



SOMERVILLE HUMAN RIGHTS COMMISSION

September 15, 2005, 6:30 p.m.
Tufts Administration Building, 167 Holland Street, Somerville
Meeting Minutes

Members present: Herby Duverné, Susan Goldstein, Mike Koehler, Nathan Lemmon, Mary Lu Mendonca, Kevin O'Malley, César Urrunaga, Yvette Verdieu

Non-members present: Adam Bovilsky, Bob Cable, Leila Cable, Olivia deBree, Al Gordon, Ralph Hegert, Christopher Hope, Marjorie Polster, John Spritzler, Kerry Venegas, Beth Wasserman

1. Divestment

Kevin explained that at the July meeting of the HRC, we were visited by representatives of the Somerville Divestment Project ("SDP") who asked for a chance to address the Commission. We later granted representatives of the group Somerville Coalition for Middle East Peace ("SCMEP") permission to speak as well.

John Spritzler spoke first on behalf of the SDP. John characterized divestment as an issue directly concerning basic human rights. He said that the Universal Declaration of Human Rights is a document agreed upon by all governments laying out fundamental human rights. It contains a declaration that everyone has a right of return to his or her country of origin. John said that the Israeli government denies this right to Palestinians, and has done so ever since it unfairly drove them out of their homes in 1948. Many Palestinians now live in refugee camps.

John described this as the central conflict in the Middle East. He said that the Israeli government sets up walls to separate Palestinians from each other and from Israeli Jews, and that these barriers are enforced by the Israeli army. John stated that the government has passed laws that apply only to non-Jews, including those that deny Palestinians their property.

John explained that the city of Somerville invests in the bonds of only one foreign country: Israel. According to John, much of Israel's money is used to implement official, state-sponsored discrimination against the Palestinians. This discrimination is based solely on the fact that the people affected are not Jewish. John also pointed out that there are Palestinians living in Somerville.

John said that this is an issue for the HRC because our city's government officially backs the one government in the world that officially discriminates against Palestinians. He said that Israeli law states specifically that there must be a Jewish majority in government, and that this requirement encourages ethnic cleansing. John felt that the Israeli government's actions are not justified by the

argument that there should be a Jewish state. John said that the HRC should firmly and aggressively support divestment from this apartheid regime, and asked that we publicly urge the city to divest of all Israeli bonds.

John clarified the scope of the SDP's current campaign to place a non-binding question on the local ballot recommending that the city divest its funds. John noted that the current issue of Somerville Journal contains a piece that misrepresents the campaign. The article describes the petition as asking for divestment from all companies that do business in Israel, which is inaccurate. The petition supports divesting only from companies which furnish military equipment to the Israeli government.

Leila Cable next introduced herself as a representative of the SDP and a Palestinian-American resident of Somerville who is not allowed to return to her homeland.

Leila said that in Palestine, people can live only behind walls. Kids can't get to and from school, and family members can't visit each other. People are separated from their fields, crops, and water. She said that the Israeli government takes away the Palestinians' water and then sells it back to them. Food is not allowed through checkpoints and sits and rots instead of being used. In general, people are living with an inferior quality of life, and conditions are getting worse. Palestinian children in particular are suffering. The lack of food and housing leads to these children having severe emotional problems.

Leila said that Israeli settlers attack children. Recently, some Americans who were protecting Palestinian children were attacked. Two of her nephews have been killed – one while standing just outside the doorway to his house, the other as he walked home from school. She said that with their children living in such subhuman conditions, she is surprised that most Palestinians don't react worse than they do.

Leila said that her relatives are highly educated, but are not working. They have no rights to travel. She cited an article by Amira Haas, which points out that every Israeli Jew can travel wherever they like while Palestinians cannot. Leila said that hospitals and churches that service the Palestinians are being bombed. She said that there is no freedom of religion, and that Palestinians have restrictions on where they can worship.

Leila clarified that she feels that this is not a religious issue, and that she has no complaints against the Jewish religion. She spoke about the many religious conflicts in the modern era. She noted in closing that this divestment initiative is not like to affect Israel financially in the least.

