



City of San Leandro

Meeting Date: September 8, 2020

Staff Report

File Number: 20-387

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.L.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Jeff Kay
City Manager

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a City of San Leandro City Council Resolution Condemning White Supremacy and White Supremacist Hate Groups, Declaring Support for Classifying the Ku Klux Klan as a Domestic Terrorist Organization, and Reaffirming the City's Commitment to Diversity and Inclusion

SUMMARY & RECOMMENDATION

Staff recommends that the City Council adopt a Resolution generally condemning white nationalist and white supremacist hate groups, declaring support for classifying the Ku Klux Klan ("KKK") as a domestic terrorist organization, and reaffirming the City's commitment to diversity and inclusion.

BACKGROUND

Nationally, there has been a rise in white nationalist, white supremacist, and other race-based hate groups, such as the KKK. These hate groups place the interests of white people over those of other racial groups for the stated purpose of maintaining dominion over the demographics in the United States, as well as control over the economy and national politics to espouse white supremacist ideals. These white supremacist groups often exhibit animus against other groups, such as Jewish people, LGBTQ+ people, people with disabilities, and non-white racial groups.

Following the death of George Floyd, an unarmed Black man who was killed in Minneapolis, Minnesota by police officers in May 2020, communities all over the world, including San Leandro, saw mass demonstrations acknowledging the systemic inequalities Black people experience in the United States. Additionally, there was an increase in racially motivated hate crimes and threats, especially against persons of Asian ethnicity, attributed to white supremacist groups when the COVID-19 pandemic started affecting the United States.

This prompted some members of the community to ask the City Council to take action

condemning white supremacy and white supremacist hate groups, such as the KKK, as harmful to San Leandro, and in opposition to the City's values.

At the July 6, 2020 regular City Council meeting, the City Council voted to place on a future City Council meeting agenda the adoption of a resolution in response to the aforementioned issues and movements.

ANALYSIS

Federal law, primarily the Patriot Act of 2001, limits local authority to designate an organization as a terrorist organization or a domestic terrorist organization. The Federal Bureau of Investigation ("FBI") has the authority to designate the KKK as a terrorist organization with the full force of law. Recently, there has been growing support for the federal government to classify the KKK, under the definitions provided by the 2001 Patriot Act, as a domestic terrorist organization. However, the City has authority over all municipal affairs, and may declare support for the movement towards classifying the KKK as a terrorist organization due to the various hate crimes and hateful actions carried out by its members and other white supremacist groups in San Leandro.

The KKK and white supremacist groups have long been active in the United States, the state of California, the City and surrounding areas. Historically in the City, there have been instances of cross burnings in front of homes perpetrated by white supremacist hate groups, once in 1972 and again in 1989. Additionally, in recent months there have been instances of hate crimes and other hateful actions attributed to white supremacist groups throughout the East Bay. For example, multiple nooses and a fake body hanging from a noose were found around Lake Merritt in the City of Oakland in June 2020; Nazi symbols were found spray painted on houses and other buildings in the City of San Francisco in July 2020; self-proclaimed white supremacists have attended and disrupted peaceful demonstrations meant to show support for the Black Lives Matter movement throughout the country and Bay Area; and there have been more than 800 reported incidents of discrimination, harassment, and race-based hate of persons of Asian ethnicity in California following the rise of COVID-19.

The City's values of diversity and inclusion run contrary to these types of hate-based actions perpetrated by any person, and especially by organized white supremacist groups. The City is one of the most diverse in the United States, with more than half of the population identifying as non-white. According to the United States Census Bureau, the San Leandro population is composed of 37.7% Caucasian, 10.7% African American, 1.0% American Indian, 34.5% Asian, 1.0% Native Hawaiian and other Pacific Islander, 6.6% identified as multiracial, 27.3% Hispanic/Latino, and 23.3% identified as White alone (not Hispanic or Latino) (please note, these percentages add up to more than 100% because some people self-identify with more than one ethnic group). Additionally, the City is a Sanctuary City that welcomes individuals from all races, religions, countries of origin, sexual and gender identity, and other backgrounds.

