



Proclamation

PROCLAIMING SUPPORT FOR THE REMOVAL OF CUBA FROM THE STATE SPONSORS OF TERRORISM LIST

WHEREAS, the City of Sacramento recognizes the importance of promoting peace, diplomacy, and constructive engagement among nations; and

WHEREAS, in 2015, the Obama Administration removed Cuba from the State Sponsors of Terrorism List, the Trump Administration redesignated Cuba as a State Sponsor of Terrorism in 2021, limiting its access to international markets and trade, thereby adversely affecting its economy, and impeding the well-being of its people; and

WHEREAS, the ongoing claim that Cuba is a State Sponsor of Terrorism has been a major source of daily hardships and deprivations for the Cuban people. The shortages of basic goods such as food and medicine have become increasingly severe, while the severe restrictions on international financial aid and trade opportunities have made it difficult for the country to access the resources it needs to thrive. As a result, many Cubans continue to struggle to make ends meet, and the situation shows no signs of improving anytime soon. Despite this, the Cuban people remain resilient and hopeful for a better future; and

WHEREAS, the Mayor of the City of Sacramento recognizes that the people of Cuba, like all people around the world, deserve to live in a peaceful environment that fosters economic growth, social progress, and cultural change; and

WHEREAS, diplomacy, dialogue, and cooperation are essential in fostering positive relationships between nations, and the removal of Cuba from the State Sponsors of Terrorism list can be a crucial step towards building a more interconnected and harmonious world.

NOW, THEREFORE, BE IT RESOLVED; that I, Darrell Steinberg, Mayor of the City of Sacramento, do hereby proclaim support for the efforts to remove Cuba from the State Sponsors of Terrorism list. I call upon the United States Department of State to review the designation of Cuba as a State Sponsor of Terrorism with consideration of its efforts towards global peace, cooperation, and the well-being of its people. I encourage all relevant stakeholders to engage in constructive dialogue to find common ground and work towards peaceful resolutions that promote understanding and mutual respect among nations. We stand in solidarity with the people of Cuba and express our hope for a brighter future, free from the constraints imposed by its inclusion on the State Sponsors of Terrorism list.

ISSUED: This 31st Day of August 2023

RECEIVED
SEP 29 2023

BY: _____

Darrell Steinberg
Mayor, City of Sacramento

A Resolution Urging that Cuba Be Removed from U.S. List of State Sponsors of Terrorism and that six decades of economic war against Cuba be brought to an end

WHEREAS: President Biden has the authority to remove Cuba from the State Sponsors of Terrorism list by executive order, and to recommit to the normalization of relations with Cuba begun by the Obama-Biden administration; and

WHEREAS: For the past 62 years, the United States has imposed an economic, commercial and financial embargo on Cuba that prevents most engagement and trade with the United States, and punishes other countries that engage with Cuba; and

WHEREAS: Cuba has an international record of improving the healthcare of oppressed communities and the lack of health care in Los Angeles, especially the Black and Brown peoples, suffering from significantly higher deaths from COVID-19 and heart disease would greatly benefit from the medical assistance Cuba could provide; and

WHEREAS: In Los Angeles, low income communities are 10 times more likely to get an amputation from diabetes than affluent areas. Cuba can provide urgently needed diabetes drugs that would eliminate the need for such amputations. It could also provide preventive covid medicine, address the need for Spanish speaking doctors in our communities, and provide much needed skilled medical staff for our clinics in the City of Los Angeles; and

WHEREAS: Los Angeles would benefit greatly from economic and healthcare exchanges with Cuba by providing, low cost, top quality health care training for students who want to become Drs and serve the parts of Los Angeles devastated by Covid and other diseases plaguing oppressed communities; and

WHEREAS: The only thing that's stopping Cuba from being able to provide these essential health care needs to Los Angeles is the designation of Cuba as a state sponsor of terrorism and the US embargo; and

WHEREAS: The United Nations General Assembly voted to condemn the U.S. embargo against Cuba, for the 30th time, on Nov. 3, 2022, with 185 of 193 nations decisively voting in favor; and

WHEREAS: In 2021, 117 members of the U.S. Congress called for the removal of Cuba from this list noting in a letter; "a policy of engagement with Cuba serves U.S. interests and those of the Cuban people,"

Therefore:

Be it RESOLVED that _____ strongly urges President Biden and Congress, each federal representative in its jurisdiction, to call on the federal government to remove Cuba from the United States list of state sponsors of terrorism; and

Be It Further RESOLVED that _____ urges our congressional delegation to pass legislation that will eliminate those aspects of the embargo that have been codified into law; and remove all sanctions against Cuba by the United States. Allow the peoples of the United States and Cuba to travel and trade freely between the countries.

WHEREAS: The Trump administration imposed 243 new sanctions upon Cuba, including restrictions on Cuban Americans who send remittances to families and businesses in Cuba. These sanctions contribute to a mass migration of Cubans, creating U.S. border security concerns; and

WHEREAS: Former President Trump arbitrarily reinstated Cuba's designation as a State Sponsor of Terrorism less than a week after the January 6th attempted coup, reversed the Obama- Biden administration's 2015 decision to remove this status after an exhaustive review by the U.S. State Department. Cuba does not satisfy any criteria for inclusion on this list; and

WHEREAS: The consequences of this embargo continues to inflict daily hardships and deprivations on the Cuban people creating shortages of basic necessities like food and medicine, and severely restricting international financial and trade opportunities. It prevents Cuba from obtaining vital medical equipment and supplies, and even impedes humanitarian aid responses to catastrophic events like Hurricane Ian which devastated both Florida and Cuba, thus harming the Cuban people who President Biden's administration claims to support; and

WHEREAS: Cuba's Latin American School of Medicine has graduated 10s of 1000s of doctors since 2005 from oppressed communities world wide. Students representing over 100 ethnic groups, half of whom are women, study in an environment that recognizes the right of every patient to care, and that centers learning in the community, where health promotion is as important as disease management. and

WHEREAS: The United Nations in 2017 estimated that this embargo had cost the Cuban economy \$130 billion, averaging more than \$2 billion each year; and

WHEREAS: Cuba's arbitrary designation has subjected them to further sanctions and international financial restrictions that limit the nation's ability to carry out critical financial transactions, including those needed to advance efforts to combat the COVID pandemic and improve its economy; and



Cuban People Are Not Terrorists!

These units of government, labor organizations, and other civic bodies, representing 54 million people have passed resolutions to end the US embargo/blockade on Cuba, addressing Saving Lives through scientific collaboration regarding the COVID-19 pandemic, and urging that Cuba be removed from the US list of State Sponsors of Terrorism. A number of cities and unions have passed multiple resolutions, resulting in 94 resolutions passed.

