylvania people, and I rewrote it so that I could embellish it and my sister did some calculations on one side and threw it away at school, and then when I came home from, from school, my, my sister was trying to get me over there so that she could tell me what happened but, you know, she's a little sister so I didn't pay any attention to her, and my step-mom says, an older man called you. I said, I don't know any older man. And then, so I called this number, and the guy said, stevens, f.b.i. And I said, stevens, f.b.i. And then my step-mom said, stevens, f.b.i., and he came over that night, and he looked the whole part with the trench coat and big things under there, knew where I was born and this and that, and he warned me that if I ever hear anything like that, I am supposed to take all that information right to the f.b.i. And let them know who is, is the big mouth that told some secrets

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about the missile sites. So, I used to watch that program. Yeah, I was going to be a spy for the f.b.i. Well, I am a spy for the f.b.i. I am a spy for the full blooded indians because I am very much indian-minded and where whenever I look around, I know this is indian country. But, there's a lot of people who don't believe it. They all think that you have got to put a fence around everything and don't put your foot over here or there. This is just kind of not something that I can go along with.

Katz: Your time is up.

Jada Mae: If we are going to do one thing to stop the terrorism in this country, it is to close down our school of terrorist at fort bening, georgia, which trained some of the worst terrorists in the whole wide world and I know that is the truth because I was there.

Katz: Thank you. Richard, go ahead. Grab the mike, please.

*******:** Hello, folks. The terrorist task force --

Katz: Do you want to identify yourself?

Richard Koenig: Oh, yes, I do. I am richard Koenig, I. For my mother's maiden name. The terrorist task force does work. I am terrorized. Every day I venture forth the knowledge that I am data base with vera's team haunts me. Mine is a textbook case in political oppression. It is distinct from many other cases only because i've been willing to participate with the terrorist in a dance specifically for the benefit of an audience if anyone should care to watch and learn. I've been dancing with the terrorist a number of years. I started when I witnessed a judge committing a crime and was referred to the Portland police bureau by the district attorney's attorney office to make the criminal report. As a result of my contact with the ppb, the false police report was generated. Alleging I threaten the life of the judge. A poster was created by a criminal intelligence division with the text threatening an dangers person. That was the text under my picture. I was banned for life from the Multnomah county courthouse without a sled of due process and the f.b.i. Partners, in terror, were notified of this victim status. Events directly related to these but not committed directly by your boys here, include being jailed, beat up, maced and threatened with death. In a test of chief kroeker's good faith I petitioned for his review of the criminal intelligence divisions activities. He was presented with the nine-page affidavit. Chief kroeker has an outstanding promise, as yet not acted on in the last 13 months, to look into that sworn statement. During that period, you, police, commissioner Katz, and the city council have been presented with the same package with no denial. And no appropriate comment. To top it all off, a young, assistant district attorney finally accepted the criminal complaint against the judge. Not that his overhead is going to let it go forward, of course. This information is shared here not with you folks because you already got it but with everybody else, to give those people a perspective, why is the task force needed?

Katz: Your time is up.

Koenig: This information can be accessed at the city clerk's office. Under my name, alphabetically under Sten, richard koenig.

Katz: Sir, go ahead.

Everett Jaros: I am, my name is everett, a resident of the city of Portland.

Katz: I am sorry, I didn't hear what you said.

Jaros: My name is everett jaros, a resident of the city of Portland. It is my understanding from the exhibit b, distributed with the, with this proposed ordinance or extended ordinance, the extension of this ordinance, whatever the bureaucratic details of that are. This exhibit b indicates that the Portland joint terrorism task force was created in 1997, and that this memorandum of understanding is, essentially, to, to authorize and codify that, and in fact, I don't know, it is my