In order to express alignment with the City's values and in support of the City's diverse community, the proposed Resolution would condemn all hate groups driven by racism, white supremacy, xenophobia, bigotry, and other forms of intolerance; declare support for designating the KKK as a domestic terrorist organization, per the definition provided by the 2001 Patriot Act;

and reaffirming that the City does not tolerate hate or hate crimes, and is dedicated to pursuing policies that ensure the safety and wellbeing of the community.

CONCLUSION

Per the City Council's direction, this staff report and the resolution are presented to the City Council for review and approval. Approving the Resolution would be the City Council condemning white supremacy and white supremacist hate groups, declaring support for designating the KKK as a domestic terrorist organization, and reaffirming the City's commitment to diversity and inclusion.

ATTACHMENTS

Attachments to Staff Report

Resolution

PREPARED BY:

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City of San Leandro

Meeting Date: September 8, 2020

Resolution - Council

File Number: 20-388 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: Jeff Kay
City Manager

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION of the City of San Leandro City Council Condemning White Supremacy and White Supremacist Hate Groups, Declaring Support for Designating the Ku Klux Klan as a Domestic Terrorist Organization, and Reaffirming the City's Commitment to Diversity and Inclusion

WHEREAS, the 2001 Patriot Act provides the federal government authority to conduct actions related to the punishment and deterrence of terrorist acts in the United States and around the world (PL 107 - 56, October 26, 2001, 115 State 272); and

WHEREAS, the Patriot Act expanded the definition of terrorism to cover domestic terrorism, which is defined as activities that involve acts dangerous to human life, that appear to be intended to (i) intimidate or coerce a civilian population; (ii) influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination or kidnapping, occurring primarily in the territorial jurisdiction of the United States (18 U.S.C. § 2331; *How the USA Patriot Act Redefines "Domestic Terrorism"*, ACLU, <https://www.aclu.org/other/how-usa-patriot-act-redefines-domestic-terrorism>) (last visited Jul. 20, 2020)); and

WHEREAS, the federal government has the sole authority to classify an organization as a domestic terrorism organization pursuant to the Patriot Act; and

WHEREAS, pursuant to the Constitution of the State of California, cities organized pursuant to a charter may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their charters (Cal. Const., Art. XI, § 5); and

WHEREAS, pursuant to the Charter of the City of San Leandro, Article I, §130, the City has the power to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in the Charter or in the Constitution of the

State of California (City Charter of the City of San Leandro, art.1, §130, https://www.sanleandro.org/about/municipal_code.asp); and

WHEREAS, the health, safety, and welfare of the individuals living and working in San Leandro is a municipal affair, in addition to upholding and carrying out the City's values: inclusivity, excellence, dedication, honesty, and accountability, as indicated in the City of Leandro website (Vision, City of San Leandro, <https://www.sanleandro.org/depts/rec/about/vision.asp>); and

WHEREAS, there has been a significant increase in the activities of white nationalist, white supremacist, and other hate groups in the United States of America under the current executive administration (Southern Poverty Law Center, Features and Stories, *Hate groups reach record high*, <https://www.splcenter.org/news/2019/02/19/hate-groups-reach-record-high>, (last visited Jul. 20, 2020)); and

WHEREAS, white nationalism is defined by the Merriam-Webster dictionary as "one of a group of militant whites who espouse white supremacy and advocate enforced racial segregation." One of the most known and notorious white nationalist groups is the Ku Klux Klan ("KKK") (White Nationalist, Merriam-Webster, <https://www.merriam-webster.com/dictionary/white%20nationalism> (last visited Jul. 20, 2020)); and

WHEREAS, the Ku Klux Klan is an organization founded in 1865, when its members waged an underground campaign of intimidation and violence directed at White and Black Republican political leaders (Ku Klux Klan, Reconstruction, topics, HISTORY, <https://www.history.com/topics/reconstruction/ku-klux-klan> (last visited Jul. 20, 2020)); and

WHEREAS, the United States Federal Bureau of Investigation defines white supremacy extremists as individuals who are motivated by hatred of other religions, and target the federal government and racial, ethnic or religious minorities, whose methods have included murderS, threats, and bombings; (*Domestic Extremist Ideologies*, Federal Bureau of Investigation, <https://cve.fbi.gov/whatare/?state=domestic> (last visited Jul. 20, 2020)); and

WHEREAS, white supremacist ideals have caused significant bloodshed nationwide and locally throughout the 19th, 20th, and 21st centuries by extremist individuals who have taken matters into their own hands by mass shootings that target minority groups, and other violent acts; and

