

**Peace and Justice Commission  
Regular Meeting**

**North Berkeley Senior Center  
April 8, 2002**

**MINUTES**

The meeting convened at 7:05 p.m. with Anne Wagley, chairperson, presiding.

**ROLL CALL**

Present: Mana Barari, Elliot Cohen, Steven Freedkin, John Lavine, Mark McDonald,  
Robert Stephen Rose, Anne Wagley

Absent: None

**COMMENTS FROM THE PUBLIC**

Ann Fagan Ginger, Meiklejohn Civil Liberties Institute, regarding peace in the Middle East.

Maris Arnold regarding the Alameda County Juvenile Hall.

Richard Challacombs, Social Justice Committee-Berkeley Fellowship Unitarian Universalists,  
regarding armband for peace.

Redwood Mary, Citizens Campaign for Old Growth, regarding the Heritage Tree Ballot  
Initiative.

Leuren Moret, Community Environmental Advisory Commission, regarding redwoods and the  
environment.

Pamela Sihvola, Committee to Minimize Toxic Waste, regarding the burning of mixed waste at  
the National Tritium Labeling Facility.

**ACTION ON MINUTES**

M/S/C (Freedkin, Wagley) to approve the minutes for the regular meeting of March 4, 2002.  
Ayes: Unanimous; Absent: Cohen.

**ACTIONS TAKEN:**

**Emergency Agenda Items**

M/S/C (Wagley, Freedkin) to add an emergency item regarding the current crisis in the Middle  
East between Israel and Palestine to the agenda because the need to take immediate action came  
to the attention of the Commission less than 72 hours before the meeting. Ayes: Unanimous;  
Absent: None.

## MINUTES OF APRIL 8, 2002

M/S/C (Cohen, McDonald) to add an emergency item to the agenda regarding a Ballot Initiative to preserve these old-growth trees on non-federally owned forestlands in the State because the need to take immediate action came to the attention of the Commission less than 72 hours before the meeting. Ayes: Barari, Cohen, Lavine, McDonald, Rose, Wagley; Abstain: Freedkin; Absent: None.

Commissioner Freedkin abstained from the vote because he is unclear whether this matter is within the purview of this Commission.

### Sister City: Palma Soriano

M/S/C (Freedkin, Wagley) WHEREAS, the Peace and Justice Commission has been charged by the Berkeley City Council with reviewing proposals for new Sister City; and

WHEREAS, the Berkeley-Cuba Sister City Association has presented a proposal for a Sister City relationship with the Municipality of Palma Soriano in the Province of Santiago de Cuba; and

WHEREAS, the Berkeley-Cuba Sister City Association has more than 25 members who have been meeting regularly since January, 2002 to plan and organize Sister City activities with Palma Soriano, some members have been working with Cuba for several decades, and several members have visited Palma Soriano to begin planning cooperative programs; and

WHEREAS, Palma Soriano is known as a center for research, cutting-edge social programs, and culture, as is Berkeley in the United States; and

WHEREAS, the Peace and Justice Commission has concluded that the proposal meets the City's criteria for establishing a Sister City [City Council Resolution No. 56,069-N.S., Sept. 10, 1991], namely:

1. The Sister City relationship should benefit the human rights, health, safety, culture and education of the citizens of Berkeley; and
2. New opportunities for exchange programs, cultural enrichment, or curriculum enhancement should result from the relationship; and
3. From these new opportunities there should accrue direct benefits to the students of the Berkeley Unified School District; and
4. It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; and
5. It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and

## MINUTES OF APRIL 8, 2002

6. There should be no direct or indirect costs to the City of Berkeley; and

7. The Sister City relationship should increase the harmony in Berkeley and be in the best interest of the City; and

WHEREAS, officials of the Municipality of Palma Soriano have expressed their own desire for a Sister City relationship with Berkeley; and

WHEREAS, the Berkeley-Cuba Sister City Association has extended an invitation to Mayor Dean and Vice Mayor Shirek to attend a Mayor's Conference with Cuba's Sister City mayors on June 7-14 in Havana and Santiago, Cuba, giving urgency to this proposal for a new Sister City; and

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley hereby extends a warm invitation to the government and people of Palma Soriano, Cuba, to establish a Sister City partnership. Ayes: Unanimous; Absent: None.

