



# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
January 4-10, 2008

**DATE:** January 11, 2008

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

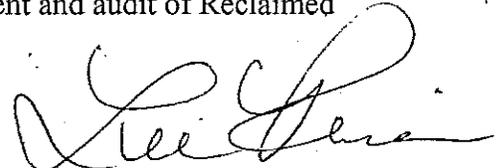
**ITEMS FILED FOR THE PUBLIC RECORD FOR ITEM G2**

- (a) Email from Debbie Cauble to Mayor Reed and Councilmember Chirco received on December 30, 2007 in opposition to the internet filters on library computers.
- (b) Letter from Nicole Ozer, Esq., American Civil Liberties Union of Northern California to Mayor Reed dated January 9, 2008 regarding City internet access policy.

**ITEMS FILED FOR THE PUBLIC RECORD**

- (c) Letter from the Human Rights Commission to Mayor Reed and Council dated December 10, 2007 requesting a Council proclamation supporting the Human Rights Torch Relay.
- (d) Email from California Regional Water Quality Control Board to City Clerk Lee Price dated January 8, 2008 regarding notice of extension of the public comment period on the draft on the Draft Environmental Document and a change of hearing date to amend the Water Quality Control Plan for the San Francisco Bay Basin.
- (e) Email from the Metropolitan Transportation Commission to City Clerk Lee Price received December 27, 2007 regarding deadline for responses to Transportation Poll Web Survey extended through January 18, 2008.
- (f) Email from Joanne Benjamin Executive Director, Santa Clara County Cities Association to City Clerk Lee Price received January 8, 2008 regarding Green Development: Beyond the Myths and Barriers Educational Forum.
- (g) Letter from David Wall to Mayor Reed and Council dated January 9, 2008 regarding Police and Firefighter safety.

- (h) Letter from David Wall to Mayor Reed and Council dated January 10, 2008 requesting an organizational chart of Environmental Services Department and audit of Reclaimed Water Project.



Lee Price, MMC  
City Clerk

LP/np

Distribution: Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor  
Director of Public Works  
Director of Finance  
Public Information Officer  
San José Mercury News  
Library

-----Original Message-----

From: D Cauble [mailto:dcauble@earthlink.net]  
Sent: Sunday, December 30, 2007 7:48 PM  
To: mayoremail@sanjoseca.gov; judy.chirco@sanjoseca.gov  
Subject: Library Internet Filters

Dear Mayor Reed and Councilmember Chirco,

It's been a long time since I've written to my elected representatives, but the possibility that the City Council might approve internet filters on library computers is what has finally caused me to do it.

I am vehemently opposed to any such restriction on access to information in our city libraries. This strong opinion derives from my personal views about what being a free American means, as well as my own experience with public libraries.

As Chuck knows, I am a graduate of Stanford Law School. I attribute that in large part to the access to information I found in the Fresno County public libraries as a young person living in the "boondocks" of the Central Valley. Of course, that was long before the internet. I read books. Throughout junior high and high school, I walked to the Bookmobile every Monday afternoon and brought home a tall stack of books, as many as I could carry. I read everything I could get my hands on. We did not have books in our home, partially due to economics (my mom was a single parent) and partially because we had no tradition of buying books in our family. I loved going to the bookmobile and choosing whatever I cared to read, with no adult telling me what I should or shouldn't access. Of course, the librarians were happy to help me find an author I had previously enjoyed, but other than that, the world was open to me in that book-filled motor home. One of my strongest memories is of choosing and reading books by James Baldwin. Coming from the country and a conservative farm family, who would ever have led me to read novels and memoirs by a gay African-American male? (Of course, at the time I didn't know he was gay ---- ). That kind of free access to ideas so different from my own upbringing is what I credit with my intellectual curiosity, and the fact that I was the first person in my family to go to college, and then on to law school.

I read an article in the online version of the Merc just now. It says that young adults are the biggest users of libraries, and not just for the internet. It's wonderful to think that there are lots of kids today having the same experiences I had at the library. And once they get there, they have access to all kinds of print material as well as the internet. As it should be. I haven't seen an internet filter yet that didn't get in the way of free access to legitimate, non-pornographic information. It has happened to me at work.

Please don't squelch the free access to information that makes our city and our country great. People around the world are going through extraordinary measures to get around blocks on internet information, in order to fight for freedom. Repressive regimes are quick to squelch access to the internet. Our government should not go there, even with the best intentions. Let's not keep our own

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young people from going wherever a free library system takes them.

Respectfully,

Debbie Cauble  
1564 Garden Glen Way  
San Jose



Public Record b

January 9, 2008

Mayor Chuck Reed  
San Jose City Hall  
200 East Santa Clara Street  
San Jose, California 95113

Re: City Internet Access Policy

Dear Mayor Reed:

I write to express the concern of the ACLU of Northern California regarding the City Internet Access Policy proposed by Councilmember Constant (hereafter Constant Proposal). As I understand it, the Constant Proposal would require blocking software on all San Jose library computers. Adults would have no unqualified right to ask for and obtain unfiltered internet access; young people would have to obtain parental consent when they seek access to material that is blocked, even though the material is not actually "harmful to minors" or otherwise unlawful.

All blocking software systems inevitably block materials that adults have a First Amendment right to access through the internet. They also frequently erroneously block materials that minors have a First Amendment right to access. Accordingly, a policy that denies adults unfiltered access to the internet would violate that adult's First Amendment rights and would be subject to legal challenge. Similar concerns are raised if minors are denied access to protected material.

Because City of San Jose Libraries do not receive federal funds, they are under no obligation to use blocking software, and such software is not currently in use in the City's libraries. However, privacy screens are available at all libraries and staff have the authority to require that a patron use the screen. (Internet Access and Use Policy, Rule 7).

The existing internet procedures appear to be working well. According to the *San Jose Mercury News*, a review of library records by San Jose City Library Director, Jane Light, reveals that internet use at the libraries is very high and complaints about pornography are extremely low. There were over 700,000 internet sessions at the downtown King Library last year and only ten complaints. There were a total of three complaints last year from all eighteen of the branch libraries combined. In contemplating a change in internet policy, the City of San Jose should carefully examine whether any changes to the Internet Access and Use Policy are necessary. If any modifications are drafted, the City must take extreme care not to violate the constitutional rights of adults and young people in the community or risk being subject to legal challenge.

