

MINUTES

The meeting convened at 7:05 pm with Chairperson Steve Freedkin presiding.

ROLL CALL

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

Absent: None

COMMENTS FROM THE PUBLIC

Pierre Labossiere, Haiti Sanctuary Committee of EBSC and Haiti Action Committee, regarding the Haiti Resolution.

Leslie Fleming, Haiti Action Committee, regarding the Haiti Resolution.

Adrienne Aron, Haiti Action Committee, regarding the Haiti Resolution.

Stella M. Goodpasture, Haiti Action Committee, regarding the resolution in solidarity with the people of Haiti.

ACTION ON MINUTES

M/S/C (*sorgen/Winkelman*) to approve the minutes from the regular meeting of January 8, 2007.

Ayes: Bohn, Freedkin, Litman, McDonald, Meola, Seaton, sorgen, Wagley, Winkelman, Wornick; **Noes:** None; **Abstain:** Brody, Cohen, Sherman; **Absent:** None.

Commissioners Brody, Cohen, and Sherman abstained from the vote because they were not present for the January meeting.

ACTIONS TAKEN

2004 Coup d'Etat in the Republic of Haiti

M/S/C (*Bohn/Meola*) recommending that the Council of the City of Berkeley adopt a Resolution (Attachment 1) commending Representative Lee for introducing H.R. 351; calling on all members of the California Congressional Delegation to lend their co-sponsorship to H.R. 351; requesting that Senators Boxer and Feinstein introduce a Senate companion bill to H.R. 351, and encouraging Congress to investigate subsequent murder, rapes, torture, and political prisoners held without charges or trials, and other human rights abuses that have occurred in Haiti since the ouster of democratically elected Jean-Bertrand Aristide. **Ayes:** Unanimous; **Absent:** None.

Co-Hosting a Screening of "Maquilapolis"

M/S/C (*sorgen/Cohen*) recommending that the Peace & Justice Commission co-host a screening of the documentary film, "Maquilapolis", with the Commission on Labor. **Ayes:** Unanimous; **Absent:** None.

Opposing President Bush's War Policies

M/S/C (*Sherman/Wagley*) recommending that the Council of the City of Berkeley adopt a Resolution (Attachment 2) reiterating its previous opposition to the War in Iraq, and declaring its opposition to President Bush's plans to escalate and possibly widen the War in Iraq by calling on all members of the California Bay Area Congressional Delegation to lend their co-sponsorship and support to H.R. 413, H.J. Res. 14, H.R. 508, and S. 448. **Ayes:** Bohn, Brody, Cohen, Freedkin, Litman, McDonald, Meola, Sherman, sorgen, Wagley, Winkelman; **Noes:** Seaton; **Abstain:** Wornick; **Absent:** None.

Commissioner Wornick abstained from the vote for the following reason: "I look forward to Congress continuing to debate this and it is too early to endorse a plan as proposed by two developing resolutions in the House and Senate".

Peace Lantern Ceremony

M/S/C (*Freedkin/Litman*) recommending that the Peace & Justice Commission adopt a Resolution (Attachment 3) endorsing the 6th Annual Berkeley Peace Lantern Ceremony; encouraging the City Council to endorse the Ceremony and directing that it appear on the City's Community Calendar on its website; and encouraging the BUSD to endorse the Ceremony. **Ayes:** Unanimous; **Absent:** None.

Status of Sweatshop Free Berkeley Ordinance

M/S/C (*sorgen/Bohn*) recommending that the Peace & Justice Commission adopt a Resolution (Attachment 4) approving an Information Report to the Commission on Labor regarding the status of the draft Sweatshop Free Berkeley Ordinance. **Ayes:** Bohn, Brody, Cohen, Freedkin, Litman, McDonald, Meola, Sherman, sorgen, Seaton, Wagley, Winkelman; **Noes:** None; **Abstain:** Wornick; **Absent:** None.

Commissioner Wornick abstained from the vote for the following reason: "I want to be consistent because I did not support the original Ordinance".

