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(Selected items from our Calendars)
Editorial

What’s the News Today?
Or, Skipping EIR on 2707 Rose Might Cause Berkeley Council Future Problems

By Becky O’Malley
Fri Apr 30 07:58:00 -0700 2010

The question of how to provide a sustainable information source for a small city in a metropolitan area is ongoing around here. It’s a subset of what now constitutes news, since even on a national level the main “news” outlets are increasingly aggregators (an insider word meaning collectors) of news stories created in other media. The ratio of “new news” to repeats on sites like the Huffington Post is small.

In Berkeley, in addition to the Planet, there are at least three print papers with online adjuncts and at least one ambitious blog which attempt to deliver the news you need to know. For all of them, soft news, lifestyle copy about home and hearth and fancy food is the easiest to acquire, often without much compensation to the writer, and it fills up a lot of space—which online is virtually infinite.

Every publication these days is deluged with electronic press releases. It’s been the longstanding habit of newspapers everywhere to simply re-write these, possibly making one or two phone calls, and re-labelling the product “news”, as if it were the product of a stellar staff of trained newshounds.

Many of these press releases are well written and not misleading, and economy of effort suggests that they should just be passed on intact to the reading public. We’ve been experimenting with this around here, putting online verbatim copies, clearly labeled “press release” for truth in packaging. The best candidates for this treatment are releases from artists, arts organizations, government agencies and advocacy groups. Press offices at universities have for many years produced excellent articles about research topics, particularly in the sciences, and there’s no good reason not to offer them honestly and directly to the reader without re-writing.

But what about real news? In fact, what is real news? Crime and accident stories would seem to count as real news, yet those also are often re-writes of agency press releases. Realistically, with Public Information Officers in police departments firmly in control, it’s almost impossible for report-ers at short-staffed publications—almost all of them these days—to get much more information than these officers are willing to divulge. Again, it seems more honest simply to link to the press releases, and only to run a story if a reporter can make contact with someone not mentioned in the press release.

Which leaves events, for example city council meetings. Here things happen in real time: plans presented, votes taken. It’s been customary for local news reporters to attend such meetings and in addition to reporting what’s going on up on the dais, to chat with proponents and exponents in the halls about agenda items. But with the advent of streaming video it’s possible to report off-site, and also possible for the citizen with an avid interest in the proceedings to watch them at home either in progress or the next day.

This week’s Berkeley City Council meeting provided an excellent case in point. It featured only one agenda item where there was any suspense about the outcome, though an item providing some information about how the city staff wants to use housing funds was interesting to watch.

At least three publications or blogs provided information about Who was there and What happened. This week the Planet launched a new feature, compact summaries of stories and links to press releases or full accounts in other media, so our online readers were able to quickly get the Who and the What about the zoning appeal of a permit for a massive house proposed for 2707 Rose Street.

Even though I watched the whole affair online, we elected not to duplicate the adequate factual accounts in other media. Taken together, the three versions of the story provided some nice quotes, pictures and details about what happened, and the blog devoted a lot of wordspace to reaction comments, some of which were intelligent.

But what was lacking in the sum total was the Why. The blog responders and two of the stories touched on the central lesson which could have been extracted from watching the action, but didn’t exactly hit the nail on the head. They missed the important kernel of information: The city staff and the council majority chose to blithely ignore the very clear requirements of the California Environmental Quality Act, a reckless decision that may well come back to haunt the city and its taxpayers.

The attorney for the appellants was Susan Brandt Hawley, probably the leading litigator in the whole state for cases which link the California Environmental Quality Act (CEQA) and preservation, often of historic resources. She and her many neighborhood clients were given only ten minutes to make their whole case, and she had to divide those with her geotechnical expert. But she has often taught continuing education classes for California Bar members (some of which I’ve attended) so she’s good at coming clearly to the point in a hurry.

Here’s what she told the council: “If there is any evidence before you, facts or reasonable assumptions based on facts or expert opinions, that there might be a significant environmental impact, you can’t exempt this from CEQA.” Period.

“It’s really a legal question, and I don’t think Mr. Cowan disagrees with me, or Ms. Rickles. The lawyers here agree,” she said. She went on, and no one contradicted her, that “it’s the ‘fair argument’s standard:…what you’re looking for here tonight is whether in fact there may be a significant environmental impact.”

In other words, if anyone has made a fair argument that the project may violate some aspect of CEQA, an Environmental Impact Report (EIR) to examine the data is required. Not optional. As City Attorney Zach Cowan knows full well, which is why he waffled inconclusively when someone asked him about it on Tuesday.

