

Date: March 10, 2008

From: Vietnamese American Community of Northern California (VACNORCAL)
San Jose Voters For Democracy
220 Leo Ave, Suite #B, San Jose, CA 95112

To: Rules and Open Government Committee, San Jose City Council, San Jose, California

Cc: San Jose City Attorney Richard Doyle
San Jose Councilmembers Pete Constant, Forrest Williams, Sam Liccardo, Pierluigi Oliverio, Madison Nguyen, Judy Chirco, Nancy Pyle, Nora Campos, Kansen Chu
San Jose Mayor Chuck Reed
San Jose Vice Mayor Dave Cortese
San Jose City Clerk Lee Price
California Governor Arnold Schwarzenegger
Congresswoman Zoe Lofgren
State Assemblyman Joe Cotto
Santa Clara County District Attorney Dolores Carr

RE: Request for a full investigation regarding a fraudulent document, and request for an emergency meeting on the issue of naming the Vietnamese retail area on Story Road

The San Jose City Council held a meeting on March 4, 2008 to consider rescinding its November 20, 2007 vote to approve the name "Saigon Business District" for a proposed Vietnamese retail area in San Jose due to allegations that a majority of Council members had violated the Ralph M. Brown Act. On March 4, 2008, despite the attendance by over 1,000 "Little Saigon" supporters to approximately 80 anti-Little Saigon supporters, about 13 minutes before the end of the meeting, Councilmember Sam Liccardo introduced a "petition" purportedly by 92 business owners, dated March 4, 2008, that stated as follows:

"We do not want the City Council to name any name on the street until the City staff to develop a guideline on naming a business district. We will work with the City's staff and members of our business community to come up with a name that is acceptable to us. WE DO NOT WANT OUTSIDERS TO IMPOSE A NAME to our business area that we do not need and do not want it NOW."

Councilmember Liccardo used this "petition by 92 businesses" as a supporting document to introduce his alternative motion to block Councilmember Kansen Chu's motion to vote on the name "Little Saigon." Councilmember Liccardo repeatedly asserted that these 92 business owners wish for self-determination on the name. As a result, the Mayor and Councilmembers Nguyen, Liccardo, Pyle, Williams, Chirco, and Campos approved Resolution 74270, rescinding the Council's November 20, 2007 vote but directing City staff to draft a new Council Policy which would allow only "identified stakeholders" in proposed business districts to determine a name for the district.

We would like to raise two critical concerns relating to Councilmember Liccardo's supporting document allegedly signed by 92 business owners:

(1) As soon as this document was made public after the March 4, 2008 council meeting, dozens of business owners whose signatures appeared on this purported petition began publicly

speaking out against this petition, and emphatically stating that they never signed this petition and that their signatures were grafted onto this petition without their consent, or that their signatures were forged. (See attached letters.) Many of these business owners have since also appeared in Vietnamese newspapers, and on radio and television, to clarify that they are victims of a fraudulent act. (Recordings of this material will be provided upon request.)

(2) As stated by the Sunshine Reform Task Force Phase I Report and Recommendations (dated 5/23/07), point 2.a, quote: “all staff reports and other supporting documents related to the items on the agenda for a regular meeting must be posted on the City’s website or available in the Office of the City Clerk and made available for inspection and copying 10 calendar days before a regular meeting.” Indisputably, Councilmember Liccardo used this “petition of 92 businesses” as the ONLY supporting document for his motion, yet it was not made available to the public for inspection 10 calendar days before the meeting. Furthermore, it was intentionally introduced only during the council discussion, and the public was not given any chances to rebut the authenticity of the document. Clearly, the manner in which Councilmember Liccardo introduced the “supporting document” for his amended motion was in complete violation of the above stated Sunshine Reform Task Force recommendation.

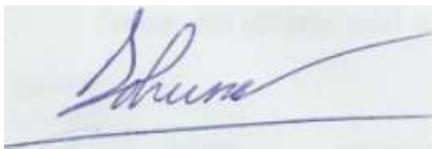
Based on these very serious concerns VACNORCAL and San Jose Voters For Democracy, and their respective members and supporters demand that:

(1) A full investigation of this apparently fraudulent petition must be carried out by an independent third party. In addition, the investigation must bring forth the role that various parties, INCLUDING ANY MEMBERS OF THE SAN JOSE CITY COUNCIL, have played in this matter. This is the ONLY way to restore trust in the Council, trust which has been lost throughout this naming ordeal.

(2) The council must hold an emergency meeting immediately to rescind Resolution 74270 that was based on a fraudulent document as well as violation of San Jose’s Sunshine Reform recommendations. Additionally, the Council must vote to officially adopt the name Little Saigon for this retail area, as it has acknowledged that there is widespread support throughout San Jose’s Vietnamese community for the name “Little Saigon.”

Finally, Resolution 74270, which was based on a fraudulent document, has further fueled Mr. Ly Tong’s hunger strike. Today is Mr. Ly Tong’s 23rd day without food and his 4th day without water. Due to the urgency of the situation, we respectfully request that the committee respond promptly to our request.

Best regards,



Do Hung, Spokesperson
San Jose Voters For Democracy



Tien Nguyen, President
VACNORCAL