**1) The Constant Proposal For Determining What Material Should Be Blocked is Unconstitutionally Vague and Overbroad**

Outside a few narrowly defined categories, "the First Amendment bars the government from dictating what we see or read or speak or hear." *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 245 (2002) (hereafter "*Free Speech Coalition*"). Unlike the narrow categories of obscenity or child pornography, sexually explicit speech, for example, is entitled to full constitutional protection as to adults. *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 811(2000) (hereafter "*Playboy Entertainment*"); *Reno v. American Civil Liberties Union*, 521 U.S. 844, 874 (1997); *Sable Communications v. FCC*, 492 U.S. 115, 126 (1989) (hereafter "*Sable*").

The Constant Proposal does not limit itself to material falling into one of these narrow categories. Compare *United States v. American Library Association*, 539 U.S. 194 (2003) (upholding Children's Internet Protection Act ("CIPA") because adults may obtain unfiltered access). Instead, the Constant Proposal states that "all materials deemed objectionable" may be filtered and provides that "users who encounter objectionable materials may submit a request to the Library for those sites to be filtered."

"Objectionable" is an undefined and indefinable term that covers a great deal of constitutionally protected material. Moreover, as used in the Constant Proposal, it is more than simply subjective; it gives every library patron a veto over the material available to others, based on that patron's subjective sensibilities and prejudices. Material may be blocked because of its political or artistic content, not to mention the wide array of controversial topics ranging from abortion to gun control that may be objectionable to one or members of the library community. The rights of all to constitutionally protected information may not be curtailed on the basis that it is "objectionable."

## 2) Internet Blocking Software Inevitably Blocks Constitutionally Protected Material

The Constant Proposal suggests that the San Jose Libraries could implement a "basic filter" for adult patrons that would block only material that constitutes child pornography or that is obscene. This is simply not the case. Blocking software, even when intended to block access only to material that is obscene or that constitutes child pornography, nevertheless blocks vast amounts of protected speech. In part, that is because a software program is simply incapable of making the fine legal distinctions made in the courtroom as to whether material falls into one of these categories. Over-blocking also results from more systemic flaws in the way either machines or humans make decisions as to whether material should be blocked. This is a problem that has not gone away over the years. A June 2005 Consumer Reports article on filtering software had this to say:

As we found in our tests in 2001, the best blockers today tended to block many sites they should not.

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Informative sites are snubbed, too. The best porn blockers were heavy-handed against sites about health issues, sex education, civil rights, and politics. For example, seven products blocked KeepAndBearArms.com, a site advocating gun owners' rights. Most unwarranted blocking occurred with sites featuring sex education or gender-related issues. Some drug-education sites were blocked. For example, four products blocked the National Institute on Drug Abuse, part of the federal government's National Institutes of Health.

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Research can be a headache. These programs may impede older children doing research for school reports. Seven block the entire results page of a Google or Yahoo search if some links have objectionable words in them. AOL, KidsNet, Norton Internet Security, and Safe Eyes allow searches to be completed by displaying the entire results page or blocking only offending words.

The full article is available at <http://www.consumerreports.org/cro/electronics-computers/resource-center/internet-filtering-software-605/overview/index.htm>.

The problems inherent in all filtering software systems are further compounded when such systems are used to block material that is "harmful to minors." By definition, material falling into this category is material that *adults* have a First Amendment right to see and read. *Reno v. ACLU*, 521 U.S. 844 (1997).

M. QUINN DELANEY, CHAIRPERSON | ROBERT CAPISTRANO, SUSAN FREIWALD, LISA HONG, NATALIE WORMELI, ANNE SHANNON, NANCY PEMBERTON, VICE PRESIDENT, TREASURER  
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STEPHEN V. BOMSE, SENIOR COUNSEL

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF

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### 3) The Proposed Internet Policy Lacks Constitutional Safeguard Providing Adults with Unqualified Ability to Obtain Unfiltered Access

In *United States v. American Library Association*, 539 U.S. 194, the Supreme Court upheld the constitutionality of the CIPA statute *only* because it read the statute as requiring libraries to honor requests from adults for unfiltered access to the internet. Justice Kennedy and Justice Breyer, whose votes were necessary to obtaining a majority upholding the statute, made this clear. See *id.* at 214-15 (Kennedy, J., concurring in the judgment); *id.* at 219-220 (Breyer, J. concurring in the judgment). Significantly, neither Justice Kennedy nor Justice Breyer limited his view on the matter to providing only a qualified ability to obtain unfiltered access. See *also id.* at 209 (plurality opinion interpreting statute as not requiring adult patrons to provide a reason for asking to have filtering software turned off).

This view is consistent with earlier decisions in which the Supreme Court has held that adult access to internet content may not be limited to materials that are only fit for children. See, e.g., *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 665 (2004) ("A statute that 'effectively suppresses a large amount of speech that adults have a constitutional right to receive and to address to one another . . . is unacceptable if less restrictive alternatives would be at least as effective in achieving the legitimate purpose that the statute was enacted to serve.'" (quoting *Reno v. ACLU*, 521 U.S. 844, 874 (1997))); see *also*, *Denver Area Ed. Telecommunications Consortium, Inc. v. FCC*, 518 U.S. 727, 759 (1996) (televised content); *Sable Communications v. FCC*, 492 U.S. 115, 128 (1989) (telephone communications); *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 73 (1983) (mailed advertisements); *Butler v. Michigan*, 352 U.S. 380, 383 (1957) (books). The California Courts have also struck down provisions as overbroad which are aimed at protecting young people from material that is "harmful to minors," but in operation deny adults and young people access to "items which they have an unfettered constitutional right to enjoy." *American Booksellers Assoc., Inc. v. Superior Court*, 129 Cal. App. 3d 197, 206 (1982) (striking down city ordinance as overbroad that prohibited sale of sexually explicit material to minors).

Denying adults and young people access to constitutionally protected information is precisely what would happen if the City implements the Constant Proposal. It sets up impermissible hurdles for adults in requesting that a site be temporarily or permanently unblocked and gives improper discretionary authority to individuals who are not trained in the nuances of the law.

Under the Constant Proposal, in order to obtain temporary access to a blocked website, an adult must make a request to a library employee, who will then refer this request to an IT specialist on duty. Not only may this process be slow and inefficient, but even after the IT specialist is notified, the site is not unblocked. The Constant Proposal gives discretion to the IT specialist to "determine that the site is appropriate for viewing (i.e. falls outside the appropriate filtering categories)."