WHEREAS, on August 3, 2019, twenty-two people were murdered in a retail store located in El Paso, Texas by a white supremacist who admitted that his primary target were Mexicans, and praised the New Zealand Mosque Shooter, who killed 51 persons in March 2019 (Phil Helsel, *Suspected gunman in El Paso Walmart pleads not guilty to attack that killed 22*, NBC News, (Oct. 10, 2019 at 8:58) <https://www.nbcnews.com/news/us-news/suspected-gunman-el-paso-walmart-shooting-pleads-not-guilty-attack-n1064876>); and

WHEREAS, the City of San Leandro has experienced a history of housing discrimination, recognized by Mayor Maltester during a City Council meeting on March 29, 1972. The policy statement was made by the Mayor followed a cross burning incident at a San Leandro home. Mayor Maltester stated: “The City Council of San Leandro recognizes there is a problem and it is for this reason that the City Council has approved the appointment of the Mayor’s Advisory Committee on Housing” (*Chronology of the City of San Leandro Efforts to End Housing Discrimination and Promote Community Diversity*, San Leandro.org, <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=3761>) (last visited Jul. 20, 2020)); and

WHEREAS, on March 27, 2016, the San Leandro Police Department was notified of graffiti containing racial slurs directed at Hispanics and African Americans located in the amphitheater wall of San Leandro’s Marina Park (*Racist Graffiti Found in San Leandro Park*, CBS SF Bay Area, <https://sanfrancisco.cbslocal.com/2016/03/28/racist-graffiti-san-leandro-marina-park/>) (last visited Jul. 20, 2020)); and

WHEREAS, according to The Mercury News, on May 23, 2020, a woman was arrested for leaving notes outside of the homes of people of color in the city of San Leandro, advising them to return to their home countries (Ethan Baron, *Racist notes targeted people of color in San Leandro, woman arrested*, The Mercury News, <https://www.mercurynews.com/2020/05/23/racist-notes-targeted-people-of-color-in-san-leandro-woman-arrested/>) (last visited Jul. 20, 2020)); and

WHEREAS, these actions go against the values of the City, and threaten the safety, livelihood, welfare, and diversity of the San Leandro community; and

WHEREAS, the City has a diverse population, made up of 37.7% Caucasian, 10.7% African American, 1.0% American Indian, 34.5% Asian, 1.0% Native Hawaiian and other Pacific Islander, 6.6% identified as multiracial, 27.3% Hispanic/Latino, and 23.3% identified as White alone (not Hispanic or Latino) (please note, these percentages add up to more than 100% because some people self-identify with more than one ethnic group) (Quick Facts, United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/sanleandrocitocalifornia/INC110218>) (last visited Jul. 23, 2020)); and

WHEREAS, the City of San Leandro is an inclusive Sanctuary City that welcomes individuals from different races, religions, and backgrounds (City of San Leandro Resolution No. 2017-023 , City of San Leandro Website, <https://www.sanleandro.org/depts/cityhall/sanctuarycity.asp>) (last visited Jul. 20, 2020)); and

WHEREAS, the City of San Leandro condemns hate groups driven by racism, white supremacy, xenophobia, and all other forms of intolerance and bigotry.

NOW, THEREFORE THE CITY OF SAN LEANDRO CITY COUNCIL RESOLVES as follows:

That the City of San Leandro supports the federal designation of the Ku Klux Klan as a terrorist organization, because its stated goals and actions accord with the definition of terrorism

in the Patriot Act of 2001. Federal law, including the Patriot Act of 2001, limits a local authority's power to designate the Ku Klux Klan as a domestic terrorist organization; such power belongs to the federal government, typically through the Federal Bureau of Investigation; and

That the City of San Leandro has authority over all municipal affairs, and may declare support for the movement toward classifying the Ku Klux Klan a terrorist organization; and

IT IS FURTHER RESOLVED THAT

That the City of San Leandro City Council directs the San Leandro City Manager to publicize this resolution, and share it with San Leandro's Congressional, State, and fellow local representatives; and

That the City of San Leandro does not tolerate hate or hate crimes, and reaffirms its dedication to pursue and advocate for policies now and in the future to ensure safety as well as civil and human rights for all of San Leandro's diverse community.