City Councils

Baltimore, Maryland
Berkeley, California
Boston, Massachusetts
Bloomington, Indiana
Brookline, Massachusetts
Cambridge, Massachusetts
Chicago, Illinois
Cleveland, Ohio
Detroit, Michigan
Emeryville, California
Hartford, Connecticut
Helena, Montana
Madison, Wisconsin
Meridian Township, Michigan
Minneapolis, Minnesota
New Haven, Connecticut
New York, New York
Oakland, California
Pittsburgh, Pennsylvania
Richmond, California
Sacramento, California
St. Paul, Minnesota
San Francisco, California
Santa Cruz, California
Seattle, Washington
Somerville, Massachusetts
Washington, D.C.
Windham and Willimantic, Connecticut

County Boards

Milwaukee County, Wisconsin
Washtenaw County, Michigan
Wayne County, Michigan

State Legislatures

State of Alabama Senate
State of Illinois House of Representatives
State of Michigan Senate
State of Minnesota legislature

School Boards

Lennox Public Schools
Milwaukee Public Schools

Labor Councils, Unions & Workers Organizations

American Federation of State, County and Municipal Employees , Local 3800, Minnesota
American Federation of Teachers Local 2334, CUNY, Professional Staff Congress
Alameda Central Labor Council, California
Amalgamated Transit Union, Local 1005, Minnesota
Albany, New York, Labor Council
Asian Pacific American Labor Alliance
California Federation of Labor
Coalition of Labor Union Women
Fresno Central Labor Council, California
Inlandboatmen's Union of Pacific
International Association of Machinists, Local 1484, California
International Longshore and Warehouse Union 2021 International Convention
International Longshore and Warehouse Union, Northern District Council, California
International Longshore and Warehouse Union, Southern District Council, California
Martin Luther King, Jr. County Labor Council, King County, Washington
Monterey Bay Central Labor Council, California
Napa/Solano Central Labor Council, California
National Black Worker Center
National Union of Health Care Workers
North Bay Labor Council, California
North Valley Central Labor Council, California
Professional Staff Congress, City University of New York
Sacramento Central Labor Council, California
San Diego and Imperial Counties Labor Council
San Francisco Labor Council, California
South Bay Labor Council, California
Troy, New York Labor Council
United Auto Workers, Local 2865, California
United Electric Workers, 77th UE Convention
United Union of Roofers, Waterproofers, and Allied Workers, Local 36
Washington State Labor Council

Organizations

Harriet Tubman Center for Social Justice of Los Angeles
Miami-Dade Democratic Party
Midwestern Legislative Conference of the Council of State Governments
Women's International League for Peace and Freedom
Zapata – King Neighborhood Council of Los Angeles

Washington, D.C. (End the Blockade & Remove Cuba from SSOT list)
Windham and Willimantic, Connecticut (End the Blockade)

County Boards

Milwaukee County, Wisconsin (End the Embargo)
Washtenaw County, Michigan (End the Blockade and Remove Cuba from SSOT list)
Wayne County, Michigan (End the Embargo)

State Legislatures

State of Alabama Senate (End the Embargo)
State of Illinois House of Representatives (End the Embargo)
State of Michigan Senate (End the Embargo)
State of Minnesota legislature (2 resolutions: End the Embargo passed in Senate and House,
Saving Lives resolution introduced in Senate and House both in 2020 and 2021 sessions)

School Boards

Lennox Public Schools (Los Angeles)
Milwaukee Public Schools

Labor Councils, Unions and Workers Organizations

American Federation of State, County, and Municipal Employees (AFSCME) 3800, Minnesota
Alameda Central Labor Council, California (Remove Cuba from SSOT List)
Albany, New York, Labor Council
Amalgamated Transit Union Local 1005, Minnesota
American Federation of Teachers, Local 2334 CUNY, Professional Staff Congress (End the Embargo)
American Postal Workers Union, Local 2, California
Asian Pacific American Labor Alliance (APALA)
California Federation of Labor (End the Blockade)
California Nurses Association (Remove Cuba from SSOT List)
Coalition of Black Trade Unionists, Northern California, AFL-CIO (Remove Cuba from SSOT List)
Coalition of Labor Union Women
Fresno Central Labor Council, California (Remove Cuba from SSOT list, Saving Lives, End the Embargo)
Inland Empire Central Labor Council, California (Remove Cuba from SSOT List)
Inlandboatmen's Union, National (End the Blockade and Remove Cuba from SSOT List)
Inlandboatmen's Union, Southern California Region (2 resolutions: Remove Cuba from SSOT List, End the Embargo)
International Association of Machinists, Local 1484, Wilmington, CA (Remove Cuba from SSOT List)
International Longshore and Warehouse Union, 2021 International Convention (End the Embargo and Saving Lives)
International Longshore and Warehouse Union, Northern District Council
International Longshore and Warehouse Union, Southern District Council (Remove from SSOT list)
Martin Luther King, Jr. County Labor Council, King County, Washington
Monterey Bay Central Labor Council, California (Remove Cuba from SSOT list)
Napa/Solano Central Labor Council, California (Remove Cuba from SSOT list)
National Black Worker Center
National Union of Health Care Workers (Remove Cuba from SSOT list)
North Bay Labor Council, California (Remove Cuba from SSOT list)
North Valley Central Labor Council, California (Remove Cuba from SSOT list)
Sacramento Central Labor Council, California (Remove Cuba from SSOT List, Saving Lives, End the Blockade)
San Diego and Imperial Counties Labor Council, California (Remove Cuba from SSOT list)
San Francisco Labor Council, California (Saving Lives, Remove Cuba from SSOT List)
South Bay Labor Council, California (Remove Cuba from SSOT list)

Troy, New York Labor Council (End the Embargo, Remove Cuba from SSOT List)
United Auto Workers, Local 2865, California (End the Embargo and Remove Cuba from SSOT list)
United Electric Workers, 77th UE Convention (End the Embargo)
United Union of Roofers, Waterproofers, and Allied Workers, Local 36 (End the Embargo and
Remove Cuba from SSOTA list
Washington State Labor Council

Organizations

Miami-Dade Democratic Party (End the Blockade)
Midwestern Legislative Conference of the Council of State Governments
Women's International League for Peace and Freedom (WILPF)
Zapata – King Neighborhood Council of Los Angeles

Compiled by NNOC Local Resolutions Task Force
September 17, 2023
For changes to this list, please contact Marcy Shapiro at mashap@aol.com

Please Note That This Agenda Includes a Call-in Option for Public Comment. Public Comment Will Thus Be Taken Both In-Person in the Council Chamber And Also via Teleconference. Instructions for the Public to Listen to and Offer Remote Public Comment at the Meeting Appear on Page 2 of this Agenda.

*Summit for
LA City
Council*



AGENDA

LOS ANGELES CITY COUNCIL

Tuesday, September 26, 2023

10:00 AM

JOHN FERRARO COUNCIL CHAMBER
ROOM 340, CITY HALL
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

Submit written comment at
LACouncilComment.com

*Public Comment
Issues
What are the
Requirements on Agency
a public speaker*

President
PAUL KREKORIAN, Second District

President Pro Tempore
MARQUEECE HARRIS-DAWSON, Eighth District

Assistant President Pro Tempore
BOB BLUMENFIELD, Third District

EUNISSES HERNANDEZ, First District
NITHYA RAMAN, Fourth District
KATY YAROSLAVSKY, Fifth District
IMELDA PADILLA, Sixth District
MONICA RODRIGUEZ, Seventh District
CURREN D. PRICE, JR., Ninth District
HEATHER HUTT, Tenth District
TRACI PARK, Eleventh District
JOHN S. LEE, Twelfth District
HUGO SOTO-MARTÍNEZ, Thirteenth District
KEVIN DE LEÓN, Fourteenth District
TIM McOSKER, Fifteenth District

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SEP 29 2023

BY: *ck*

PUBLIC COMMENT AND LIVE BROADCAST

The Council meetings will be broadcast live on Cable Television Channel 35, on the internet at <https://clerk.lacity.gov/calendar>, and on YouTube. The live audio of the hearing will be available via telephone at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside), and (310) 547-CITY (San Pedro Area). If the live video or audio is unavailable via one of these channels, members of the public should try another channel.