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understanding, that the city council first, in some way, authorized this officially a year ago, the exact history of this is not clear to me. However, clearly, there has been something going on between the f.b.i. And the Portland police, at least since 1997. I applaud commissioner Hales for his challenging the wording of the ordinance as presented last year, that as I understand it, originally called for, for targeting left and right wing movements and I believe also named some specific groups that, that this task force was supposed to focus on. Troublingly, however, the authorizing language that was changed and approved, was done so without missing a beat. Why did, why did redefining the task force purpose require no time for this council, nor the police, nor the f.b.i. To adjust to these substantial changes? I certainly don't assume that, that any of these people are going to only do what, what you folks authorize. Therefore, in this, in this city, you five are the civilian oversight of the police force. I don't suggest you can stop the Portland police bureau, nor the f.b.i. From discussing, from abusing the persons or the constitutions that they are hired to protect, from secretly exchanging information with each other, or from abusing, from abusing the people who they are supposed to protect. However, you can choose whether to give your seal of approval to whatever misdeeds they may have done, and certainly we know that they have done misdeeds, and that they can do with this, with this monstrous combination of the violation of the constitution.

Katz: Thank you.

Jaros: Which should separate local and national, as well as the various branches of government. Soy call on you to, to be the line of defense in this.

Katz: Thank you.

*******:** Thank you, everybody.

Katz: Somebody start.

Kathleen Juergens: I am kathleen jergens. Today I would like to address the question of how we define terrorism last week we heard from women's clinics who described real threats on their lives. They did an excellent job of distinguishing terrorism from lawful protest. As a long-time clinic defender I very much sympathize with the sisters although I disagree with their support for the task force. And then, we heard from a couple of gentlemen from ohsu and the Oregon forest industries council, and we were treated to their curious definition of what constitutes terrorism, wearing t-shirts, using the public meetings's law, writing letters and passing out fliers, videotaping a public figure. Confronting a public figure in public and calling him a liar. Having the home address of a public figure in one's files and so forth. Did it escape your attention that all of these things are perfectly legal? Apparently, it did. Since you treated these two speakers with extraordinary deference and repeatedly made reference to their testimony throughout the rest of the hearing. And then you have the nerve to give us a pat on the head and assure us that our concerns about the task force are groundless. Mayor Katz and counselors you must think that we are really stupid. Chief kroeker's definition of terrorism makes no distinction between destruction of property and violence against people. Under this definition, writing political graffiti, knocking over a newspaper box, breaking a store window, or burning down an unoccupied building are no different from assassinating a doctor or murdering 6,000 people. To quote your corporate friends, terrorism is terrorism. This glib equation demonstrates a shocking disregard for the value of human life. This disregard has real consequences, jeffrey lures is serving a prison term for setting cars on fire. A crime in which nobody was hurt. Ford and firestone, executives, on the other hand have in her never been criminally prosecuted despite killing hundreds of people. As long as protest continues to be defined as terrorism and law enforcement continues to value corporate property over human

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life, you should not be surprised that the citizens continue to not trust your joint terrorism task force. Despite what you may think, we are not stupid. [applause]

Sten: Can I ask you a question? I perfectly agree with your distinction, I think the issue is pretty clear the difference between lawful protest and unlawful activity, but are you comfortable that like property destruction people are, you are confident in the folks who are going to blow up an unoccupied building that nobody gets hurt in that? That's where I am getting -- it almost seems like you are saying if the left is okay, the right is not, on this deal. I am not articulating this well, you lost me where I see a distinction between blowing up building and graffiti.

*****: I do, too.

Sten: And you wrapped that in there and it lost credibility with me and I generally agree with your points so I am asking for clarification on what you really think.

Juergens: It really bothers me that the definition you are working for right now, you are working for right now doesn't distinguish between any of those. You are saying you get my point but the thing you are voting on doesn't make this distinction and these invited testimony people last week -

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Sten: I get one of your points.

Juergens: Glossed right over that point and the five of you sat there and listened to this and didn't challenge it and you challenged the rest of us. I guess, my main point is that if you are going to call something terrorism, the central distinction for that, the central criteria needs to be, is a person being threatened. Is there violence or threatened violence or a very real threat to human life.

Human life is much more important than property. That's a very crucial distinction and it's not being made and it really frightens me it's not being made.

Sten: I am sorry, commissioner --

*****: No, I am sorry.

Sten: Even in your definition, though, which I am looking at, which, I don't have the actual task force definition in front and there is kind of three things thrown around, your definition and the task force definition and what the chief said, which are all different, a little different, is it the threat of violence against the person inherent when you are blowing up cars? I am not saying you should have gotten, he should have gotten 22 years, I don't know what happened with that but isn't a threat inherent in those property crimes?

