



PEACE & JUSTICE COMMISSION

CONSENT CALENDAR
September 21, 2010

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted By: Eric Brenman, Secretary, Peace and Justice Commission
Subject: "Berkeley Says NO to Torture" Week: October 10-16, 2010

RECOMMENDATION

At its regular meeting, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution to declare the week of October 10-16, 2010 as "Berkeley says NO to Torture" Week, including a range of public educational events to educate the community about torture.

M/S/C: (Sherman/Sorgen)

Ayes: Bohn, D.; Kenin, W.; Lippman, G.; Litman, J.; Meola, B.; Nicely, M.; Sherman, M.; Sorgen, P.

Noes: Rabkin, A.; Wornick, J.

Abstain: None.

Absent: Maran, R.; (excused); Marley, J.

FISCAL IMPACTS OF RECOMMENDATION

Limited to cost associated with providing a City facility/venue to convene a public educational forum on torture. Estimated cost: \$100 (based on facility rental cost to a "community group"). Department of Health Services Budget Code: 010-4101-440.50-10.

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate to promote peace and

justice, locally, nationally and internationally, recommends Council declare the week of October 10-16, 2010 as “Berkeley Says NO to Torture” Week.

This recommendation is consistent with prior Council actions including:

- a) Resolution No. 63,613, adopted March 13, 2007, supporting prosecution of [war crimes] of former Secretary of Defense Donald Rumsfeld and other government officials (including John Yoo, former Deputy Assistant Attorney General); and
- b) Council action (reaffirming Resolution No. 63,613, above), adopted December 8, 2008, urging John Yoo’s current employer, the University of California, to terminate his tenured faculty status in accordance with faculty protocols in the event that Yoo (serving in his former capacity as Deputy Assistant Attorney General), is prosecuted and convicted of human rights violations for his participation in drafting the legal memoranda authorizing the use of torture on behalf of the United States government; and
- c) Council action (reaffirming Resolution No. 63,613, above), adopted December 8, 2008, urging the United States House of Representatives to impeach Jay Bybee as United States Federal Judge for the 9th Circuit Court of Appeals in the event that Bybee (serving in his former capacity as Assistant Attorney General) is prosecuted and convicted of human rights violations for his participation in drafting the legal memoranda authorizing the use of torture on behalf of the United States government.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the Commission’s findings or recommendations contained in this Report.

CONTACT PERSON

Wendy, Kenin, Chairperson, Peace and Justice Commission, 510-504-4937
Michael Sherman, Commissioner, Peace & Justice Commission
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachment:

- 1. Resolution
- 2. Torture-related Articles (4)

RESOLUTION NO. --N.S.

DECLARING OCTOBER 10-16, 2010 AS "BERKELEY SAYS NO TO TORTURE"
WEEK

WHEREAS, Chapter 3.68 of the Berkeley Municipal Code sets forth the functions of the Peace and Justice Commission including to "[a]dvise the Berkeley City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to support for human rights and self-determination throughout the world;" and

WHEREAS, the City of Berkeley previously passed Resolution No. 63,613, adopted March 13, 2007, opposing torture and subsequently reaffirmed Resolution No. 63,613, on December 8, 2008, urging appropriate sanctions and actions (following war crimes prosecution and conviction) taken against U.C. Professor John Yoo and federal Judge Jay Bybee in drafting the legal memoranda ("Torture Memos") authorizing the use of torture on behalf of the United States government; and

WHEREAS, one particular human rights issue – torture, specifically torture policies and practices formulated and set into motion under Bush and Cheney, and not yet repudiated or reversed under their successor Obama – has been directly relevant here in Berkeley ever since UC Berkeley allowed John Yoo's return to his Berkeley Law teaching post after his two year sabbatical employment in the Department of Justice's Office of Legal Counsel (OLC), during which time Yoo wrote key legal memos enabling the administration to commit illegal, cruel and inhumane practices (including torture and rendition, among others) and to make these practices permanent weapons in U.S. foreign policy; and

WHEREAS, under international laws and treaties (the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10/94); the International Convention on the Elimination of All Forms of Racial Discrimination (10/94); and the International Covenant on Civil and Political Rights (9/92), torture is a crime against humanity and a war crime, and has also been condemned by such groups as Amnesty International, Human Rights Watch, the International Committee of the Red Cross, and

WHEREAS, the shameful display of torture at Abu Ghraib and Guantanamo, approved of and sanctioned from the highest levels of our government, is well-known to the world, and contributes to a horrifying intensification of anger, hatred, and violence in the world at a time when humanity needs the very opposite; and

WHEREAS, the recent release of the highly-publicized report from the Department of Justice's Office of Professional Responsibility (OPR) has now even further revealed the criminal roles of John Yoo and his OLC supervisor Jay Bybee in the matter of illegal governmental sanctions of torture (Jay Bybee's active role in crafting torture policy at OLC was rewarded by former President George W. Bush with a lifetime appointment to the Ninth Circuit Court of Appeals, where Judge Bybee now sits on the bench); and

WHEREAS, torture and John Yoo are again very much in the news now because of his current book tour and because of the recent federal court Al-Haramain decision, which excoriated the legal work of John Yoo in enabling illegal governmental surveillance; and

WHEREAS, designating an official civic week would enable a concentrated, multi-dimensional, community effort including school teach-ins, community art/culture events, religious communities' events, protest actions, speakers, film showings -- combining efforts by diverse and leading organizations including legal and civil liberties institutes and organizations, peace groups, human rights groups, veterans groups, and faith-based communities; and will make news and give encouragement to people in, near, and far beyond Berkeley.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley declares the week of October 10 to October 16, 2010 as "Berkeley Says No to Torture" Week. During this week a diverse range of community and social groups will speak and act publicly, making clear that the community finds it unacceptable for an American torture apparatus to remain operational while those responsible remain unaccountable.

BE IT FURTHER RESOLVED that the Peace and Justice Commission is authorized to work in co-operation with concerned community members to present an educational forum or program on the topic of torture during the "Berkeley Says No to Torture" Week at a public venue provided by the City.