Cluster Bombs, Depleted Uranium Weapons, & White Phosphorus Weapons

M/S/C (*Meola/sorgen*) recommending that the City Council adopt a Resolution (Attachment 5) supporting the Cluster Munitions Coalition's campaign against the use of cluster munitions by sending a letter to the Norwegian Ministry of Foreign Affairs thanking Norway for taking the initiative to organize an international ban on cluster munitions that have unacceptable humanitarian consequences, and sending a copy of the letter to the Cluster Munitions Coalition; supporting the Campaign against Depleted Uranium by signing the petition of The International Coalition to Ban Uranium Weapons; and sending a letter to President Bush condemning the manufacture, sale, and use of cluster bombs, depleted uranium, and white phosphorus incendiary weapons by the United States. **Ayes:** Bohn, Brody, Cohen, Freedkin, Litman, McDonald, Meola, Sherman, sorgen, Wagley, Winkelman; **Noes:** Wornick; **Absent:** Seaton.

Reliable Replacement Warhead Program

M/S/C (*Bohn/Cohen*) recommending that the City Council adopt a Resolution (Attachment 6) requesting that Representative Lee, and Senators Boxer and Feinstein not support funding for the “Reliable Replacement Warhead Program”, and requesting that the University of California not violate the Nuclear Free Berkeley Ordinance. **Ayes:** Bohn, Brody, Cohen, Freedkin, Litman, McDonald, Meola, Sherman, Sorgen, Wagley, Winkelman; **Noes:** Wornick; **Absent:** Seaton.

Election of Officers

Chairperson: Steve Freedkin, current chairperson, will continue until next election because potential candidates for position declined the nomination.

Vice-Chairperson: Bob Meola won by majority vote, with Commissioner Seaton absent from the vote.

NEXT MEETING

The next regular meeting will be on Monday, March 5, 2007 at 7:00 p.m. in the North Berkeley Senior Center with a deadline of Thursday, February 22, 2007 for submission of agenda items and materials for the March agenda packet. Dates are subject to change, please contact the Commission Secretary to confirm.

The meeting was adjourned at 9:06 p.m.

Respectfully Submitted,

Manuel Hector Jr., Secretary
Peace & Justice Commission

ATTACHMENT 1

Supporting H.R. 351 to establish an Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti

WHEREAS, the Peace & Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.69.070); and

WHEREAS, the Berkeley City Council adopted the Human Rights Ordinance in 1990; and

WHEREAS, Berkeley Municipal Code Chapter 3.68.010 found that, "...The residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples..."; and

WHEREAS, Berkeley citizens have demonstrated concern for the people of Haiti, working with organizations including the Haiti Action Committee, the Ecumenical Peace Institute, the East Bay Sanctuary Covenant, the Institute for Justice and Democracy in Haiti, TRANSCEND, the Women's International League for Peace and Freedom, the Berkeley Fellowship of Unitarian Universalists' Social Justice Committee, St. Joseph the Worker Peace and Justice Ota Benga Alliance, and the Marin interfaith Task Force on the Americas; and

WHEREAS, a peer-reviewed study in the British medical journal, The Lancet, reports that 35,000 women and girls have been raped since the ouster of President Jean-Bertrand Aristide in February 2004 during the United States/United Nations occupation of Haiti; and

WHEREAS, on December 22, 2006, United Nations occupation forces (MINUSTAH) invaded Cité Soleil, Haiti with armored personnel carriers, heavy weapons and helicopters in an all-day siege, killing more than 30 people including women and children, blocking access by the Red Cross; and

WHEREAS, on Monday, January 15, 2007, former Prime Minister Yvon Neptune called for solidarity in the pursuit against what he calls the political machine of injustice that held him in jail for two years that continues to plague Haiti; and

WHEREAS, Haitian citizens have filed a complaint before the Inter-American Commission on Human Rights against the United States, Haiti's Interim Government (2004-2006), and the Dominican Republic for the overthrow of their democracy; and

WHEREAS, on January 9, 2007, Representative Barbara Lee introduced H.R. 351, "The Haiti Truth Act", to establish an independent commission to investigate the role of the United States government in the February 2004 coup d'etat in the Republic of Haiti that removed President Jean-Bertrand Aristide from power, as a first step in addressing the truth with regard to the 2004 Coup d'Etat in Haiti.

