

MINUTES

The meeting convened at 7:04 pm with Chairperson Steve Freedkin presiding.

ROLL CALL

Present: Diana Bohn, Steve Freedkin, Jane Litman, Mark McDonald, Bob Meola, Thom Seaton, PhoeBe ANNE (sorgen), Anne Wagley, Megan Winkelman, Jonathan Wornick

Absent: Michael Sherman

LOA: Donald Brody, Elliot Cohen

COMMENTS FROM THE PUBLIC

Billy Trice Jr., Education Not Incarceration, UNA-USA, regarding racial discrimination in the United States under the International Convention on the Elimination of All Forms of Discrimination.

Ann Fagan Ginger, Meiklejohn Civil Liberties Institute, regarding the report to United Nations Committee on the Elimination of Racial Discrimination.

ACTION ON MINUTES

M/S/C (*Meola/sorgen*) to approve the minutes from the regular meeting of December 4, 2006. **Ayes:** Bohn, Freedkin, Litman, Meola, McDonald, sorgen, Winkelman; **Noes:** None; **Abstain:** Seaton, Wagley, Wornick; **Absent:** Sherman.

Commissioners Seaton, Wagley, and Wornick abstained from the vote because they were not present for the December meeting.

ACTIONS TAKEN

Reporting Racial Discrimination in the City of Berkeley

M/S/C (*Bohn/sorgen*) to adopt a Resolution (Attachment 1) recommending that the City Council ask the City Manager to poll all Department Directors on how the City is enforcing the "Convention on the Elimination of all forms of Racial Discrimination" and how it plans to improve, including training of relevant City employees, and report back to the Council by February 20, 2007. **Ayes:** Bohn, Freedkin, Litman, Meola, McDonald, sorgen, Wagley, Winkelman; **Noes:** None; **Abstain:** Seaton, Wornick; **Absent:** Sherman.

Commissioner Seaton abstained from the vote for the following reason: "While the United States should abide by reports, this resolution puts undue weight on City departments and is very

vague about requirements. I also believe Berkeley continues to single out the United States for critique when far worse conduct occurs around the world.”

Commissioner Wornick abstained from the vote for the following reason: “I could not support this resolution nor oppose it. I have concerns about undue burdens on City, especially when the United States government is clearly preparing a report. While I support anti-discrimination laws, I feel this resolution does not work to advance these lofty goals.”

NEXT MEETING

The next regular meeting will be on Monday, February 5, 2007 at 7:00 p.m. in the North Berkeley Senior Center with a deadline of Thursday, January 25, 2007 for submission of agenda items and materials for the January agenda packet. Dates are subject to change, please contact the Commission Secretary to confirm.

The meeting was adjourned at 9:48 p.m.

Respectfully Submitted,

Manuel Hector Jr., Secretary
Peace and Justice Commission

ATTACHMENT 1

SUBMIT A REPORT UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

WHEREAS, Berkeley Municipal Code § 3.68.070 provides 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 social justice, including ... support for human rights..."; and the City adopted, in 1990, a Human Rights Ordinance based on United Nations Charter Articles 55 and 56; and

WHEREAS, The United States (US) Government ratified a treaty called the "Convention on the Elimination of All Forms of Racial Discrimination" (CERD), after signature by the President and ratification by the US Senate on June 24, 1994 (140 Cong. Res. S. 7634, 1994); a treaty, under the US Constitution, is the supreme law of the land (article 6, clause 2); and

WHEREAS, This treaty requires each signatory nation to file reports every two years, and the second report and all future reports must include information from the state and local levels; the US should have filed its first report in 1995, and its second report two years later in 1997; in fact the US did not file its first report until 2000; after a report is filed, the Committee meets with the government officials and makes Concluding Observations concerning what each nation should do to enforce the treaty; and

WHEREAS, The US State Department has now announced to a group of concerned non-governmental organizations (NGOs) that it plans to submit its very tardy second report by spring, 2007; and

WHEREAS, The Berkeley City Council on April 20, 1993, voted to ask the Commission on the Status of Women, the Youth Commission, the Commission on Labor, and the Police Review Commission to make reports under a similar United Nations (UN) treaty, the International Covenant on Civil and Political Rights, to a similar UN Committee, the UN Human Rights Committee; this had the affirmative effect of informing city officials and civil servants about that treaty, and the reports were submitted to the US State Department for inclusion in its report, and were submitted directly to the UN committee via Meiklejohn Civil Liberties Institute, a Berkeley NGO, and the Institute sent representatives to the Committee meeting in New York, where the US report was discussed, and the Committee welcomed this City's participation; in 2006, 120 NGOs worked in a similar way with the second report to that Committee; and

WHEREAS, The Katrina disaster drives home the urgency of addressing racism; had this treaty been enforced starting in 1994, that disaster would have occurred without rampant racial discrimination; and

WHEREAS, Berkeley could play a major affirmative role by asking all its city agencies to read the CERD and make reports about its efforts to enforce all of the provisions against discrimination, and to study the Concluding Observations of the CERD Committee to the US in 2000.

NOW THEREFORE, BE IT RESOLVED that the Peace and Justice Commission recommends that the Council of the City of Berkeley ask the City Manager to poll all city department directors and report to the Council by February 20, 2007 on how the city is enforcing the CERD, and how it plans to improve, including training of relevant city employees.

BE IT FURTHER RESOLVED that the Council submit this report to the Attorney General of California for inclusion in his report for the State of California to the Committee and that the City Report also be submitted directly to the CERD Committee.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Alameda County Supervisor Keith Carson, Attorney General Jerry Brown, US Representatives Barbara Lee, John Conyers, and Nancy Pelosi, Secretary of State Condoleezza Rice, and United Nations High Commissioner for Human Rights Louise Arbour.

BE IT FURTHER RESOLVED that the City Council immediately urges the Attorney General of California to seek reports from all cities and counties and state agencies in order to make his State Report accurate and complete and filed timely with the US Department of State and the CERD Committee.