### Old Growth Tree Preservation

M/S/C (Lavine, Cohen) WHEREAS, concerns about logging practices in the State of California were brought to the Peace and Justice Commission from a number of citizen groups, including Citizens Campaign for Old Growth Preservation/East Bay, San Francisco Bay Chapter of the Sierra Club, The Ecology Center, Bay Area Coalition for Headwaters, Berkeley Fellowship of Unitarian Universalists Social Justice Committee, Bay Area Coalition for Headwaters, Scientists for Indigenous People, and Plight of the Redwoods Campaign; and

WHEREAS, the City of Berkeley's Peace and Justice Commission was established to speak to all issues of social justice that affect its citizens; and

WHEREAS, the Peace and Justice Commission recognizes the preservation of these ancient forests as a social justice issue; and

WHEREAS, logging practices in the State of California have demonstrably been based on corporate policies which value profits over the well-being of people and the environment; and

WHEREAS, the destruction of ancient forests have resulted in the displacement and death of many Indigenous people of the region, and will destroy the culture of the remaining Native Americans in the State; and

WHEREAS, these logging practices are making profound and irreversible impacts on the environment in ways that have already affected the livelihoods of large numbers of citizens of the State; and

## MINUTES OF APRIL 8, 2002

WHEREAS, the continued loss of habitat means a loss of bio-diversity and endangered species that will affect the health and well-being of increasing numbers of citizens of the State in generations to come; and

WHEREAS, the destruction of the environment by these practices, specifically the cutting and logging of ancient forests, furthermore deprives all the citizens of an important part of their heritage.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley endorses the effort to place a Ballot Initiative before the citizens of the State of California to preserve these old-growth trees on non-federally owned forestlands in the State. Ayes: Unanimous; Absent: None.

### Lawsuit: National Tritium Labeling Facility

M/S/C (Cohen, Freedkin) to rescind the motion of March 4, 2002 regarding the lawsuit on the National Tritium Labeling Facility due to conflict for Commissioner McDonald in being an officer with the Committee to Minimize Toxic Waste. Ayes: Unanimous; Abstain: McDonald; Absent: None.

**Note:** Commissioner McDonald recused himself from the discussion and vote due to a conflict of interest in being an officer with the Committee to Minimize Toxic Waste.

M/S/C (Cohen, Lavine) WHEREAS, the Berkeley City Council has twice called for the permanent closure and clean up of the National Tritium Labeling Facility; and

WHEREAS, as a result of a decision by the National Institute of Health to end funding of that facility such closure has all but been achieved; and

WHEREAS, instead of closing the facility as requested by the City Council, Lawrence Berkeley National Laboratory (LBNL) has been using the facility to treat radioactive waste; and

WHEREAS, on February 5, 2002, the Berkeley City Council denied a request to provide a citizen group known as the Committee to Minimize Toxic Waste with funding to seek a court order to stop the burning of mixed waste, which is a combination of radioactive tritium and hazardous chemicals; and

WHEREAS, during the discussion at the February 5, 2002 Council meeting, Nancy Sheppard, attorney for LBNL, made representations that the burning of mixed waste would stop by or during the month of April 2002; and

WHEREAS, representatives of LBNL have, in the past, misled the public and failed to honor its promises; and

## MINUTES OF APRIL 8, 2002

WHEREAS, during the February 5, 2002 Council meeting, some council members indicated that the reason they were voting against providing funding to seek the court order was because the burning of the mixed waste was likely to be over before the court order could be issued; and

WHEREAS, in a letter dated April 4, 2002 addressed to the City Clerk, LBNL confirmed that they will continue to burn tritiated mixed waste contrary to their statements and promises to the City Council; and

WHEREAS, several Councilmembers relied upon claims that the burns would stop in April in making that decision, it seems prudent in view of the LBNL's history of misrepresentations and broken promises, that we be prepared for the possibility that the burns may not stop as promised; and

WHEREAS, the tritium facility is located in an area known to be prone to firestorms; and