NOW THEREFORE, BE IT RESOLVED that the Peace & Justice Commission recommends that the Council of the City of Berkeley commend Representative Barbara Lee for introducing H.R. 351.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley call on all members of the California Congressional Delegation to lend their co-sponsorship of HR 351, specifically Representative Tom Lantos (CA 12), Chair, International Relations Committee, Representative Nancy Pelosi (CA 8), Representative Zoe Lofgren (CA 16), and Representative Ileana Ros-Lehtinen (Fl. 18), Ranking Republican on the International Relations Committee.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley request that Senators Barbara Boxer and Diane Feinstein introduce a Senate companion bill to H.R. 351.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley encourages the Congress to investigate subsequent murder, rapes, torture, and political prisoners held without charges or trials, and other human rights abuses that have occurred in Haiti since the ouster of democratically elected Jean-Bertrand Aristide.

ATTACHMENT 2

OPPOSING PRESIDENT BUSH'S WAR POLICIES

WHEREAS, Berkeley Municipal Code Chapter 3.68.70 provides that the Peace & 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

WHEREAS, the citizens of Berkeley have been overwhelmingly concerned with the increased violence and instability in Iraq, and has contributed to the continued exhaustion of important federal resources for our city; and

WHEREAS, on January 10, 2007, President George Bush announced his plan to send an additional 20,000+ American troops into combat in Iraq, this in the face of expert advice (Iraq Study Group, Middle East Experts, etc.), opposition from the Joint Chiefs of Staff and members of the Democratic and Republican Parties in both Houses of Congress, and overwhelming opposition from the American Public (70% of whom oppose the “surge”) to his Iraq policy; and

WHEREAS, already, over 132,000 troops have been committed to the conflict in Iraq that has next to no international political or military support, no clear timeline for success, has cost over 3,000+ American lives and hundreds of thousands of Iraq civilian casualties, and the wounding and disabling of more than 22,000 United States military personnel to date; and

WHEREAS, the Bush Administration has already redirected billions of tax-payer dollars in Iraq, and shortly will be requesting additional billions while significant domestic priorities remain neglected including cuts in funding to housing, transportation, healthcare, and education; and

WHEREAS, previous budgets that have prioritized Iraq have led to cuts in critical block grants for States and have increased the federal debt, which compounded by interest payments, will likely lead to even larger cuts in funding for critical needs in the States; and

WHEREAS, this proposed escalation will further extend National Guard tours in Iraq, that the costs to the States of the call-up of National Guard members for deployment in Iraq has been significant, as reckoned in lost lives, combat injuries and psychic trauma, disruption of family life, financial hardship for individuals, families and businesses, interruption of careers, and damage to the fabric of civic life in our communities; and

WHEREAS, under the Constitution, only Congress has the power to declare war and make appropriations, and legal experts on all sides have determined that Congress has not only broad authority, but a long tradition of limiting escalation or forcing redeployment of troops through the Constitutionally designated power of the purse; and

WHEREAS, on January 11, 2007, Representative Sam Farr introduced **H.R. 413** “to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) and to require the withdrawal of United States Armed Forces from Iraq”; and

WHEREAS, on January 12, 2007, Representative Walter Jones, Jr. introduced **H.J. Res. 14** “requiring Congressional approval prior to the use of any military action against Iran”; and

WHEREAS, on January 17, 2007, Representatives Lynn Woolsey, Barbara Lee, Maxine Waters, et al, introduced **H.R. 508** “to require the United States military disengagement from Iraq to provide United States assistance for reconstruction and reconciliation in Iraq, and for other purposes”; and

WHEREAS, on January 31, 2007, Senators Russell Feingold, Barbara Boxer, and Patrick Leahy introduced **S. 448**, the Iraq Redeployment Act of 2007, “to prohibit the use of funds to continue deployment of the United States Armed Forces in Iraq beyond six months after the date of the enactment of this Act”; and

WHEREAS, passage of the non-binding compromise resolution introduced by Senators Carl Levin and John Warner is an important first step in opposing President Bush’s war policies – but **ONLY** a first step towards Congress ending this war.