Juergens: You know, I am certainly not here to defend or advocate blowing up cars or arson or anything like that. The danger that, that a fire is going to hurt someone, even if it wasn't intended to hurt someone is always present. That's present with any arson. But, most people who commit arson are charged with arson, not with terrorism. What makes arson terrorism, and we are being asked to accept what makes arson terrorism in some cases is that the elf does it. I am not here to defend arson. But, I am, I am here to say that, that we are not using a rational criterion to distinguish between what is or isn't terrorism.

Sten: Do you make a distinction between the elf and the people blowing up clinics?

Juergens: Yes, I definitely would. The elf specifically said that they are not going to hurt any person. The anti-abortion extremists said they will hurt people. That's a very assailant definition, that's huge.

Sten: I am just -- I am very interested because I hate to, you know, say I think it's, you have got a left-right distinction as well as a property, when I hear your testimony, as well as a property person distinction, that's what I am trying to get at. So, if someone was going to blow up your home but they said that they were going to make sure you weren't there you would, that would be radically

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different than somebody who says they are going to blow up your home and they don't care whether you are there.

Juergens: Yeah, I wouldn't be in either case, but I would say whether I am in it or not is a pretty big distinction.

Sten: You are putting a lot of faith in, in what I think is a pretty thin distinction. I am trying to get at what is actually the distinction you are, because I think you have some good, really good points with me but you lose me when you say, gosh, building, blowing up this is okay and I am looking for --

Juergens: I am not saying it's okay. I didn't say it was okay. I said it was not terrorism.

Sten: Listen folks, if you want to have a dialogue, if what you are going to do is yell, I am trying to phrase some questions and have a dialogue. I think the way this community is going to solve problems is through dialogue. If what you want me to do is make sure that I say everything absolutely right or you are going to yell, what I will do is just shut up and listen and vote at the end, I am trying to clarify what you are actually saying, if that's not reasonable to you, let me know.

Katz: Do you want to continue?

Sten: No, I am through.

Francesconi: No questions.

Katz: Go ahead.

Bonnie Tinker, Director, Love Makes a Family: I am bonnie tinker, the director of love makes a family. I live in northeast Portland. I am a grandmother and a member of the religious society of friends. The quakers. And I am here to support the statement that you heard from them opposing the continuation of the joint terrorism task force. Before you vote in your deliberations, I would ask each of you to consider one simple observation. Charlie. Jim. Dan. In absentia, erik, and vera. Your time is up. If we learned anything in this country, on september 11, I would hope that we all learned that we are living on borrowed time. We are living with a government that proposes to stop terrorism while it promotes economic injustice around the world and while it promotes state sponsored terrorism around the world and at home. At home, through the agency of the f.b.i. A previous speaker said that terrorism's intention is to strike fear into opponents in order to silence them. That certainly has been the activity of the f.b.i. Throughout its history. I would like to borrow from chief kroeker's definition of terrorism. And suggest that the definition of state terrorism is the use of law enforcement officials through force, interrogation, or violence against people and property to further the political and social objectives of the ruling elite. My family has experienced this state terrorism. We were active in the civil rights movement in iowa. In the anti-war movement in iowa. While my brother and sister were taking a case to the supreme court, which they won in support of students' rights to freedom of speech. They also had to learn how to keep the f.b.i. Terrorists out of our home. When I was active here in the women's movement, in the anti-war movement in the early '70s, after founding bradley anglehouse, one of the first shelters for battered women in the country. Chairing the formation of the national coalition against domestic violence I was visited at my home and at my job, by the f.b.i., I have no doubt the intent was to silence me. Now, I have heard that the clinics support working with the f.b.i., and I think that demonstrates that it is now majority opinion that abortion should be available.

Katz: Bonnie, your time is up. Your time is up.

*****: Vera --

Francesconi: Can I ask you a question?

*****: I guess it's not quite up.

Francesconi: Can I ask a question?

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*****: Thank you.

Francesconi: Obviously from your testimony you support using government resources to try to address the inequality, but in terms of, of poverty, feeding people, and in terms of displacing people in afghanistan and other places. Do you also support using government resources to find the terrorist terrorists and stop other terrorist acts.

