

An Open Letter to UC Berkeley Administration

To Chancellor Carol Christ,

I am writing this open letter to you in my individual capacity as a Councilmember because I understand that U.C. plans to use significant police force to secure People's Park in the coming days. This significant action would occur prior to, and pre-judge, the California Supreme Court's review of its decision regarding UC's compliance with state law.

Please commit that U.C.P.D. and agencies offering mutual aid will follow the City of Berkeley's rules concerning use of "less-lethal" weapons and tactics—including but not limited to tear gas, pepper spray, smoke, Long-Range Acoustic Devices, batons, rubber bullets, launched projectiles, and corralling—against nonviolent protesters, including those participating in nonviolent civil disobedience. These rules, established to protect human life and people's first amendment rights, are core to our City's value. Nor should the City be asked to waive them.

I am supportive in concept of the [University's original plan](#) to build student and homeless housing at the Park while preserving desperately needed and lacking open space in the Southside Campus area. As of today, it is not clear if that original vision is still possible, as the affordable housing developer of the supportive housing has withdrawn from the project, in large part due to the failure of UC to follow NEPA, resulting in the withdrawal of federal housing subsidies. In the meantime, at its own expense, the City of Berkeley continues to make available scarce homeless housing to relocate existing People Park campers, displacing other Berkeley residents.

Regardless, even if the project as originally conceived is still possible, it would not be worth the human cost to engage in a brutal, heavy handed police action to make it a reality. This would directly contravene the planned acknowledgement of the critical history of the Park in the civil rights, free speech and open space movements, which placement on the National Register enshrines.

In response to the murder of George Floyd and the protests and police response that followed, on June 9, 2020, the Berkeley City Council unanimously passed a motion to prohibit the use of tear gas by the Berkeley Police Department or by any agency called for mutual aid in Berkeley. This motion also prohibited the use of pepper spray and smoke by the Berkeley Police Department and by any agency called for mutual aid response in Berkeley, during the COVID-19 pandemic and until such time that the City Council removes this prohibition (which it has not done).

Unfortunately, U.C.'s Police Policies and Procedures allow U.C. Police Department to apply intermediate force against nonviolent protesters displaying active resistance. The international laws of war prohibit the use of tear gas and pepper spray as chemical weapons; the University

has no such restrictions. Use of these so-called “less lethal” weapons in an indiscriminate manner is a denial of First Amendment rights to free speech and assembly.

I believe the University’s time, money, and efforts would be better spent delivering student housing at any of the number of undeveloped sites available to it (which have the capacity for an equal or greater number of beds), including parking lots and tennis courts. Additionally, the University should work to re-engage an affordable housing developer for permanent supportive housing at the Park. These are laudable goals that would benefit our entire community and should be pursued before moving ahead.

However, if you intend to continue your efforts to secure the site despite the existing legal challenges and absence of an affordable developer, at a minimum protesters should not be harmed in order to do so.

Yours Sincerely,
Kate Harrison, Berkeley City Councilmember