The City Council will take public comment from members of the public in the Council chamber and also by teleconference. Members of the public who wish to offer public comment to the Council via teleconference should call 1 669 254 5252 and use Meeting ID No. 160 535 8466 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.

Written public comment may be submitted at LACouncilComment.com.

Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act can be made by contacting the City Clerk's Office at (213) 978-1133. For Telecommunication Relay Services for the hearing impaired, please see the information below.

Telecommunication Relay Services

Telephone communication is one of the most important forms of communication in society today. Due to advancements in technology, telephone devices have evolved with new services and capabilities. Individuals who are deaf and hard of hearing, and individuals with a speech disability are following these trends and are rapidly migrating to more advanced telecommunications methods, both for peer-to-peer and third-party telecommunications relay service (TRS) communications. Telecommunications Relay Service is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. TRS providers - generally telephone companies - are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

What forms of TRS are available? There are several forms of TRS, depending on the particular needs of the user and the equipment available: TRS includes: Text to Voice TIY-Based TRS; Speech-to-Speech Relay Service; Shared Non-English Language Relay Service; Captioned Telephone Relay Service; Internet Protocol Relay Service; and Video Relay Service. Please visit this site for detail descriptions, <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Don't hang up! Some people hang up on TRS calls because they think the CA is a telemarketer. If you hear, "Hello. This is the relay service . . ." when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability.

For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website.

SE OFRECE UN SERVICIO DE TRADUCCION AL ESPANOL EN TODAS LAS REUNIONES DEL CONSEJO MUNICIPAL

immunized from governmental control. Cf. *Yates v. United States*, 354 U. S. 298 (1957); *De Jonge v. Oregon*, 299 U. S. 353 (1937); *Stromberg v. California*, 283 U. S. 359 (1931). See also *United States v. Robel*, 389 U. S. 258 (1967); *Keyishian v. Board of Regents*, 385 U. S. 589 (1967); *Elfbrandt v. Russell*, 384 U. S. 11 (1966); *Aptheker v. Secretary of State*, 378 U. S. 500 (1964); *Baggett v. Bullitt*, 377 U. S. 360 (1964).

Measured by this test, Ohio's Criminal Syndicalism Act cannot be sustained. The Act punishes persons who "advocate or teach the duty, necessity, or propriety" of violence "as a means of accomplishing industrial or political reform"; or who publish or circulate or display any book or paper containing such advocacy; or who "justify" the commission of violent acts "with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism"; or who "voluntarily assemble" with a group formed "to teach or advocate the doctrines of criminal syndicalism." Neither the indictment nor the trial judge's instructions to the jury in any way refined the statute's bald definition of the crime

Page 395 U. S. 449

RULES 07/12; LOS ANGELES "VAGUE"

in terms of mere advocacy not distinguished from incitement to imminent lawless action. [Footnote 3]

Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action. [Footnote 4] Such a statute falls within the condemnation of the First and Fourteenth Amendments. The contrary teaching of *Whitney v. California*, *supra*, cannot be supported, and that decision is therefore overruled.

Reversed.

GOD DAMNED RACKETEER" & "a damned Fascist

[Footnote 1]

The significant portions that could be understood were:

"How far is the nigger going to -- yeah."

"This is what we are going to do to the niggers."

"A dirty nigger."

"Send the Jews back to Israel."

"Let's give them back to the dark garden."

"Save America."

"Let's go back to constitutional betterment."

"Bury the niggers."

"We intend to do our part."

"Give us our state rights."

"Freedom for the whites."

"Nigger will have to fight for every inch he gets from now on."

PRESCRIPTIONS

9-29-23



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SEP 29 2023

BY: *OR*

[Footnote 2]

The LAW INfringed
UPON First Amendment &

Fourteenth Amendment
RIGHTS TO FREE SPEECH

Thank You

mf! Fascist

CD

1

POLITICAL ARENA is often Abusive!

Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action. ^[n4] Such a statute falls within the condemnation of the First and Fourteenth Amendments. The contrary teaching of *Whitney v. California, supra*, cannot be supported, and that decision is therefore overruled.

Reversed.

1. The significant portions that could be understood were:

How far is the nigger going to -- yeah.

This is what we are going to do to the niggers.

A dirty nigger.

Send the Jews back to Israel.

Let's give them back to the dark garden.

Save America.

Let's go back to constitutional betterment.

Bury the niggers.

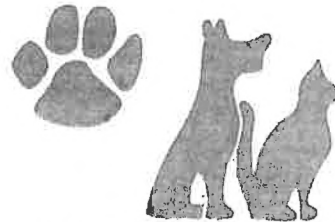
We intend to do our part.

Give us our state rights.

Freedom for the whites.

Nigger will have to fight for every inch he gets from now on.

PUBLIC ISSUES should be UNINHIBITED, Robust, & wide open & include vehement, caustic & sometimes VERY UNpleasant sharp attacks on gov.



2. It was on the theory that the Smith Act, 54 Stat. 670, 18 U.S.C. § 35 embodied such a principle and that it had been applied only in conformity with it that this Court sustained the Act's constitutionality. *Dennis v. United States*, 341 U.S. 494 [341 U.S. 494 (1951)]. That this was the basis for *Dennis* was emphasized in 341 U.S. 494 (1951). That this was the basis for *Dennis* was emphasized in *Yates v. United States*, 354 U.S. 298, 320-324 (1957), in which the Court overturned convictions for advocacy of the forcible overthrow of the Government under the Smith Act, because the trial judge's instructions had allowed conviction for mere advocacy, unrelated to its tendency to produce forcible action.

3. The first count of the indictment charged that appellant

did unlawfully by word of mouth advocate the necessity, or propriety of crime, violence, or unlawful methods of terrorism as a means of accomplishing political reform. . . .

The second count charged that appellant "did unlawfully voluntarily assemble with a group or assemblage of persons formed to advocate the doctrines of criminal syndicalism. . . ." The trial judge's charge merely followed the language of the indictment. No construction of the statute by the Ohio courts has brought it within constitutionally permissible limits. The Ohio Supreme Court has considered the statute in only one previous case, *State v. Kassay*, 126 Ohio St. 177, 184 N.E. 521 (1932), where the constitutionality of the statute was sustained.

