



NEW MEMBER — City Clerk Charles Abdelnour swears in newly appointed Councilwoman Lucy Killea at City Hall ceremonies. — Tribune staff photo by Barry Fitzsimmons

Killea takes new post amid Chicano protests

By LYNNE CARRIER

A smiling Lucy Killea was sworn in today as the new 8th District City Council member amid mounting protests from Mexican-American leaders that her appointment was engineered by Mayor Wilson.

Killea said after the ceremony, attended by relatives and friends, that she will "vigorously pursue full representation of all the people in the 8th District."

And Wilson said Killea will probably become known as the "\$600,000 baby," because her appointment cost the city the cost of holding

special elections that would have cost that much.

But Herman Baca, director of the Ad Hoc Committee on Chicano Rights, called Killea's selection by the council Saturday "a political slap to the face of our (Mexican-American) community and a decision which could only have been arrived in a smoke-filled room."

Baca said objections are not aimed at Killea personally but at a council that refused to appoint a Chicano to replace ousted Councilman Jess Haro.

See COUNCIL, A-3

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WELCOMING — Councilwoman Maureen O'Connor congratulates Lucy Killea, who was sworn in this morning as the council member representing the 8th District. Her appointment is meeting

strong opposition from Mexican-American leaders who say a Chicano should have been appointed to replace jailed former councilman Jess Haro. — Tribune staff photo by Barry Fitzsimmons

★Council

CONTINUED FROM PAGE 1

Haro, the first Mexican-American to sit on the council in recent times, was removed from the council by his colleagues Sept. 11 for his unexcused absences while serving a 90-day federal jail sentence for customs fraud.

The city charter requires that a council member who misses eight or more consecutive meetings without a council excuse be removed.

Baca and other activists had protested Haro's jail sentence, handed down in July, and later, when it became apparent that Haro would lose his seat, they began to call on the council to fill his post with another Mexican-American.

Killea, not a Mexican-American, was the mayor's choice and a clear favorite for the appointment from the beginning.

Baca said the council could have chosen one of two candidates on the list of six finalists that would have been acceptable to his group. They were Mario Palomino, a county administrator, and Uvaldo Martinez, a city planner.

On Saturday, Martinez got early support only from Councilman Bill Lowery, who on the eighth ballot broke a deadlock by switching to Killea, along with Councilman Leon Williams. Palomino, who was the favorite selected in an informal convention held by Baca's group last month, did not get any votes for the appointment.

Baca termed the results a "Saturday massacre for Chicano candidates."

Baca has said his group hopes that Killea can be unseated by a Mexican-American candidate when the council position comes before voters next year.

He demanded a complete disclosure of Killea's activities with the Central Intelligence Agency. She worked with the CIA in Washington, D.C., from 1948 through 1956 and says her duties were limited primarily to research on the Netherlands and Belgium.

Baca's group is also calling for a boycott of Killea's office between now and September's primary as a means of expressing displeasure

with her appointment.

Baca echoed many of the views expressed by Haro, who complained in an interview with a Mexican-American community newspaper that Killea's selection was a foregone conclusion.

Killea is the first woman appointed to the council, though she is the third woman council member. The other two, Helen Cobb, who retired

in 1971, and Maureen O'Connor, current incumbent in the 2nd District, were elected.

Killea was a city planning commissioner and executive director of Fronteras de las Californias.

She said she feels she has some support from Mexican-Americans (making up about 20 percent of her district) because she speaks Spanish and lived in Mexico for 10 years.

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will probably pursue full employment the \$600,000 holding

Police privacy bill dies in Assembly

By Michael Smolens, Staff Writer

SACRAMENTO — A bill by state Sen. Lucy Killea that would have further restricted public access to police personnel records was shelved yesterday by the Assembly Public Safety Committee.

Such records are confidential under current law, but they can become public once introduced as testimony at civil service and police commission hearings.

Killea's bill would have kept the records secret even if submitted during those hearings. Since the records often play key roles at disciplinary proceedings, critics say the bill would effectively close the hearings to the public.

"I contend that these hearings are for the bene-

fit of the officer," Killea, D-San Diego, told the committee. "After a department has taken unilateral action against an officer, this hearing is his or her opportunity to tell his or her side of the case in an unbiased atmosphere without sensational newspaper stories."

After Killea's brief opening statement, Public Safety Committee Chairman John Burton, D-San Francisco, said the bill lacked support from the panel.

