



*Protecting, Defending and Promoting the Family,
the building block of society*

To: San Antonio Mayor Ron Nirenberg and City Council

Date: February 9, 2023

Re: Request to refrain ratification of the “SA Justice Policy” for placement on the May 2023 Municipal Election

San Antonio City Council needs to act to uphold State law. It is clear that the “SA Justice Policy” violates the Texas Constitution and State Statute of the Local Governance Code. The Council needs to comply with state law to avoid the controversial scandal of ratifying the “Justice Policy” as an eligible Charter Amendment on the May 2023 ballot.

City Attorney Andy Segovia has certified ACT4SA’s so-called “Justice Policy” Charter Amendment for placement on the May 2023 Ballot. Mr. Segovia disguised his approval of Act4SA’s agenda by telling reporters that *“most of the provisions are inconsistent with state law and could not be enforced”* should the ballot initiative be approved.

Is Mr. Segovia providing legal advice for the City to keep it out of litigation or to cover for you, Mayor Nirenberg, and the Council? His tactics extend a tearful embrace to ACT4SA’s Ananda Tomas and her far-left allies, blaming “the MAGA GOP” crowd for the measures’ demise. And, at the same time, it seems you Mayor can assure your campaign contributors that the measure will be defeated and their cash flow from the city’s coffers will continue unabated.

Additionally, in a speech by Councilman John Courage regarding the proposed charter amendment, he stated that he could not speak for or against the charter amendment *“on advice of council”* by Mr. Segovia. This is a lack of courage on the part of the Councilman to represent the people who elected him versus acting like a city employee beholden to the City Attorney. On what grounds could Council members not comment on a Charter Amendment that would drastically alter law enforcement, and fundamentally transform our city into a mirror image of lawless Portland, Oregon?

Citizens have every right to expect their elected Council members to state their position clearly and work vigorously for or against Act4SA and its radical, leftist agenda. As City Attorney, Mr. Segovia has a duty to advise the City Council on matters of law. Indeed, he has publicly stated that with the exception of one provision calling for the creation of a city “justice director”, the Charter provisions *“are all inconsistent with state law.”*

We want to remind you that the Texas Local Government Code § 9.004(d)-(e) prohibits multiple-subject charter amendments and requires that any ballot proposition must be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments. Courts have been inconsistent in enforcement of this provision in order to allow citizens to make their voices heard over the indifference of their putative elected representatives. The Act4SA proposal is beyond any such indulgence. It covers a myriad of ideas creating a multi-layered “comprehensive” policy proposal such as sections:

- preventing city police officers from investigating or making arrests for elective abortions (Sec. 177)
- potentially criminalizes San Antonio Police Officers if they uphold state law and investigate illegal elective abortion (Sec. 177),
- terminating citations and arrests for Class A and Class B misdemeanor possessions of marijuana or other controlled substances (Sec. 180(a)),
- banning police chokeholds and no-knock warrants (Sec. 179) (already part of the City Code),
- prevents/hinders search warrants for evidence of criminal activity (Section 178),
- expanding cite-and-release and verbal warning policies to direct city police officers to refrain from arresting but instead cite people for certain nonviolent misdemeanor offenses, including theft, theft of service, criminal

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mischievous (destruction of property & graffiti), as well as driving while license is suspended, possession of a controlled substance penalty group (2-A), and possession of contraband (drugs/weapons) in jail (Section 180(a)),

- allows criminals to present false identification to avoid prosecution (Sec. 180(b)),
- hinders the prosecution of misdemeanor crimes by the District Attorney (Sec. 180(b)),
- creates Crime Districts inside the San Antonio City limits (Sec. 172(a)),
- creates an unelected city “Justice Director” who can have no law enforcement experience and who is to be accountable to a board of far-left political activists and operatives (Sec. 172),
- diverts taxes for Public Safety funding to private, non-governmental and non-profit organizations defunding police services (Sec. 174-175),
- legalize certain State Criminal Offenses (Section 176-177),
- increase insurance costs city wide (Section 180a).

After taking time to study the proposed charter amendment and review it with outside legal counsel, we conclude that the “Justice Policy” harms and victimizes the law-abiding citizens of San Antonio while enabling crime, theft and even violence deployed against the hard-working and productive residents that make the Alamo City great. The amendment can only enable criminal conduct and drive up the cost of living for citizens already hard hit by the Biden Administration's failed economic policies.

SAFA and its friends will be rolling out legislation at the state level to prevent municipalities from adopting anti-police, pro-crime legislation as reflected in the proposed Charter Amendment. In the meantime, the City Council must reject this “Justice Policy” Charter Amendment ballot proposition and lead the fight against this measure should it be placed on the May 2023 ballot or the myriad of elements thereof placed on any future ballot.

Responsible residents of San Antonio deserve the Council’s compliance with State Law and *We The People* reserve the right to seek judicial relief to compel the City Council to do the right thing and fulfill its duties to its citizens and carry out its responsibilities to the Great State of Texas.

Fr. Will Combs, BBD

Respectfully,
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Cc: City Attorney, Andy Segovia
Cc: City Manager, Erik Walsh
Cc: City Clerk
Cc: Responsible Government Coalition partners

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