



Peace and Justice Commission

CONSENT CALENDAR
March 24, 2026

To: Honorable Mayor and Members of the City Council
 From: Peace and Justice Commission
 Submitted by: Reverend Dwayne Phillips, Chairperson, Peace and Justice Commission
 Subject: Develop an educational event for the Berkeley Community to increase awareness of impacts of the Alien Enemies Act

RECOMMENDATION

Consistent with the City of Berkeley's stance as a sanctuary city for immigrants safeguarding their due process rights, the Peace and Justice Commission recommends that given that during the third invocation of the Alien Enemies Act (the Act has only been invoked three times prior to this year, during the War of 1812, World War I, and World War II), Japanese residents of the Berkeley community, survivors and their ancestors, were harmed by the invocation of the act during World War II in which persons of Japanese, Italian and German ancestry, primarily in coastal areas but also in Berkeley, and were transported and interned in U.S. camps, including in California, that Council refer to the City Manager to refer to the appropriate department or division to develop an educational event, whether a panel of speakers, a film, a play or some combination of these, for the Berkeley community so that the broader community can be made aware of the impact of the Alien Enemies Act and its impact on Berkeley community members during World War II. Such event shall be free of charge and well-promoted.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts are minimal but would require the cost of a venue, staff time and materials for promotion.

CURRENT SITUATION AND ITS EFFECTS

On March 15, 2025, President Trump issued a proclamation invoking the Alien Enemies Act (AEA) against members of the Venezuelan gang Tren de Aragua (TdA) without evidence that those migrants he directed be sent to a Salvadoran prison were in fact, members of TdA. In addition, the analysis conducted by the American Immigration Council and the Freedom of Press Foundation shows that the National Intelligence Council indicated that most of the 18 agencies within the intelligence community did not show the necessary nexus between Tren de Agua and the Venezuelan government sufficient to support that the AEA was applicable.

This proclamation invoking the Alien Enemies Act is the first time that the AEA has been invoked since 1941 during World War II when the United States, and other nations, were at war with Hitler. The previous times the AEA was invoked were in the War of 1812 and World War I.

On May 5, 2025, the Peace and Justice Commission heard from a panel of primarily, Berkeley residents who were survivors and descendants of persons detained and incarcerated at Japanese internment camps who detailed the impact of the internment camps on their and their families lives.

Federal legislation to repeal the AEA, titled the Neighbors Not Enemies Act, is pending in Congress where it has been sitting in the Judiciary Committee for over 2 years.

BACKGROUND

On June 9, 2025, the Peace and Justice Commission passed the motion:

M/S/C Pitskar Elias/Marasovic with the amendment from Commissioner Pitskar Elias that Alternate Recommendation on Alien Enemies Act and Impact on Berkeley JapaneseAmerican Community During World War II remove references to community-wide education: "The Peace and Justice Commission further recommends that given that during the third invocation of the Alien Enemies Act (the Act has only been invoked three times prior to this year, during the War of 1812, World War I, and World War II), Japanese residents of the Berkeley community, survivors and their ancestors, were harmed by the invocation of the act during World War II in which persons of Japanese, Italian and German ancestry, primarily in coastal areas but also in Berkeley, were transported and interned in U.S. camps, including in California, that Council refer to the City Manager to refer to the appropriate department or division to develop an educational event, whether a panel of speakers, a film, a play or some combination of these, for the Berkeley community so that the community can be made aware of the impact of the Alien Enemies Act and its impact on Berkeley community members during World War II. Such event shall be free of charge and well-promoted." "That is achieved through community education."

Ayes: Cassidy, Yasavul, Weisberg, Marasovic, Fink, Pitskar Elias, Lee, Morizawa, Gaith, Mascarenhas-Swan

Noes: Phillips

Abstention: McNeill

Leave of absence: Mencher, Park, Taylor

Absent: None

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None identified.

RATIONALE FOR RECOMMENDATION

The City of Berkeley Council has reaffirmed its status as a sanctuary city for undocumented immigrants and refugees repeatedly, most recently in January 2025 and previously in 1985, 2017, 2019 and 2020.

Recently, the Trump Administration compiled a list of sanctuary cities and counties, including Berkeley, who are about to be issued a letter demanding that they come into full compliance with federal immigration laws or lose all federal funding.

Due process rights, notice and an opportunity to be heard, are at the core of our nation's fundamental rights. The Trump administration invocation of the AEA is mired in an uninformed, capricious rationale based on ancestry, race, physical appearance, and prejudices rather than facts or even a legally accurate nexus to the country of origin.

As a sanctuary city, Berkeley should protect all its residents, workers and users of services in coordination with State, County and other local jurisdictions. To do so, we must remain fully informed and prepared to defend on behalf of our City and its residents, workers and users of services.

History that does not continue to be taught is forgotten. The harmful deportations and detentions of the past that seriously disrupted and damaged Japanese-American's person's lives including those in our own community should never be forgotten. That is achieved through community education.

ALTERNATIVE ACTIONS CONSIDERED

Another Commission recommendation was considered which would have requested that Council denounce the invocation of the Alien Enemies Act of 1798; endorse the proposed Neighbors not Enemies Act which repeals the Alien Enemies Act (invoked 3 times previously during the War of 1812, World War I and World War II); and send a copy of a resolution denouncing their actions to President Trump, Vice-President J.D. Vance and Pete Hegseth, Secretary of Defense. That recommendation did not pass.

CITY MANAGER

Due to vacancies and financial constraints, the City Manager's Office does not have the resources to implement the event requested by the Peace and Justice Commission. For this reason, the City Manager recommends that the City Council refer this item to the budget process. The resources needed for the event will vary depending on the format and staff estimate that approximately \$5,000 to \$10,000 would be needed to host such an event, in addition to staff time. This could cover costs such as securing a venue, refreshments, and speaker fees.

Increase awareness of impacts of the Alien Enemies Act

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CONTACT PERSON

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