4. Statutes affecting the right of assembly, like those touching on freedom of speech, must observe the established distinctions between mere advocacy and incitement to imminent lawless action, for, as Chief Justice Hughes wrote in *De Jonge v. Oregon, supra*, at 364: "The right of peaceable assembly is a right cognate to those of free speech and free

(213)330-9803 or FBI (310) 477-6565 4
HOMELAND SECURITY

CD

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LISA CALDERON
ASSEMBLY MEMBER, FIFTY-SIXTH DISTRICT

RAMON LUQUIN
SENIOR FIELD REPRESENTATIVE

CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

RAMON.LUQUIN@ASM.CA.GOV



Opinion of the Court



form, and context, no factor is dispositive, and it is necessary to evaluate all the circumstances of the speech, including what was said, where it was said, and how it was said.

The "content" of Westboro's signs plainly relates to broad issues of interest to society at large, rather than matters of "purely private concern." *Dun & Bradstreet, supra*, at 759. The placards read "God Hates the USA/Thank God for 9/11," "America is Doomed," "Don't Pray for the USA," "Thank God for IEDs," "Fag Troops," "Semper Fi Fags," "God Hates Fags," "Maryland Taliban," "Fags Doom Nations," "Not Blessed Just Cursed," "Thank God for Dead Soldiers," "Pope in Hell," "Priests Rape Boys," "You're Going to Hell," and "God Hates You." App. 3781-3787. While these messages may fall short of refined social or political commentary, the issues they highlight—the political and moral conduct of the United States and its citizens, the fate of our Nation, homosexuality in the military, and scandals involving the Catholic clergy—are matters of public import. The signs certainly convey Westboro's position on those issues, in a manner designed, unlike the private speech in *Dun & Bradstreet*, to reach as broad a public audience as possible. And even if a few of the signs—such as "You're Going to Hell" and "God Hates You"—were viewed as containing messages related to Matthew Snyder or the Snyders specifically, that would not change the fact that the overall thrust and dominant theme of Westboro's demonstration spoke to broader public issues.

Apart from the content of Westboro's signs, Snyder contends that the "context" of the speech—its connection with his son's funeral—makes the speech a matter of private rather than public concern. The fact that Westboro spoke in connection with a funeral, however, cannot by itself transform the nature of Westboro's speech. Westboro's signs, displayed on public land next to a public

- HILDA L. SOLIS
Supervisor, First District
- HOLLY J. MITCHELL
Supervisor, Second District
- SHEILA KUEHL
Supervisor, Third District
- JANICE HAHN
Supervisor, Fourth District
- KATHRYN BARGER
Supervisor, Fifth District

CD

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the country's first black president. No less troubling is the defendant's second statement imploring others to "shoot the nig," lest the "country [be] fkd for another 4 years+" because "never in history" has a black person "done ANYTHING right." There are many unstable individuals in this nation to whom assault weapons and other firearms are readily available, some of whom might believe that they were doing the nation a service were they to follow Bagdasarian's commandment. There is nevertheless insufficient evidence that either statement constituted a threat or would be construed by a reasonable person as a genuine threat by Bagdasarian against Obama.

[5] When our law punishes words, we must examine the surrounding circumstances to discern the significance of those words' utterance, but must not distort or embellish their plain meaning so that the law may reach them. Here, the meaning of the words is absolutely plain. They do not constitute a threat and do not fall within the offense punished by the statute. In *Watts*, the Supreme Court reversed a conviction under a presidential threat statute. 394 U.S. at 705-06. The defendant there had said, "[a]nd now I have already received my draft classification as 1-A and I have got to report for my physical this Monday coming. I am not going. If they ever make me carry a rifle the first man I want to get in my sights is L.B.J." *Id.* at 706. The Court held that "we must interpret the language Congress chose 'against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wideopen, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials' "; adding that "[t]he language of the political arena . . . is often vituperative, abusive, and inexact." *Id.* at 708 (citations omitted).

The Government argues that among the relevant elements of the factual context is that the defendant's messages were anonymous, posted only under the screen name "californ-



LISA CALDERON
ASSEMBLYMEMBER, FIFTY-SIXTH DISTRICT

RUBY DUEÑAS
PRONOUNS: SHE / HER / HERS
DISTRICT DIRECTOR

CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

RUBY.DUENAS@ASM.CA.GOV



CALIFORNIA LEGISLATURE

LISA CALDERON
ASSEMBLYMEMBER, FIFTY-SIXTH DISTRICT

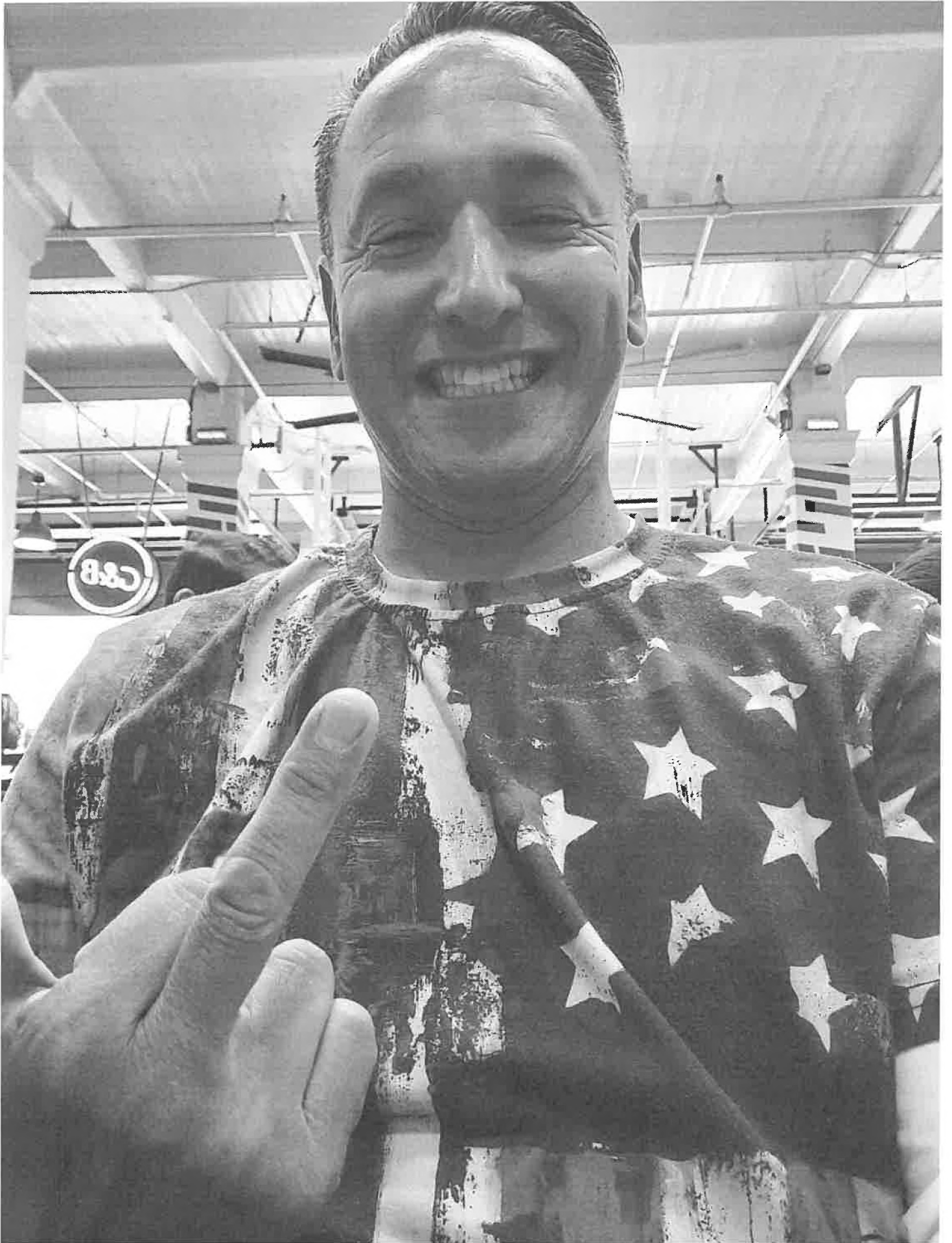
CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
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FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

