

MINUTES

The meeting convened at 7:15 pm with Chairperson Anne Wagley presiding.

ROLL CALL

Present: Leslieann Cachola, Elliot Cohen, Sandra Curtis, John Lavine, George Lippman, Jane Scantlebury, Thom Seaton, Anne Wagley, Nicholas Yuen

Absent: Mary Heinze, Mark McDonald, Robert Rose, Michael Sherman

LOA: Roya Arasteh, Donald Brody, Steven Freedkin

NOTE: Commissioners Arasteh and Brody have been granted leaves of absence for the meeting of June 2, 2003. Jane Scantlebury has been selected to temporarily fill Commissioner Arasteh's position. Commissioner Freedkin has been granted a leave of absence through July 2003. George Lippman has been temporarily appointed to fill his position.

COMMENTS FROM THE PUBLIC

Jim Harris, International Solidarity Movement, regarding the loss of Rachel Corrie in the Palestinian village of Rafah in the Gaza Strip on March 16, 2003.

Patrick Keilch regarding a proposal urging the "National Commission On Terrorist Attacks Upon the United States" to investigate activities of the United States government and business before, during and after the airliner crashes on September 11, 2001, and the anthrax attacks of Fall 2001.

ACTION ON MINUTES

None.

REPORT ON EDUCATION ISSUES

Attachment A is a copy of the report from the Education Working Group of the Peace and Justice Commission on the issue of social justice in education.

ACTIONS TAKEN

M/S/C (Cohen, Seaton) recommending that the City Council adopt the a resolution (Attachment B) calling for the passage of the Freedom to Read Protection Act of 2003 (H.R. 1157), legislation which will exempt libraries and bookstores from the provisions of the Patriot Act, and take the following steps:

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1. Advise Congressman Bernard Sanders of Berkeley's position in support of his work on this issue, and send him a copy of this Resolution;
2. Write to California's Congressional Representatives urging them to support and co-sponsor the Freedom to Read Protection Act, and enclose a copy of this Resolution in support; and
3. Urge California's Senators to work with Congressman Bernard Sanders and introduce such legislation in the United States Senate.

Ayes: Unanimous; **Absent:** Heinze, McDonald, Rose, Sherman.

M/S/C (Lippman, Lavine) recommending that the Berkeley City Council adopt a Resolution (Attachment C) endorsing the Peace Lantern Ceremony to take place in Berkeley on or about August 9, 2003. **Ayes:** Unanimous; **Absent:** Heinze, McDonald, Rose, Sherman.

NEXT MEETING

The next regular meeting will be on Monday, July 07, 2003, at 7:00 pm at the North Berkeley Senior Center.

The meeting was adjourned at 10:10 pm.

Respectfully submitted

Manuel Hector Jr., Secretary
Peace and Justice Commission

ATTACHMENT A

Report from the Education Working Group of the Peace and Justice Commission of the City of Berkeley

Prepared by Nicky González Yuen on June 2, 2003

Several months ago, I raised publicly at a Commission meeting the idea of the Peace and Justice Commission beginning to explore more of the domestic social justice issues effecting people in the City of Berkeley, and most particularly, issues of social justice in education.

A small group of commissioners agreed to meet informally to begin exploring this topic. After a couple of abortive attempts, on May 19, Commissioners Levine, Seaton, Cachola, and I met at my home.

I reported on the activities that I had engaged in over the preceding 6 weeks to gather information for possible Commission action. These activities included meetings with the following people:

- Berkeley Unified School Board Members:
 - Terry Doran,
 - Nancy Riddle,
 - John Selawsky and
 - Joaquin Rivera.
- Julie Sinai, former BUSD staffer and currently the chief education staff member for Tom Bates office.
- Representatives of Californians for Justice (Adrienne Hypolite and Cathy Rion), a social justice organization primarily working on educational access issues, especially relating to the high school exit exam.
- Darryl Moore, Trustee of the Peralta Community College Board representing most of Berkeley.

In each of these meetings, I stressed both that we were in an exploratory phase and that as a joint commission of both the City Council and the School Board there might be a constructive role we might play in advancing social justice in the educational realm. Foremost on everyone's mind was the question of whether the Peace and Justice Commission could play a *constructive* role on issues of education at a time when schools are already struggling under the current budget crisis.

More substantively, throughout these meetings, several topics or themes emerged which I will list here, not in order of priority or frequency.

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- How to deal with the current budget crisis in a manner that is equitable and does not unduly burden already disadvantaged students.
- Safety and security at schools, the elimination of bullying, the creation of a safe learning environment.
- Student equity/achievement gap issues, especially relating to class and race.
- Serious problems with the high failure rates of the High School exit exam, due to be implemented and made enforceable in the coming academic year (applying to spring 2004 high school graduates).

After my report to our working group on these issues, the group had a lively discussion on the merits of pursuing one or more of these issues AND on what role the commission might play. After reviewing the ordinance establishing the commission, we determined that many issues dealing with social justice and education were within the purview of our work. We also determined that our immediate desire was primarily to assist the City Council and the School Board in handling these issues, not to create more work for them. We also realized that without a staff and without enormous amounts of time, we would need to pick an issue and a method, at least as a first step, which was limited in scope.