For an adult to permanently unblock a site, he or she must submit a written request to the library, which will then be forwarded to the software blocking company. This process may also be extremely slow and gives discretion to the software filtering company to determine whether the site should remain blocked. The software filtering company's decision may be appealed to a team of library employees, but it is the company that has the "final" decision as to whether an individual will be able to obtain access to material, some of which may be constitutionally protected. The City of San Jose would be more than ill-advised to rely on the determinations of IT specialists and the software company about whether the constitutional rights of citizens are being infringed and legal challenges would be supported.

#### 4) The Constant Proposal Will Interfere with the Ability of Young People to Access Essential Information

The Constant Proposal will also have an extremely detrimental effect on the ability of young people in the community to access essential information. The blocking software and the procedures in the Constant Proposal will institute serious barriers between young people and important information about issues such as personal health, sexual or physical abuse, and LGBT issues.

The Constant Proposal requires young people to obtain the consent of a parent or legal guardian in order to have a site unblocked and allows parents or legal guardians, when in possession of the minor's library card, to obtain information about a young person's internet usage. This means that young people searching for information on a range of sensitive issues may no longer view the library as a safe place in which information can be obtained in confidence. LGBT teenagers whose sexual orientation is not known to their parents cannot turn to the internet for fear that their parents will discover this information. Similarly, young people may avoid accessing what may well be life-saving information on any number of important issues ranging from contraception to help with a substance abuse problem, rather than risk the wrath of their parents. The library has traditionally been a place where young and old alike can seek information knowing that they can do so privately and anonymously. The Constant Proposal works a fundamental and unjustified change in the role of the library as a safe haven for those in need of information.

Blocking software will also make it more difficult for young people to use the library to access important information for schoolwork and for their families. According to Consumer Reports, filters often block more sites than they should, including sites necessary for older students to complete research assignments. In many families, parents need the help of their teenage children in accessing information on the internet, for a variety of reasons. As more and more information about issues such as healthcare and public benefits moves online, blocking software may make it harder for young people to access necessary information for their families, particularly for families that cannot afford internet access at home. Blocking software simply exacerbates the problems of the Digital Divide.

#### 5) The Constant Proposal Has No Place in the City of San Jose's Libraries

The *San Jose Mercury News* Editorial of October 24, 2007, stated it well:

A decade ago, the San Jose City Council wisely rejected a proposal to install filters on computers at city libraries to prevent viewing pornography over the Internet. Filtering was a bad idea then, and still is. Responding to a minor nuisance at the downtown library by dampening the rights of inquiry and speech of all patrons at every city library is an unacceptable trade-off.

The City Council should reject the Constant Proposal and continue to ensure that San Jose City Libraries are a place where the community can expand its intellectual and cultural horizons. As Justice Kennedy noted in *Free Speech Coalition*, 535 U.S. at 253, "[t]he right to think is the beginning of freedom, and speech must be protected from the government because speech is beginning of thought."

Sincerely,

Nicole A. Ozer, Esq.  
Technology and Civil Liberties Policy Director, ACLU of Northern California

M. QUINN DELANEY, CHAIRPERSON | ROBERT CAPISTRANO, SUSAN FRIEWALD, LISA HONG, NATALIE WORMELL, VICE CHAIRPERSON | NANCY PEMBERTON, LOCAL LEADERSHIP  
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ANN BRICK, MARGARET C. CROSBY, TAMARA LANGE, JULIA HARUNI NASS, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS | NATASHA MINSKER, NICOLE A. OZER, MARK SCHLOSBERG, POLITICAL DIRECTOR  
STEPHEN Y. BOMSE, GENERAL COUNSEL

December 10, 2007

The Honorable Chuck Reed, Mayor and City Council Members  
Members, Rules and Open Government Committee (ROGC)  
San Jose City Hall  
200 E. Santa Clara St  
San Jose, Ca. 95113

Dear Mayor and Council members:

In an action, taken by passing the enclosed (Attachment) by a unanimous vote by all attendees (8-0-0) of the San Jose Human Rights Commission at its November 15, 2007 meeting, The San Jose Human Rights commission has expressed its desire to support the Human Rights Torch Relay (HRTR). We would like to ask the Council to consider making this a Proclamation for several reasons:

1. We feel that bringing the torch to the City would continue to show the support our City has for "Human Rights".
2. In addition our City has made proclamation in the past regarding treatment of people from our City that practice Falun Gong and the treatment our citizens have received abroad in China.

Please note that while the meeting of November 15, 2007 ended without a Quorum, that at the time this motion was passed we had a Quorum.

Thank you for your consideration on this matter. As always, the Commissioners of the HRC appreciate the opportunity to serve our citizens regarding matters that affect Human Rights.

Very Truly Yours,

Robert Sippel  
Vice Chair San Jose Human Rights Commission  
(Chair on November 15, 2007) due to absence of the Chair

## **Resolution**

### **San Jose Human Rights Commission**

**Whereas,** The Chinese communist regime has been granted the honor of hosting the 2008 Beijing Olympics with the provision that it improve its treatment of Chinese citizens;

**Whereas,** Human rights violations have increased since this honor was granted;

**Whereas,** The Chinese regime imprisons millions of Falun Gong practitioners, democracy advocates, Christians, labor organizers and other innocent citizens in slave labor camps without trial;

**Whereas,** The Chinese regime illegally harvests organs for sale without consent from these prisoners of conscience;

**Whereas,** The Chinese regime continues to occupy Tibet, and to attempts to erase the cultures of Tibetans and Muslim Uighurs;

**Whereas,** The Chinese regime forces women to get abortions, even in the third trimester of pregnancy, to enforce the "One Child per Family" rule;

**Whereas,** The Chinese regime is guilty of murdering more of its citizens than Hitler, Stalin, and Pol Pot combined;

**Whereas,** The Olympic Charter calls for the Games to represent "respect for universal fundame ethical principles ... the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity ...Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement"; And

**Whereas,** The CIPFG Human Torch Relay is dedicated to righting these wrongs, ending human rights abuses in China, and preserving the Olympic spirit;

**Now, Therefore, San Jose Human Rights Commission** hereby supports the aims and intentions of the

### **Human Rights Torch Relay**

and invite all our citizens to support this effort, and help stop human rights violations in China.