Bob Cable, also representing SDP, said that he has read a lot of materials about the outrageous human rights violations perpetuated against Palestinians by the Israeli government. He cited a Byron Parker article that characterizes the prevailing attitude towards the dilemma as "we don't want to know". Bob feels that this is the same outlook that led to the holocaust.

Bob noted that there are legions of human rights violations in world today. He considers this proposal as a modest attempt to address one of them. He pointed out that the United States has singled out Israel from all other countries for our support.

Kevin invited representatives from the SCMEP to speak.

Beth Wasserman from SCMEP agreed that there is a need to address many of the issues spoken about by members of the SDP. Her opinion is that we should do it by supporting initiatives that will lead to peace in the region, rather than by divesting our support from Israel.

Beth stated that the situation in Israel is complex, and that there is suffering on both sides. She witnessed some of the suffering firsthand when she volunteered recently for a human rights organization that works with the Palestinians in the region. She opposes the ballot initiative put forth by SDP, and said that it is not a measure that promotes human rights for all.

Beth said that divestment is not an effective or appropriate way to improve conditions for Palestinians. She noted that Israeli is a democratic system. All citizens, regardless of religion, have legal equality. Under these circumstances, Beth said she thinks that the proper forum for dealing with these issues is working within the established system. Beth agreed that the actions of the Israeli government are not always perfect, and pointed out that we could compare them to the many actions of the US government with which we might disagree. However, she said, there is a structure established within the governmental system whereby people can change the laws, and we should support that. The main mechanism for law reform in Israel is its Supreme Court.

According to Beth, the Court issued a ruling today that invalidates the specific route of a separation barrier around the West Bank. The Court said that the government must come up with a new solution that would not adversely affect rights of Palestinian residents. Beth said that this is an example of how people working within the democratic process can have these issues addressed.

Beth disapproved of some of the language used in the SDP's resolution - specifically the reference to "apartheid", which suggests an analogy to racially-segregated South Africa. Israel is a democracy, and the people in it can use established mechanisms to change unfair laws.

Beth thought that the divestment initiative was wrong to place blame on only one side. She said that this initiative would serve only to punish Israel and make people feel better by letting them point the finger. She said that divestment really would not actually help the Palestinian people, and that it would have a negligible effect on Israel's economy. Beth recommended that we look at ways in which we can actually help the Palestinians, such as supporting negotiations towards the establishment of a two-state solution.

Beth pointed out that SDP ignores the context of ongoing peace efforts. She noted that the situation is different than it was last Fall, when the initiative was originally introduced. There are new Palestinian leaders, the Israeli government's recent plans to disengage from Gaza, and other developments. Beth said that we should support this kind of progress, and support cutting back on violence on all sides. She feels that we need to offer constructive solutions in complex situations such as this one.

Adam Bovilsky, who also represented SCMEP, asked that the HRC look at the message being sent by this specific petition, particularly with the terminology of apartheid. He said we should compare this with the reality of Israel, which is a democracy. Palestinians living within Israel's borders have the right to vote and can elect their own representation in the Knesset. Obviously, he said, there are more Jews than Palestinians within the green line. Adam said that in Gaza strip and the west bank, Palestinian residents have the right to vote in elections for the Palestinian Authority. They have the right to influence the decision-makers who impact their lives. He reiterated that Israel also has other democratic institutions like the Supreme Court. Adam asked the commission what message we would be sending to say that this is apartheid. Adam thinks that the SDP would like this divestment petition to be an example that would spread to other communities.

Adam pointed out that endorsing divestment would be strong statement that we think Israel is going in the wrong direction. Right now, he said, Sharon is taking great steps to disengage from the Palestinian territories at his own political risk. The Israelis are withdrawing from Gaza and have plans to do so in the west bank.

Adam was also concerned about the method of divesting funds to make a statement. He explained that Israel is the natural trading partner of the Palestinian population, and that many people believe that trade, in the end, will be one of things that brings the two peoples together. At this point, said Adam, damaging the financial situation will actually hurt the Palestinians, who rely on the Israeli economy.