Burton suggested that Killea's SB 2764 and other bills relating to disclosure of peace officers' confidential records become the subject of an informational committee hearing after the legislative session, which ends Aug. 31.

"It would be my hope that we would have a study of this: Where is the public's right to know

versus . . . a police officer's right to privacy?" Burton said.

The committee took no action on the bill.

The measure was backed by an array of peace officer associations and state Attorney General John Van de Kamp, but it ran into staunch opposition from civil libertarians, private investigators and newspaper publishers, including The Copley Press, which publishes *The San Diego Union*.

The city of San Diego and the State Personnel Board also opposed the measure, saying it would conflict with existing laws that require their meetings to be open to the public. The city of Los Angeles was listed as a supporter, however.

Both Democrats and Republicans on the panel

See Killea on Page B-4

S.O. 2764 8/8/90



File photo

Lucy Killea

Bill widely opposed

Killea defends bill closing police files

By Ray Huard

Tribune Politics Writer

State Sen. Lucy Killea said yesterday that she's been unfairly criticized for sponsoring legislation that would close police personnel files to the public.

"The officers who sacrifice their lives for our safety should not have to sacrifice their privacy for our entertainment," Killea said in a news conference here.

Killea, D-San Diego, said her bill (SB 2764) has "already been tried and convicted" in newspaper editorials.

"Police officers are human beings and have families and private lives just like the rest of us," Killea said. "The details of their private lives do not have to be made public to provide in some roundabout way public oversight of their actions as officers."

Killea said her legislation would restore privacy rights previously given police by the Legislature. She said those rights have been eroded by conflicting court opinions on when police personnel records should be kept confidential.

The result, Killea said, is that personnel records are sometimes made public contrary to the intent of the law.

But the president of the San Diego County Civil Service Commission said Killea's legislation goes far beyond current law and could close 75 percent or more of Civil Service Commission police hearings from the public.

"It would literally close a vast majority of our hearings," said commission President Deanna Spehn. "I'm very concerned, as president of the commission, about the intent of this bill."

Depending on how Killea's legislation is interpreted, Spehn said, the

commission could be forced to close far more than police disciplinary hearings. She said the commission could be forced to close hearings dealing with discrimination when they relate to police officers and whether injured officers should be allowed to retire on full pay.

"I don't agree with the argument that officers should be treated differently than other civil service employees," Spehn said. "Once it's OK for police officers to have closed hearings, or predominantly closed hearings, the next step is for all civil service employees to want it."

Killea said the Legislature decided several years ago that police officers deserve special treatment.

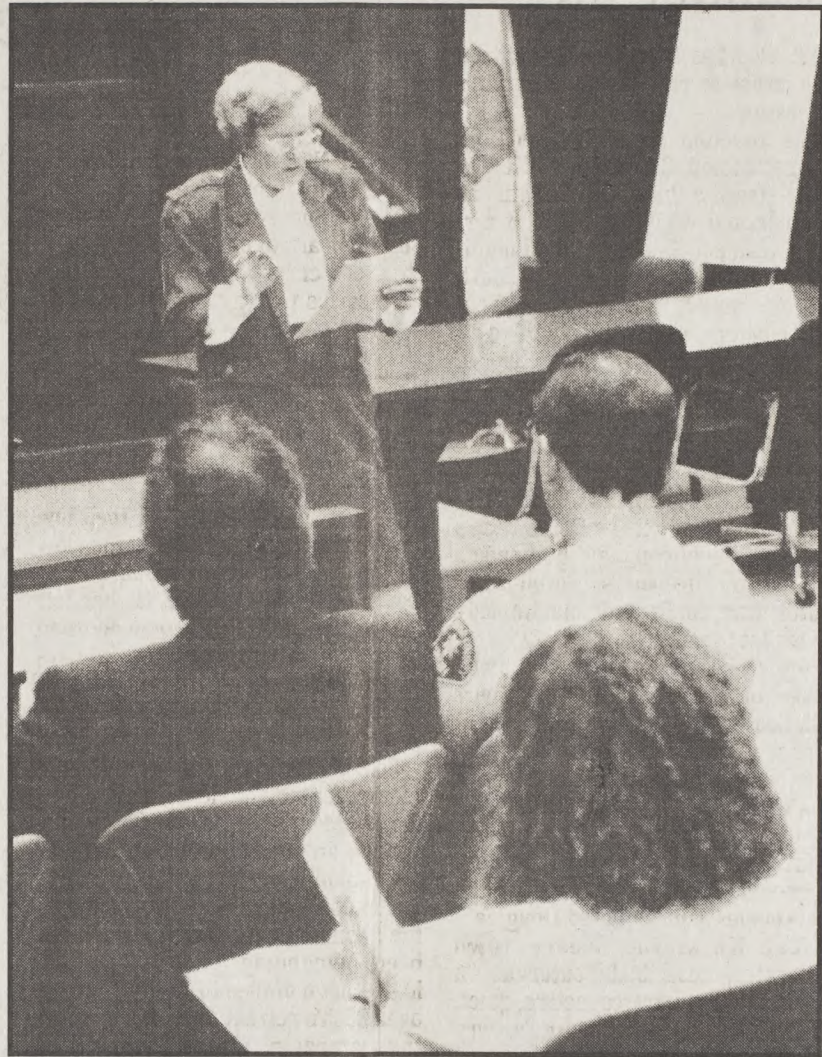
Unlike other civil service workers, "they are vulnerable to retaliation by some elements in our society," Killea said.