[Name, Title, Signature, Seal]

# MINUTE ATTACHMENTS

## Sample Proclamation

[Your Community]

### The Office of [Official's Name], [Title]

Whereas, The Chinese communist regime has been granted the honor of hosting the 2008 Beijing Olympics with the provision that it improve its treatment of Chinese citizens;

Whereas, Human rights violations have increased since this honor was granted;

Whereas, The Chinese regime imprisons millions of Falun Gong practitioners, democracy advocates, Christians, labor organizers and other innocent citizens in slave labor camps without trial;

Whereas, The Chinese regime illegally harvests organs for sale without consent from these prisoners of conscience;

Whereas, The Chinese regime continues to occupy Tibet, and to attempts to erase the cultures of Tibetans and Muslim Uighurs;

Whereas, The Chinese regime forces women to get abortions, even in the third trimester of pregnancy, to enforce the "One Child per Family" rule;

Whereas, The Chinese regime is guilty of murdering more of its citizens than Hitler, Stalin, and Pol Pot combined;

Whereas, The Olympic Charter calls for the Games to represent "respect for universal fundamental ethical principles ... the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity ... Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement"; And

Whereas, The CIPFG Human Torch Relay is dedicated to righting these wrongs, ending human rights abuses in China, and preserving the Olympic spirit;

Now, Therefore, I, [Official's Name], by the authority vested in me as [Title] of the State of [State], do hereby proclaim that [City] supports the aims and intentions of the

### Human Rights Torch Relay

and invite all our citizens to join me in supporting this effort to improve society by ending human rights violations in China.

In Whiteness Whereof, I have hereunto set my hand and caused to be affixed the official seal of the [Your Community], [State], this XX<sup>th</sup> day of [Month]; A.D., 200X.

[Name, Title, Signature, Seal]



[www.HumanRightsTorch.org](http://www.HumanRightsTorch.org)

# Human Rights Torch Relay

## Overview

## Human Rights Torch Relay: an overview



The Human Rights Torch Relay begins in Athens, Greece (photo by Jan Jekielek, The Epoch Times)

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### What is the Human Rights Torch Relay?



Martin Bursik, Vice-Premier of the Czech Republic and Minister for the Environment, passes the torch to Ms. Xinxia Jiang, a Falun Gong practitioner who was brutally tortured in a Chinese Communist Party labor camp. MP Katerina Jacques looks on. (The Epoch Times)

The Human Rights Torch Relay (HRTR) is an international campaign that seeks to bring an end to all human rights abuses against people in China while highlighting the persecution of Falun Gong, the most severely persecuted group in China today. During the run up to the 2008 Olympics, the HRTR will sponsor events in 37 countries on five continents to publicize its founding premise: **The Olympics and crimes against humanity cannot co-exist in China.**

China was granted the right to host the Olympic Games after it pledged to adhere to the Olympic charter and improve its human rights record. Instead, its human rights abuses have worsened.

HRTR's participants—government officials, Olympic medalists, individuals and organizations the world over—will carry a symbol of justice and respect for humanity to cities around the world. We hope this effort will help to protect the dignity of all human beings and invite all to join us.

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## Issues of Concern



A Christian woman suffers torture by electric baton. This astonishing and unretouched photo was taken by a relative of the torturer on a visit to observe a typical day's work at the prison. (Courtesy of The Committee to Investigate the Truth of Religious Persecution in China)



(top) Women displaced by militia attacks in Kalma camp, outside Nyala, southern Darfur.  
(bottom) A Chinese Fantan fighter outside Nyala.  
(Courtesy Amnesty International)

### ***What specific issues concern the HRTR?***

Through a variety of grassroots events, the torch will bring with it facts including:

- An estimated 100 million Falun Gong practitioners and their families are enduring ever more stringent persecution; tens of thousands of Falun Gong prisoners of conscience have been vivisected and their organs sold to "transplant tourists"<sup>1</sup>;
- Hundreds of thousands of Chinese citizens are held as political prisoners without charge or trial, including democracy activists, lawyers, human rights defenders, religious leaders, journalists, trade unionists, Tibetan Buddhists, Uighurs, "unofficial" church members, Falun Gong practitioners, environmental activists, health and reproductive rights activists, and political dissidents;
- People have been evicted from their homes to make way for commercial construction, and beaten or killed if they protest; any meager payment offered to them is usually stolen by corrupt local officials;
- Millions of Chinese are sent without trial to slave labor camps, where they are tortured and forced to work long days producing consumer goods. Recent product recalls highlight the dangers of these goods to the public, which, for higher profits, often use toxic ingredients instead of safe ones;
- China continues to impose forced abortion and sterilization to enforce its "One Child" policy, as per-family population control measures;
- China imprisons more reporters, and executes more prisoners, than any other country in the world;
- The Chinese regime funds and arms the Sudanese-government-supported Janjaweed militia, which is committing genocide in Darfur. Hundreds of thousands have been murdered and nearly two million displaced from their homes;
- Stringent Internet censorship and public surveillance, with technology supplied by western companies, enables close monitoring and suppression of free speech.

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1. An independent investigation reported evidence of a highly lucrative organ harvesting business, noting that over 41,500 transplants have been unaccounted for and feared harvested from living Falun Gong adherents. <http://organharvestinvestigation.net>

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## Human Rights Attorney Gao Zhisheng



Gao Zhisheng

### Top Chinese Attorney Kidnapped Following Letter to Congress

Gao Zhisheng, one of China's most prominent human rights lawyers and a member of CIPFG was seen being taken away by secret police from his Beijing home on Sunday according to eyewitnesses. Gao had broken China's biggest taboo by publicly calling for an end to the persecution of Falun Gong.

The apparent kidnapping came less than 48 hours after Gao published an open letter to the United States Congress. The letter called on the U.S. to boycott the Olympics over the Communist Party's ongoing campaign against the Falun Gong.

"The eight-year long suppression of Falun Gong is so far the most long-lasting and the most serious human disaster in China and in the world," Gao, a Christian, wrote, adding that he has published the findings of his investigation of secret torture chambers.

<http://en.epochtimes.com/news/5-12-16/35876.html>



Gao Zhisheng with his family. (The Epoch Times)

Gao wrote that he longs to see the Olympics in Beijing. "But when I think about Chinese society's current environment and how the Olympic Games will be used here, my conscience and sense of justice make my heart ache."

The letter came the day after an international press conference about him was held in Washington DC's Rayburn House Office Building. Speakers at the Thursday press event included Congresswoman Ileana Ros-Lehtinen (R-FL), former Canadian Secretary of State (Asia-Pacific) David Kilgour, and European Union Vice-President Edward McMillan-Scott.

"There are few in the world who are more acutely aware of Beijing's severe shortcomings in the area of human rights than the famed human rights lawyer and Nobel Peace Prize nominee, Mr. Gao Zhisheng," said Congresswoman Ros-Lehtinen.

