

CITY OF OAKLAND PUBLIC ETHICS COMMISSION

Commissioner Application



Name: Sam Ferguson

Mailing Address: [REDACTED]

Daytime Phone: [REDACTED] Evening Phone: Same

Email: [REDACTED] City Council District: 3

Are you an Oakland resident? Yes No Years of Residency in Oakland: 2.5

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:

N/A

Please answer yes or no to all the following questions:

1. Are you currently employed by the City or have any direct and substantial financial interest in any work, business, or official action by the City? Yes No
2. Are you currently or planning to seek election to any other public office, participate in, or contribute to an Oakland municipal campaign? Yes No
3. Are you currently or planning to endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election? Yes No
4. Are you an Oakland lobbyist or required to register as a lobbyist, or do you receive gifts or compensation from an Oakland lobbyist? Yes No
5. Have you attended a Public Ethics Commission meeting? Yes No If yes, when? _____
6. List any languages other than English that you speak fluently. Spanish
7. How did you hear about this vacancy? Saw a posting online and heard from several commissioners and campaign finance advocates

List the names, addresses and telephone numbers of two references:

1. Name: Dan Newman, President, MapLight.org
Address: [REDACTED]
Phone: [REDACTED]
2. Name: Tyler Meade
Address: [REDACTED]
Phone: [REDACTED]

By signing below, I certify that all of the information included in this application and supporting materials is true to the best of my knowledge. I also understand that this application packet is a public record, subject to public inspection, and that if I proceed to the final interview with the Commission, the packet will be distributed publicly as part of the selection process.

Signature: [REDACTED]

Date: 10/31/2019

See Supplemental Questions on next page →

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Supplemental Questions

On a separate page, please answer the following four questions:

1. **Why do you want to serve on the Public Ethics Commission?**
2. **What skills and experience will you bring to the Commission?** (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)
3. **What issues, projects, or goals would you like to pursue while serving on the Commission?**
4. **What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?**
5. **What else would you like the subcommittee to know as your application is considered?**

Applications are due by 5:00 p.m. on **Friday, November 1, 2019**, and must include the following materials:

1. Signed Application.
2. Answers to the Supplemental Questions
3. Your resume

Applications may be submitted by mail, email or fax to PEC staff:

Public Ethics Commission
Attn: Whitney Barazoto
1 Frank Ogawa Plaza, Room 104
Oakland, CA 94612
ethicscommission@oaklandca.gov
Fax: (510) 238-3315

For questions, please call (510) 238-3593.

Web: www.oaklandca.gov/pec

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PEC
October 31, 2019

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Responses of Sam Ferguson to Supplemental Questions for Application to Oakland Public Ethics Commission

To whom it may concern:

Thank you for considering my application to become a volunteer commissioner on the Oakland Public Ethics Commission. I have been involved in initiatives for good government and transparency since I was a student at UC Berkeley in the early 2000s, nearly 20 years ago. As a student, I founded the Berkeley Fair Elections Coalition, which pushed for and eventually succeeded in bringing public financing of elections to the City of Berkeley. Additionally, I am a practicing attorney and former law clerk to a federal judge, and am familiar with adjudication, analyzing legal matters and considering policy proposals. I moved to Oakland about 2.5 years ago, where I now live with my wife and young daughter. Though I'm new to Oakland, my family has deep roots in Oakland and the East Bay. I was born and raised in Berkeley, and my mother and grandmother were both raised in Oakland.

Below please find my responses to the Commission's supplemental questions. I look forward to the opportunity to serve should you find my background appropriate for the commission.

Why do you want to serve on the Public Ethics Commission?

Since I was an undergraduate at UC Berkeley, I have been interested in government transparency and fair campaign financing for elections. Together with Dan Newman (who subsequently founded MapLight.org, a government transparency group), I started the Berkeley Fair Elections Coalition in 2003 to push for the city to adopt public financing of elections. While we were initially unsuccessful with a ballot initiative in 2004, we went back to the voters in 2016 and Berkeley is now one of the few cities in the country with a successful public financing of elections model. Our coalition included a broad base of citizen and neighborhood groups, including Maplight, common cause, the ACLU, and numerous neighborhood organizations and elected officials.