NOW THEREFORE, BE IT RESOLVED that the Peace & Justice Commission recommends that the Council of the City of Berkeley reiterate its previous opposition to the War in Iraq, and declare its opposition to President George Bush’s plans to escalate and possibly widen the war by calling on members of the California Bay Area Congressional Delegation to lend their co-sponsorship and support to H.R. 413, H.J. Res. 14, H.R. 508, and S. 448.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Speaker of the House Nancy Pelosi, Representatives Barbara Lee, Sam Farr, Walter Jones Jr., and Lynn Woolsey, and Senators Barbara Boxer, Dianne Feinstein, and Russell Feingold.

ATTACHMENT 3

Endorsing the Sixth Annual Peace Lantern Ceremony and Urging the City Council and School Board to Endorse

WHEREAS, Berkeley Municipal Code § 3.68.010 states, in part: "The [Peace & Justice] commission shall perform the following functions: (A) Advise the Berkeley City Council and the Berkeley Unified School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, [and] abolishing nuclear weapons...; (C) Help develop proposals for the City Council and the School Board for actions in furtherance of the goals of peace and justice, and help publicize such actions in the community"; and

WHEREAS, on Sunday evening, August 5, 2007, the day before the 62nd anniversary of the atomic bombing of Hiroshima, Japan, residents of Berkeley and vicinity will come together at Aquatic Park in Berkeley for the sixth annual Peace Lantern Ceremony in remembrance of the victims of the atomic bombings of Hiroshima and Nagasaki (August 9, 1945) during World War II, and of all victims of war; and

WHEREAS, the ceremony is a beautiful and moving tradition that has been imported from Japan by many cities in the United States and throughout the world, and Berkeley's event drew the participation of approximately 100 people in 2002, more than 300 in 2003, more than 400 in 2004, more than 500 in 2005, and an estimated 650 in 2006; and

WHEREAS, the event is an excellent family activity in which children as well as adults can decorate and prepare lanterns for floating on the Aquatic Park lagoon; and

WHEREAS, the Peace & Justice Commission endorsed the previous annual Peace Lantern Ceremonies, as did the City Council and numerous Berkeley-area peace and justice organizations; and

WHEREAS, this annual event, initiated by a member of the Peace & Justice Commission, is one element of a lively, ongoing exchange of peace activists between Berkeley and Japan during the past four years, including several delegations visiting Berkeley from Japan and three members of this Commission speaking at peace conferences in Japan; and

WHEREAS, all costs of producing the event have been borne by the individuals and community organizations participating in the event, and no funding is requested from the Commission, the City, or the School District.

NOW THEREFORE, BE IT RESOLVED that the Peace & Justice Commission endorses the sixth annual Berkeley Peace Lantern Ceremony.

BE IT FURTHER RESOLVED, that the Commission encourages the City Council to again endorse the Ceremony, and to direct that it appear on the city's Community Calendar on its Web site.

BE IT FURTHER RESOLVED, that the Commission encourages the Berkeley Unified School District Board to endorse the Ceremony, and to encourage children in the school district and their families to participate in the ceremony, including distributing an announcement for schoolchildren to take home before the end of the school year.

ATTACHMENT 4

INFORMATION REPORT REGARDING THE STATUS OF THE SWEATSHOP FREE BERKELEY ORDINANCE

WHEREAS, on September 27, 2006, the Commission on Labor voted unanimously to recommend the Sweatshop-Free Berkeley Ordinance, developed by the Commission on Labor with significant input from the Peace & Justice Commission, to the City Council for adoption; and

WHEREAS, on October 16, 2006, the Peace & Justice Commission passed a resolution endorsing the proposed Sweatshop-Free Berkeley Ordinance and recommending its adoption to the City Council; and

WHEREAS, City Council Resolution No. 61,312-N.S. provides that "upon the direction of a commission, staff shall prepare and submit a completed commission report for the Council agenda directly to the City Clerk no later than three weeks following commission action"; and

WHEREAS, nearly four months after final adoption by the two Commissions, the proposed Ordinance and accompanying report have not been submitted by staff to the City Council for consideration; and

WHEREAS, upon request of the Chairpersons of the Commission on Labor and the Peace & Justice Commission, the City Manager and other staff members met with members of the two Commissions on Monday, February 5, 2007 to discuss the status of the proposal and a plan and timeline for submitting it to the City Council; and

WHEREAS, on June 26, 2006, the City Council adopted a budget that included a set-aside of \$25,000 toward implementation of sweatshop-free purchasing, after receiving a report from the two Commissions that a proposed ordinance would be submitted within a few months, and has not subsequently received any information regarding the status of the ordinance.