### Gao's New Book

Gao's abduction also comes just as his new book, *A China More Just*, has been published in English. The book includes his investigative findings and exposes a wide range of torture methods that the Chinese Communist Party has been using on Falun Gong. It also tells his remarkable personal story of growing up in a poor rural family and eventually becoming one of China's top lawyers, why he quit the Communist Party after originally trusting the system, the persecution he and his family have faced, and his faith-inspired courage to risk his life seeking justice for a broad range of oppressed Chinese groups.

<http://www.broadbook.com/english/1product.asp?id=216>.



David Kilgour (left), former Secretary of State of Canada (Asia Pacific), Keith Ware (middle), CIPFG; and Congresswoman Ileana Ros-Lehtinen (R-FL) (right), ranking member of the Foreign Affairs Committee, at Gao's press conference. (Clearwisdom.net)

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## Background



Lingxia Wu, a 37-year old Falun Gong adherent, with her son, (above, right) before torture, and after, with festering scars and severe edema. She died following months of severe torture.

*"Sixty-six percent of the victims of alleged torture and ill treatment in China were Falun Gong practitioners.."*

*-Manfred Nowak  
U.N. Special Rapporteur on Torture, 2006*

Since China was chosen as the 2008 Olympic site, Amnesty International, Human Rights Watch, and Reporters Without Borders have all reported a marked increase in violent repression aimed at silencing groups and individuals the CCP has labeled as enemies.

In June 2005, China's deputy public security minister Liu Jing was given the job of eradicating Falun Gong before the 2008 Olympics.<sup>1</sup>

In April 2006, a secret and unprecedented espionage directive revealed CCP plans to investigate and bar thousands from the 2008 games, including International Olympic Committee members, staff and guests; sponsors; referees, athletes and delegates; media; the Dalai Lama, the handicapped, land rights activists, and anyone who falls within 43 categories of "unwanted."<sup>2</sup>

Deeply concerned about the Chinese regime's worsening human rights record and, in particular, its horrific treatment of Falun Gong adherents, The Coalition to Investigate the Persecution of Falun Gong<sup>3</sup> (CIPFG) sent a letter to Chinese leaders on June 8, 2007. The letter called for an end to the persecution of Falun Gong and asked to investigate the charges of mass, state-sanctioned harvesting of organs from its adherents; not unexpectedly, there was no reply. CIPFG believes that the CCP has confirmed its unwillingness to be transparent and to respect human life; therefore, CIPFG initiated the Relay, which kicked off on August 9, 2007 in Athens, Greece. The event is traveling in Europe before coming to the U.S. in March, 2008.

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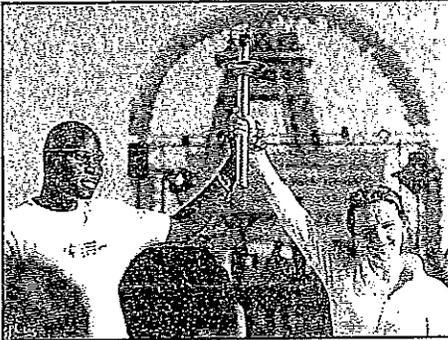
1. *How Beijing is Preparing for Olympics* by IntelligenceOnline.com [http://www.fofg.org/news/news\\_story.php?doc\\_id=1225](http://www.fofg.org/news/news_story.php?doc_id=1225)

2. *China's Secret Directive to Investigate and Bar Thousands Worldwide from Olympics* by The Falun Dafa Information Center  
The directive calls upon all levels of China's regime to "cooperate," but adds that it is "vital to keep this directive and all associated activities secret...it is of utmost importance to give the look of an easygoing environment to the outside, but in fact keep a firm handle on all activities."  
<http://www.faluninfo.net/DisplayAnArticle.asp?ID=9489>  
<http://www.faluninfo.net/DisplayAnArticle.asp?ID=9490>

3. The Coalition to Investigate the Persecution of Falun Gong, established in April 2006, is an international group comprising individuals and organizations dedicated to exposing the tragic facts of the ongoing persecution, and in particular the forced extraction of organs from Falun Gong adherents in China. For more information, please visit <http://www.cipfg.org>.

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## Plan



The HRTR in Paris, France, in front of the Eiffel Tower (Courtesy: Only Photos)



Seventeen-year-old student Ricardo Leppe carries the torch through the streets of Vienna, Austria. (The Epoch Times)



Mr. Patrice Mugny, Mayor of the City of Geneva, accepts the torch. (The Epoch Times)

Events will include the traditional Olympics run with the symbolic torch, welcoming events with speakers, concerts, petition campaigns, displays, press conferences, and interview opportunities. Athletes who have participated in past Olympic Games will be among the torch relay ambassadors. They will pass on the torch from one country to another, and individuals and organizations that participate in the Relay will be responsible for holding a torch-receiving ceremony and organizing related activities. We encourage all participants to proceed with plans that best fit the customs and traditions in the host countries and regions.

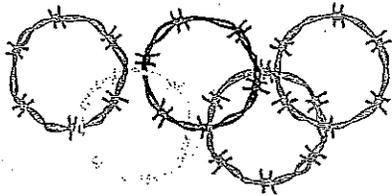
Information and speakers will be provided to national, regional, and local governments, schools, libraries, civic and church groups, Non Governmental Organizations (NGOs), etc., via printed material, talk shows, blogs, social networking, and live presentations hosted by nonprofits, churches, and independent groups. Local contact persons will work with participants to determine the most appropriate events, outreach activities, and materials for their area.

Only messages relating to human rights will be promoted by the HRTR.

Groups or individuals interested in joining should contact their local contact person listed on the cover page of this overview. Please check the following website for current schedule information: [http:// www.humanrightstorch.org](http://www.humanrightstorch.org)

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## Conclusion



### Beijing 2008

*"Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic movement... The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity."*

*—The International Olympic Charter*

In what may be viewed as a disturbing parallel, the U.S. Holocaust museum offers this:

"For two weeks in August 1936, Adolf Hitler's Nazi dictatorship camouflaged its racist, militaristic character while hosting the Summer Olympics. Softpedaling its antisemitic agenda and plans for territorial expansion, the regime exploited the Games to bedazzle many foreign spectators and journalists with an image of a peaceful, tolerant Germany. Having rejected a proposed boycott of the 1936 Olympics, the United States and other western democracies missed the opportunity to take a stand that—some observers at the time claimed—might have given Hitler pause and bolstered international resistance to Nazi tyranny. With the conclusion of the Games, Germany's expansionist policies and the persecution of Jews and other "enemies of the state" accelerated, culminating in World War II and the Holocaust."