Killea said the only debate is whether the confidentiality police were promised by the previous legislation is restored.

To allay some concern expressed by critics, Killea said she will amend her bill to ensure that personnel records can be made public if the officer involved wants them public; that citizen review boards will have access to police personnel records; and that such personnel records will become public if a police officer goes to court to appeal a disciplinary action.

Civil service hearings are designed to protect officers who feel that they've been wrongly disciplined by their superiors or that the punishment imposed is too harsh, said Everett Bobbitt, a San Diego lawyer who represented a number of local police officers.

The problem is that some officers have been reluctant to appeal for fear that their personnel records will



Tribune photo by Howard Lipin

State Sen. Lucy Killea defends her proposed bill that would close law enforcement officers' personnel files to public review

be subject to scrutiny by the media, Bobbitt said.

"They simply give up all their rights," Bobbitt said.

Killea said her legislation is not meant to cover up police wrongdoing.

"Make no mistake about it. Police brutality or misconduct cannot be tolerated," Killea said. "Police are given great power and authority, and we have to be sure that power is properly used."

But Killea said making police personnel files public "is an inadequate and inappropriate way to monitor the department."

Rather, Killea said, the San Diego Civilian Review Board could expand its role to investigate all police shootings whether or not a complaint has been filed, and the county could create its own review board to oversee the actions of sheriff's deputies.

"That's where you're going to get the oversight you need," Killea said.

Privacy for police defended by Killea

By Valerie Alvord

Staff Writer

State Sen. Lucy Killea blasted the news media yesterday, saying they have "tried and convicted" proposed legislation that she says would protect police officers but critics contend would pull the cloak of secrecy more tightly around law enforcement.

In a press conference in downtown San Diego, the San Diego Democrat adamantly defended the legislation, calling it an "innocuous bill" that has been unfairly attacked by the newspapers flexing "their considerable muscle — legal, political and editorial."

"If you look at the actual bill, you can't tell the difference between current law and what my bill does to amend it," Killea said. "Most of what the newspapers are complaining about is already the law."

The legislation has been attacked by a number of opponents, including the cities of San Diego and San Francisco, the San Diego County Civil Service Commission, the California Newspaper Publishers Association, the Copley Press and the American Civil Liberties Union.

Critics say that Senate Bill 2764, which is scheduled for one of its final hearings Aug. 7, would essentially close police and civil service commission hearings statewide when peace officers appealed the discipline of their superiors.

The legislation would apply to all sworn personnel — including police officers, sheriff's deputies, marshals and most probation officers.

Deanna Spehn, president of the San Diego County Civil Service Commission, said the bill would effectively bar the public from hearings dealing with complaints of brutality, falsification of records, sexual discrimination, sexual molestation, moral misconduct and any number of minor offenses in cases where the officers' superiors had already decided that misconduct occurred.

The legislation would not apply to other civil service employees, such as clerks, planners and code enforcement officers.

Killea denied that her bill would close such hearings, saying it would only keep reporters and other members of the public from looking through an officer's personnel file if that file were entered into evidence at the hearing.

But Everett Bobbitt, legal counsel to the San Diego Police Officers' Association — who attended Killea's press conference as an ally of her proposed legislation — said the public also would be excluded from any portion of a hearing where evidence emanating from the personnel file was being presented.

