



CONSENT CALENDAR
January 21, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmembers Rigel Robinson, Kate Harrison, Mayor Jesse Arreguin,
and Councilmember Cheryl Davila
Subject: No War With Iran

RECOMMENDATION

Adopt a resolution:

1. Condemning the Trump administration's assassination of a foreign government official, an act of war not authorized by Congress.
2. Endorsing the resolution by Senator Sanders and Representative Khanna to block funding for any military actions against or in Iran without prior Congressional authorization.
3. Endorsing the resolution by Representative Omar and Representative Lee directing the removal of all Armed Forces from hostilities with Iran and requiring that all future actions be explicitly authorized by Congress.

BACKGROUND

On January 3rd, 2020, General Qassem Soleimani was killed in an American drone strike in Baghdad.¹ General Soleimani headed the Revolutionary Guards Quds Force, an elite military force not unlike American Navy SEALs. A statement by the Pentagon described the strike as "defensive action",² but a UN experts has said that the assassination violated international law.³

Regardless of the legality, the strike is an act of war and may initiate further escalation in the region. The United States is currently involved with wars or interventions in Iraq,⁴ Afghanistan,⁵ Syria,⁶ Yemen,⁷ and Somalia⁸ and the addition of conflicts in Iran will be deadly, costly, and contrary to Berkeley's values of peace and justice. This act of war is also illegal given Article I, Section 8, Clause 11 of the United States Constitution which

¹ <https://www.cnn.com/2020/01/06/middleeast/iraq-us-iran-tensions-intl-hnk/index.html>

² <https://www.defense.gov/Newsroom/Releases/Release/Article/2049534/statement-by-the-department-of-defense/>

³ <https://www.jurist.org/news/2020/01/un-rights-expert-us-assassination-of-iranian-official-violated-international-human-rights-laws/>

⁴ <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1720980/coalition-forces-support-iraqi-security-forces-with-airstrike-against-isis/>

⁵ <https://www.cfr.org/timeline/us-war-afghanistan>

⁶ <https://www.aljazeera.com/news/2019/10/timeline-intervention-syria-war-2011-191007190255685.html>

⁷ <https://www.vox.com/2019/3/13/18263894/yemen-war-senate-sanders-murphy-lee>

⁸ <https://www.nytimes.com/2019/03/15/magazine/somalia-shabab-airstrikes-newsletter.html>

unambiguously grants the power to declare war only to the Congress of the United States.⁹ The United States Congress has never declared war against Iran and, hopefully, never will. However, given that President Trump has now repeatedly¹⁰ threatened¹¹ to commit war crimes by intentionally bombing Iranian civilian and cultural targets in direct violation of the Geneva Conventions¹² and the Convention for the Protection of Cultural Property¹³ it is extremely important that individuals, jurisdictions and institutions opposed to war in Iran wholly and clearly condemn all further military actions.

This assassination is only the latest in a series of counterproductive and antagonizing escalations that the Trump administration has taken towards Iran, highest amongst them the US withdrawal from the Joint Comprehensive Plan of Action (JPOA), commonly known as the Iran Deal.

In response to the assassination of General Soleimani, two resolutions are being introduced in the House of Representatives and the Senate to oppose all further military actions. Representative Khanna and Senator Sanders have introduced legislation that would block funding for any offensive military force in or against Iran without prior Congressional approval. Similarly, Representatives Lee and Omar and Senator Kaine have introduced legislation that directs the removal of all Armed Forces from hostilities in Iran that have not received prior Congressional approval. The two resolutions together would, in effect, end all ongoing hostilities and acts of war between the United States and Iran.

In March 2007, the Berkeley City Council approved Resolution No. 63,611-N.S., expressing opposition to United States military intervention in Iran. Similar to the Resolution introduced by Senator Sanders and Representative Khanna, the 2007 Resolution expressed support for HR 770, which would have prohibited the use of funds for military use of force against Iran without Congressional approval. The Resolution also reiterates that under Section I, Article 8 of the U.S. Constitution, only Congress has the authority to declare war. While tensions in 2007 between the United States and Iran were mostly driven through inflammatory rhetoric relating to Iran's nuclear program, such concerns had been resolved through the 2015 Iran nuclear deal. However, in 2018, President Trump ordered the U.S. to back out of the deal, and on January 5th, 2020, Iran announced it is no longer abiding to the restrictions placed in the deal. With

⁹ <https://history.house.gov/Institution/Origins-Development/War-Powers/>

¹⁰ <https://www.usatoday.com/story/news/politics/2020/01/05/iran-trump-mocks-congress-war-powers-act-notification-over-action/2818355001/>

¹¹ https://www.washingtonpost.com/politics/trumps-threats-against-iranian-sites-raise-questions-about-the-potential-for-war-crimes/2020/01/05/c03d8de8-2ff2-11ea-898f-eb846b7e9feb_story.html

¹² https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf

¹³ http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

tensions between the U.S. and Iran possibly exceeding that in 2007, it is essential to reestablish calls for peace and diplomacy.

FINANCIAL IMPLICATIONS

No direct financial implications. The monstrous cost of war drains federal funds from all manner of other productive, domestic expenditures, many of which would directly benefit the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY

War is an incredibly environmentally destructive activity.¹⁴ Opposition to war is directly in line with Berkeley's climate goals.

CONTACT PERSON

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Attachments:

1: Resolution

¹⁴ <https://www.lenntech.com/environmental-effects-war.htm>

RESOLUTION NO. ##,###-N.S.