With all of these factors in mind, the working group consensed on the topic of the high school exit exam, with an eye towards potentially holding public hearings to gather better information about the way that the exam was affected students, teachers, administrators and budgets.

We have another meeting set for June 23 at 7:00.

ATTACHMENT B

CALLING FOR THE PASSAGE OF THE FREEDOM TO READ PROTECTION ACT OF 2003 (H.R. 1157), LEGISLATION WHICH WILL EXEMPT LIBRARIES AND BOOKSTORES FROM THE PROVISIONS OF THE PATRIOT ACT; ADVISE CONGRESSMAN BERNARD SANDERS OF BERKELEY'S POSITION IN SUPPORT OF HIS WORK ON THIS ISSUE AND SEND A COPY OF SAID RESOLUTION TO HIM; AND SEND LETTERS WITH COPIES OF SAID RESOLUTION TO CALIFORNIA'S CONGRESSIONAL REPRESENTATIVES URGING THEM TO SUPPORT AND CO-SPONSOR THE FREEDOM TO READ PROTECTION ACT OF 2003, AND TO CALIFORNIA'S SENATORS URGING THEM TO SUPPORT THE FREEDOM TO READ PROTECTION ACT OF 2003 AND INTRODUCE A SIMILAR BILL IN THE SENATE

WHEREAS, the Peace and Justice Commission is required to advise the Berkeley City Council and Berkeley Unified School District on all matters related to the City's role in issues of peace and social justice, including, but not limited to issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war is spent on fulfilling human needs and the promotion of peace (*Berkeley Municipal Code 3.68.070A*); and

WHEREAS, the Berkeley City Council has adopted two resolutions (61,449-N.S. and 61,747-N.S.) specifically objecting to unconstitutional and repressive provisions in the Patriot Act; and

WHEREAS, Section 215 of the Patriot Act allows government agencies to use secret administrative subpoenas to demand libraries and bookstores to demand production of "...any tangible things, including books, records, papers, documents and other items to protect against international terrorism..."; and

WHEREAS, Section 215 of the Patriot Act appears to be unconstitutional in that it seemingly violates the provision of the Fourth Amendment requiring that searches and seizures be based upon judicial issuance of a search warrant; and

WHEREAS, exercising Section 215 of the Patriot Act against libraries and bookstores not only violates the Fourth Amendment, but also does injury to the First Amendment rights of citizens; and

WHEREAS, on March 3, 2003, Congressman Bernard Sanders of Vermont introduced the Freedom to Read Protection Act of 2003 (H.R. 1157), legislation that would exempt both libraries and bookstores from provisions of the Patriot Act that violate the right to privacy; and

WHEREAS, the passage of such legislation will be a positive step in beginning the repeal of an unconstitutional and repressive law which the City of Berkeley has condemned on no less than three occasions.

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NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley joins in calling for the passage of the Freedom to Read Protection Act of 2003 (H.R. 1157), legislation which will exempt libraries and bookstores from the provisions of the Patriot Act, and takes the following steps:

4. Advise Congressman Bernard Sanders of Berkeley's position in support of his work on this issue, and send him a copy of this Resolution;
5. Write to California's congressional representatives urging them to support and co-sponsor the Freedom to Read Protection Act of 2003, and enclosing a copy of this Resolution in support; and
6. Urge California's senators to work with Congressman Bernard Sanders and introduce such legislation in the United States Senate.

ATTACHMENT C

ENDORING THE PEACE LANTERN CEREMONY TO TAKE PLACE IN BERKELEY ON OR ABOUT AUGUST 9, 2003

WHEREAS, the enabling legislation of the Peace and Justice Commission, Section 3.68 of the Berkeley Municipal Code, finding that the current threat of nuclear holocaust is a condition of war against humanity, requires the Commission to advise the City Council on the City's role in issues of peace and social justice, including the issue of the abolishing of nuclear weapons, and to help create citizen awareness around issues of social justice and develop educational programs for implementation by the City Council; and

WHEREAS, August 6-9, 2003 is the fifty-eighth anniversary of the atomic bombings of Hiroshima and Nagasaki, Japan; and

WHEREAS, the beautiful, moving Japanese Peace Lantern Ceremony is held annually to commemorate the date and express the wishes of the community for a peaceful future; and

WHEREAS, the Ceremony was begun after the end of World War II by the people of Hiroshima, who wanted to remember what had happened and those who died, and wrote their thoughts and prayers for peace on paper lanterns and floated them on the river down to the sea; and

WHEREAS, this tradition has spread from the cities of Japan to several locations in the United States including Berkeley, Oakland, Arcata, and Oak Ridge, Tennessee; and

WHEREAS, on Friday evening, August 9, 2002, Berkeley residents held a successful Peace Lantern Ceremony at Aquatic Park in Berkeley with more than 100 participants, and speakers and performers including two Berkeley City Council members, a Hibakusha -- atomic bombing survivor -- from Hiroshima, and Japanese, American folk, and Native American singers and musicians; and

WHEREAS, this event involves children in making lantern shades and floating their candle-lit lanterns on the water, projecting a message of healing and peace; and

WHEREAS, numerous community members have volunteered to create a Peace Lantern Ceremony again this year, and the activity will require no City of Berkeley funding.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby endorses the Peace Lantern Ceremony to take place in Berkeley on or about August 9, 2003.