

Does a possible violation of the Brown Act justify pulling a false fire alarm?

When a KGO-TV news crew ambushed San Francisco Police Sergeant Maria Teresa Donati at her MTA service window and asked why she pulled a false fire alarm at Pacifica Police headquarters, where a city task force was holding a closed-door meeting about homelessness, she replied, "It's clear," before pulling down the shade on her window and walking away.

Cryptic words until you think about it. Maybe Donati's action that night was not that of a frustrated child who wasn't allowed into the game, but rather that of someone who believed that a Brown Act violation was taking place – and so the meeting had to be stopped at any cost.

Suddenly, her "It's clear" has clarity.

And what was the least harmful way to stop a meeting that had to be stopped? A Pacifica Police captain already had told Donati to go away -- that the meeting was private. The next-best least-harmful way, so she thought, was to activate a false fire alarm. Point is, in Donati's mind, the meeting had to be stopped.

The success of this defense depends largely on whether you can convince a jury that a city task force meeting about homelessness, held in private in Pacifica in possible violation of the Brown Act, poses a threat to the American way of life.

To win her case, Donati would certainly have to take the stand to express her passion for the Brown Act and her reasoning that upholding it justifies pulling a fire alarm. If Donati has the oratorical skills to invoke matters of principle, slippery slopes, and totalitarian regimes that got their start with closed-door meetings, I believe she could pull it off. And if she succeeds, it could become a landmark case.

Alan Wald