For instance, Bobbitt said, testimony about evidence gathered during an internal affairs investigation would not be aired in public.

If that were true, Spehn said, at least 75 percent of the information presented in a typical commission hearing would be secret and the hearings themselves would be disrupted to the point where it would be difficult to conduct them properly.

Spehn, who attended yesterday's press conference, said later that she

See **Police bill** on Page B-4



Police bill: Killea lashes out at media

Continued from B-1

did not believe it shed much light on what the Killea legislation would actually do.

"Based on what Lucy Killea said and what Everett Bobbitt said, I'm more convinced than ever that it's going to close our hearings," she said. "It would be very difficult to conduct an open hearing given the parameters this bill would set up, and I'm concerned about police being treated differently than other employees."

Killea stressed that her legislation was important because reporters have used the commission hearings as a "back door" to gain access to the inner workings of law enforcement.

She said commission hearings were never intended as a means of holding peace officers accountable and that other agencies, such as police review boards and grand juries, fill those functions.

Killea and Bobbitt said police officers have a right to appeal their discipline in private in order to save them the embarrassment of revealing the personal details of their lives.

Furthermore, Killea said her bill, in an amended form, would clearly spell out that police personnel records would not be exempt from disclosure in civil and criminal court hearings.

Bobbitt said he knew of cases where officers "simply gave up all their rights to appeal discipline because they didn't want to be on the TV news. You wouldn't print that a typist abused her typewriter; it simply isn't newsworthy."

The bill sailed through early committee hearings and passed the Senate without a single dissenting vote.

But lobbyists for the city of San Francisco and the ACLU said they did not launch their opposition during the Senate vote because they were unaware of the bill's broad ramifications.

Assemblywoman Carol Bentley of El Cajon, the ranking Republican on the Safety Committee that is scheduled to review the bill before it goes to the Assembly floor, said yesterday that she also "has concerns."

"I'm concerned if we're protecting police officers who have a pattern of misbehavior," she said. "I don't want to support any legislation that would hide the rotten apple."

Bentley acknowledged that she was confused about what the bill actually would do, and said she wanted to consider testimony carefully during the hearing before she made a final determination.

Killea: Assembly panel kills bill to protect police privacy

Continued from B-1

appeared uncomfortable with the notion of further restricting public access to information about peace officers during disciplinary proceedings.

Assemblywoman Carol Bentley, R-El Cajon, suggested that the bill would create a different set of rights for peace officers than other employees.

"If we're going to close the civil service proceedings in San Diego for police officers, why not for everybody else?" she asked.

According to an analysis of the bill, the new restrictions would have applied to all sworn personnel statewide — including police officers, sheriff's deputies, marshals and pro-

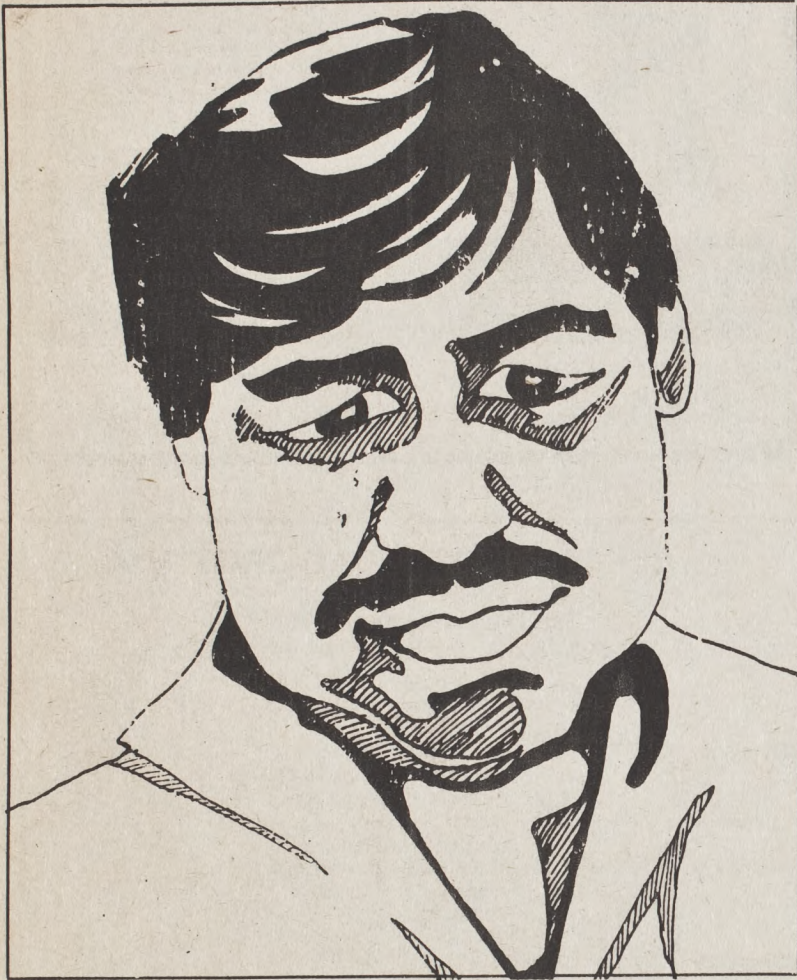
bation officers.