NOW THEREFORE BE IT RESOLVED that the attached Information Report be submitted to the Commission on Labor for adoption and submission to City Council as a joint report from the two Commissions, along with a copy of the draft Ordinance as approved by the two Commissions.

BE IT FURTHER RESOLVED, that the Peace & Justice Commission authorizes Commissioners Diana Bohn and Steve Freedkin to review the version of the report adopted by the Commission on Labor, if any, and to approve its submission on behalf of the two Commissions upon their judgment that the final report comports with Peace & Justice Commission positions, or to submit this report separately to City Council or return it to the Peace & Justice Commission for revision, as they deem appropriate.

Draft Information Report

Dear Mayor Bates and City Council members:

The purpose of this report is to inform you of the status of the proposed Sweatshop-Free Berkeley Ordinance developed by our two commissions.

On September 27, 2006, the Commission on Labor voted unanimously to recommend a Sweatshop-Free Berkeley Ordinance, developed by the Commission on Labor with significant input from the Peace & Justice Commission, to the City Council for adoption. On October 16, 2006, the Peace & Justice Commission passed a resolution endorsing the proposed ordinance.

It was the expectation of our two Commissions that the proposal would be submitted to the City Council according to City Council Resolution No. 61,312-N.S., which provides that "upon the direction of a commission, staff shall prepare and submit a completed commission report for the Council agenda directly to the City Clerk no later than three weeks following commission action." Of course, our Commissions expected that Council would then refer the proposed ordinance to the City Manager and the City Attorney for review and comment.

To our understanding, staff has not submitted the Commissions' recommendations to Council. Neither did staff reported to either Commission regarding the status of the proposal in the nearly four months since its adoption by the Commissions.

Lacking information about the status of the matter, the chairpersons of the two Commissions sought a meeting with the City Manager. The meeting was held on Monday, February 5, 2007. Commission members present were Igor Tregub, member of the Commission on Labor and its subcommittee that drafted the ordinance; Diana Bohn, member of the Peace & Justice Commission and coordinator of the Sweatfree Berkeley Coalition; and Steve Freedkin, then Chairperson of the Peace & Justice Commission. City staff in attendance were City Manager Phil Kamlarz; Fred Medrano, Director of the Department of Health and Human Services (the Peace & Justice Commission is staffed by HHS); Sharon Thygesen, Purchasing Manager; and one additional staff member.

Commissioner Tregub noted that the two Commissions had worked diligently to collaborate with staff, including holding three meetings with Purchasing Manager Thygesen and her staff, inviting Ms. Thygesen to attend and speak at two Commission on Labor meetings, requesting a meeting with the City Attorney to discuss the ordinance (which request was declined by the City Attorney), and amending the proposal extensively to address concerns raised by Ms. Thygesen and her staff, including several provisions that add flexibility to the ordinance. He and Commissioner Freedkin noted that neither Commission had heard anything from staff about the status of the proposal and the delay in submitting it to City Council until the chairperson of the Commission on Labor initiated inquiries.

City Manager Kamlarz advised the Commissioners that the City staff report in response to the proposal is not yet ready. He explained his interpretation of City Council Resolution No. 61,312-N.S., saying that it allows for the delay in submission to the City Council because "a completed commission report" does not exist until the staff response is prepared. This interpretation had not previously been communicated to the commissions and is at odds with the commissioners' understanding; Manager Kamlarz indicated that staff

should have conveyed that interpretation to the Commissions. (We also feel City Council should be apprised of this interpretation so it can evaluate its consistency with Council intent, if such has not already occurred.) He offered that City staff should have kept the two commissions apprised of the status, and indicated that staff would do so henceforth.

Purchasing Manager Thygesen advised the Commissioners that she was concerned with the practicality of some provisions added to the ordinance after her final meeting with commissioners, as well as an alternative process for sweatshop-free certification she has identified. She agreed to advise the Commission on Labor of her specific concerns within the week. Commissioners agreed to research the alternative process (a certification process called "SA8000") and the organization offering it (Social Accountability International).