While I was born and raised in Berkeley, I moved to Oakland a few years ago and want to make sure that I remain an engaged citizen in my new town. Our democracy is increasingly under assault from the pernicious influence of big contributions and dark money. As political advertising dominates our elections and becomes ever more unmoored from truth, citizens increasingly turn pessimistic of our most sacred institutions. It is up to ordinary citizens to protect both the integrity and legitimacy of our institutions, and I believe there is no better place to start than on the local level. Serving on the commission would be my small contribution to ensuring the integrity of our government and electoral process.

In addition to my experience with public financing of elections, I am a California-barred attorney. In law school, I took a number of courses on the First Amendment, Media Law and Election Law. I continue to attend seminars and trainings on these topics as part of my continuing education requirements and personal interest. I think my background as an attorney with familiarity in the areas in which the commission works would be a significant contribution.

PEC
October 31, 2019

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What skills and experience will you bring to the Commission?

As noted above, I have long experience with campaign finance reform, having formed a group in the early 2000s to bring campaign finance reform to the City of Berkeley. In addition, my skills as an attorney — honed both as a former clerk to a federal judge on the Ninth Circuit Court of Appeals as well as a practicing litigator — are presumably valuable skills to have as a commissioner, given that the commission is focused on both enforcing Oakland's campaign finance and ethics laws (including adjudicating complaints) as well as recommending new policy initiatives to improve the city's campaign finance regime and transparency.

What issues, projects, or goals would you like to pursue while serving on the commission?

I would have two priorities as a commissioner. First, continuing on the work of former president Jonathan Stein, I would try to push forward the commission's consideration of whether the city should adopt public financing of elections, and, if so, what form such a program would take (i.e. a block-grant model, a democracy voucher model, or a matching funds model). I hope that my experience with this issue in the City of Berkeley — including helping to draft and negotiate legislation with relevant stakeholders, as well as work with city staff to implement the program — would be valuable to the commission as it considers adopting its own program for the City of Oakland. Second, I would make government transparency a priority of my tenure. Oakland already has excellent transparency measures in place, but sunshine on government can never shine bright enough.

What do you think are the city's most pressing ethics, campaign finance, or transparency challenges?

Money in politics is a major issue in the city of Oakland that is likely to get worse with rapid development and gentrification. I believe the city must ensure that elections are contested, that each election has a robust field of candidates, and that all candidates with community support have the resources they need to run a campaign, regardless of their policy positions.

What else would you like the subcommittee to know as your application is considered?

In the interest of full disclosure, I have been peripherally involved with a group of citizens in Oakland who have begun discussions about bringing an initiative to the ballot to bring public financing of elections to the City of Oakland. I am not on the steering committee and have no formal role in the campaign, but have attended a few meetings and provided recommendations and advice to some of the campaign's leaders.

Please let me know if you have any additional questions.

Best regards,

-Sam Ferguson


Sam Ferguson

EDUCATION

Yale Law School, New Haven, CT
Juris Doctorate, 2009

University of California at Berkeley, Berkeley, CA
Bachelor of Arts, Philosophy with Highest Honors, 2004 (Phi Beta Kappa)

EXPERIENCE

Jan. 2017-
Present **The Meade Firm p.c., Senior Associate**, San Francisco, California
Senior Associate at a plaintiffs-side law firm specializing in high-stakes contingency cases on behalf of consumers and individuals. Representative matters include *Base Village Metropolitan District No. 2 v. Related Co., et al.*, a \$150 mil. racketeering case against one of the nation's largest real estate developers for abusive management of a special utility district; *Bugsby Property v. Alexandria Real Estate Equities*, an 8-figure quantum meruit action related to father's appropriation of his son's strategic business advice; and *LC Investments 2010 v. La Costa Investments*, concerning Omni La Costa's unlawful steering of customers into their own rooms at the expense of condo owners at the property who contract with Omni for brokerage services.