Tinker: I support the rule of law. I support democracy. I support using law enforcement officials to stop criminal activity. I do not believe that's what the f.b.i. Does. I believe in your words that it appears that it is the intention of the joint terrorism task force to circumvent state limitations on police power so that the f.b.i. Can be used as an agent of state terrorism to squash dissent in this country.

Katz: Go ahead.

David Potter: My name is david potter and I live in the city of Portland. Do you have the facts? Do you know the facts about the recent violent history of the f.b.i.? And need throughout the history? About the many instances of f.b.i. Spying on nonviolent groups, about the murders and false incarcerations conducted against key activists of the black panther party, and an american indian movement. The charges are very serious. I cannot possibly cover the before he did of the fact you must read and consider before making a decision to work with an agency that is illegally spied upon, interfered with, framed and murdered, citizens engaged in legitimate political activity. If, after familiarizing yourself with the history, you still want to work with this anti-democratic agency I question your personal commitment to human rights and democracy. If you believe that the joint terrorism task force is needed to protect citizens from violent terrorists acts I ask you by what arrangement will you prevent the f.b.i. From initiating the kind of violent terrorist acts it has been document engaging in over and over. How will you nip any such activity in the bud?

Certainly not by agreeing to simply trust them. I know you are not so stupid. So, either such state violence doesn't bother you, or you are in favor of it. I suspect, however, the main problem is, not a question of intelligence or, or it's a question of knowledge. Do you know the facts. I suspect that you do not know the facts. They are difficult facts but it is incumbent upon you before making a decision such as this one to truly examine them. Just for starters, just to mention the most high profile cases among thousands, do you know the history of the f.b.i., of the chicago special prosecution's unit in the murder of black panther party activists fred hampton. Police burst into his apartment at 4:30 and pumped 42 bullets through a wall into the bed of fred hampton. How did they know where the bed was? They were given a map made by an f.b.i. Infiltrator, why did they conduct this illegal weapons raid at 4:30 bursting in and shooting with no warning? They had been recruited by special agent roy mitchell of the f.b.i.'s chicago racial matters squad. What was marshal's motivation? Well, in november of 1968, jay edgar hoover issued a memorandum instructing his field agents to quote ex-exploit all avenues of creating dissension with the party and stating recipient offices are instructed to submit imaginative and hard hitting counter intelligence measures aimed at crippling the black panther party. They murdered him and another man in that apartment. It was only one shot fired for people in that department and they shot many, many dozens.

Katz: Your time is up.

Potter: There are many other stories, geronimo, who spent 27 years in prison despite the f.b.i. Knew that he had been another, at another location a hundred miles away. He was recently released because that knowledge was made public 27 years later in l.a. That man was released. But that's the kind of thing they have to engage in. They knew for 27 years they were holding a man illegally. Will you work with these people?

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Katz: Your time is up.

Potter: Find out who you are feeling dealing with. Don't go to bed with these murders and thugs. Thank you. [applause]

Katz: How many more do we have. Just you, sir, go ahead.

*****: I am so happy that --

Katz: Did she call -- she didn't call -- did she call you? Sorry, I didn't hear her.

Timothy Herman: Downtown Portland, I am so happy that in speaking in opposition to this bill, that I am given two minutes because I am sure I can say as much in two minutes as I could in three. Math defies logic. Police, state of Portland, I am so sorry that my colleague and good friend, Paul Richmond couldn't be here to add his eloquence to this deal. I hear he's coming back. Government operates with informed consent of the governing. I think it's pretty clear here today that no one in the city of Portland is going to have access to the jfff files. I think that's pretty undisputed. That is not consent of the governed. I put six years in the defense to live in a civil society and quite frankly, I am quite upset when, when my service is trampled on and the bill of rights, which is the common ground that Francesconi asked if we could all get back to.