ASSEMBLYMEMBER.CALDERON@ASSEMBLY.CA.GOV

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immunized from governmental control. Cf. *Yates v. United States*, 354 U. S. 298 (1957); *De Jonge v. Oregon*, 299 U. S. 353 (1937); *Stromberg v. California*, 283 U. S. 359 (1931). See also *United States v. Robel*, 389 U. S. 258 (1967); *Keyishian v. Board of Regents*, 385 U. S. 589 (1967); *Elfbrandt v. Russell*, 384 U. S. 11 (1966); *Aptheker v. Secretary of State*, 378 U. S. 500 (1964); *Baggett v. Bullitt*, 377 U. S. 360 (1964).

Measured by this test, Ohio's Criminal Syndicalism Act cannot be sustained. The Act punishes persons who "advocate or teach the duty, necessity, or propriety" of violence "as a means of accomplishing industrial or political reform"; or who publish or circulate or display any book or paper containing such advocacy; or who "justify" the commission of violent acts "with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism"; or who "voluntarily assemble" with a group formed "to teach or advocate the doctrines of criminal syndicalism." Neither the indictment nor the trial judge's instructions to the jury in any way refined the statute's bald definition of the crime

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Reversed.

GOD DAMNED RACKETEER & "A DAMNED FASCIST"

[Footnote 1]

The significant portions that could be understood were:

PRESCRIPTIONS

- "How far is the nigger going to -- yeah."
- "This is what we are going to do to the niggers."
- "A dirty nigger."
- "Send the Jews back to Israel."
- "Let's give them back to the dark garden."
- "Save America."
- "Let's go back to constitutional betterment."
- "Bury the niggers."
- "We intend to do our part."
- "Give us our state rights."
- "Freedom for the whites."
- "Nigger will have to fight for every inch he gets from now on."



[Footnote 2] The LAW INfringed UPON First Amendment & Fourteenth Amendment RIGHTS TO FREE SPEECH

Thank You

mf! FASCIST

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11

POLITICAL ARENA is often Abusive!

Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action. [n4] Such a statute falls within the condemnation of the First and Fourteenth Amendments. The contrary teaching of *Whitney v. California, supra*, cannot be supported, and that decision is therefore overruled.

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did unlawfully by word of mouth advocate the necessity, or propriety of crime, violence, or unlawful methods of terrorism as a means of accomplishing political reform. . . .

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(213)330-9803 or FBI (310) 477-6565 4
HOMELAND SECURITY

CD

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LISA CALDERON
ASSEMBLY MEMBER, FIFTY-SIXTH DISTRICT

RAMON LUQUIN
SENIOR FIELD REPRESENTATIVE

CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

RAMON.LUQUIN@ASM.CA.GOV



Opinion of the Court



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13

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LISA CALDERON
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RUBY DUEÑAS
PRONOUNS: SHE / HER / HERS
DISTRICT DIRECTOR

CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

RUBY.DUENAS@ASM.CA.GOV



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LISA CALDERON
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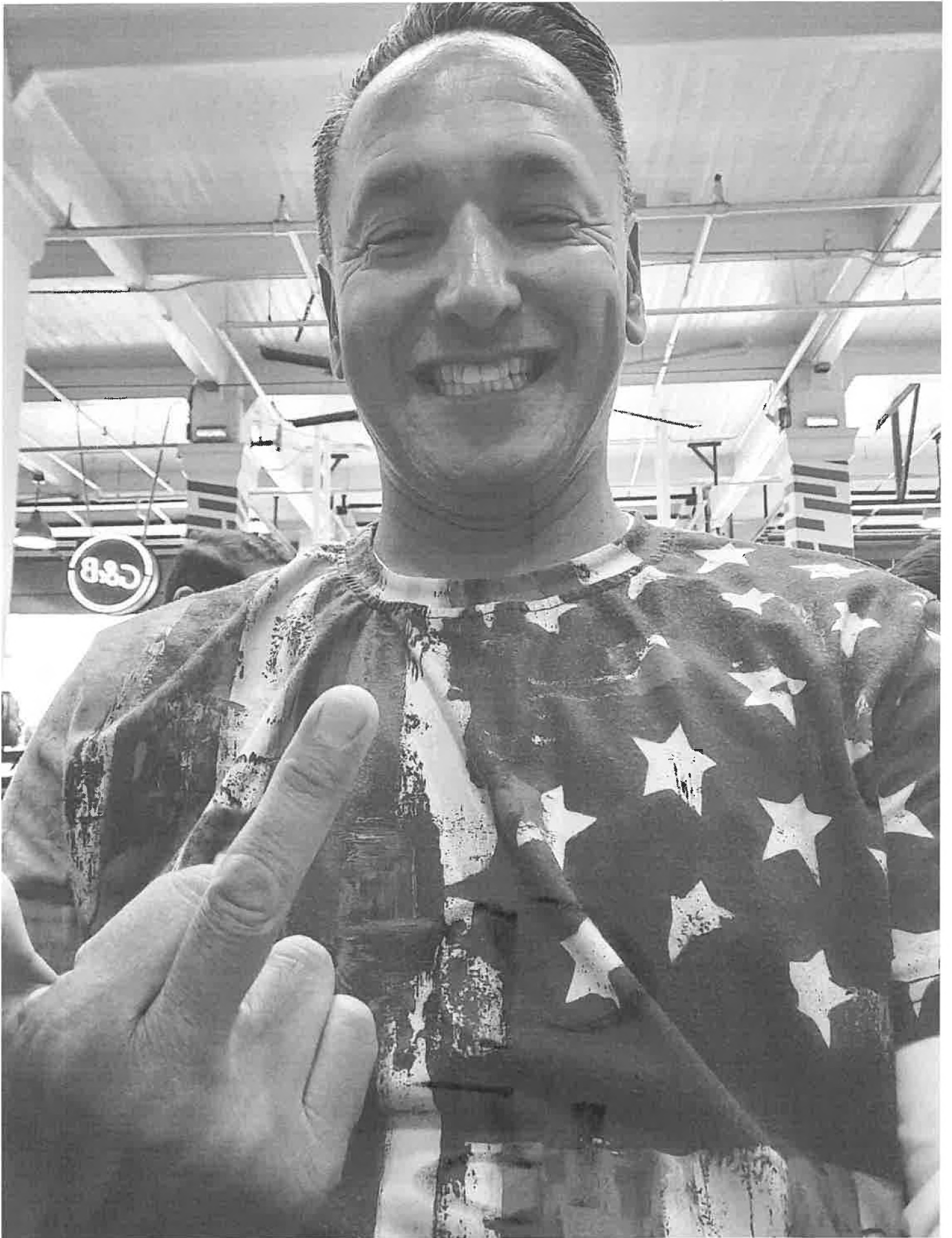
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1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
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DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

