


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE AND DISMISS THE CASE OF THE CITY OF PORTLAND AND THE CITY OF OAKLAND V. MERRICK GARLAND, IN HIS OFFICIAL CAPACITY AS UNITED STATES ATTORNEY GENERAL; UNITED STATES DEPARTMENT OF JUSTICE; ALEJANDRO MAYORKAS, IN HIS OFFICIAL CAPACITY AS SECRETARY OF HOMELAND SECURITY; AND UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DISTRICT COURT CASE NO. 3:20-CV-7184-EMC, CITY ATTORNEY'S FILE NO. AL-05173 (CITY COUNCIL – CONSTITUTIONAL AND STATUTORY VIOLATIONS)

WHEREAS, in June and July 2020, then-President Trump's administration took unprecedented steps to create a new policy purporting to authorize the deployment of federal agents to United States cities; and

WHEREAS, the then-President, then-acting Department of Homeland Security (DHS) Secretary Chad Wolf, and then-Attorney General William Barr individually and collectively offered varied and pretextual justifications for the deployments, including citing statutes allowing federal agencies limited authority to protect federal property, and generally citing "violence" and "anarchy" in progressive cities; and

WHEREAS, Portland, OR, was the most high-profile target of the Trump Administration's policy, but other cities were repeatedly threatened with such deployments, including Oakland; and

WHEREAS, in October 2020, the City of Oakland joined the City of Portland and a national nonprofit, the Public Rights Project, in filing a challenge to DOJ and DHS; and

WHEREAS, after the lawsuit and after President Biden took office, he issued a new and crucial executive order, which rescinded the Trump June 2020 executive order that undergirded the policy at issue in the case; and

WHEREAS, with that executive order rescinded and with other key agreements by Defendants about the constitutional matters in the lawsuit, the parties believe it is appropriate to dismiss this case without prejudice; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to settle and dismiss the case of the City of Portland & the City of Oakland v. Merrick Garland, in his official capacity as United States Attorney General, et al., United States District Court Case No. 3:20-Cv-7184-EMC, City Attorney's File No. A1-05173; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California