

CONSENT ITEM

June 19, 2017

To: Honorable Members of the Berkeley Rent Board
From: Commissioners Igor Tregub, Maria Poblet, and Leah Simon-Weisberg
Subject: Symbolic Support of Appeal to Muslim Ban 2.0

RECOMMENDATION

The Berkeley Rent Board shall adopt a symbolic resolution denouncing the Presidential Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States (also known as "Muslim Ban 2.0"). The Rent Board shall further recommend to the Berkeley City Council that it draft a similar resolution.

FISCAL IMPACTS OF RECOMMENDATION

None

BACKGROUND

This resolution denounces the January 25, 2017 Executive Order titled Presidential Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States (also known as "Muslim Ban 2.0"), which has created heightened fear and insecurity among many immigrant communities in Berkeley and across the nation. Issued by President Trump, this Executive Order imposed a 90-day ban on the issuance of new visas for citizens of six majority-Muslim nations, suspended the nation's refugee program for 120 days, and reduced the cap on the number of refugees the U.S would accept from the 110,000 cap set by the Obama Administration to 50,000 refugees. The executive order was stayed by two separate rulings in federal court, in Hawaii and Maryland. Over the last few weeks, both rulings were upheld by the Fourth and Ninth Circuit Courts of Appeal, respectively.

RATIONALE FOR RECOMMENDATION

The proposed wholesale ban on the entrance into the United States of refugees from six Muslim-speaking countries is antithetical to the core principles and shared values of the Berkeley community and our city government – as well as the founding and guiding principles of our nation. Berkeley has historically been and remains today a city of immigrants and refugees. The Berkeley Rent Board is proud to enforce protections for all of Berkeley's residents, regardless of immigration status and where they hail from. Our diversity provides a strong foundation of the City's economic vitality, cultural vibrancy and social character. The Berkeley City Council in the past has recognized the

contributions of immigrant communities in the City and throughout California and in late 2016 reaffirmed its Sanctuary City Policy.¹

This resolution is made in solidarity with other cities and states that are contemplating similar resolutions.

CONTACT

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¹ <http://www.berkeleyside.com/2016/11/22/berkeley-mayor-elect-council-members-reaffirm-citys-sanctuary-status/>

RESOLUTION 17-15

DENOUNCING THE PRESIDENTIAL EXECUTIVE ORDER PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES (ALSO KNOWN AS “MUSLIM BAN 2.0”) AND RECOMMENDING TO THE BERKELEY CITY COUNCIL THAT IT DRAFT A SIMILAR RESOLUTION

WHEREAS, on March 6, 2017, President Trump signed a new travel ban, which imposes a 90-day ban on the issuance of new visas for citizens of six majority-Muslim nations, suspending the nation’s refugee program for 120 days, and reducing the cap on the number of refugees the U.S would accept from the 110,000 cap set by the Obama Administration to 50,000 refugees¹; and

WHEREAS, At least one federal appellate judge has compared the issuance of this ban to Japanese-American internment during World War II² ; and

WHEREAS, The proposal follows on the heels of several executive orders that together authorize a sweeping expansion of deportations and assigned unprecedented powers to Immigration and Customs Enforcement (ICE) officers targeting immigrant communities³; and

WHEREAS, This “Muslim Ban 2.0” is a more targeted version of the executive order that President Trump signed in his seventh day as president, which banned entry from seven majority-Muslim countries, including Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen⁴, targeting Muslim refugees and immigrants and sparking widespread protest, appeals, overturning, and condemnation; and

WHEREAS, The City of Berkeley City Council unanimously passed a resolution on March 14, 2017 that declares: “Mr. Trump’s initial policies have demonstrated a careless disregard for human welfare, banning refugees and immigrants while instituting religious tests for foreign travellers and embracing bigotry and xenophobia”⁵; and

WHEREAS, immigrants are valuable and essential members of the California community; almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent⁶; and