2016-
Present **Berkeley Fair Elections Coalition, Co-Chair**, Berkeley, California
Co-chaired campaign in support of Measure X1 to adopt public financing of elections. Coalition included ACLU (Nor. Cal.), Common Cause and MapLight. Ongoing monitoring of program after 2018 election cycle, including testimony at Fair Campaign Practices Commission and City Council. Follow on campaign to Measure H in 2004.

2009 –
Dec. 2016 **Author**, New York, NY and Buenos Aires, Argentina
Author of *Remnants of a Dirty War* (forthcoming, Potomac Books) on transitional justice in Argentina. Book considers law's capacity to confront atrocity. Narrative centers on the 2009-2011 prosecution of military officers from the Naval Mechanics School (ESMA) responsible for the forced disappearances of approximately 5000 people during the 1970s. Fellowships awarded from Yale Law School and the Fulbright Foundation. Conducted hundreds of interviews with prosecutors, defense attorneys, judges, victims, military officers, and human rights activists. Obtained access to 200,000+ page secret case file from anonymous sources. Wrote articles for *The Christian Science Monitor*, *New Republic* and the *Boston Review*. Interviewed several torturers in prison and under house arrest.

Sept. 2011 -
Sept. 2013 **Wiggin and Dana, LLP, Contract Attorney**, New Haven, CT
Assisted complex federal litigation department. Representative projects include research on foreign sovereign immunity, *forum non conveniens* and long-arm jurisdiction.

Sept. 2010 -
Sept. 2011 **Law Clerk to the Honorable William A. Fletcher**, San Francisco, CA
U.S. Court of Appeals for the Ninth Circuit

Summer 2008 **Altshuler Berzon, LLP, Summer Associate**, San Francisco, CA

BAR ADMISSIONS

California; U.S. Court of Appeals for the Ninth Circuit; All Federal Districts in California.

MISCELLANEOUS

Spanish Fluency; devotee of mid-century design; former sportscaster and DJ at KALX, 90.7 fm.

PUBLICATIONS

"Judging Memory," LASA Forum, Volume XLIV, Issue 3, Summer 2013: 21-23.

Pope Francis and the "Dirty War": The Video Testimony. The New Republic, Mar. 18, 2013 (publishing previously non-public video testimony of then-Archbishop Bergoglio at the ESMA trial obtained from anonymous source).

When Pope Francis Testified About the Dirty War. The New Republic, Mar. 14, 2013.

The Unending War: Argentina's Quest for Justice. Boston Review, May/June 2008.

Argentina's 'Blond angel of death' convicted for role in dirty war. The Christian Science Monitor, Oct. 27, 2011.

Argentina Fans who Doubted Diego Maradona: 'Please Forgive Us!' The Christian Science Monitor. July 2, 2010.

Children of Argentine Media Magnate Forced To Undergo DNA testing. The Christian Science Monitor. June 7, 2010.

Argentina's 'Disappeared:' Justice at Last or Reneging on Amnesty. The Christian Science Monitor. Dec. 24, 2009.

Correspondent and Reporter for Truthout (www.truth-out.org) (2007-2010). Articles:

Civilian Face of Argentine Dictatorship Arrested. May 6, 2010.

Is Sotomayor, a Tough on Crime Nominee, Becoming a Defendant's Rights Justice? Apr. 8, 2010.

Supreme Court Shreds Campaign-Finance Laws. Jan. 21, 2010.

Unrepentant 'Blond Angel' 18 others from the ESMA Stand Trial. Dec. 15, 2009.

The America Where They Do Prosecute Torture, Dec. 11, 2009.

Argentine Dirty War Victims Cautiously Embrace Trials, Hope for More. Nov. 28, 2009.

Two Sentenced, Three Absolved in Argentine 'Dirty War' Trial, Angering Activists. Nov. 3, 2009.