Only Councilmembers Arreguin and Worthington demonstrated a mature, intelligent grasp of the legal questions which were before the body. Their colleagues offered inexpert opinions on architecture, aesthetics, history and traffic, with very little data and a lot of speculation on matters clearly beyond their personal expertise.

All of the council majority’s fluffy opinions about whether or not you might be able to see the house from the road, and all of the staff’s backtracking about whether or not their own regulations mandated the use of story poles to gauge the height of the proposed building were irrelevant to the central proposition which Brandt Hawley clearly advanced. She emphasized that credible evidence that appellants had presented regarding the project’s impact on historic resources (both the house to be demolished and the neighboring historic houses) and about the geology of the building site added up to enough doubt to trigger the requirement for a full EIR.

Mayor Bates summed up the majority attitude toward the CEQA standard as it pertained to historic resources: “As far as the landmarks commission, I don’t know exactly what happened, but ultimately we
are charged, the council is charged, with whether we believe something is a landmark or not, and I believe that every member of this council, everyone one of us has been to the site, so we’ve all seen the site… so I think that’s a false issue.”

Well, no. It’s the main issue. CEQA cares not a whit whether Mayor Bates or any of the council members believes something is a landmark or not. As long as there’s a credible contention to the contrary, an EIR is required.

Brandt Hawley asked that a public hearing be scheduled to further examine the evidence, and that would have been a simple effective alternative to the slam-bam-thank-you-ma’am way the council dealt with the conflict. The staff had already acknowledged that their report contained major errors, and no one seemed to be able to find the letter about the historic questions which the Landmarks Commission had attempted to put into evidence—which won’t look very good for the city if the case ever gets into court.

Several council members gushed about what lovely people live near the lovely site, accomplished, educated people all… but what no one said is that most neighbors are also, to put it politely, very well-fixed. Some are even world-renowned lawyers. If disgruntled neighbors who could afford it decided to sue to require the city to enforce the California Environmental Quality Act requirements on the applicant, it could be a very costly boondoggle for the taxpayers.

Another story with an accompanying commentary, which the Planet ran this week could teach the council and the public something. The majority of the Richmond city council decided to let Chevron, the big dog on the block, get away with a perfunctory EIR for a proposed expansion project.

Richmond council members got a lesson in CEQA from the appeals court which the Berkeley City Council members might have to learn for themselves the hard way.

That’s the kind of Why which should be part of reporting on what happens every week, but it’s not easy for overworked reporters to do. In this particular instance I have the advantage of a law degree and years of experience on the Landmarks Preservation Commission, but in many other situations I’d be just as baffled as anyone else. Reporters used to have regular beats that they stayed on for years so that they could educate themselves about the ins and outs of what they were reporting on, but in this brave new world it’s a lot harder to become an expert.

All great minds think alike. Someone else is on a similar kick this morning.

News

Rabbi Lerner’s Home in the Berkeley Hills Attacked by Right-Wing Zionists

From a Tikkun Magazine press release. Mon May 03 16:40:00 -0700 2010

[Editor’s Note: This was received as a press release at 3 on Monday afternoon. A more complete article will follow.]

Berkeley Police Department Public Information Officer Jamie Perkins confirmed that the crime at Rabbi Lerner’s home in the 900 block of Cragmont was reported at 11:40 today, Monday, and she said at about 6 p.m. that there were no suspects as yet. -/cbj /-cbj /Berkeley police today confirmed that the attack on Rabbi Lerner’s home late Sunday May 2nd or early morning Monday May 3rd was in fact a crime and was being investigated.

The attackers used a powerful form of glue to attach posters to his door and around the property of his home attacking Lerner personally, and attacking liberals and progressives as being supporters of terrorism and “Islamo-fascism.” They posted a printed bumper sticker saying “fight terror--support Israel” next to a caricature of Judge Goldstone whose UN report on Israel’s human rights violations in its attack on Gaza last year has been denounced as anti-Semitic and pro-terror by right wingers in Israel and the U.S.. The caricature has Goldstone talking about his being kept from his grandson’s bar mitzvah, and the caricature of Rabbi Lerner responds by saying “any enemy of Israel is a friend of mine.” This attack and vandalism follows on a week filled with Lerner and Tikkun staff receiving hate mail, prompted apparently by Tikkun’s announcement that in case the South African Zionists had succeeded in preventing Judge Goldstone from attending his grandson’s bar mitzvah, and the caricature of Rabbi Lerner responds by saying “any enemy of Israel is a friend of mine.” This attack and vandalism happens, and thereby show that these actions were not government policy but the mistakes or evil choices by people in the IDF who were acting as rogue elements and not as a manifestation of the people of Israel) that Tikkun will award our prestigious Tikkun Award to Judge Goldstone in 2011 at the event celebrating our 25th anniversary! This story, which was prominent in Ha’aretz and many other Jewish magazines and websites, has intensified anger against Lerner and Tikkun among those who seek to perpetuate the Occupation, and great support among those who realize that the Occupation is really hurtful both to Israel and to the Jewish people world-wide.