Ms. Thygesen agreed to meet with Commissioners in early March to discuss remaining concerns about the draft ordinance. Asked to offer a projected timeline for moving the item to Council, Mr. Kamlarz suggested that staff and Commissioners aim to submit a proposed ordinance to Council shortly after its spring recess.

Our commissions have worked for many months developing the proposed ordinance, and we feel it is important for the Council to be apprised of our progress to date. We are appending a copy of the proposed ordinance to this information report, so Council can be aware of the work that has been done to date, and will be informed regarding the Commissions' recommendations when a proposal does reach the Council, ideally in April.

ATTACHMENT 5

OPPOSING THE USE OF CLUSTER MUNITIONS, DEPLETED URANIUM WEAPONS, AND WHITE PHOSPHORUS WEAPONS

WHEREAS, the Peace & Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code [BMC] Chapter 369.070); and

WHEREAS, the use of anti-personnel weapons in current and recent wars has caused wanton, random, indiscriminate, intentional and negligent pain, suffering, maiming, disfigurement, dismemberment, disability and death to targeted and untargeted civilian populations of men, women, children and animals; and

WHEREAS, cluster munitions (also called cluster bombs) can not discern military targets from civilian targets, contain hundreds of submunitions (also called bomblets) most of which are fragmentation weapons that are not guided with any accuracy and cover a footprint as wide as one square kilometer with explosions and shrapnel; and

WHEREAS, Article 85 of the Geneva Conventions deems it a war crime to launch "an indiscriminate attack affecting the civilian population in the knowledge that such an attack will cause an excessive loss of life or injury to civilians;" and

WHEREAS, various types of cluster bombs are produced by the United States, China, Italy, Russia, Slovakia and Israel; and

WHEREAS, cluster bombs have been used in Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Chad, Croatia, Eritrea, Ethiopia, Iraq, Israel, Kuwait, Laos, Lebanon, Russia (Chechnya), Saudi Arabia, Sierra Leone, Sudan, Syria, Tajikistan, Yugoslavia (including Kosovo) and Vietnam and those countries still suffer the effects of unexploded cluster bombs; and

WHEREAS, according to Human Rights Watch, "Human Rights Watch research established that the use of cluster munitions in populated areas in Iraq caused more civilian casualties than any other factor in the United States-led coalition's conduct of major military operations in March and April, 2003, killing and maiming more than 1,000 Iraqi civilians. Roughly a quarter of the 500 civilian deaths caused by NATO bombings in the 1999 Yugoslavia war were also due to cluster munitions"; and

WHEREAS, the United States has continued its long history of cluster bomb use most recently in Afghanistan and in Iraq; and

WHEREAS, the International Committee of the Red Cross, on November 6, 2006, called for the destruction of stocks of cluster munitions and a freeze on the trade of cluster munitions, and the ICRC believes that 95% to 98% of cluster bombs are not reliable or accurate; and

WHEREAS, according to the campaign of the international petition of the International Coalition to Ban Uranium Weapons, “Uranium weapons often called ‘depleted uranium’ (DU) weapons, are manufactured from radioactive waste materials produced during the nuclear fuel chain and the production of nuclear weapons. They cause widespread and long lasting radioactive contamination of the environment. The weapon systems are radiologically and chemically toxic...In areas such as southern Iraq, where uranium munitions were used by the United States and the United Kingdom, there have been reports of increases in cancers, leukemia and birth defects...At least 18 countries possess these weapons, the use of which is contrary to existing humanitarian law”; and

WHEREAS, the use of white phosphorus incendiary weapons, as used by the United States in Iraq, is illegal use constituting war crimes because it has been used deliberately and indiscriminately to kill civilian populations, its use in Fallujah being an example of such use.