Adam asked that we remember the need to be constructive. He referenced John's point that the main human rights issue is the removal of the Palestinians in 1948, and disagreed that it would be constructive at this point in time to second-guess the UN's decision of over fifty years ago. It was a complex situation, said Adam; certainly many Palestinians were forced out of their homes, which was wrong, but there were also Israeli Jews being pushed out of their homes. He felt that it is not for us 60 years later to say that Israel is wrong.

Ralph Hergert, from the Mass. Senior Action Council, stated his opposition to divestment. Ralph said that he is disturbed by the structure of the conversation around divestment. The situation between Israelis and Palestinians is unique, and he felt it ought to be responded to by municipal government. Ralph said that he could think of a dozen circumstances where the Somerville HRC might take up complex international issues, and he asked why we would choose this one. Ralph said that many people in the US believe that we should have nothing at all to do with the situation in the Middle East. He characterized the prevailing attitude as "a pox on both your houses." He is unhappy that his long-time home city would consider taking action that would place blame on only one side, and felt that the HRC should be fairer than that.

John asked for, and was granted, an opportunity to respond to points made by opponents of the divestment initiative. He characterized the decision before the HRC as whether to support divestment from Israel bonds or not. That, he explained, is independent of what some people in Somerville might say about the subject. The commission might think that these are the wrong reasons, or improperly stated, but it shouldn't be determinative on their decision. The ultimate question confronting us is: what does the HRC think of Somerville's investing in only one country's government bonds? John argued that the fact that this is a complex issue suggests that Somerville should back off and be neutral by not investing in Israel or the Palestinian Authority. He noted that the anti-divestment speakers had characterized SDP's position as "taking a side". John said that the SDP instead believes that we should not "take a side" but that the way to demonstrate neutrality would be opposing investment in only one side. John felt that the appropriate action to take in such a complex situation is that we should stop investing in Israel.

John also responded to the points made about the Israeli's democratic system of government. He quoted a law which restricts who can run for office in the Knesset to those whose words and deeds do not negate the existence of Israel as Jewish state. He noted that one member of the Knesset has been prevented from advocating that Israel is a state comprised of many different kinds of people. He cited an Israeli Supreme Court decision that requires a Jewish majority in certain areas. To base one's system of government on a fundamental preference for Jews, said John, is a mockery of democracy.

John criticized the two-state solution as fundamentally racist. He analogized the situation to dividing the U.S. into two countries containing distinct racial groups. John also pointed out that the only reason the 1948 resolution passed the U.N. was because it didn't include language on partitioning, relocating the Palestinians outside of the borders, or denial of their right of return.

John agreed that many Arab governments are dictatorships, and said that he differs with the Palestinian Authority on most of their positions. But the bottom line, he said, was the fact that it is wrong to deny anyone the fundamental human right to return to one's home country and live as an

equal. He noted that the Palestinians have nothing with which to negotiate against the powerful Israeli government. John accused the US of wanting to foment an ethnic war so that we can control resources in the Middle East while its peoples keep fighting one another. He said that working-class Israelis and Palestinians want the same thing. He thinks that the system of government in Israel encourages fear and war as a means of social control.

Leila spoke again, saying that the history of Israel's human rights abuses is well-documented; She said that anyone can review the US state department's yearly analysis of human rights abuses and see that even they steadfastly come out against Israel's abuses. Leila gave the number of prisoners as a striking example – she said that the majority of Palestinian adults have gone through the Israeli detention center system. Amnesty, B'Tselem, and other organizations have documented these abuses. Leila said that it is demeaning to her as a Palestinian to hear the divestment opponents say that they want to be kind to Palestinians by not depriving Israel of money. She said that what Palestinians want is dignity.

Kerry Venegas, a potential commissioner, asked that the speakers address not just the issues surrounding the international conflict, but how the divestment issue affects people in our community. She explained that the Commission's role is to ensure that we are respectful to everyone and to encourage mutual respect in the community as a whole. She asked speakers to discuss, for example, how Jews in Somerville feel affected by the divestment controversy.