In the 24 years of Tikkun’s operation, we have received many death threats and vicious hate mail, including phone calls to our office announcing that “Rabbi Lerner is dead” and others saying “We will kill all of you.” This particular attack has two worrisome elements not previously there: 1. They attack Rabbi Lerner’s home. As law enforcement people told us, this is a way of conveying the message to Lerner: “We know where you live, we know your house is vulnerable, so don’t ignore our threats.” 2. By linking Lerner to alleged terrorism, they provide for themselves and other extremists a “right-wing justification” to use violence against Lerner, even though Lerner has been a prominent advocate of non-violence. He regularly critiques Palestinian acts of violence when they occur, including the shelling of Israeli towns by Hamas, just as he critiques the violence of the Israeli occupation, and as he critiques the US war in Iraq and Afghanistan, the occupation of Chechnya by Russia, the occupation of Tibet by China, the human rights violations against their own people by the rulers of Iran, the acts of violence of those resisting the US occupation of Iraq and Afghanistan, the violence against women and homosexuals in many Arab and African countries (and in the US and Israel as well), the genocide in Darfur, the violence against Jews in some parts of Europe, and the list goes on.

Needless to say, this latest attack, on Lerner’s home, has caused great concern to his family.

In a previous email about the attack on Rabbi Lerner’s house, the dates were incorrectly stated as June 2 and July 3rd, making it seem as though it had been in the distant past or near future. The emotional upset
caused by this incident has thrown us for a loop, so sorry about that mistake. The actual date of the attack on Lerner’s home was last night (May 2nd or early morning May 3rd) and discovered this morning, May 3rd.

The police say that this is not a “hate crime” because the attackers were not attacking Rabbi Lerner for his religion, but for his politics. That is scant comfort for those of us who continue to believe that America and Israel are best served by the voices willing to publicly share critique, though incidents like this are of course meant to scare people into silence. Tikkun will not be silenced.

What can you do? Let people know that this kind of thing is happening in the Jewish world to people who critique Israeli policies.

--Tikkun Magazine

To reach Rabbi Lerner directly: RabbiLerner@Tikkun.org or call the Tikkun office at 510 644 1200.

Berkeley Today: Monday

By Riya Bhattacharjee
Mon May 03 17:18:00 -0700 2010

In the news today: Zoning changes for Panoramic Hill and Telegraph, fines for daycare centers proposed, new marijuana regulations, 155-unit apartment complex for South Shattuck, credit card fraud and a music club in financial trouble.

Tuesday City Council meeting to include special session on 2011 budget

The Berkeley City Council meeting Tuesday will begin with a special 5:30 p.m. workshop on the proposed fiscal year 2011 city budget given by City Manager Phil Kamlerz and Budget Manager Tracey Vesley. It can be viewed online. The regular 7 p.m. Council meeting agenda includes Panoramic Hill zoning amendments as well as proposed adjustments to the Telegraph Avenue zoning laws.

Berkeley Mayor Tom Bates and Councilmembers Laurie Capitelli, Kris Worthington and Gordon Wozniak will request the City Manager to analyze and work with relevant commissions on proposed modifications in Telegraph’s current commercial zoning which would permit businesses to extend their business hours to 3 a.m., Sunday through Saturday by simply getting a zoning certificate.

Other adjustments include implementing a six month trial project to change the yellow loading zone parking regulations in the Telegraph commercial zone between Bancroft and Dwight Way to mirror the rest of the city’s yellow zones, which revert to regular parking after 6 p.m.

The City Manager is expected to return to council by Oct. 12 with recommendations for council action.

Berkeley May Fine Large Home Family Daycares

The Berkeley City Council may also ask City Manager Phil Kamlerz Tuesday to review cases involving large, in-home family day care businesses whose owners have not obtained a Berkeley business license, not paid Berkeley business fees or don’t have the appropriate use permit.

After the City Manager’s office finished the review, it would develop a 90-day amnesty program during which large family daycare providers who have not yet obtained business licenses would be given a chance to come forward and register their businesses without being subject to penalties.