In other legislative action:

- Killea withdrew a bill from the Public Safety Committee that would have made it illegal to drive a boat while consuming alcoholic beverages or possessing any open container of alcoholic beverages. Killea dropped her SB 2059 after the committee insisted that the bill include an increase in boat registration fees to pay for additional waterway enforcement.

- The Senate Governmental Operations Committee took no action on a bill that would create a development authority along the California-Mexico boarder that would have the power to issue bonds and raise taxes and fees to construct public improvements.

Killea's Proposed "Police Secrecy Bill" Opposed By Chicanos



by daniel i. munoz

State Senator Lucy Killea's proposed "secrecy bill SB 2746" is being heatedly

opposed by local Chicano groups as a "KGB Secret Police" type legislation.

"It is not surprising that Killea would be the one to try

and pass a bill that would in fact hide from the public what local police officers are doing" said Herman Baca, chairman of the Committee on Chicano Rights. "As a (closet) former member of the CIA, her activities to hide from public view the "reign of terror" that is being carried out against the American public easily fits in the mold of the CIA."

Baca in exposing Killea's past association with the CIA, which has been responsible for some of the most reprehensible activities in American history, brings back into public light a not too well known fact that Lucy Killea admitted under questioning on October 10th, 1978 that she indeed had worked with the CIA in Washington, D.C., from 1948 through 1956! The issue was first brought to light by the Committee on Chicano Rights who strongly objected to an ex-CIA agent being appointed to represent the Mexican American community of council District 8 to replace former Councilman Jess Haro who was ousted after serving a 90 day federal jail sentence for customs fraud.

"Our position was that a Mexican American should have been appointed to replace Jess Haro for district eight. Killea's appointment was engineered by now Senator

Pete Wilson," Baca recalled. "Her selection was a political slap to the face of the Mexican American Community."

"It really comes as no surprise to our organization that this dangerous and anti-democratic legislation should be introduced by Senator Lucy Killea, an ex-CIA employee. If this bill is approved and signed into law it will probably result in the following:

*Removing law enforcement officers from civilian control review and accountability.

*Pulling down a curtain of secrecy on illegal acts, cover-ups and misconduct committed under the "color of law" by police officers, sheriff deputies, marshals and probation officers." said Baca.

San Diego residents are currently experiencing a "reign of terror" at the hands of San Diego law enforcement agencies unparalleled in the nation. Shootings of innocent persons, unwarranted killings by police officers of unarmed civilians, brutal beatings, illegal jailings, total denial of citizens civil and constitutional rights, a dramatic increase in the number of civil and criminal law suits against law enforcement agencies in the region." As a former member of the American equivalent of the KGB, it is not surprising that Killea wants to assist in the

cover up of the terrorist acts being carried out by her campaign supporters in the law community. Apparently she has forgotten the voters, the American public that is at their mercy," stated Baca.

On the surface, it now would appear that Killea, and the Senate which recently supported SB 2746, is sending a strong signal to law enforcement agencies that it is "OK" to carry out these KGB activities against American citizens, irrespective of race, color, religion, or sexual preference. "Openness and secrecy is the citizens protection against the unreasonable power now enjoyed by law enforcement agencies. Remember they carry the guns. We can only protect ourselves by our Laws, Constitution and Bill of Rights. Killea now wishes to strip you of those protections," concluded Baca.

(The Committee on Chicano Rights along with coalition members have requested Assemblyman John L. Burton, Chairman of the Safety Committee at the State Capitol to oppose, in committee, SB 2746.)

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