RESOLUTION NO. 67,763–N.S.

REAFFIRMING BERKELEY'S STATUS AS A CITY OF REFUGE

WHEREAS, over a dozen individuals in the City of Berkeley reported having been targets of hate incidents over the past three weeks since the election of Donald Trump as President of the United States; and

WHEREAS, Donald Trump campaigned on the promise of mass deportations of the entire undocumented population totaling 11 million people, including Dreamers and Deferred Action for Childhood Arrivals (DACA) recipients; and

WHEREAS, Donald Trump has sworn to register Muslims in violation of the due process and equal protection clause under the Fifth Amendment, the establishment clause of the First Amendment, as well as the United States' obligation to international law; and

WHEREAS, Donald Trump has promised to pursue policies that profile and create a database to scrutinize American Muslims in apparent violation of the First and Fifth Amendment and federal privacy laws; and

WHEREAS, President-elect Donald Trump and Vice-President elect Mike Pence have made discriminatory and hateful comments about women, Mexicans, Mexican-Americans, disabled, LGBTQ individuals and many others; and

WHEREAS, the Executive Director of the American Civil Liberties Union Anthony Romero stated that Donald Trump's policy proposals would "blatantly violate the inalienable rights guaranteed by the Constitution, federal and international law, and the basic norms of a free and decent society"; and

WHEREAS, have there have been 57 fatalities in the United States as a result of domestic acts of terrorism in the decade beginning in 2004–2014, while during that same time period, 320,523 Americans were killed due to gun violence; and

WHEREAS, in 1971, the City of Berkeley declared itself a City of Refuge (Resolution No. 44,784-N.S.); and

WHEREAS, this position was reaffirmed by the City in 1986 (Resolution No. 52,596-N.S.) and 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.) and June of 2016 (Resolution 67,598-N.S.); and

WHEREAS, Berkeley is a city settled by immigrants of all nationalities hailing from all over the world; and

WHEREAS, to deny safe haven to those that wish to seek it in the face of discrimination or death is an affront against the American values of liberty, freedom, and self-determination and a showing of indifference in the plight of those who seek refuge.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby reaffirms its status as a City of Refuge and a sanctuary city for refugees from all countries, and that we welcome those who seek refuge in our community.

BE IT FURTHER RESOLVED that the City of Berkeley will not condone or tolerate hate crimes or incidents, and will prosecute hate crimes to the fullest extent of the law.

BE IT FURTHER RESOLVED that the City of Berkeley, if necessary, will renew its opposition to the National Security Entry-Exit Registration System (NSEERS) that was in place from 2002-2005 and targeted approximately 93,000 boys and men from majority-Muslim nations, led to the deportation of nearly 14,000 and did not result in one terrorism charge.

BE IT FURTHER RESOLVED, pursuant to Resolution No. 63,711-N.S., no employee of the City of Berkeley, including our Police Department, will participate in the investigation, detention or arrest relating to alleged violations of the civil provisions of federal immigration law.

BE IT FURTHER RESOLVED that the City of Berkeley calls upon federal officials and President-elect Donald Trump to craft and implement just and humane policies that respect civil liberties and the Constitution.

BE IT FURTHER RESOLVED that the City of Berkeley will support women's safety and their right to dictate their own health, we will support LGBTQ residents and their equality, we will support all of our residents regardless of their religion, we support Black Lives Matter and the fair treatment of our African-American residents and all of our communities of color, we support science, particularly climate science and public transit to reduce greenhouse gas emissions, and we support universal health care.

BE IT FURTHER RESOLVED that the City of Berkeley stands united in opposition to bigotry, intolerance, racism, and encourages all other municipalities to fight injustice in their communities by using every conceivable legislative mechanism in order to counter any federal mandate that seeks to deny constitutional rights to any Berkeley resident.

The foregoing Resolution was adopted by the Berkeley City Council on November 29, 2016 by the following vote:

Ayes: Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: Anderson.

Linda Maio, Mayor Pro Tempore

Attest: _____
Mark Numainville, City Clerk