Beth said that her concern is the tone of the dialogue that she hears on the streets of Somerville. The language used is not respectful or constructive. She thinks the HRC should ensure that all organizations working on this issue are respectful of each other. Beth said that it makes her feel uncomfortable to live in a city that would consider a divestment initiative, particularly with current language. If she thought that the city would endorse it, she would have thought twice about buying a home here. She wants to live in a community that wouldn't jump on a human rights bandwagon. Beth thought the commission should look at the tone of the message being sent by the current divestment petition. The language is worse now than in the version that was before the aldermen last year. She thinks the divestment movement has given rise to a serious divisiveness in the community. She belongs to many organizations where people can't even discuss the issue at all because it has become so divisive.

Herby said that he had been reading the SDP website, and produced a printout of an article that had been linked from its front page. He described the article as saying that we should take action against Israel because the US needs to fight the sources of terrorism. He asked the SDP representatives whether it was their position that the September 11 attack happened because of Israel.

Leila pointed out that this was not text included on their website, but was only a link to an article on another site. She noted that the woman who runs the website was not present to explain further.

John reminded the commission that the question to be faced is not whether SDP is right or wrong, but whether to divest. He noted that different people make different arguments to arrive at similar conclusions. He agreed that an argument such as the SDP's might influence one's decision about a particular issue, but pointed out that there are many people who oppose actions that he might oppose for different reasons.

Leila said that she has heard people make statements that Israel's actions cause terrorism, and she doesn't know whether they are correct. She does know that she doesn't want to be a victim. She doesn't believe that anybody goes out the door in the morning thinking that he wants to be a terrorist. She is a teacher in the Boston school system, and likewise believes that there are no bad teachers. She said she was not familiar with the link, but knows that lots of people working on anti-war movement make connections with this issue, so she isn't surprised. Leila also pointed out that many

people have given up on asking the UN to establish peace in the region, since those efforts have been ineffective. She said that supporters of the Palestinians have moved on to asking for simple measures like divestment.

Yvette felt that this is a global issue, and wondered whether our commission could really be helpful in any meaningful way. She asked speakers to address ways that the HRC could step in and take action to really make the situation better and more peaceful in our own diverse community.

Adam thought that the best way to address this issue in our community would be to promote peaceful dialogue. He felt that the rhetoric used around this initiative has polarized the community.

Leila noted that it is important to remember that this issue is not a matter of Palestinians vs. Jews, and pointed out that there are Jewish members of the SDP. She said that this is an American question, and that dialogue around the issue should not affect the relationship between the two groups. She asked that we make our decisions based on financial priorities and human rights, rather than on how the groups on different sides identify themselves. As a Boston public schoolteacher, she said, her funds are also invested in Israel, and every year she asks why. She said that we treat people in this country differently, and that we need to stand up and take stands against discrimination.

Cesar asked for a point of order about whether the commission had begun voting on the issue. Kevin replied that we would only vote if someone were to make a motion.

Susan raised the question about whether the HRC even had the authority to do anything on this matter. She said that the commission had never been asked by an organization to take a position on an issue such as this one. She explained that the commissioners had been looking at our bylaws and governing ordinance to understand our restrictions in this situation. It is unclear, she said, whether we can take a position on the subject of a proposed ballot question since the HRC - though independent in some respects - is a public organization within the arm of City of Somerville. Susan said that she would not feel comfortable with the commission's taking a position on this issue. She questioned whether the City Solicitor's office should get involved.

Kevin reiterated that a city department probably cannot take a position on a ballot question. John clarified that there had not yet been any certification of the proposed ballot question.

Cesar said that he has been looking at both sides of this issue carefully. His original opinion was that divestment was good idea, but he has changed his mind after listening to opponents. Others have pointed out to him, for example, that the language contained in the petition - particularly the comparison of the situation in Israel to apartheid - is hurtful. He thought we could not separate the issue from the fact of the proposed ballot question.

Kerry said that after reading a memorandum prepared by Mary Lu about the relevant portions of our governing documents, she had concluded that our job as a commission is not to take a stance in this situation. She thought the HRC's mandate suggested that we rather promote education and communication within the community so that people can make up their own minds on issues such as this one. Mary Lu agreed that relevant portions of the state ethics law suggest that the HRC is not permitted to take a position on a potential ballot question.

John asked that if this was the commission's function that we make a motion to hold some kind of a forum at which both sides could be part of a dialogue and be heard out by members of the community.