Herman: As a journalist, I have had my office broken into twice. First time was by the Portland police bureau without a warrant. I have never gotten any resolution out of that ever. The second time was by apparently two individuals who said that they were police. Probably would have been a little bit more on guard but I just figured it's them again. I don't know for a fact whether it was or not the second time, but in the first case, I do. So, we don't live in a democracy. Let's not accommodate that fairy tale. We live in a police state. This is already into effect. So, the question is not whether we are going to accept this. It's already been accepted. The yet is, is whether we can embarrass you folks enough because that's all we have and for the benefit of the viewers out there, and television land, is that, you know, when people clap or make remarks, that that's a way for, for dissent to get known, but when we all get to raise our hands, out of the side of the carefully positioned tv cameras on citynet 30, that's further squelching of the dissent that's here. [applause]

*****: So, for your tv -- [applause]

*****: There's been lots of hands raised both last week and this week, and I've been down here three times and waited about six to eight hours to finally say my two minutes.

Katz: Thank you.

Mary Rooklidge: Hi, I am Mary and I live in northeast Portland. I am against this proposed ordinance for several reasons. First, like many here, I am concerned about the effect of the federal deputization of officers and the resulting expansion in their authority under federal law and the Smith Attorney General guidelines. I disagree with Mr. Jeff Rogers. Under the case law, a court will gauge a particular officer's status, federal or state, and any respective constraints with respect to a particular issue by, for example, whether the officers are full-time or appointed, supervised by a federal agent and performing federal duties. I have no doubt a deputized Portland officer supervised by an f.b.i. Agent performing federal duties and whose files you maintain by the f.b.i. Would be held to a different federal and not an Oregon standard with respect to any first amendment issues raised before a court. Second, it is misleading with respect to the first amendment issues to state that there are similar memorandums of agreements in other cities. Misdeal with the f.b.i. -- it was stated to me there were approximately 2820 -- 28 to 30 task forces similarly in other cities. I contacted ten of the cities. As of date, eight have responded to my queries as to whether or not they have deputized officers. Five do not. Spokespersons for the five departments indicated they work very well, thank you very much, with the f.b.i. For example, the

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pio for the houston police department said, quote, "not having a special deputization hasn't prevented us from being very effective in working with the task forces." third, I spoke with, in light of the impending u.s. Attorney's task forces, charles miller, press officer for the u.s. Department of justice in d.c., we discussed this proposed ordinance and he stated if the task force is formed there would be, quote "a lot of overlapping and a lot of redundancy." he also implied efficiency may be compromised with two separate task forces in this area. He stated if this task force is formed the police chief would be dealing effectively with two organizations or two task forces and quote, "the chief is going to be moving in separate different directions." end quote. Fourth, I again disagree with jeff rogers regarding the feasibility of the external review of cases. I point him to the alliance versus city of chicago cases. 237 f, third -- investigative files may be externally reviewed. Under that case a settlement agreement was reached the f.b.i. Was one of the parties to the settlement agreement, and it was agreed that f.b.i. Files and local police investigative files are reviewed periodically by external civil liberty attorneys.

Katz: Was case is that?

Rooklidge: That one is the alliance versus city of chicago. It is a long series of cases which address specifically the smith attorney general guidelines with respect to first amendment issues. And --

Katz: We will take a look at it. Would you make sure that david has that case?

Rooklidge: And I have case insist support of my prior contention about the treatment of courts. How they, how they view officers with respect to whether or not they are held to federal or Oregon guidelines, and then finally very quickly, under the memorandum of agreement the f.b.i. And police may modify its terms at any time. Any procedural safe guards in the memorandum now or added thereto in light of your or the public's concerns could be holy gutted later on by the f.b.i. And the police given that provision. Thank you for your time.

Katz: Thank you. All right. Council, do you have any clarifications you want from the chief or from randy? Did you want to -- do you want to add anything? No? Okay. Council has no further questions.

Sten: I guess, I mean, I want to -- I understand, chief, that the problems that you have described but I just want to be clear, I hadn't heard any discussion -- I would like to see, we cannot, we cannot oversee the f.b.i. Files. I looked into that. There is not a way to do that but I believe that we should have some increased civilian oversight on the criminal intelligent unit and I understand the reasons against it but at this point, my point of view would be that, that the administrative, the independent police review office would be the right place to go. And are we going to get something back on that?

Katz: I told you -- I know you mentioned it. I will get back to you. I am interested in looking at that, as well, and the chief. I haven't had the time to talk to the chief since you raised that issue. Okay. All right. Roll call.

