

## MINUTES

The meeting convened at 7:03 pm with Chairperson Steve Freedkin presiding.

### ROLL CALL

Present: Diana Bohn, Donald Brody, Elliot Cohen, Steve Freedkin, Peter Kafin, Jane Litman, Mark McDonald, Bob Meola, Thom Seaton, Michael Sherman, PhoeBe ANNE sorgen, Megan Winkelman

Absent: Anne Wagley

LOA: Jonathan Wornick

Members of  
the Public: 5

### COMMENTS FROM THE PUBLIC

- Zanne Joi, Code Pink: Shutting down marine corps
- Becky Lyman, Code Pink: Shutting down marine recruitment center
- Gene Herman, Progressive Democrats East Bay: Bring National Guard troops home now and marine corps recruiting office
- Dolores Helman, Code Pink & PDA-EB: Marine recruiting office

### ACTION ON MINUTES

**M/S/C** (*Cohen/sorgen*) to approve the minutes from the regular meeting of October 1, 2007 with corrections. **Ayes:** Bohn, Cohen, Freedkin, Kafin, McDonald, Meola, Seaton, Sherman, sorgen; **Noes:** None; **Abstain:** Brody, Litman, Winkelman; **Absent:** Wagley.

Commissioners Brody, Litman, and Winkelman and abstained because they were not present at the October meeting.

### ACTIONS TAKEN

#### **National Guard**

**M/S/C** (*Bohn/Meola*) recommending that the Council of the City of Berkeley again call upon the Governor of California to demand that the President and Congress take immediate steps to withdraw California National Guard troops from Iraq now, and urge the California State Assembly and Senate to introduce legislation calling for the prompt return of the California National Guard from Iraq. **Ayes:** Unanimous; **Absent:** Wagley.

#### **Marine Recruiting Office**

**M/S/C** (*Meola/Bohn*) recommending that the Council of the City of Berkeley directs the City Attorney to investigate and report back to Council within 60 days on City options for enforcing Chapter 13.28 of the Berkeley Municipal Code, prohibiting discrimination on

the basis of sexual orientation, with respect to military recruiting offices in Berkeley.  
**Ayes:** Bohn, Brody, Cohen, Freedkin, Kafin, McDonald, Meola, Sherman, sorgen;  
**Noes:** Seaton; **Abstain:** None; **Absent:** Litman, Wagley, Winkelman.

**Chevron Corporation**

**M/S/C** (*sorgen/Bohn*) recommending that the Council of the City of Berkeley direct the City Manager to report to the City Council by as soon as possible what, if any, is the nature of the City of Berkeley business with Chevron, and that the City of Berkeley cease all purchases from Chevron, to the extent allowable by law. **Ayes:** Bohn, Cohen, Freedkin, Kafin, McDonald, Meola Sherman, sorgen; **Noes:** Brody; **Abstain:** Seaton; **Absent:** Litman, Wagley, Winkelman.

Commissioner Seaton: "As usual, I abstain from motions unsupported by sufficient details. I don't believe the issue is so-time sensitive to warrant its hasty enactment. More documentation is required."

**NEXT MEETING**

The next regular meeting will be on Monday, December 3, 2007 at 7:00 p.m. in the North Berkeley Senior Center with a deadline of Wednesday, November 21, 2007 for submission of agenda items and materials for the November agenda packet. Dates are subject to change, please contact the Commission Secretary to confirm.

The meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

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Manuel Hector Jr., Secretary  
Peace & Justice Commission

Attachments

## ATTACHMENT 1

Calling upon the Governor of California to ensure that the President and Congress take immediate steps to withdraw California National Guard troops from Iraq

WHEREAS, on September 13, 2005, the Berkeley City Council adopted Resolution No. 63,055-N.S. supporting the withdrawal of California National Guard troops from Iraq; and

WHEREAS, the costs of the call-up of California National Guard members for deployment in Iraq have been significant, as determined in lost lives, combat injuries, 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 many California communities; and

WHEREAS, these are costs which would be suffered willingly were there a threat to our nation, but which are not tolerable where there is none; and

WHEREAS, Californians have joined the Guard thinking that they would be serving their neighbors by helping with California-based emergencies, unless there was a danger to the United States requiring transfer to active duty; and

WHEREAS, stop-loss orders, which unilaterally extend the duration of duty, violate the mutual understanding between Californians in the Guard and the state and nation they agreed to serve; and

WHEREAS, severe lack of personnel and resources during the recent fires in Southern California further shows that the federalization and deployment of National Guard members has rendered the remaining Guard force less able to carry out its state activities effectively; and

WHEREAS, the United States Constitution provides that Congress shall have the power to "provide for calling forth the Militia to execute the laws of the Nation, to suppress insurrections and repel invasions," and the California State Assembly, the California State Senate, and the Governor of California to direct the training and arming of members of the California National Guard for defense of the State; and

WHEREAS, the Council of the City of Berkeley believes that the best way to support the women and men serving in the United States Armed Forces and California National Guard is by bringing them home.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley again calls upon the Governor of California to demand that the President and Congress take immediate steps to withdraw California National Guard troops from Iraq now, and urges the California State Assembly and Senate to introduce legislation calling for the prompt return of the California National Guard from Iraq.

BE IT FURTHER RESOLVED, that the Berkeley City Council directs the City Manager to send a copy of this Resolution to President Bush, Governor Schwarzenegger, President Pro Tempore of the California Senate, Speaker of the California State Assembly, each member of the Bay Area Congressional Delegation, and Berkeley's State Legislators.

## ATTACHMENT 2

### Marine Recruiting Office

WHEREAS, the Peace and 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 United States has a history of launching illegal, immoral and unprovoked wars of aggression and the Bush Administration launched the most recent of those wars in Iraq and is threatening the possibility of war in Iran; and

WHEREAS, the United States armed forces, including the Marine Corps, explicitly refuse to hire openly non-heterosexual individuals, and will discharge an individual in their employ "who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts" [10 USC § 654(b)(2), "Policy Concerning Homosexuality in the Armed Forces"]; and

WHEREAS, Berkeley Municipal Code § 13.28, "Discrimination on the Basis of Sexual Orientation," provides that "It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment on the basis of such individual's sexual orientation" [BMC § 13.28(A)(1)], and applies the same standard to employment agencies and job-training programs [BMC § 13.28(A)(3), § 13.28(A)(5)]; and

WHEREAS, these wars have produced catastrophic loss of human life, both civilian and military, as well as physically maiming and deforming and psychologically destroying countless numbers of civilians and military personnel; and

WHEREAS, the people of the City of Berkeley have long voiced their stand for peace and against unnecessary wars; and support people following their consciences to do what is morally and ethically right to resist illegitimate authority; and

WHEREAS, the United States Marine Corps is being used as one of the means of perpetrating and prolonging unnecessary wars of the United States; and

WHEREAS, military recruiters are sales people known to lie to and seduce minors and young adults into contracting themselves into military service with false promises regarding jobs, job training, education and other benefits; and

WHEREAS, many enlisted persons never see the benefits they are promised and find out they are not eligible for the educational benefits due to loopholes and they did not receive the training promised or it did not qualify them for jobs outside the military; and

WHEREAS, the people of Berkeley should want the Marine Corps present near Berkeley High School, Berkeley City College, and University of California no more than they would want other violent influences downtown.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley directs the City Attorney to investigate and report back to Council within 60 days on City options for enforcing Chapter 13.28 of the Berkeley Municipal Code, prohibiting discrimination on the basis of sexual orientation, with respect to military recruiting offices in Berkeley.

BE IT FURTHER RESOLVED, that the Berkeley City Council directs the City Manager to send letters to the Marine Corps Recruiting Station at 64 Shattuck Avenue and to Gen. James T. Conway, Commandant of the United States Marine Corps, advising them that the Marine recruiting office is not welcome in our city, and if recruiters choose to stay, they do so as uninvited and unwelcome intruders.