ASSEMBLYMEMBER.CALDERON@ASSEMBLY.CA.GOV

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Measured by this test, Ohio's Criminal Syndicalism Act cannot be sustained. The Act punishes persons who "advocate or teach the duty, necessity, or propriety" of violence "as a means of accomplishing industrial or political reform"; or who publish or circulate or display any book or paper containing such advocacy; or who "justify" the commission of violent acts "with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism"; or who "voluntarily assemble" with a group formed "to teach or advocate the doctrines of criminal syndicalism." Neither the indictment nor the trial judge's instructions to the jury in any way refined the statute's bald definition of the crime

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RULES 07/1; 12; LOS ANGELES "VAGUE"

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Reversed.

GOD DAMNED RACKETEER & "A DAMNED FASCIST"

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- "How far is the nigger going to -- yeah."
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- "A dirty nigger."
- "Send the Jews back to Israel."
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UNITED STATES V. BAGDASARIAN

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CALIFORNIA LEGISLATURE

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CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
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1021 O STREET, SUITE 4650
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DISTRICT OFFICE
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(562) 692-5858
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Opinion of the Court

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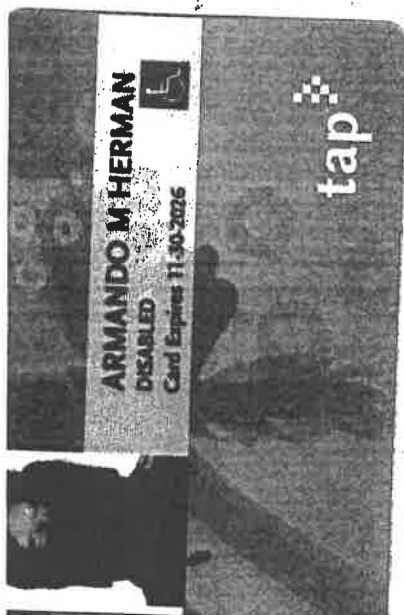
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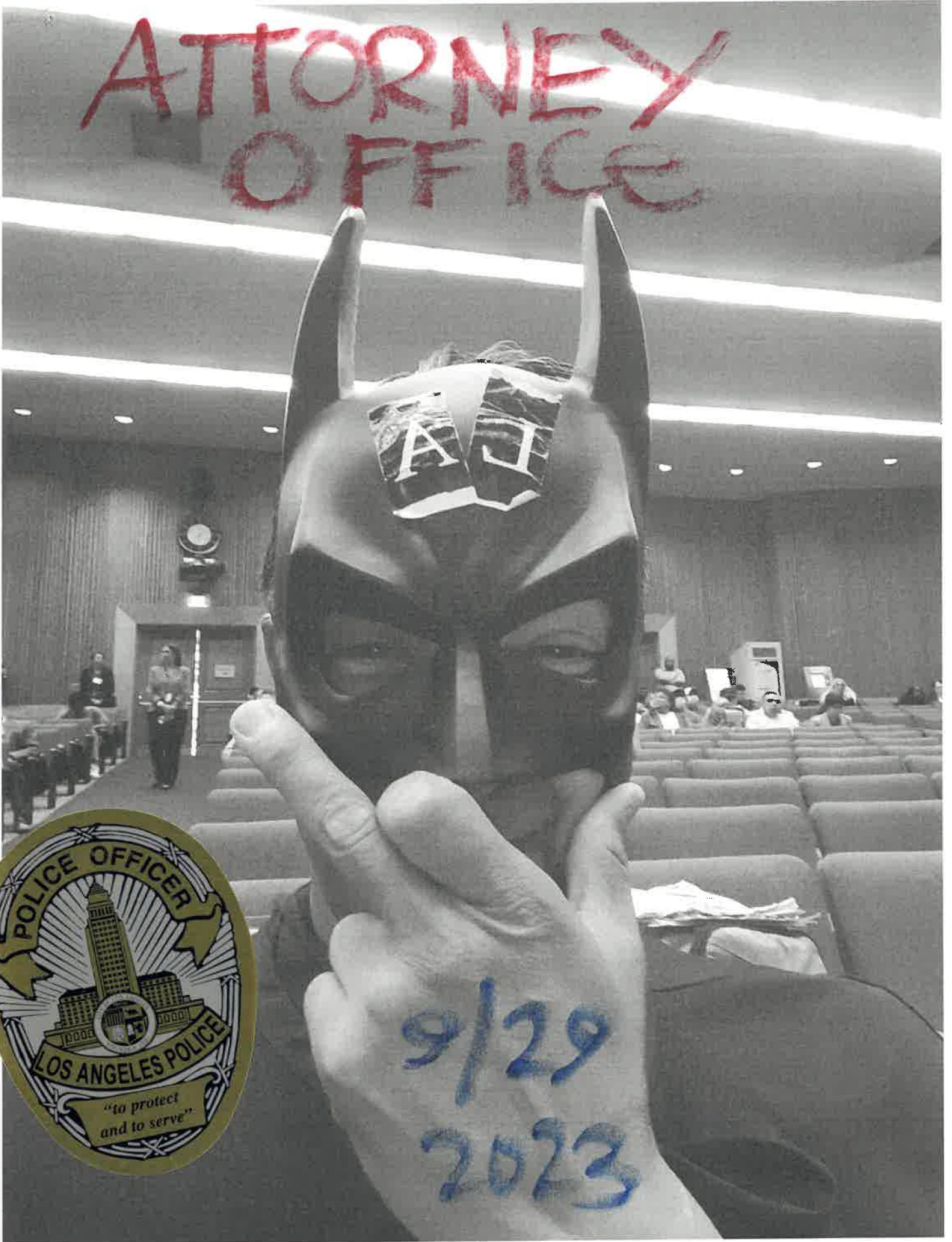
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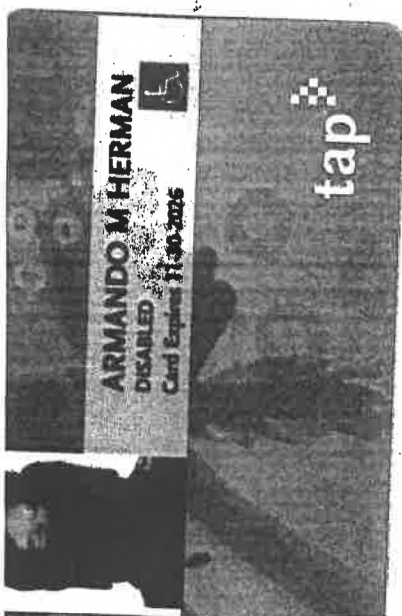
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CAPITOL OFFICE
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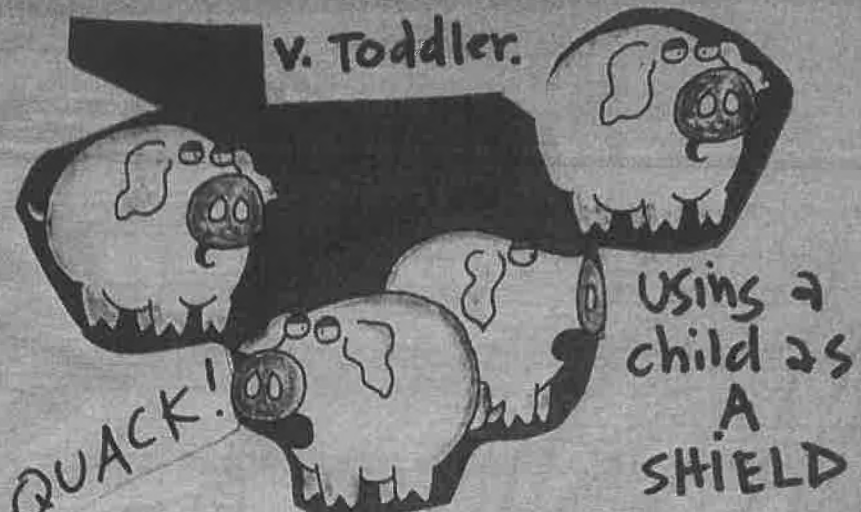
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The second count charged that appellant "did unlawfully voluntarily assemble with a group or assemblage of persons formed to advocate the doctrines of criminal syndicalism. . . ." The trial judge's charge merely followed the language of the indictment. No construction of the statute by the Ohio courts has brought it within constitutionally permissible limits. The Ohio Supreme Court has considered the statute in only one previous case, *State v. Kassay*, 126 Ohio St. 177, 184 N.E. 521 (1932), where the constitutionality of the statute was sustained.