Francesconi: Civil liberties, freedom of speech freedom of assembly. Freedom of religion. Freedom to criticize the government. It's actually well put in this document that we were handed. It's one of the basics of america. That's why we want to be here. But, to be truly free, we also have to be free from acts of terror. We also have to feel safe in our homes. We have to feel safe at work. And we have to feel safe in our public places. This is especially important to our children, our citizens, our businesses, and to our city. And we have an obligation here when we took this job to do the best that we could to protect the civil rights of our citizens, and their public safety. Balancing those jobs, personal liberties with personal safety, is not an easy job, and it's never finished. It's not one to be ridiculed, either. The testimony received from many of you today on

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the civil liberties side was very patriotic because it gets at the foundation of our country the way that you said. It's interesting that also today, the bureau of environmental services hosted a luncheon discussion with the muslim community who is trying to talk to citizens about what it's like to, to be muslim and in this climate now. In the conclusion, one of their documents, they explained how the barbarism that is happening in the world today under the name of islamic terrorism is completely removed from the moral teachings of the koran, the work of ignorant, bigoted people, criminals who have nothing to do with religion is here we are in a situation trying to do the best we can to protect our citizen's civil liberties, and to keep our citizens safe. So, yes, we need more civilian oversight over something we can control which is the criminal intelligence unit. And yes, it would be very good to have more civilian oversight over the f.b.i., but one of the people testified here that that's not possible. I would like the mayor and chief kroeker to talk to, to the u.s. Attorney about some of these issues to see what role could be played in this because this is a concern that's been raised not only here in Portland, but across the country. But, what I am being asked now is to say that the f.b.i., because of a past history of abuse, which is true, we are going to deny access to the free flow of information to our Portland police officers but more importantly, our citizens at a time, folks, that these threats are very real. And people are very afraid. So, we have got to seek some common ground or else the testimony of jenny burdick is very true. If this terrorism continues and is successful, I don't believe we live in a police state now, but we could very well end up there. So, on the balance of things, I think frankly, folks, I would not be doing my job to protect the citizens of Portland if I did not authorize this task force. And so that's what I am going to do. I am going to vote to support this. I do call for us, though, to try to have a little more civilized dialogue with those people because folks, we are only at the tip of the iceberg of the challenges that we face as a city and a community. I was very hopeful to hear the issues you raised about civil liberties. I am very saddened by your unwillingness to, to kind of engage in a dialogue.

[laughter]

Francesconi: And by the way, my statement doesn't apply to all of you because many of you, I have had --

Katz: Is he all right?

*****: What happened?

Katz: Let's take a small recess until we make sure that the individual -- the gentleman is okay. Is.

Katz: Sir, is he all right?

*****: Yes.

Katz: All right. We are back. We will go back. All right, karla.

Moore: Did I get a vote on Francesconi?

Francesconi: Aye.

Hales: Before I vote, I would like to join commissioner Sten, and actually, earlier the mayor, in asking that people keep silent while we vote. I know there's a lot of emotion about this, but, and it's difficult enough as an issue, so please. I've been really torn about this. Couldn't have a worse time to make this decision. Couldn't have a worse time in terms of what's happened because we've been reminded that the world is a different place than we like to think it is, that there are people who will kill us and take joy in it, even though we are civilians, and have nothing to do with national policy. And that's a scary please, that's a scary prospect. But, nevertheless, I think my conscience, and common sense have caused me to change some opinions about this. So has some, some of the testimony that I have heard here. There are two questions that I would have asked of the chief while I thought about asking of the chief, but one is rhetorical, and the other is more

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practical. But, I didn't ask him because I think I know the answers, and the first question would be -- when would we know that it's okay to stop doing this. And of course, the answer is unknowable.

