

## RESOLUTION NO. 63,611–N.S.

### OPPOSITION TO US MILITARY INTERVENTION OR USE OF FORCE IN IRAN

WHEREAS, Berkeley Municipal Code Section 3.68 states that the Peace and Justice Commission shall "Advise the Berkeley City Council on all matters relating to the City of Berkeley's role in issues of peace..." and "The residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples..."; and

WHEREAS, Iran poses no imminent nuclear threat as it could take Iran eight years to manufacture a nuclear device<sup>1</sup>, or in extreme worst-case scenario, three years<sup>2</sup>, and the International Atomic Energy Agency has found no proof that Iran diverted nuclear material to a weapons program<sup>3</sup>, and a senior United Nations (U.N.) diplomat in Iran said regarding Western spy services' tips about secret Iranian weapons, "Pretty much all the intelligence that's come to us has proved to be wrong"<sup>3</sup>; and

WHEREAS, up to five United States (U.S.) generals and admirals are willing to resign rather than approve what they see as a reckless attack on Iran<sup>4</sup>, and an attack on Iran could backfire<sup>5</sup>, and Senators Boxer and Feinstein have both called for diplomacy in accordance with international law rather than preemptive war<sup>6</sup>; and

WHEREAS, the U.S. has ratified the U.N. Charter which states that no nation shall use force or threat of force against the territorial integrity or political independence of any nation (Article 2.4) and that, only if attacked, a nation may respond only once before informing the UN and bringing the conflict before the U.N. Security Council (Article 51); and

WHEREAS, on February 24, 2007 U.S. religious leaders met in Tehran with President Ahmadinejad who declared that Iran has no intention to acquire or use nuclear weapons and stated that he has no reservation about talks with American officials if there is goodwill<sup>7</sup>, and in 2003 Dick Cheney and Karl Rove reviewed an offer from the Iranian government to increase transparency of its nuclear program and hold negotiations, according to Colin Powell's former

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<sup>1</sup> reprinted from NY Times in SF Chronicle on 1/27/07 "Iran going ahead with nuclear program, UN official says-ElBaradei urges all sides to ratchet down tensions" by Mark Landler and David Sanger  
[www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/01/27/MNG9DNQ6KP1.DTL](http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/01/27/MNG9DNQ6KP1.DTL)

<sup>2</sup> Federation of American Scientists, [www.fas.org/cgi-bin/ucountdown.pl](http://www.fas.org/cgi-bin/ucountdown.pl); 11<sup>th</sup> clause of Senator Bernard Sanders' Concurrent Resolution 13: <http://thomas.loc.gov/cgi-bin/query/z?c110:S.CON.RES.13>:

<sup>3</sup> "UN Calls US Data on Iran's Nuclear Aims Unreliable" by Bob Drogin and Kim Murphy  
LA Times 2/25/07 [www.latimes.com/news/nationworld/world/la-fg-usiran25feb25,0,4451045.story?coll=la-home-headlines](http://www.latimes.com/news/nationworld/world/la-fg-usiran25feb25,0,4451045.story?coll=la-home-headlines)

<sup>4</sup> "US Generals 'Will Quit' If Bush Orders Iran Attack" by Michael Smith and Sarah Baxter  
Sunday Times Online 2/25/07 [www.timesonline.co.uk/tol/news/world/iraq/article1434540.ece](http://www.timesonline.co.uk/tol/news/world/iraq/article1434540.ece)

<sup>5</sup> "Attack on Iran would backfire, warns report" 3/5/07  
[www.guardian.co.uk/print/0,,329734502-111322,00.html](http://www.guardian.co.uk/print/0,,329734502-111322,00.html)

<sup>6</sup> "Confronting Iran: Will we learn from our mistakes and apply tough diplomacy-or rely once again on the failed doctrine of preemption?" by Dianne Feinstein, LA Times 4/15/06  
<http://www.truthout.org/cgi-bin/artman/exec/view.cgi/59/19119>

On 2/26/07 Sen. Boxer wrote to a Berkeleyan that she believes the U.S. and the international community must continue to pursue diplomatic options and that she will continue to push for a diplomatic solution re Iran.