<http://www.ushmm.org/museum/exhibit/online/olympics/zch002.htm>

On August 3, 2007, Congressman Dana Rohrabacher (46th District, California) introduced a resolution, "Expressing the sense of the House of Representatives that the United States Government should take immediate steps to boycott the Summer Olympic Games in Beijing in August 2008 unless the Government of the People's Republic of China stops engaging in serious human rights abuses..."

Congresswoman Ileana Ros-Lehtinen, Florida Republican and ranking member of the House Foreign Affairs Committee, said, "The Beijing regime seeks only a propaganda victory. We cannot and must not provide it with such a victory."

Please join us in this historic moment, as we speak with one voice for all who have been silenced:

**The Olympics and crimes against humanity  
cannot coexist in China.**



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger  
Governor

*Public Record d*

January 8, 2008

**NOTICE OF EXTENSION OF THE PUBLIC COMMENT PERIOD  
ON THE DRAFT ENVIRONMENTAL DOCUMENT  
AND  
A CHANGE OF HEARING DATE**

to amend the  
Water Quality Control Plan for the San Francisco Bay Basin

NOTICE IS HEREBY GIVEN that the San Francisco Bay Regional Water Quality Control Board (Water Board) is extending the comment period from **January 16, 2008** until **January 22, 2008** on the proposed amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan), to ensure that the public has a full 45 days to comment. The Basin Plan amendment will be considered for adoption during a public hearing on February 13, 2008. Specifically, the Water Board will consider:

**Establishing a total maximum daily load (TMDL) for  
POLYCHLORINATED BIPHENYLS (PCBS)  
IN SAN FRANCISCO BAY  
and an implementation plan to achieve the TMDL**

Action on the proposed amendment will be taken in accordance with a regulatory program certified under Section 21080.5 of the Public Resources Code as exempt from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) and with other applicable laws and regulations.

The Water Board will hold the public hearing on the proposed Basin Plan amendment:

**DATES:** February 13, 2008

**TIME:** 9:00 a.m. (approximate)

**LOCATION:** Elihu M. Harris State Building  
First Floor Auditorium  
1515 Clay Street  
Oakland, CA 94612

**STAFF CONTACT:** Naomi Feger  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
510.622.2328 (ph.)  
510.622.2460 (fax)  
[nfeger@waterboards.ca.gov](mailto:nfeger@waterboards.ca.gov)

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years*

**MATERIALS:**

The proposed Basin Plan amendment and supporting staff report are available online at:  
<http://www.waterboards.ca.gov/sanfranciscobay/TMDL/sfbaypcbstdml.htm>

**Paper copies are also be available from:**

Jodi Bailey  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
510.622.2448 (ph.)  
510.622.2460 (fax)  
[jobailey@waterboards.ca.gov](mailto:jobailey@waterboards.ca.gov)

**The public comment period for the proposed amendment now expires at 5:00 p.m. on Tuesday, January 22, 2008.** All written comments on the proposed amendment are due by this date to the staff contact identified above. Additionally, all evidence, testimony, and exhibits to be offered at the February hearing must be submitted in writing by this date to the above staff contact. Non-evidentiary policy statements to be made at the February hearing need not be submitted in advance.

The scope of written comments and oral public testimony at this hearing will be limited to comments on:

- Changes (shown in underline and strike-through notations) made by Water Board staff to the proposed Basin Plan amendment and Staff Report previously released for public review, on June 22, 2007.
- Economic issues and factors as they may relate to the proposed amendment (Note: During the first public hearing the Board requested that interested persons submit additional comments on the economic issues and factors that they believe should be considered by the Board in connection with the proposed amendment. The Board has already received materials on the subject from an interested party. All interested persons are being provided with an opportunity to address economic issues and factors during the comment period and at the hearing.)

The Board will consider all written materials submitted during the comment period and oral testimony at the hearing that are consistent with the deadlines and the limits on the scope of comments and testimony noted above. At the conclusion of the staff presentation and public testimony, having considered all of those materials and testimony, together with staff's responses, the Water Board will consider adoption of the proposed Basin Plan amendment. The Board may adopt the amendment with changes to the proposed amendment that the Board deems consistent with the general purpose of the proposed amendment and that are a logical outgrowth of the evidence and testimony received.

**Directions and special arrangements**

A map and directions to the hearing are available online at <http://www.waterboards.ca.gov/sanfranciscobay/direction.htm>. The hearing venue is accessible to persons with disabilities. Individuals who require special accommodations should contact Mary Tryon, 510.622.2399, [mtryon@waterboards.ca.gov](mailto:mtryon@waterboards.ca.gov), at least five business days before a meeting. TTY users may contact the California Relay Service at 1.800.735.2929, or voice line at 1.800.735.2922.

Public Record e

**From:** MTC info [mailto:info@mtc.ca.gov]

**Sent:** Thursday, December 27, 2007 10:58 AM

**To:** MTC info

**Subject:** Deadline for Responses to Transportation Poll Web Survey Extended Through Jan. 18

*Deadline for Responses to Transportation Poll Web Survey Extended Through Jan. 18*

Tell us what you think on issues related to Bay Area transportation, climate change, land use and more! To participate in an MTC Web poll now through Jan. 18, log on to [www.mtc.ca.gov/T2035](http://www.mtc.ca.gov/T2035).

**Background**

Every four years, the Metropolitan Transportation Commission (MTC) updates its regional transportation plan, the region's blueprint for spending federal, state and regional transportation dollars over the next 25 years. In order to hear your opinions on a variety of issues relating to the Transportation 2035 plan, MTC is hosting a Web survey through January 18.

The online survey asks participants questions about greenhouse gas emissions and global warming, housing, improving traffic congestion, and planning and transportation funding priorities in the region. Participants also may compare their personal answers with the results of a telephone poll of 1,800 Bay Area residents conducted by MTC. The survey is also available in Spanish and Chinese.

Don't miss out on the opportunity to help create a shared vision for the region's transportation network that will help protect the environment, preserve our quality of life and improve mobility over the next 25 years.

MTC is the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area.