And it's the same problem, and we faced this in this building after the murrah building bombing and now this when we say that people should put metal detectors in the doors of this building and one of the questions I asked was when would we know it was okay to take them down and the answer, of course, is you would never take them down. And so, once you start going down that road, it's really hard to go back. The other, more practical version of that question, that I almost asked you, was if we knew that there was a really serious terrorist threat in Portland, and you had just eight officers with this special status, how would they work with all the other officers who you would want to send in to help because you have got eight working for the f.b.i. And sort of, and the rest working for you. Mostly. So, practically, that leads to part of my conclusion here, and in a sense, this has been kind of a side show, although everybody is obviously worked up about it, me included. Eight officers. We are talking about eight officers here. Well chief, if there is ever a really serious threat to public safety in the city of Portland, if there is ever somebody here that the f.b.i. Tells you is about to hijack an airplane or blow up a building or otherwise cause that kind of mayhem, I want 800 of your officers assigned to that case. And I want you communicating minute-by-minute with the f.b.i. So, that's part of my point here. I think we have heard testimony from people like the abortion clinics that says to me that there are serious threats, domestically, that you need to deal with and you need to work with every other police agency, including the f.b.i., to do that. And there is now certainly the possibility that our country is not done with aggression from outside in this terrible forum, and you need to make every resource available. But, this particular way costs us so much in credibility and raises so many questions in terms of its efficacy and practicality and raises so many fears, that it's not worth it. We need to find a different way.

And we need to find -- no, please. We need to find a different way to do this, and again, hear me. I have had trouble with these issues before when I have voted a certain way, having to say, are you for or against the police. Chief, you know it. I am for your bureau. I want every resource made available to the real crimes. But I also know that work expands to fill the space available. In my bureaucracy and yours, and given eight officers, the special status and special cars and special everything else again, I think that permanently, because there is no way that we can ever stop, is not the right way to do this, but while the threat is here, whether it's a threat to a doctor because of his research or an abortion provider because of what they do or all of us, I want you to use every resource. There are a whole bunch of things, including traffic enforcement, my favorite subject, I will say, stop doing it for a while and we will figure out another way to do that. But, I don't think any longer -- I didn't a few weeks ago. I thought the controls in this were enough and we spent a lot of time debating whether the calibration of the controls is good enough to make sure that people are safe guarded. We have lost the point. What's the best way to really deal with this threat. Not this way. 108,208,308 officers, as many as you need, if there is a real threat. If people are going to get killed in our city by foreign terrorists or domestic activists who have crossed that line to terrorism. But, putting eight people under the direction and supervision of the f.b.i. Is not cost effective in the human and credibility cost that we have heard so much about. No.

Saltzman: We have heard a lot of important testimony last week, today, and we made the right decision, I think, you were right a year ago, this should have never been on the consent calendar but, I think that we have given you a year, and this intervening time and I think that we have all listened to the legitimate issues, many of you brought up, some aren't legitimate but some are, and I think that we tried to respond to those within the confines of what is our jurisdiction to respond to. This country is under trauma right now. We are all traumatized and I am confident this country

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will emerge from that trauma but there's an ongoing trauma, and a palpable fear on a daily basis for many people, many of whom we heard testify before us. Gay, lesbian and transgender community resident people. Abortion providers, medical researchers, government employees. And now, members of the islamic community and as always, members of the jewish community. The fears that they have are real and they are very real threats. And we need to deal with those. I often think in light of the events and in light of my responsibility as one of the five elected leaders of this city, you know, what would I say to the 20 children who were killed in the federal building bombing in oklahoma city. What would I say to the 15,000 children that are now have lost a parent or parents in the world trade center bombing? Protection of human life is one of our fundamental responsibilities in government. And I believe this task force is really one aspect of fulfilling that obligation. And it's now needed, perhaps, more than ever. Aye.