Leila thanked the commission for listening. She explained that she usually feels that others try to keep her from speaking out about her story. She said that there are also many Palestinian children in the city of Somerville who do not talk about their families or their ethnicity for fear of being silenced. She encouraged the commission to continue supporting public discourse on these issues.

Mike asked whether the city has held any kind of forum on divestment. Kevin said that the Board of Aldermen heard about the issue twice.

Mike said that he appreciates conversations such as this one, when people can talk about issues and listen to each other in good faith. He feels that this commission can help facilitate such conversations. He thought that taking direct action on the divestment issue would be beyond the scope of the commission's mission, and reminded everyone that our main function is to redress individual grievances about matters within the borders of Somerville. Mike would like to have a forum – perhaps in the form of a town hall meeting, or a debate – but stressed that it would be crucial to ensure that the dialogue would be civil. He would ask that the speakers make commitments in advance that their presentations be civil. Mike clarified that his comments were meant to be a suggestion, rather than a motion.

Leila told the commission that in making any decisions we should be mindful of the effect of these issues on Arab-Americans in the community. In her experience, many residents of Arab and Muslim descent would not come to the commission to file a complaint because they feel they will not be heard by official bodies such as this one; they take complaints instead to the American-Arab Anti-Discrimination Committee and similar organizations.

Kevin thanked both sides for their civility and announced that the commission would move on to the rest of the agenda.

Minutes

Susan made a motion that the commission accept the minutes from the last four meetings, excluding July. Cesar seconded the motion, which passed unanimously.

Commissioner appointments

Cesar and Nate have been sworn in as commissioners. Kerry's appointment is pending.

Chris Hope introduced himself as a native Somerville resident who would like to apply for a position on the HRC. Susan said that Chris came to our attention last year when he was involved in efforts to oppose the gang ordinance, which passed last year. Chris said that he was a student at Tufts last year and had heard many getting complaints from students who were stopped by police on the Tufts campus. Chris worked with others to analyze the ordinance, and helped create an student organization at Tufts to work on efforts to repeal the ordinance. The group worked with the student government to pass a resolution there opposing the ordinance. Chris will submit a letter of inquiry about the Commissioner position and will forward his resume to Mary Lu. Cesar made a motion that we endorse Chris' application; Herby seconded, and the motion passed unanimously.

Program and planning

- Retreat

It was suggested that the HRC hold a retreat in the Fall to discuss priorities and set agenda for the year. Susan and Kevin were there, and described it as a great experience and a good opportunity for brainstorming. Kevin suggested that we hold the retreat on a Saturday, and November 12 and 19 were suggested as possible dates. Commissioners will notify Mary Lu about which date works best. Cesar suggested the VNA as a possible location. Susan said that last year we met at a hotel and got food donated. Mary Lu will look into logistics and get in touch with the commission if she needs help. A question was raised about whether a retreat would be subject to the open meeting law, and Mary Lu will look into that as well.

- Hate incident response

Mary Lu told the commissioners that many people had contacted the HRC to express concern over a recent incident in which white supremacists leafleted a neighborhood in Somerville. Kerry wanted to know which neighborhood had been targeted. Mary Lu said that her efforts to get that information from police and other sources had been unsuccessful. Kevin said that leafleting incidents like this one are usually limited to a small area. Susan thought we should work on setting up a good response system in the event of future incidents. Kevin said that there had been a rapid response network set up by the HRC in the past. Nate thought that this would be a good initiative and a way to cooperate and share resources with other local agencies. Mary Lu suggested that a hate response network could be one of several initiatives planned under the structure of the No Place For Hate program, a project of the Anti-Defamation League that certifies cities that hold at least three events per year to promote tolerance in the community. Somerville has been certified in the past, and Mary Lu is working with Aru Manrique of the Multicultural Commission to get us recertified. The commission also discussed an event taking place this Sunday at Temple B'nai Brith with a speaker who will address hate incidents like the recent leafleting. Herby, Kevin, Mary Lu, Susan, and Yvette will try to attend.

- Health care

Kevin would like the commission to think about how we can work on improving disparities in the health care system in Somerville. Many low-income residents have a hard time getting access to affordable, adequate health care. Kevin suggested that we could work with the Cambridge Health Alliance. Mary Lu will contact Noreen Burke, a former HRC Director who now works in the city's health department.