NOW THEREFORE, BE IT RESOLVED that the Peace & Justice Commission recommends that the Council of the City of Berkeley supports the Cluster Munitions Coalition’s campaign against the use of cluster munitions by sending a letter to the Norwegian Ministry of Foreign Affairs thanking Norway for taking the initiative to organize an international ban on cluster munitions that have unacceptable humanitarian consequences, and sending a copy of the letter to the Cluster Munitions Coalition.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley support the Campaign Against Depleted Uranium by signing the petition of The International Coalition to Ban Uranium Weapons, and thereby express support to demand:

1. An immediate end to the use of uranium weapons.
2. Disclosure of all locations where uranium weapons have been used and immediate removal of the remnants and contaminated materials from the sites under strict control.
3. Health surveys of the “depleted” uranium victims and environmental investigations at the affected sites.
4. Medical treatment and compensation for the “depleted” uranium victims.
5. An end to the development, production, stockpiling, testing, trade of uranium weapons.
6. A Convention for a Total Ban on Uranium Weapons.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley direct the City Manager to prepare a letter to President George Bush condemning the immoral, if not illegal, manufacture, sale, and use of cluster bombs, depleted uranium weapons, and white phosphorus incendiary weapons by the United States, and that copies of the letter be sent to United States Senators Barbara Boxer and Dianne Feinstein, and United States Representatives Barbara Lee and Nancy Pelosi.

ATTACHMENT 6

Opposing Funding for the Reliable Replacement Warhead Program

WHEREAS, the Peace & Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code [BMC] Chapter 369.070); and

WHEREAS, the Nuclear Free Berkeley Act, Chapter 3.68.010 of the Berkeley Municipal Code (Ordinance No. 5784-NS § 3, 1986) found that, "A. The intentional destruction of cities in war is the rule and not the exception", B "State, national and international governmental bodies have failed to control war and in fact, have in many cases, been responsible for war and the conditions of war"; and

WHEREAS, Chapter 12.90.030 of the Nuclear Free Berkeley act says; "The people of Berkeley find that: The nuclear arms race poses an intolerable threat to humanity...." and that "the threat to use nuclear weapons is an integral part of United States foreign policy...." and "since the Nuremberg principles hold individuals accountable for crimes against humanity, and since nuclear weapons cannot be used without indiscriminately killing civilians and violating accepted international rules of war, then nuclear weapons are illegal, and should be prohibited within the City" and that "We will not remain silent while policies of global death and destruction are carried out in our name...."; and

WHEREAS, "Uranium mines, refining facilities, transportation of radioactive materials, nuclear reactors, and radioactive waste are part of a "nuclear fuel cycle" integral to nuclear weapons production"... and "Mining, refining, and transportation of radioactive materials directly endangers the health of the workers involved.

Transportation of radioactive materials risks accidents releasing radioactivity into the environment.

Radiation is routinely released from all operating nuclear reactors... while accidents such as Three Mile Island release still more.

There is no safe means known for the disposal of nuclear waste..."; and

WHEREAS, the Nuclear Free Berkeley Act states that: "No person, corporation, university, laboratory, institution or other entity shall, within the City of Berkeley, knowingly engage in work for nuclear weapons;" and

WHEREAS: "The University of California's system-wide administration, which runs both Livermore and Los Alamos National Laboratories"...and ..."Numerous business firms that work under contract or sub-contract to produce nuclear weapons components," ... and...security requirements accompanying the nuclear weapons industry threaten the civil liberties of the people of Berkeley and restrict the freedom of information necessary to make decisions concerning the future of the community" (Ordinance No. 5784-NS § 3, Section 12.90.030 Findings.); and

WHEREAS, when the United States ratified the United Nations Charter, it made a commitment to article 2.4 that states: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”; and

WHEREAS, in 1996, the World Court unanimously ruled that: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”; and

WHEREAS, the Bush administration has laid out the “Reliable Replacement Warhead” plan to overhaul and upgrade the United States nuclear weapons infrastructure and expand the United States nuclear weapons arsenal with the construction of “Complex 2030”, a state of the art nuclear bomb factory, and has outlined the possibility of using these weapons in a nuclear preemptive strike.

NOW THEREFORE, BE IT RESOLVED that the Peace & Justice Commission recommends that the Council of the City of Berkeley request Representative Barbara Lee, and Senators Barbara Boxer and Dianne Feinstein not support funding for the “Reliable Replacement Warhead” plan including the construction of “Complex 2030”, or appropriations or other benefits to the civilian nuclear power industry.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley request that the University of California not violate the Nuclear Free Berkeley Ordinance (Ordinance No. 5784-NS) and send a copy of this Resolution to the University of California Board of Regents asking them to oppose the development of these weapons at any University of California facility, and send a copy of this resolution to United Nations Secretary General Ban.