BE IT FURTHER RESOLVED, that the Berkeley City Council directs the City Manager to investigate whether the Marine Recruiting Station has properly made all applicable City applications and obtained all applicable City permits, including for its signage, and whether the office is in full compliance with all zoning and building codes; and directs that if any such rules, regulations, codes, or permits have not been properly fulfilled, the Marine Corps recruiting station shall be subject to applicable penalties and other enforcement, including that the recruiting station signage, if not in full compliance with all City regulations, shall be removed.

BE IT FURTHER RESOLVED, that the Berkeley City Council encourages citizens to avoid cooperation with the Marine Corps recruiting station, and directs that the City shall provide assistance and encouragement, as appropriate, to citizens, including organizations such as Code Pink, that may volunteer to impede, passively or actively, by nonviolent means, the work of any military recruiting office located in the City of Berkeley.

## ATTACHMENT 3

### Requesting Information Regarding City of Berkeley Business Relationship with Chevron Corporation

WHEREAS, Berkeley Municipal Code (BMC) Chapter 369.070, establishing the Peace and Justice Commission, states that the Commission shall (A) 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 self-determination throughout the world, (and) (C) Help develop proposals for the City Council ... for actions in furtherance of the goals of peace and justice"; and

WHEREAS, Chevron Corporation is a California based company, facing serious questions about its human rights and environmental record in countries such as Ecuador, Burma, Nigeria and Angola, as well as here locally in Richmond; and

WHEREAS, from 1964 to 1992 Texaco (now Chevron) built and operated oil exploration and production facilities in the northern region of the Ecuadorian Amazon, and systematically dumped 18 billion gallons of toxic waste directly into the rainforest, and Chevron is a defendant in a class-action lawsuit in Lago Agrio, Ecuador where thousands of rainforest dwellers are seeking at least \$10 billion in clean-up damages, exclusive of personal liabilities, and Chevron has been implicated in a disturbing pattern of threats and corruption in the environmental trial out of Ecuador, and the contractual ties between Chevron and the Ecuadorian military strongly suggest that Chevron is responsible for the surveillance and threats against plaintiffs' representatives, which were in some cases perpetrated by identified military officers; and

WHEREAS, the intimidation of the plaintiffs has become so intense that the Inter-American Commission on Human Rights, of the Organization of American States, has granted a petition requesting precautionary measures from the Ecuadorian government, the United Nations Secretary General's Special Representative on Human Rights Defenders, Hina Jilani, has written a letter to the Ecuadorian government urging it to prosecute the perpetrators and protect the plaintiffs and their legal team; and

WHEREAS, Chevron is accused of polluting land and water resources in its ongoing operations in the Niger Delta, and nine Nigerian plaintiffs are suing Chevron in federal court in San Francisco for deaths and other abuses in two incidents in 1998 and 1999, in which Nigerian military and police paid by Chevron and using Chevron helicopters and boats tortured and shot protestors and destroyed two villages allegedly associated with opposition to Chevron's oil activities; and

WHEREAS, in 2002, the Angolan government fined Chevron \$2 million for oil spills from a pipeline that polluted beaches and damaged fishing in the Cabinda region; and

WHEREAS, Chevron, through its takeover of Unocal in 2005, is a partner with the military regime of Burma in the notorious Yadana natural gas pipeline project which

involved mass forced labor and other human rights abuses, committed by the army on Unocal's behalf. Moreover, Chevron Corporation is one of the largest foreign investors in Burma. Their Yadana project funnels tens of millions of dollars to the regime, money the military needs to retain its stranglehold on power; and

WHEREAS, the military regime in Burma is currently conducting a brutal military crackdown against pro-democracy protestors, which as of October 4th, has led to scores of deaths and thousands of arrests and detentions.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley direct the City Manager to report to the City Council by as soon as possible what, if any, is the nature of the City of Berkeley business with Chevron, and that the City of Berkeley cease all purchases from Chevron, to the extent allowable by law.