Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

WHEREAS, United States Attorneys serve as the nation's principal litigators under the direction of the Attorney General; and

WHEREAS, U.S. Attorneys are charged with ensuring fair and impartial administration of justice for all Americans; and

WHEREAS, U.S. Attorneys are appointed by and serve at the discretion of the President of the United States, with advice and consent of the United States Senate; and

WHEREAS, President Obama has stated his intention to build a "Department of Justice [that] once again fulfills its highest purpose: to uphold the Constitution and protect the American people;" and

WHEREAS, The U.S. Attorney for the Northern District of California is the chief federal law enforcement officer for the region, which stretches from the Monterey Coast in the south to California's northern border with Oregon, and from the Pacific Ocean in the west nearly to Sacramento in the east; and

WHEREAS, California Senators Barbara Boxer and Dianne Feinstein have formed advisory committees to recommend U.S. Attorney nominees for the four California districts to President Barack Obama; and

WHEREAS, The statements and actions of Joseph Russoniello, the current U.S. Attorney for the Northern District of California, have raised grave concerns among civil rights and community organizations including Asian Law Caucus, Asian Pacific Islander Legal Supervisors Campos, Avalos, Daly, Mar, Mirkarimi , Chiu

BOARD OF SUPERVISORS

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Outreach, Central American Resource Center, Chinese for Affirmative Action, Equal Justice Society, Immigrant Legal Resource Center, Impact Fund, La Raza Centro Legal, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, Legal Aid Society – Employment Law Center, Legal Services for Children, Mexican American Legal Defense and Educational Fund, Mujeres Unidas y Activas, PODER, San Francisco Immigrant Legal and Education Network, and St. Peter’s Housing Committee; and

WHEREAS, The following examples highlight Mr. Russoniello’s questionable judgment:

- In 1982, Mr. Russoniello created a chilling effect on bilingual voters by instructing district attorneys throughout the San Francisco Bay Area to send him a sampling of recently registered, foreign-born voters that had requested bilingual ballots so that the Immigration and Naturalization Service could check on the voters’ citizenship status. Mr. Russoniello proceeded with his request despite opposition from then Secretary of State March Fong Eu, who raised concerns about singling out Chinese and Latino voters.

- In 1990, Mr. Russoniello made racially insensitive comments about Latinos at a press conference. He responded to a question about the government’s war on drugs by stating that San Francisco would be a logical place to look for drug dealers because there is a “strong Hispanic community in place that could provide protection and insulation from law enforcement uncovering the enterprise.” Mr. Russoniello’s comments received harsh criticism from community groups and the San Francisco Board of Supervisors, which called for Mr. Russoniello’s immediate resignation.

- The Nation reported that Mr. Russoniello used the term “wets” to refer to undocumented immigrants during a meeting with civil rights attorneys in 1990. His use of the derogatory term shocked meeting participants, especially given that the use of
such racist terms was one of the complaints in a lawsuit against the I.N.S. that Mr. Russoniello was defending.

- In 2008, Mr. Russoniello publicly opposed the dispensation of medical marijuana, and categorically dismissed legitimate medical marijuana patients by stating that "the overwhelming majority of people in my view who are so-called patients are not."

- Last year, the Los Angeles Times quoted Mr. Russoniello as saying that, "the phenomenon of Hondurans being trucked into the Bay Area, housed in Oakland and sent out to sell crack and cocaine, has been going on for years..." Mr. Russoniello's generalizations about Hondurans and drug activities failed to consider how his comments might be perceived by community members; and

WHEREAS, The San Francisco Board of Supervisors recognizes the importance of having a U.S. Attorney that understands San Francisco’s diversity, values and commitment to equal justice, especially as s/he works closely with the City’s law enforcement agencies on public safety measures; and

WHEREAS, The San Francisco Board of Supervisors has a duty to safeguard the well being of its residents and ensure their equal protection; now, therefore, be it

RESOLVED, That the San Francisco Board of Supervisors urges President Barack Obama, Senator Barbara Boxer, Senator Dianne Feinstein, and the U.S. Attorney Nomination Advisory Committees to appoint a new U.S. Attorney that is committed to equal protection for all under the law, and to reject the reappointment of Joseph Russoniello as U.S. Attorney; and be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs the Clerk of the Board to send a copy of this resolution to the offices of President Barack Obama, White House Counsel Gregory Craig, Senator Barbara Boxer, and Senator Dianne Feinstein.
Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

March 3, 2009 Board of Supervisors — CONTINUED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

March 17, 2009 Board of Supervisors — ADOPTED
Ayes: 7 - Avalos, Campos, Chiu, Chu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Duffy, Elsbernd, Maxwell
I hereby certify that the foregoing Resolution was ADOPTED on March 17, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

3/27/09
Date Approved

Mayo Gavin Newsom

Date: March 27, 2009
I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Clerk of the Board