<sup>7</sup> [www.alternet.org/blogs/peek/48794/](http://www.alternet.org/blogs/peek/48794/)

[www.nccinterfaith.blogspot.com/](http://www.nccinterfaith.blogspot.com/)

[www.nccusa.org/news/070222.iran\\_talks.html](http://www.nccusa.org/news/070222.iran_talks.html)

[www.afsc.org/iran/](http://www.afsc.org/iran/)

chief of staff, which offer the Bush administration ignored<sup>8</sup>, and the CIA tried to censor related reporting<sup>9</sup>, yet Halliburton sold key components for a nuclear reactor to Iran<sup>10</sup>; and

WHEREAS, Article I Section 8 of the United States Constitution provides that only the Congress has the authority to declare war; and

WHEREAS, while recognizing that inflammatory rhetoric may discourage diplomacy, it does not constitute a security threat, and dozens of Iranian scholars reacted to the Tehran Holocaust conference by condemning the immoral stance of Holocaust denial<sup>11</sup>, as did the U.N. General Assembly<sup>12</sup>.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council commend Representative Barbara Lee for sponsoring H.R. 770<sup>13</sup> "To prohibit the use of funds to carry out any covert action for the purpose of causing regime change in Iran or to carry out any military action against Iran in the absence of an imminent threat, in accordance with international law and constitutional and statutory requirements for congressional authorization," and request that Senators Barbara Boxer and Dianne Feinstein cosponsor Senator Jim Webb's bill prohibiting funds for military operations in Iran without the consent of Congress<sup>14</sup>, and that they recommend an appropriations amendment or rider to restrict funds, such as: [1] No funds from any source shall be used for any military action against Iran, Syria, or any new target, and [2] Any executive violation shall be construed as a high crime and misdemeanor.

BE IT FURTHER RESOLVED, that the Berkeley City Council encourage concerned Berkeleyans to ask amenable contacts in other districts to lobby their Representatives to cosponsor H.R. 770 and get it out of Committee, and their Senators to cosponsor Senator Webb's bill.

BE IT FURTHER RESOLVED, that the City of Berkeley supports the International Atomic Energy Agency's efforts to verify Iran's nuclear activities, encourages Iran to cooperate fully with those efforts, and applauds the action of the United Nations General Assembly in condemning Holocaust denial.

BE IT FURTHER RESOLVED, that the Berkeley City Council direct the City Clerk, with a Peace and Justice Commissioner's assistance, to send copies of this signed Resolution promptly to U.S. Senators Barbara Boxer, Dianne Feinstein, Jim Webb, Bernard Sanders, Robert Byrd, Chair Senate Foreign Relations Committee Joseph Biden, and Senate Majority Leader Harry Reid; U.S. Representative Barbara Lee, House Speaker Nancy Pelosi, Chair House Foreign Affairs Committee Tom Lantos, Chair House Armed Services Committee Ike Skelton, Chair House Intelligence Committee Silvestre Reyes; the National Conference of Democratic Mayors and the U.S. League of Cities; and U.N. Secretary-General Ban Ki-moon and U.N. General Assembly President Sheikha Haya Al Khalifa.

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<sup>8</sup> [www.sandersresearch.com/index.php?option=com\\_content&task=view&id=1099&Itemid=41](http://www.sandersresearch.com/index.php?option=com_content&task=view&id=1099&Itemid=41)

"Ex-Congressional Aide: Karl Rove Personally Received (And Ignored) Iranian Peace Offer in 2003"  
[www.democracynow.org/article.pl?sid=07/02/26/157241&mode=thread&tid=25](http://www.democracynow.org/article.pl?sid=07/02/26/157241&mode=thread&tid=25)

<sup>9</sup> "Former NSC official says White House tried to censor him" reprinted from the LA Times in the SF Chronicle 12/19/06.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/12/19/MNGMAN244.T1.DTL>

<sup>10</sup> "Halliburton Charged with Selling Nuclear Technologies to Iran" by Jason Leopold

<http://www.projectcensored.org/2007/index.htm#2>

<sup>11</sup> [www.nytimes.com/2007/02/27/world/middleeast/27holocaust.htm?\\_r=1&oref=slogin](http://www.nytimes.com/2007/02/27/world/middleeast/27holocaust.htm?_r=1&oref=slogin)

<sup>12</sup> [www.un.org/apps/news/story.asp?NewsID=21355&Cr=holocaust&Cr1=](http://www.un.org/apps/news/story.asp?NewsID=21355&Cr=holocaust&Cr1=)

<sup>13</sup> <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.00770>:

<sup>14</sup> Press release on Senator Webb's website: <http://webb.senate.gov/newsroom/record.cfm?id=270058&>

The foregoing Resolution was adopted by the Berkeley City Council on March 13, 2007 by the following vote:

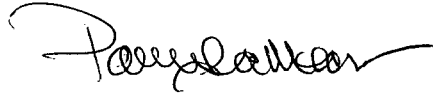
Ayes: Councilmembers Anderson, Maio, Moore, Olds, Spring, Worthington and Mayor Bates.

Noes: None.

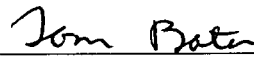
Abstain: Councilmember Wozniak.

Absent: Councilmember Capitelli.

Attest:



Pamyla Means, MMC, City Clerk

  
Tom Bates, Mayor