¹ https://www.washingtonpost.com/world/national-security/new-executive-order-bans-travelers-from-six-muslim-majority-countries-applying-for-visas/2017/03/06/3012a42a-0277-11e7-ad5b-d22680e18d10_story.html?utm_term=.4357b98dfe06

² <https://thinkprogress.org/trump-korematsu-385265d02357>

³ <http://www.cnn.com/2017/01/28/politics/donald-trump-immigration-detention-deportations-enforcement>

⁴ <https://www.theguardian.com/us-news/2017/jan/28/trump-immigration-ban-syria-muslims-reaction-lawsuits>

⁵ http://www.cityofberkeley.info/Clerk/City_Council/2017/03_Mar/Documents/2017-03-14_Item_38_Opposing_Religious_-_Rev.aspx

⁶ http://www.ppica.org/main/publication_show.asp?i=258

WHEREAS, on March 15, 2017, Judge Derrick K. Watson of the Hawaii Superior Court granted a temporary restraining order on "Muslim Ban 2.0" that was requested by the state's Attorney General, rebuking the government for its "illogic" and for presenting arguments that were "not true"⁷; and

WHEREAS, On March 16, 2017, Maryland Superior Court Judge Theodore D. Chuang issued a narrower ruling that nevertheless blocked major portions of Trump's executive order from taking effect⁸; and

WHEREAS, On May 27, 2017, the Fourth Circuit Court of Appeals upheld the Maryland Judge's earlier decision with a 10-3 ruling, opining that "The evidence in the record, viewed from the standpoint of the reasonable observer, creates a compelling case that (the executive order's) primary purpose is religious ... Then-candidate Trump's campaign statements reveal that on numerous occasions, he expressed anti-Muslim sentiment, as well as his intent, if elected, to ban Muslims from the United States."⁹

WHEREAS, On June 12, 2017, the Ninth Circuit Court of Appeals, in a 3-0 ruling, upheld the Hawaii Judge's earlier decision, writing that the travel ban "violated the law;"¹⁰

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley Rent Stabilization Board condemns the reasoning behind and effect of Trump's proposed Muslim travel ban and supports the condemns the expansion of deportations planned by the current Presidential Administration, condemns it's executive order of a ban on immigration and entrance to refugees based on national origin and targeting of Muslims, and condemns the threatened registry based on religious affiliation, kinship, belief, or practice; national origin; or ethnicity; and

BE IT FURTHER RESOLVED that the City of Berkeley calls all city staff, departments, boards, elected officials, and individuals, organizations and communities living, working or operating in Berkeley to not comply with any executive order that infringes on civil liberties and human rights and act to assert a defense of the fundamental values of social justice, equity and mutual respect; and

BE IT FURTHER RESOLVED that no officer, employee, department, board, commission, or other entity of the City shall use City moneys, facilities, property, equipment, or personnel to implement, provide investigation for, enforce, or assist in the creation, implementation, or enforcement of, or provide support in any manner for, any government program creating or compiling a list, registry, or

⁷ <https://www.nytimes.com/2017/03/16/us/hawaiian-judge-derrick-watson-trump-travel-ban.html>

⁸ <https://thinkprogress.org/federal-judge-muslim-ban-maryland-3066b65a3398>

⁹ <http://www.cnn.com/2017/05/25/politics/4th-circuit-travel-ban/index.html>

¹⁰ <http://crooksandliars.com/2017/06/appellate-court-panel-unanimously-rules>

database¹² of individuals on the basis of religious affiliation, kinship, belief, or practice; national origin; or ethnicity; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to any City employee or official who might reasonably be called upon to provide information to such a registry; and

BE IT FURTHER RESOLVED that the City of Berkeley commits to identifying resources to fund community-based organizations with a track record of providing quality legal assistance and representation to immigrants in our community within and outside of Berkeley,¹³ so that they may expand their valuable work, provide free consultations, explore the creation of an emergency hotline for residents, and/or hold educational workshops; and

BE IT FURTHER RESOLVED that the City of Berkeley commits to explore avenues for funding of mental health services for those residents most impacted by the executive orders and threats against them by the federal government.