Public Record f

**From:** Joanne Benjamin [mailto:Joanne.Benjamin@sccca.gov]

**Sent:** Tuesday, January 08, 2008 5:07 PM

**To:** Khanh.Bui@sanjoseca.gov; Andrea M. Chelemengos; Angelita Salvador; Ann Sullivan; Cathleen Boyer; Donna Rogers; Gail T. Borkowski; Heidi Kirk (Heidi Kirk); Irma Torrez; Janet Tabuno; Janette Judd; Karen Jost; Kim Fettahlioglu; Kimberly Smith (Kimberly Smith); 'Lee Price'; Linda Lagergren; Lisa Lewis; Lynda Seastrom; Mary Lavelle; Patsy Garcia; Phyllis Perez; Rhonda Hadnot; Rosalinda Perez; Shawna Freels; 'Sherrie Doherty'; Susan Kitchens; Tina West; 'Wanda Wong'; Yolanda Lopez; Yvette Agredano

**Cc:** Linda J. LeZotte; 'ofcarchive'

**Subject:** Sustainable Silicon Valley Event on Jan. 23

Dear all,

Could you please circulate this flyer that is below to your council members and appropriate staff.

Thanks for your help,  
Joanne

Joanne Benjamin, Executive Director  
Santa Clara County Cities Association  
505 W. Olive Avenue, Suite 749, Sunnyvale, CA 94086  
Telephone (408) 730-7770 Fax (408) 736-2014



## Green Development: Beyond the Myths and Barriers

*A Sustainable Silicon Valley Educational Forum  
Showcasing the Opportunities for Green Development*

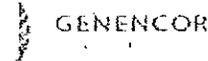
Wednesday, January 23, 2008  
9 AM – 12:30 PM  
Registration opens at 8:30 AM

Roche Palo Alto  
A2 Lecture Hall  
3431 Hillview Ave., Palo Alto, CA 94304

Hosted by Roche Palo Alto



Silver Sponsor



### Confirmed Speakers:

<p>Linda J. LeZotte Berliner Cohen <b>Green Development Overview</b></p>	<p>Linda J. LeZotte served 8 years as a distinguished member of the San Jose City Council and 6 years as a San Jose Planning Commissioner. LeZotte's legal practice focuses on environment and land use; municipal law and corporate development of emerging technologies</p>
<p>Grant French Swinerton Builders <b>Green Commercial Development</b></p>	<p>As corporate sustainability manager, Grant French provides data and intelligence to each office of the Swinerton family of companies, to stimulate and support the successful pursuit and execution of their green and LEED projects.</p>
<p>David Edwards Earth Bound Homes <b>Green Residential Construction</b></p>	<p>David Edwards, PhD, is founder of Earth Bound Homes, which focuses on green residential new construction and remodeling. Earth Bound Homes' 200% year-over-year growth since its inception in 2002 proves that green home construction can be environmentally and economically motivating for both builder and client alike.</p>
<p>Jose Guevara Cushman and Wakefield <b>Making Green Improvements in Multi-Tenant Properties</b></p>	<p>Jose Guevara is property manager for the Post Montgomery Center, an 800,000 square foot multi-tenant office building in downtown San Francisco with adjacent Crocker Galleria shopping center. Currently Guevara chairs BOMA SF's Environment Committee.</p>
<p>Brian Gitt Build It Green <b>Meeting the Demand for Green</b></p>	<p>As CEO/executive director of Build It Green since 2004, Brian Gitt directs green building programs and initiatives that promote healthy,</p>

Target audience: City planners, commercial developers, home builders, historic preservationists, and others involved in property development (such as bankers, builders, equipment vendors, tenants, buyers), and students making career choices.

### **Agenda**

8:30	Registration, visit tables
9:00	Welcome
9:15	Linda J. LeZotta, Berliner Cohen
9:35	Grant French, Swinerton Builders
9:55	David Edwards, Earth Bound Homes
10:15	Jose Guevara, Cushman and Wakefield
10:35	Break, visit tables
11:05	Brian Gitt, Build It Green
11:25	Panel
12:15	Wrap up – Linda J. LeZotte

### **Registration**

Register at [www.SustainableSiliconValley.org](http://www.SustainableSiliconValley.org)

SSV Pledging Partners: \$20/person

Students: \$20/person

All others: \$40/person

About the Host: Roche Palo Alto occupies a 70-acre campus on Hillview Avenue. Since 2000, Roche has achieved a nearly 40% reduction in electricity and natural gas usage and has reduced its CO<sub>2</sub> emissions by 50%. Roche is a Santa Clara County Certified Green Business, achieves a 90% recycling rate for its construction waste, and has over 30 electric vehicles in its fleet.

### **SSV FORUM SPONSORSHIP LEVELS**

**Platinum Sponsor - \$10,000:** Acknowledgement of your organization as Platinum Sponsor in event electronic and printed announcements; logo inclusion on electronic and printed event materials; table display space at the event; 10 complimentary attendees.

**Gold Sponsor - \$5000:** Acknowledgement of your organization as Gold Sponsor in forum electronic and printed announcements; logo inclusion on electronic and printed event materials; table display space at the event; 6 complimentary attendees.