CONDEMNING TRUMPS ILLEGAL ASSASSINATION AND ACT OF WAR

WHEREAS, on January 3, 2020 the US Military, at the direction of President Trump, assassinated Qassem Soleimani, the commander of Iran's Quds Force, via bombing at the Baghdad International Airport in Iraq;¹⁵ and

WHEREAS, this assassination was unlawful under both domestic¹⁶ and international¹⁷ law, and amounts to an act of warfare; and

WHEREAS, Article I, Section 8, Clause 11 of the United States Constitution unambiguously grants the power to declare war to the Congress of the United States,¹⁸ which has not declared war against Iran and hopefully never will; and

WHEREAS, on May 8th, 2018 President Trump withdrew the US from the Joint Comprehensive Plan of Action (JCPOA), commonly known as the Iran Deal;¹⁹ and

WHEREAS, the JCPOA was an effective agreement that limited Iran's nuclear capabilities while steering the US and Iran away from military confrontation and towards diplomatic solutions;²⁰ and

WHEREAS, on June 15th, 2017 the US Senate approved new, draconian sanctions against Iran in a bipartisan vote of 98-2, with only Vermont Senator Bernie Sanders and Kentucky Senator Rand Paul voting No;²¹ and

WHEREAS, President Trump has now repeatedly²² threatened²³ to commit war crimes by intentionally bombing Iranian civilian and cultural targets in direct violation of the Geneva Conventions²⁴ and the Convention for the Protection of Cultural Property;²⁵ and

¹⁵ <https://apnews.com/5597ff0f046a67805cc233d5933a53ed>

¹⁶ <https://www.archives.gov/federal-register/codification/executive-order/12333.html#2.11>

¹⁷ https://www.cnn.com/middleeast/live-news/baghdad-airport-strike-live-intl-hnk/h_f4d89b41ef9e19a716edc8047bf923df

¹⁸ <https://history.house.gov/Institution/Origins-Development/War-Powers/>

¹⁹ <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html>

²⁰ <https://www.theatlantic.com/international/archive/2017/07/iran-nuclear-deal-two-years/533556/>

²¹ https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=115&session=1&vote=00147

²² <https://www.usatoday.com/story/news/politics/2020/01/05/iran-trump-mocks-congress-war-powers-act-notification-over-action/2818355001/>

²³ https://www.washingtonpost.com/politics/trumps-threats-against-iranian-sites-raise-questions-about-the-potential-for-war-crimes/2020/01/05/c03d8de8-2ff2-11ea-898f-eb846b7e9feb_story.html

²⁴ https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf

²⁵ http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

WHEREAS, the US military now plans to deploy approximately 3,000 more troops to Iraq;²⁶ and

WHEREAS, the US spends, by some calculations, as much as \$1.25 Trillion annually on war and the national security state,²⁷ with \$5.9 Trillion having been spent on the wars in Afghanistan, Pakistan, and Iraq alone;²⁸ and

WHEREAS, in 2017 Congress approved a military budget that despite being significantly larger than requested by the Trump White House was supported by 65% of House Democrats, 96% of House Republicans,²⁹ 88% of Senate Democrats, and 92% of Senate Republicans;³⁰ and

WHEREAS, in December of 2019 Congress approved a \$738 Billion military budget, the largest in world history, supported by 81% of House Democrats, 96% of House Republicans,³¹ 79% of Senate Democrats, and 92% of Senate Republicans;³² and

WHEREAS, the Berkeley City Council approved Resolution No. 63,611-N.S. in March 2007, expressing opposition to United States military intervention in Iran; and

WHEREAS, Barbara Lee, who has served as Berkeley's Congressional representative since 1998, was the sole vote against the Authorization for Use of Military Force against Terrorists (2001), warning her colleagues against all open-ended wars without exit strategies or clear targets.³³

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Berkeley opposes war in Iran, and all wars, now and forever, as "every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed."³⁴ and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley condemns the assassination of General Soleimani and the reckless and unproductive push towards hostilities with Iran, and condemns the actions of President Trump and the failed

²⁶ <https://www.nbcnews.com/news/military/u-s-sending-thousands-more-troops-mideast-after-baghdad-attack-n1110081>

²⁷ <https://truthout.org/articles/the-us-is-spending-1-25-trillion-annually-on-war/>

²⁸ <https://watson.brown.edu/costsofwar/costs/economic>

²⁹ <http://clerk.house.gov/evs/2017/roll631.xml>

³⁰ https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=115&session=1&vote=00199#state

³¹ <http://clerk.house.gov/evs/2019/roll672.xml>

³² https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=116&session=1&vote=00188

³³ <https://theintercept.com/2016/09/11/barbara-lees-lone-vote-on-sept-14-2001-was-as-prescient-as-it-was-brave-and-heroic/>

³⁴ <https://www.nps.gov/features/eise/jrranger/quotes2.htm>

bipartisan consensus on war that has cost millions of lives and trillions of dollars over the past 20 years; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley endorses the resolution authored by Representative Khanna in the House and Senator Sanders in the Senate to block funding from any military force against Iran that has not been authorized by Congress; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley endorses the resolution authored by Representatives Lee and Omar in the House and authored by Senator Kaine in the Senate to remove Armed Forces from all hostilities in and against Iran that have not been authorized by Congress; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley thanks Representative Lee for her lifelong leadership opposing war and laudes her for her continued service; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Senator Kamala Harris, Senator Tim Kaine, Senator Bernie Sanders, Senator Dianne Feinstein, Representative Barbara Lee, Representative Ro Khanna, Representative Ilhan Omar and President Trump.