4. Statutes affecting the right of assembly, like those touching on freedom of speech, must observe the established distinctions between mere advocacy and incitement to imminent lawless action, for, as Chief Justice Hughes wrote in *De Jonge v. Oregon, supra*, at 364: "The right of peaceable assembly is a right cognate to those of free speech and free

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ADVICE
LAPd.

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immunized from governmental control. Cf. *Yates v. United States*, 354 U. S. 298 (1957); *De Jonge v. Oregon*, 299 U. S. 353 (1937); *Stromberg v. California*, 283 U. S. 359 (1931). See also *United States v. Robel*, 389 U. S. 258 (1967); *Keyishian v. Board of Regents*, 385 U. S. 589 (1967); *Elfbrandt v. Russell*, 384 U. S. 11 (1966); *Aptheker v. Secretary of State*, 378 U. S. 500 (1964); *Baggett v. Bullitt*, 377 U. S. 360 (1964).

Measured by this test, Ohio's Criminal Syndicalism Act cannot be sustained. The Act punishes persons who "advocate or teach the duty, necessity, or propriety" of violence "as a means of accomplishing industrial or political reform"; or who publish or circulate or display any book or paper containing such advocacy; or who "justify" the commission of violent acts "with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism"; or who "voluntarily assemble" with a group formed "to teach or advocate the doctrines of criminal syndicalism." Neither the indictment nor the trial judge's instructions to the jury in any way refined the statute's bald definition of the crime

Page 395 U. S. 449 **RULES 07/1, 12; LOS ANGELES "VAGUE"**

in terms of mere advocacy not distinguished from incitement to imminent lawless action. [Footnote 3]

Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action. [Footnote 4] Such a statute falls within the condemnation of the First and Fourteenth Amendments. The contrary teaching of *Whitney v. California*, *supra*, cannot be supported, and that decision is therefore overruled.

Reversed.

"GOD DAMNED RACKETEER" & "A DAMNED FASCIST"

[Footnote 1]

The significant portions that could be understood were:

PRESCRIPTIONS

"How far is the nigger going to -- yeah."

"This is what we are going to do to the niggers."

"A dirty nigger."

"Send the Jews back to Israel."

"Let's give them back to the dark garden."

"Save America."

"Let's go back to constitutional betterment."

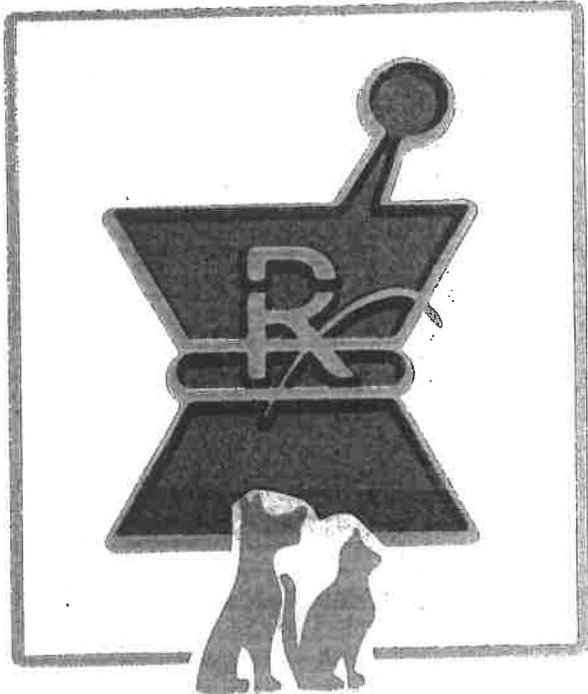
"Bury the niggers."

"We intend to do our part."

"Give us our state rights."

"Freedom for the whites."

"Nigger will have to fight for every inch he gets from now on."



[Footnote 2]

**The LAW Infringed
UPON First Amendment &
Fourteenth Amendment
RIGHTS TO FREE SPEECH**

Thank You

mf! FASCIST

CD

7

POLITICAL ARENA is often Abusive!

Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action. ^[n4] Such a statute falls within the condemnation of the First and Fourteenth Amendments. The contrary teaching of *Whitney v. California, supra*, cannot be supported, and that decision is therefore overruled.

Reversed.

1. The significant portions that could be understood were:

How far is the nigger going to -- yeah.

This is what we are going to do to the niggers.

A dirty nigger.

Send the Jews back to Israel.

Let's give them back to the dark garden.

Save America.

Let's go back to constitutional betterment.

Bury the niggers.

We intend to do our part.

Give us our state rights.

Freedom for the whites.

Nigger will have to fight for every inch he gets from now on.

PUBLIC ISSUES should be UNINHIBITED, Robust, & wide open & include vehement, caustic & sometimes Very UNpleasant sharp attacks ON gov.

2. It was on the theory that the Smith Act, 54 Stat. 670, 18 U.S.C. § 35 embodied such a principle and that it had been applied only in conformity with it that this Court sustained the Act's constitutionality. *Dennis v. United States*, 341 U.S. 494 [341 U.S. 494 (1951)]. That this was the basis for *Dennis* was emphasized in 341 U.S. 494 (1951). That this was the basis for *Dennis* was emphasized in *Yates v. United States*, 354 U.S. 298, 320-324 (1957), in which the Court overturned convictions for advocacy of the forcible overthrow of the Government under the Smith Act, because the trial judge's instructions had allowed conviction for mere advocacy, unrelated to its tendency to produce forcible action.