Sten: Well, there's a lot of things people have said, and I actually have had a lot of conversations with quite a few in the last year this happened, and I don't find this to be an easy issue, and I don't think that anyone in this room does no matter how adamantly you push each piece, but I think a lot of why it's not easy is that it's a small symptom of a whole approach and a whole way that this country and the world approaches problems that hasn't worked. And I think, you know, several things seem to me all to be true. Last year, myself included, there was a lot of conversations so I am not pointing fingers because I was one of the people who were really questioning whether or not there is a true terrorist threat in this country, based on recent history. I think at least I personally cannot put words into any of your mouth, have a hard timekeeping with that line of thought. I think it's fairly obvious to me that there is a violent terrorist threat in this country. I think it's equally self-evident to me that the f.b.i. Has repeatedly and insisently abused the american people's trust for many, many years. I am not a scholar of the issues to the extent that some of you are, but I am very familiar with them. Looking at the gentleman in the green, most of the cases you talked about I have read what I consider to be third party credible accounts, and I believe many of those abuses happened, and I am not proud of it but I have no problem in saying it and I think that we have a long-term history that is deplorable, and I think when you look at things like mccarthyism and things happening in this country there is absolutely no question that we must be very vigilant so that gets us into a situation where I also think, and I think it is very, very important to talk about definitions and I don't think terrorism is a simple thing. It's, you know, the old line about, you know it when you see it. I don't think it's that simple here. I really don't but I do think that the line of what should be investigated is very simple. We should argue about what terrorism is, but clearly, violent acts that have either been perpetrated or there's very real probable cause to believe we are going to happen, should be aggressively investigated by both the f.b.i. And the police political activity, labor organizing, loud mouths, funny pranks, marching, anything else that you wanted to put forward that doesn't have to do with violence should absolutely under no circumstances be investigated by our police officers. And so, now we are into a human judgment line. From time to time. I don't think that very many of these cases are hard to judge but occasionally, they are, and I think that we can draw that line and I think that we all have done a disservice because that line has been drawn very, very gray in the past and many times, that line has been blatantly abused and when you look at things like trying to infiltrate groups that are peaceful and all the thing that have happened in this country, it's very, very hard to trust, and I don't trust the f.b.i. If anybody implies I do, I do not. Also think that these things need to be investigated aggressively and I do think that we have an issue we have to figure out so the issue is how do we, and I don't want to be too long winded but the issue as I see it how do we create a different way of approaching these things and to be honest I don't think a yes or no vote does much

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in and of itself. Here's how I view it at this point. I've come to believe very strongly listening and watching police issues, and listening to many of you on both sides of this thing, that as much civilian oversight as possible and as much communication between the officers on the street, it's partly community policing but I think it's broader than what we defined as community policing. I think this we have to have a community in partnership with its law enforcement officers, who we can never succeed. And it doesn't matter, safe guards are very important but we can never get there unless we have a way to work together. So I am going to take the mayor very seriously on her offer and I do think that there's a way to put some civilian oversight over the criminal investigative unit. There is not a way to do it over the f.b.i. That I know of. So, but, I think that -- I do think as -- those, the folks on the task force do not work for the criminal investigation unit, 100% of the time so there is going back and forth and if we put much more, I think, attention and control on safe guards onto our side of things I think that there is a way to not control the f.b.i., but to make sure that our police officers are not crossing that line. That being said and I know many of you will disagree with this, I actually think, and I spent a lot of time thinking about it, it's -- you may be wrong and disagree with it, but I actually think at this point in time on this very -- what I think is the bottom of a whole set of things that we need to change in this society, I think it actually makes more sense to work with the f.b.i. Than not to work with them. Again, I know you are not going to agree but I want to explain where I am coming from. I also heard that -- I also think the people from planned parenthood and other places, not to justify, just to say how do you come to a conclusion because I think it's important after sat and talked with us, it hasn't been a dialogue to understand where my thinking comes from, I think it makes more sense to work with them, to try and push daylight into the operations. I trust some of our police officers that are working on these issues and I think that we have a better chance of trying to do two things, and the two things I think we need to try and so is one, protect the city as best we can, against real threats, and I do think that they are out there, unfortunately. And two, try as best we can to provide that cooperation and civilian oversight and I think having our officers working on the issues gives us the best chance of reaching that balance which frankly I don't think we have ever reached in this country, we have never been safe from these issues or from police operations, particularly at the federal level crossing the line. My estimation that we have a better shot of making progress by working with them. We will see. Aye.

Katz: I will vote aye but I need to say something. Not even related to this issue. I was in the legislature when the Portland gay men's chorus was singing and a member of the legislature stood up and did the exact same thing that you are doing, turning your back to them because, excuse me, I am talking. Turned their back on a group that they didn't want to support. Didn't believe in. And I find that terribly offensive. Aye and we stand adjourned.

At 6:28 p.m., Council adjourned