



Kriss Worthington

Councilmember, City of Berkeley, District 7
 2180 Milvia Street, 5th Floor, Berkeley, CA 94704
 PHONE 510-981-7170 FAX 510-981-7177 kworthington@ci.berkeley.ca.us

ACTION CALENDAR

April 3, 2012

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Councilmember Max Anderson
 Councilmember Jesse Arreguin

Subject: Support Faculty Petition and Request the DA Drop Charges from
 November 9, 2011 UC Protest

RECOMMENDATION

Endorse the Berkeley Faculty Association petition and send a letter to the Alameda County District Attorney to drop charges. Also send letters to the U.C. Chancellor and U.C. Police Chief to request they send letters to the District Attorney to have all charges dropped against the participants in the November 9, 2011 student, union, faculty, and community.

BACKGROUND

On November 9, 2011, student, union, faculty and community members gathered at Sproul Plaza for a protest demanding economic justice and reform. The protest was a space for open dialogue and free speech among the UC and Berkeley communities.

The students voted that the protest would be a non-violent protest. Before I was elected to the Berkeley City Council, Telegraph was the location to many incidents of rioting (property damage, intentional fires, and mob behavior). While I have been here riots have diminished drastically.

Charging these peaceful protestors may cause a chilling effect on free speech and the right to peaceably assemble on public spaces. These two constitutional rights have made the City of Berkeley and UC Berkeley well known throughout the world. If these charges are maintained, free speech and freedom to assemble will no longer be the same in our community. Therefore it is imperative that the City of Berkeley join the UC Berkeley Faculty Association' in calling for these charges to be dropped.

FINANCIAL IMPLICATIONS

Minimal.

CONTACT PERSON

Councilmember Kriss Worthington	510-981-7170
Councilmember Max Anderson	510-981-7130
Councilmember Jesse Arreguin	510-981-7140

Attachments:

1. Berkeley Faculty Association petition – Birgeneau Should Condemn Criminal Charges
2. Letter to District Attorney Nancy O'Malley
3. Letter to UC Berkeley Chancellor Birgeneu
4. Letter to UCPD Chief Celaya

Faculty Letter to Chancellor Signed by 100s of faculty members

Condemn criminal charges against Nov. 9, 2011 Protesters by Alameda DA.

We, the undersigned faculty of the University of California, are dismayed by the criminal charges brought by the Alameda County District Attorney against several students and faculty engaged in campus protest on November 9th, 2011. We call upon Chancellor Birgeneau to request that the D.A. drop all charges against the campus protestors.

The D.A.'s decision represents a significant chilling of free speech and the rights of free assembly on campus, values officially enshrined in UC Berkeley's Principles of Community ("We are committed to ensuring freedom of expression and dialogue that elicits the full spectrum of views held by our varied communities."

<http://berkeley.edu/about/principles.shtml>). Our administration must condemn any legal actions that undermine these values.

Indeed, as some of the students now being prosecuted were not even arrested on November 9th, these legal actions seem designed to criminalize those who are exercising basic rights of protest. We note as well that the faculty member now scheduled for arraignment was practicing non-violent civil disobedience and, after voluntarily offering herself for arrest, was dragged by the hair and thrown to the ground by police, sustaining injuries.

Moreover, we remind Chancellor Birgeneau that the faculty Senate has stated in the resolutions of November 28, 2011, that the university administration and the police were in the wrong in their handling of the November 9th demonstrations. Hence, should the prosecution go forward, the legal and financial responsibility for the defense of the students and faculty charged falls squarely on the university.

Finally, we ask that the administration reply in the affirmative to any student request to enter into a public discussion of these issues, and we support efforts to open up dialogue to find resolution for these events rather than the prosecution of rights of protest.

Dear Nancy E. O'Malley,

The City of Berkeley respectfully requests that your office drop the charges against the participants in the November 9, 2011 non-violent student, union, faculty, and community protest action.

Maintaining the charges may create a chilling effect on free speech and the right to peaceably assemble on public spaces. These two constitutional rights have made the City of Berkeley and UC Berkeley well known throughout the world. If these charges are not dropped, free speech and freedom to assemble may no longer be the same in Berkeley and the campus communities. Moreover, the UC Administration acknowledges that they were wrong in the way the November 9, 2011 demonstration was handled. Therefore it is imperative that the District Attorney's Office drop the charges.

In sum, the Berkeley City Council requests that the charges be dropped against the participants in the November 9, 2011 non-violent, student, union, faculty, and community protest action.

Sincerely,

Berkeley City Council

Cc: UC Berkeley Chancellor Birgeneau
U.C.P.D. Chief Celaya

Dear Chancellor Birgeneau,

The City of Berkeley respectfully requests that your office request the District Attorney to drop the charges against the participants in the November 9, 2011 non-violent student, union, faculty, and community protest action.

We sincerely appreciate that UC is not pursuing conduct charges against student who were involved in the protest. Consistent with the spirit of the action, it would be beneficial that the District Attorney make a similar decision.

Maintaining the charges may create a chilling effect on free speech and the right to peaceably assemble on public spaces. These two constitutional rights have made the City of Berkeley and UC Berkeley well known throughout the world. If these charges are not dropped, free speech and freedom to assemble may no longer be the same in Berkeley and the campus communities. Moreover, the UC Administration and the University of California Police Department acknowledge that they were wrong in the way the November 9, 2011 demonstration was handled. Therefore it is imperative that the District Attorney's Office drop the charges.

In sum, the Berkeley City Council requests that your office communicate to the District Attorney that the charged be dropped against the participants in the November 9, 2011 non-violent student, union, faculty, and community protest action.

Sincerely,

Berkeley City Council

Cc: Alameda County District Attorney Nancy E. O'Malley
U.C.P.D. Chief Celaya

Dear Chief Celaya,

The City of Berkeley requests that your office request the District Attorney to drop the charges against the participants in the November 9, 2011 non-violent student, union, faculty, and community protest action.

Maintaining the charges may create a chilling effect on free speech and the right to peaceably assemble on public spaces. These two constitutional rights have made the City of Berkeley and UC Berkeley well known throughout the world. If these charges are not dropped, free speech and freedom to assemble may no longer be the same in Berkeley and the campus communities. Moreover, the UC Administration and the University of California Police Department acknowledge that they were wrong in the way the November 9, 2011 demonstration was handled. Therefore it is imperative that the District Attorney's Office drop the charges.

In sum, the Berkeley City Council requests that your office communicate to the District Attorney that the charges be dropped against the participants in the November 9, 2011 non-violent student, union, faculty, and community protest action.

Sincerely,

Berkeley City Council

Cc: Alameda County District Attorney Nancy E. O'Malley
UC Berkeley Chancellor Birgeneau