3. The first count of the indictment charged that appellant did unlawfully by word of mouth advocate the necessity, or propriety of crime, violence, or unlawful methods of terrorism as a means of accomplishing political reform. . . .

The second count charged that appellant "did unlawfully voluntarily assemble with a group or assemblage of persons formed to advocate the doctrines of criminal syndicalism. . . ." The trial judge's charge merely followed the language of the indictment. No construction of the statute by the Ohio courts has brought it within constitutionally permissible limits. The Ohio Supreme Court has considered the statute in only one previous case, *State v. Kassay*, 126 Ohio St. 177, 184 N.E. 521 (1932), where the constitutionality of the statute was sustained.

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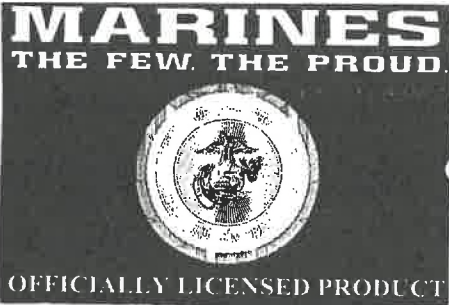


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Opinion of the Court

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form, and context, no factor is dispositive, and it is necessary to evaluate all the circumstances of the speech, including what was said, where it was said, and how it was said.

The "content" of Westboro's signs plainly relates to broad issues of interest to society at large, rather than matters of "purely private concern." *Dun & Bradstreet, supra*, at 759. The placards read "God Hates the USA/Thank God for 9/11," "America is Doomed," "Don't Pray for the USA," "Thank God for IEDs," "Fag Troops," "Semper Fi Fags," "God Hates Fags," "Maryland Taliban," "Fags Doom Nations," "Not Blessed Just Cursed," "Thank God for Dead Soldiers," "Pope in Hell," "Priests Rape Boys," "You're Going to Hell," and "God Hates You." App. 3781-3787. While these messages may fall short of refined social or political commentary, the issues they highlight—the political and moral conduct of the United States and its citizens, the fate of our Nation, homosexuality in the military, and scandals involving the Catholic clergy—are matters of public import. The signs certainly convey Westboro's position on those issues, in a manner designed, unlike the private speech in *Dun & Bradstreet*, to reach as broad a public audience as possible. And even if a few of the signs—such as "You're Going to Hell" and "God Hates You"—were viewed as containing messages related to Matthew Snyder or the Snyders specifically, that would not change the fact that the overall thrust and dominant theme of Westboro's demonstration spoke to broader public issues.

Apart from the content of Westboro's signs, Snyder contends that the "context" of the speech—its connection with his son's funeral—makes the speech a matter of private rather than public concern. The fact that Westboro spoke in connection with a funeral, however, cannot by itself transform the nature of Westboro's speech. Westboro's signs, displayed on public land next to a public



- HILDA L. SOLIS
Supervisor, First District
- HOLLY J. MITCHELL
Supervisor, Second District
- SHEILA KUEHL
Supervisor, Third District
- JANICE HAHN
Supervisor, Fourth District
- KATHRYN BARGER
Supervisor, Fifth District

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the country's first black president. No less troubling is the defendant's second statement imploring others to "shoot the nig," lest the "country [be] fkd for another 4 years+" because "never in history" has a black person "done ANYTHING right." There are many unstable individuals in this nation to whom assault weapons and other firearms are readily available, some of whom might believe that they were doing the nation a service were they to follow Bagdasarian's commandment. There is nevertheless insufficient evidence that either statement constituted a threat or would be construed by a reasonable person as a genuine threat by Bagdasarian against Obama.

[5] When our law punishes words, we must examine the surrounding circumstances to discern the significance of those words' utterance, but must not distort or embellish their plain meaning so that the law may reach them. Here, the meaning of the words is absolutely plain. They do not constitute a threat and do not fall within the offense punished by the statute. In *Watts*, the Supreme Court reversed a conviction under a presidential threat statute. 394 U.S. at 705-06. The defendant there had said, "[a]nd now I have already received my draft classification as 1-A and I have got to report for my physical this Monday coming. I am not going. If they ever make me carry a rifle the first man I want to get in my sights is L.B.J." *Id.* at 706. The Court held that "we must interpret the language Congress chose 'against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wideopen, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials' "; adding that "[t]he language of the political arena . . . is often vituperative, abusive, and inexact." *Id.* at 708 (citations omitted).

The Government argues that among the relevant elements of the factual context is that the defendant's messages were anonymous, posted only under the screen name "californ-

FUCK YOU!



LISA CALDERON
ASSEMBLYMEMBER, FIFTY-SIXTH DISTRICT

RUBY DUEÑAS
PRONOUNS: SHE / HER / HERS
DISTRICT DIRECTOR

CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

RUBY.DUENAS@ASM.CA.GOV



CALIFORNIA LEGISLATURE

LISA CALDERON
ASSEMBLYMEMBER, FIFTY-SIXTH DISTRICT

CAPITOL OFFICE
1021 O STREET, SUITE 4650
SACRAMENTO, CA 95814
(916) 319-2056
FAX (916) 319-2156

DISTRICT OFFICE
13181 N. CROSSROADS PKWY., STE. 160
INDUSTRY, CA 91746-3497
(562) 692-5858
FAX (562) 695-5852

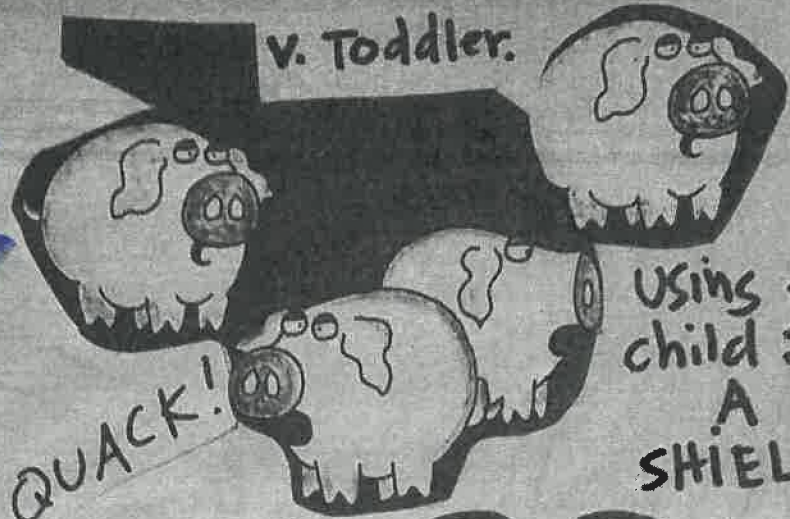
ASSEMBLYMEMBER.CALDERON@ASSEMBLY.CA.GOV

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SSS



QUACK!

Using a child as A SHIELD

LAPD



usually meetings

Toddler Controversy LAPd.



parenting advice LAPd.

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