- Local businesses

Kevin encouraged the commission to think about ways in which the HRC could inform the local business community about human rights issues. Some commissioners have heard of employees being forbidden to speak languages other than English. We could also ensure that business owners are informed about workplace poster requirements.

- Other activities

Mary Lu mentioned that she has been looking into how to institute trainings for city employees on sexual harassment and issues of sensitivity and diversity. Mary Lu has also been in contact with the Cambridge HRC, which is planning a Human Rights Day event for some time next month and would like us to co-sponsor. Herby asked Mary Lu to submit a brief Executive Director's report to the commission at each meeting.

- Police issues

The commission was concerned that we were not able to get information from the police about calls reporting the leafleting of hate literature. Kevin expressed concern about the records kept by the

police department. In the past, the HRC has had a liaison to keep abreast of non-crime hate incidents. Kevin said that the chief is very open to looking at how to improve systems in the department.

Administration

- Community outreach

The commission discussed ways to publicize our presence in the community. Mike and Yvette have been planning a walking tour. They plan to go out into various neighborhoods and knock on doors, introduce themselves to residents, and leave them with some printed information about the HRC.

The commission agreed that we need a brochure for distribution during the walking tour and in other venues. Mary Lu distributed a draft of a brochure explaining our general purpose and containing contact information. Kevin thought we should have the brochure translated into different languages. Cesar and Kerry said they could translate it into Spanish, Mary Lu will take care of the Portuguese version, and Yvette will find someone to help with a Haitian Creole translation.

Yvette suggested that we hold an event to let residents know that we are interested in hearing from people in the community. Mary Lu said that she has been working with the directors of the Multicultural Commission and the Women's Commission to organize a meet-and-greet for the three directors, all of whom are relatively new to their jobs. Kevin said it would be important for our director to make contacts with the many agencies and organizations in the community. Mary Lu has met with representatives of several agencies, and said that the directors would invite their contacts to the meet-and-greet. Kevin proposed that we ask the Mayor's press office to bring attention to Mary Lu's appointment, perhaps by sending out a press release. This could be a springboard for the walking tour and a later social event.

Susan pointed out that it is important that the HRC differentiate itself from the Multicultural Commission and other city agencies. We need to maintain independence in the public eye so that people feel comfortable coming to us with complaints. Cesar suggested that Mary Lu hold regular office hours when people can come in and file complaints. Nate thought that we needed to have a discussion about how to present ourselves publicly in a consistent way, and suggested that we talk about it at the retreat.

- Complaints

Susan said that if we begin publicizing ourselves, we should be prepared to deal with the complaints that may start coming in. Herby, Kevin, Susan, and Yvette have some experience from having been on the commission when complaints came in previously, but all commissioners should be familiar with our complaint procedures. Mary Lu said that our rules of procedure will be posted on the HRC page on the city's website by next week. Cesar requested that we also post the open meeting law guidelines and ethics rules.

Susan asked whether the commission still has the power to investigate complaints since our contract with the Mass. Commission Against Discrimination ("MCAD") is no longer operative. Kevin said that the ordinance gives us investigatory powers. He explained that many HRC's used to get complaints through an arrangement with MCAD, but that the program was defunded. We used to get a small stipend from MCAD for each case and offered to continue taking complaints free of charge, but MCAD never took us up on this offer.

A question was raised about the commission's ability to hear complaints against the City of Somerville itself, or against city agencies. Kevin and Susan said that we have struggled in the past with how to deal with this issue. Mary Lu suggested that we discuss this at the retreat.

Divestment (continued)

Susan raised the question of whether we had dealt with the divestment issue. Kevin pointed out that no motions had been made during the discussion. Yvette suggested that we host an open discussion about the issue. Susan expressed discomfort with this idea. Cesar and Kerry thought we should make a statement about the issue. After a short discussion between all members of the commission, it was decided that although many of us have strong personal views on the subject, it would be inappropriate for the HRC to take a position because of the political nature of the question. All commissioners agreed that our most important role in these situations is to encourage and promote respectful dialogue about human rights issues.