

MINUTES

The meeting convened at 7:02 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

- Ann Fagan Ginger, Meiklejohn Civil Liberties Institute: report to UN Committee
- Cynthia Lee Mo: Blackwater USA, and national security
- Carry Sanders, Le Conte PTA: City of Refugee Ordinance
- Ben Jesse Clarke: immigration/sanctuary
- Laurence Schechtman: Referendum in Iraq
- Ethan Willard: Apology to Iraq
- Cynthia Johnson, Berkeley Fellowship: Iraq Referendum
- Martha Higuera: City of Refuge
- Belen Pulido, BOCA organizer: City of Refuge
- Delores Helman: Iraq Referendum
- Gene Herman: in solidarity with immigration rights, Berkeley Sanctuary-City of Refuge, and Iraq Referendum
- Untan Zolich, St. Joseph the Worker Church: Sanctuary

ACTION ON MINUTES

M/S/C (*sorgen/Bohn*) to approve the minutes from the regular meeting of February 5, 2007 with minor corrections. **Ayes:** Bohn, Brody, Cohen, Freedkin, McDonald, Meola, Sherman, Seaton, sorgen, Wagley, Winkelman, Wornick; **Noes:** None; **Abstain:** Litman; **Absent:** None.

Commissioners Litman abstained from the vote because she was not present for the March meeting.

ACTIONS TAKEN

Iraqi Referendum

M/S/ (*sorgen/Sherman*) that the City Council recommends to Congress that a Referendum on the withdrawal of foreign troops be drafted and submitted to the Iraqi people.

M/S/C (*Freedkin, Meola*) move to table the motion until the June regular meeting. **Ayes:** Bohn, Cohen, Freedkin, McDonald, Meola, Sherman, sorgen, Wagley, Winkelman; **Noes:** Brody, Litman, Seaton, Wornick; **Abstain:** None; **Absent:** None.

City of Refuge Ordinance

M/S/C (*McDonald/Meola*) that the Council adopt an Ordinance affirming the City of Berkeley as a City of Refuge and establish such as part of the Berkeley Municipal Code (Attachment 1).

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

Subcommittee on Reporting to United Nations

M/S/C (*Bohn/Wagley*) to establish a subcommittee, including representatives from other affected City commissions and non-governmental organizations, to develop recommendations for Council consideration on a formal system to obtain data from the Berkeley Unified School District, non-governmental organizations, and other entities in the City of Berkeley for future reports required under United Nations' Treaties, and report back to the full Commission by December 31, 2007.

Ayes: Unanimous; **Absent:** Brody, Litman, Seaton, Wornick.

Subcommittee members: Diana Bohn, Elliot Cohen, and Anne Wagley

Keeping Government Informed of United Nations' Reporting Requirements

M/S/C (*Bohn/Wagley*) refer to the Subcommittee on Reporting to the United Nations a proposal to keep City/County/State government informed of the reporting requirements and deadlines under the International Covenant on Civil & Political Rights, Convention on the Elimination of All Forms of Racial Discrimination, and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. **Ayes:** Unanimous; **Absent:** Brody, Litman, Seaton, Wornick.

NEXT MEETING

The next regular meeting will be on Monday, June 4, 2007 at 7:00 p.m. in the North Berkeley Senior Center with a deadline of Thursday, May 24, 2007 for submission of agenda items and materials for the June agenda packet. Dates are subject to change, please contact the Commission Secretary to confirm.

The meeting was adjourned at 10:04 p.m.

Respectfully Submitted,

Manuel Hector Jr., Secretary
Peace & Justice Commission

Attachments

ATTACHMENT 1

AFFIRMING THAT THE CITY OF BERKELEY IS A CITY OF REFUGE

WHEREAS, the Berkeley Council has found that peace is inseparable from justice, and the residents of Berkeley have welcomed to our city those who have been forced into exile and those who have come fleeing torture and death (BMC 3.68.010 E, L); and

WHEREAS, the Berkeley Council has already declared that Berkeley is a City of Refuge in 1971 (Resolution No 44,784-N.S.) and reaffirmed that decision in 1986 relating to Central American refugees (Resolution No. 52,596-N.S.), but has not joined other cities like San Francisco which has formalized these resolutions as part of the municipal code; and

WHEREAS, the Federal government has escalated a program of fear and intimidation against the immigrant/minority communities named “Return to Sender”; and

WHEREAS, over 58 such initiatives condemning the raids and pledging non-cooperation have been promulgated in 21 states across the country including the Bay Area cities Richmond, San Francisco, San Jose and East Palo Alto, Oakland; and

WHEREAS, the spirit and intent of Berkeley’s refuge Resolutions would be violated if City funds, facilities or staff were utilized to assist the Federal government’s inhumane immigration policies and practices; and

WHEREAS, it is the right of any city, town or county to declare what preferences, policies and priorities they wish to expend their resources on; and

WHEREAS, the extreme actions by the Federal government against the immigrant communities are violations of the International Covenant on Civil and Political Rights (articles 2.1, 23 and 24) and the Covenant Against Torture and the Covenant against Inhuman or Degrading Treatment or Punishment and the Convention on Elimination of all forms Racial Discrimination, all of which are treaties ratified by the Federal Government which under the United States Constitution (article 6 clause 2) represent the supreme law of the land.

NOW THEREFORE, BE IT RESOLVED the Council shall affirm that the City of Berkeley is a City of Refuge and establish such as a part of the Berkeley Municipal Code.

BE IT FURTHER RESOLVED, the Council shall adopt the following restrictions on the use of City funds and resources:

- a) No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the City of Berkeley unless such assistance is required by federal or state statute, regulation or court decision. The prohibition set forth in this chapter shall include but not be limited to:

- 1) Assisting or cooperating, in one's official capacity, with any Department of Homeland Security investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of federal immigration law, except as required by federal or state statute, regulation or court decision.
- 2) Requesting information about, or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by the City of Berkeley upon immigration status, except as required by federal or state statute, regulation, City of Berkeley public assistance criteria or court decision.
- 3) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Berkeley any question regarding immigration status, except as required by federal or state statute, regulation or court decision.

BE IT FURTHER RESOLVED, that the Council shall instruct the City Clerk to transmit copies of this new chapter including any future amendments thereto that shall be made, to every department, agency and commission and employee of the City of Berkeley.

BE IT FURTHER RESOLVED, that [the appropriate city commission or body] shall review the compliance of the City departments, agencies, commissions and employees with the mandates of this ordinance in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged.

BE IT FURTHER RESOLVED, that if any part of this ordinance, or the application thereof is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

BE IT FURTHER RESOLVED, that any agent, representative or employee of the City of Berkeley who is contacted by any agent, representative or employee of the State or Federal government for the purposes of obtaining information, advice, assistance, or use of any City of Berkeley utilized facility or any other type of cooperation as preparation or part of enforcement of immigration laws shall report such contact within 24 hours to the person(s) who heads, manages or is responsible for their department, agency or division who then within 24 hours shall transmit all relevant information regarding the contact to the office of the City Manager. The report must include the time of the contact, the nature of the contact as to whether any type of assistance, advice, information, cooperation or use of any City of Berkeley utilized facility was requested and whether any information, assistance, advice, cooperation or facility use was provided. The City Manager shall within 24 hours post all relevant information of the contact onto the City of Berkeley website in such a way as to fully inform the citizens of Berkeley. The posting shall include the time, the nature of the contact and whether any information, assistance, advice, cooperation or use of any City of Berkeley utilized facility was requested and whether any was provided.