WHEREAS, the Berkeley Nuclear Free Ordinance states that no valid purpose is served by research into safe radioactive waste treatment in this City that could not be better conducted in an already established facility, in a less populated area, far away from earthquake faults; and

WHEREAS, the Berkeley Nuclear Free Ordinance authorizes the City of Berkeley to provide assistance and encouragement for citizens who use nonviolent means to bring about compliance with the policies set forth in the Berkeley Nuclear Free Ordinance.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes funds in the amount of \$15,000 to support a lawsuit, and an injunction to stop the oxidation-incineration of all radioactive mixed waste at the National Tritium Labeling Facility, to be filed by the Committee to Minimize Toxic Waste, against the State of California Department of Toxic Substance Control for failure to require Lawrence Berkeley National Laboratory to do an Environmental Impact Report under CEQA and an Environmental Impact Statement under NEPA. Ayes: Unanimous; Abstain: McDonald; Absent: None.

Commissioner McDonald recused himself from the discussion and vote due to a conflict of interest in being an officer with the Committee to Minimize Toxic Waste.

### *Crisis in the Middle East*

M/S/C (Freedkin, Wagley) Whereas, a resolution was adopted by a meeting of 68 people at the Berkeley Fellowship of Unitarian Universalists on March 24, 2002, asking the Berkeley Peace and Justice Commission to endorse the first five of following recommendations.

Now Therefore, Be It Resolved that the Berkeley Peace and Justice Commission recommends that the City of Berkeley:

(1) Not make any contracts with, or hold stock in, any company doing business in Israel or Palestine until the United Nations declares that peace has been restored, as this City made a

## MINUTES OF APRIL 8, 2002

similar policy not to deal in these ways with companies doing business in South Africa until apartheid was ended; and

(2) Support the use of international peacekeeping forces to protect all civilians, health workers, and media workers in Palestine and Israel; and

(3) Oppose all violations of law by the governments of Israel and Palestine, including the law of the Nuremberg Principles, the United Nations Charter, the Geneva Convention, and all human rights treaties; and

(4) Call for hearings in the United States Senate and House under the United States Foreign Assistance Act as to whether the government of Israel or Palestine "engages in a consistent pattern of gross violations of internationally recognized human rights," making it ineligible for any United States "security assistance" without a waiver [22 U.S.C. Secs. 2034, 2151n]; and

(5) Support all efforts by individuals and groups toward a just peace in Israel and Palestine, including the recommendation of the Berkeley Fellowship of Unitarian Universalists Social Justice Committee to wear armbands for peace.

Be It Further Resolved, that the Peace and Justice Commission adds a recommendation that the City of Berkeley oppose the sale of any United States weapons to foreign entities to be used against civilians; and

Be It Further Resolved, that copies of this resolution be sent to Senators Barbara Boxer and Dianne Feinstein, Representative Barbara Lee, and the United Nations Human Rights Commission. Ayes: Unanimous; Abstain: Cohen; Absent: None.

Commissioner Cohen abstained from the vote because objected to the deletion of the recommendation urging the US government to close the CIA offices in Ramallah and Gaza.

### Public Hearings starting after 10:00 p.m.

M/S/C (Cohen, Freedkin) Whereas, having been referred an item from the City Council asking for commission comment upon whether public hearings should begin no later than 10:00 P.M.; and

Whereas, the right to citizen participation in government is dependent upon the possibility of citizens to be present to observe and comment upon matters; and

Whereas, public hearings that begin past 10:00 P.M. deter and discourage the public from participation.

It is therefore the recommendation of the Berkeley Peace and Justice Commission that the City Council adopt a measure requiring that all public hearings, by City Council and Commissions, begin no later than 10:00 P.M. Ayes: Unanimous; Absent: None.

**MINUTES OF APRIL 8, 2002**

**NEXT MEETING:**

The next regular meeting will be on Monday, May 6, 2002 at 7:00 pm in the North Berkeley Senior Center.

The meeting was adjourned at 10:09 p.m.

Respectfully submitted,

---

Manuel Hector Jr., Secretary  
Peace and Justice Commission