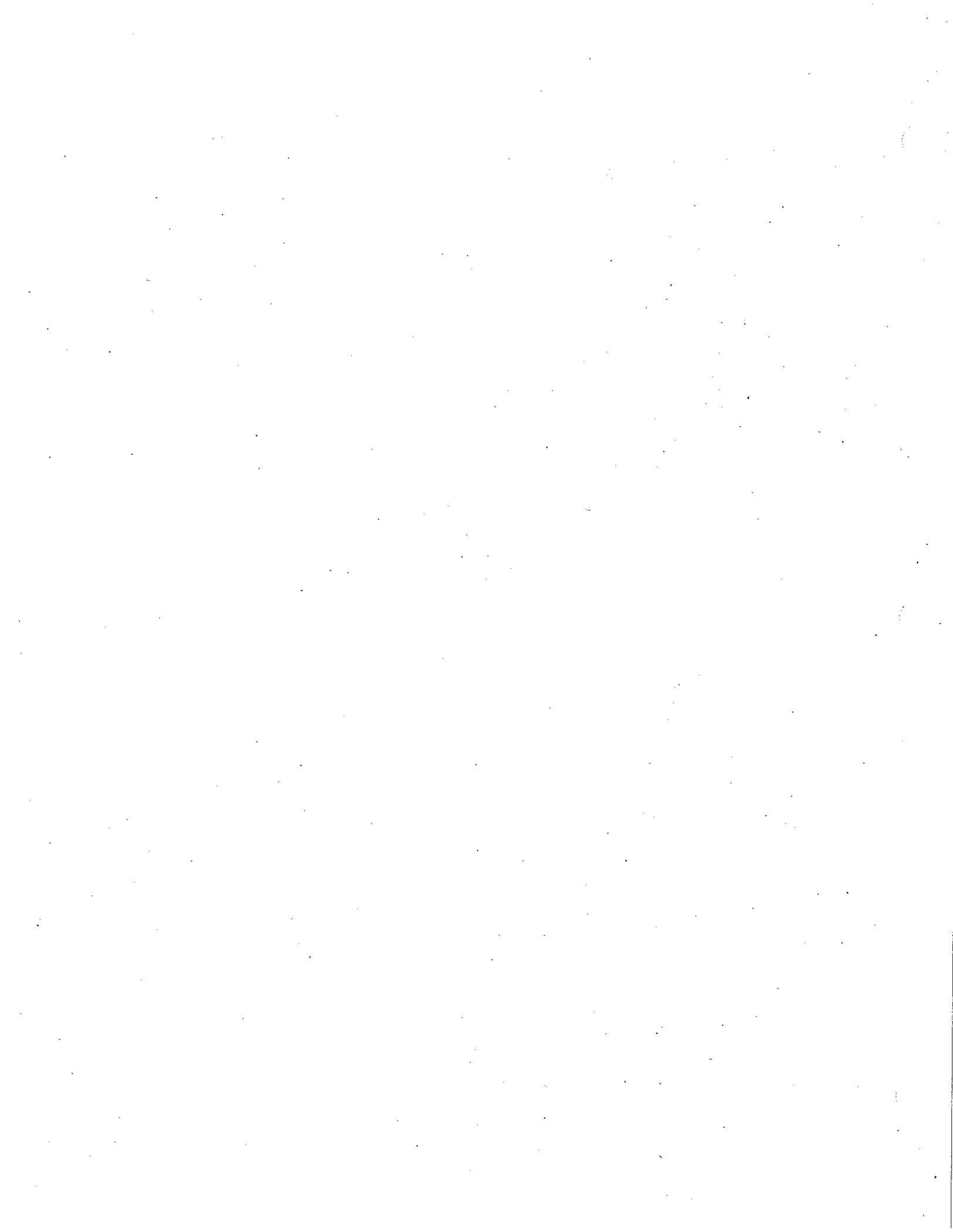
**Silver Sponsor - \$2000:** Acknowledgment of your organization as Silver Sponsor in forum electronic and printed announcements; logo inclusion on electronic and printed event materials; table display space at the event; 4 complimentary attendees.

**Table Display space** is also available for vendors and service providers - \$500: Listing on event materials; table display at the event; 2 complimentary attendees.

### **For Sponsors and Table Displays**

To sponsor this event, or to arrange for a display table, please contact

Sally Tomlinson  
850-321-3846



David S. Wall  
455 North San Pedro Street  
San José, California 95110  
Phone (408) - 287 - 6838  
Facsimile (408) - 295 - 5999

Public Record 9  
RECEIVED  
San Jose City Clerk

January 9, 2008

2008 JAN -9 P 2:44

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Unnecessary Risk to Police and Firefighter Safety**

Reported in the San José Mercury News (January 5, 2008) and witnessed, in part, by myself from the Coleman Avenue bridge, "River Rescues for S.J. Crews" received front page notoriety.

**Year after year, the Police and Firefighters are unfortunately pressed into this unnecessary duty assignment.** This is a direct and proximate cause of YOUR indifference to their SAFETY and combined stupidity for refusal to firmly and effectively deal with the criminal element that calls the banks of the Guadalupe River their home in the first place.

I say "criminal element" because that is just what they are and as members of this dubious group, they are certainly not the brightest ones. After all, any one who voluntarily places themselves in harms way deserves to get what is coming to them.

As YOU can guess I have no sympathy for the criminal element. Similarly, I have no sympathy for politicians who *needlessly* place the Police and Firefighters into harms way either.

**Solution**

- Order the San José Police to have a "zero" tolerance for encampments and trespassers along ALL river banks and creeks. **ALL YEAR LONG**-not in poorly defined enforcement intervals.
- **Where possible, sue the Santa Clara Valley Water District for costs associated with their negligent maintenance of their responsibilities to maintain their property free of the criminal element. (discovered trespassers and nuisance theories would be my first choice of legal issues)**
- **Recouped costs should go directly back to the Police and Fire Departments in their entirety without any interferences or encumbrances of any kind.**
- When heavy rainfall is predicted, increase River sweeps by Police and employ necessary security personnel-*all at Santa Clara Valley Water District expense* to monitor their property if they are not up to the job.

As far as the criminal element is concerned- let them swim to safety on their own. If they drown, so be it and good riddance. For at least in doing so, they will decrease the surplus population of one segment of the population of stupid people.

Respectfully submitted,

Cc: City Attorney / Interim City Auditor / City Manager  
Chief of Police / Fire Chief / Fire Station #1 / POA

David S. Wall 01.09.2008



David S. Wall  
455 North San Pedro Street  
San José, California 95110  
Phone (408) - 287 - 6838  
Facsimile (408) - 295 - 5999

Public Record h  
RECEIVED  
San Jose City Clerk

2008 JAN 10 P 3:18

January 10, 2008

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Request: Organizational Chart of ESD and Audit of Reclaimed Water Project**

**I request an organizational chart of the Environmental Services Department (ESD).**

ESD's Organizational Chart must reference position titles and number of full time equivalents (FTE's) sorted by fund source. A further more detailed request could follow.

**I also request that an Audit be initiated of the Reclaimed Water Project.**

This request for an audit should be placed on the TREATMENT PLANT ADVISORY COMMITTEE agenda.

The issue of whether the Auditor for: the City of Santa Clara, the City of Milpitas or an "outside" Auditor should be determined.

**The scope of the audit would be a complete analytical investigation into financials and operations.**

Testimonies taken during the Audit processes should be sworn and stenographically recorded.

**Rationale:**

- Continued "out of control" costs associated with the Reclaimed Water Project.
- A \$55 million dollar increase in the "investment" to Reclaimed Water Project.
- The removal of the Auditor for the City of San José makes a timely Audit untenable for a variety of factors.

**I would have requested the above last month, but the Director of ESD failed to ensure the TPAC meeting could be held and to notify the Public of the meeting cancellation due to administrative negligence.**

Respectfully submitted,

David S. Wall 01.10.2008

///  
///  
///

**Cc: City Attorney / Interim City Auditor / City Manager  
Members Treatment Plant Advisory Committee (TPAC)**