Uruguayan Voters Reject Chance to Prosecute Dictators. Oct. 28, 2009.

In Pursuing Human Rights, Argentina Displays a Broken Justice System. Oct. 18, 2009.

Argentina's Dirty War: How to Defend an Accused Mass Murderer? Oct. 5, 2009.

Justice for Latin America's Disappeared? Sept. 18, 2009.

Beating Up Thurgood Marshall. Sept. 14, 2009.

Former Argentine President, Human Rights Champion Raul Alfonsin Dies. Apr. 1, 2009.

State Court Hears Challenge to Proposition 8. Mar. 6, 2009.

The Fatima Massacre. July 30, 2008.

'Worst Massacre in Argentine History' Goes to Trial. June 15, 2008.

Seven Murders Probed in "Dirty War" Tribunal. Aug. 21, 2007.

Priest May Walk in Argentina's "Dirty War" Tribunal. Aug. 16, 2007.

Argentine "Dirty War" Trial Focuses on Priest. Aug. 2, 2007.

Argentina's "Dirty War" Pardon Overturned. July 24, 2007.

Argentina's "Dirty War" Trials Continue, Families Testify. July 20, 2007.

Argentina's "Dirty War" Trials Continue. July 13, 2007.

Argentina's Struggle to Restore the Rule of Law. July 9, 2007.

Framing vs. Spin: Rockridge as Opposed to Luntz. RockridgeInstitute.org. July 2006. (With George Lakoff)

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Bush is NOT Incompetent. RockridgeInstitute.org. June 2006. (With George Lakoff and Marc Ettlinger)

The Framing of Immigration. RockridgeInstitute.org. May 2006. (With George Lakoff)

PRESENTATIONS

Lecturer, “Por Memoria, Verdad y Justicia?,” Universidad de San Andres, Buenos Aires, Aug. 22, 2015 (in Spanish).

Lecturer, Seminario Global de Derecho, “Memoria, Verdad y Justicia: Juzgado a la Dictadura,” Universidad de San Andres, Buenos Aires, Aug. 20, 2015 (in Spanish).

Presenter, “Derechos Humanos y Castigo: Las Discusiones Pendientes,” Universidad de San Andres, Buenos Aires, Aug. 19, 2015 (in Spanish).

Lecturer, Fried-Gal Colloquia on Transitional Justice, “Trials in Latin America: Transitional Justice Revisited in an age of Human Rights,” The Minerva Center for Human Rights, Hebrew University of Jerusalem Faculty of Law, December 19, 2013.

Presenter, “Judging Human Rights Violations: Pondering Past, Present and Future after *Kiobel*,” Tel Aviv University, The Bachmann Faculty of Law, The Minerva Center for Human Rights, Dec. 15-16, 2013.

Lecturer, “For Memory, Truth and Justice? Prosecuting Crimes Against Humanity in Argentina,” Yale Law School Schell Center for Human Rights, Dec. 6, 2012.

Lecturer, “Reconstruir Verdad, Memoria y Justicia: Desafíos del caso ESMA,” Universidad de Palermo, Buenos Aires, Nov. 1, 2011 (in Spanish)

Lecturer, Seminario Global de Derecho, “Memoria, Verdad y Justicia,” Universidad de San Andres, Buenos Aires, Aug 2010 (in Spanish).

SELECTED RADIO APPEARANCES

Background Briefing with Ian Masters, “The New Pope and the ‘Dirty War,’” NPR, Mar. 17, 2013.

Saturday Morning Extra, ABC Radio National (Australia). Appearances:

“Pope Francis and the Dirty War,” Mar. 16, 2013.

“Argentina’s ‘Angel of Death’ gets life,” Oct. 28, 2011.

“Argentina’s Stolen Babies Trial,” Mar. 19, 2011.

The Peter Collin’s Show, Overview of ESMA trial, (Podcast), Dec. 22, 2009.

KALX Radio, Sports Broadcaster and Disc Jockey, Berkeley, CA (1995-2004).

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