The city would also develop a payment plan for this group of daycare businesses, under which they would have to pay business fees due since 2007.

According to a report from city staff, some providers may have to pay fees of up to $7000 to the city. A number of daycare owners have contacted the city saying that these exorbitant payments might force them out of business altogether.

The staff report says that although the City Auditor has requested information from four large in-home family daycares, she has not yet received a response.

Medical Marijuana Regulation Changes

The Berkeley City Council will also vote on whether to allow all three of the city’s medical marijuana dispensaries to expand beyond retail space to grow cannabis and bake marijuana-laced cookies and brownies in residential and commercial properties. Both city staff and the Medical Cannabis Commission are putting forward their own set of recommendations which vary regarding the size and scope of the proposed operations.

The council will also vote on whether to approve language for a ballot measure for Nov. 2010 to amend the Business License Tax Ordinance to tax certain medical cannabis uses.

City Attorney Zach Cowan has suggested that one way to balance the city’s current deficit is to increase the business tax on medical cannabis dispensaries from 1.12 percent to 1.8 percent, which is expected to bring in $330,000 in 2011.

In comparison, the city imposes a 15 percent tax on firearm and ammunition dealers, a 15 percent tax on private rubbish haulers and a 10 percent tax on private sporting events.

In the scenario that a medical cannabis dispensary attains non-profit status and becomes exempt from business tax, Cowan said it would be taxed on the basis of its square feet, just as large non-profits already are.

Berkeley Approves $60 M Parker Place Development

Developers Ali Kashani and Mark Rhoades of City Centric Investments have received the entitlements to their Parker Place project, the SF Business Times reported today.

Developers of the mixed-use apartment project with 155 units, a 188-spot parking garage and 1900 square feet of retail space at 2600 Shattuck Ave. promise to revitalize an otherwise underutilized part of the neighborhood, but like a lot of other building projects, this one has met with some criticism.

Twenty percent of the rental units will be affordable housing which will help the developers get access to low income housing tax credits.

Berkeley Police Warn of Credit Card Fraud

The Berkeley Police Department is asking the community to watch out for credit card thefts which they say have escalated over the last few months.

Although the police did not point toward specific cases, they said the problem was probably part of a larger operation and urged caution.

Berkeley music venue in trouble

The SF Chronicle reports that the all volunteer underground music venue 924 Gilman St. is in trouble because of a high rent increase starting July 1 which may push it out of its home.

The staff at 924 Gilman is reaching out to the community to raise the extra $31,000 required annually to cover the rent expenses, scheduling concerts, donation drives and there are plans to apply for non-profit status to qualify for special funds.
Partisan Position: What the Berkeley City Council’s Rejection of “Full Build” Will Mean

By Joyce Roy
Fri Apr 30 15:04:00 -0700 2010

Last night the Berkeley City Council unanimously approved the “Reduced Impact Alternative” BRT that is similar to “Rapid Bus Plus” as the “Locally Preferred Alternative.” It rejected the “Build Alternative” which would have removed traffic lanes and placed boarding stations in the middle of the street even though AC Transit sent a letter saying, more or less, that it would be obliged to choose that alternative. This meeting with Bus Rapid Transit the only agenda item ended after 11:00 pm. Sixty-six members of the public were against the “Build Alternative,” twenty-three in favor and five asked all alternatives to be studied. Here are the alternatives.

Since the draft EIR/EIS only studied the No-Build and the Full-Build, there was discussion between the AC Transit representative, Cory LaVigne, and the city’s attorney about whether a different alternative could now be studied. LaVigne said since it was not in the draft, it could not be studied in the final. It would have to be a special study, perhaps a supplemental EIR. So after the deed is done, AC Transit comes to the cities to ask them for their preferred alternative. But as the attorney assured the city council, the city itself, not AC Transit, determines changes to their streets.

The council’s decision does not affect AC Transit’s ability to receive federal Small-Start funds because dedicated lanes are not one of the required criteria for BRT. But AC Transit’s fiscal condition may make them ineligible. See BRT Small Starts Fact Sheet.

Councilmembers discussed the “environmental justice” of removing local service because it would impact the elderly and disabled. But retaining local service did not seem to be included in the “Reduced Impact Alternative.” It was part of the “Rapid Bus Plus” alternative. Also included in that alternative was splitting the line in downtown Oakland to avoid the bunching that occurs on very long lines like the #51.

Some council members wanted to extend the BRT down University Ave. to Amtrak, which would mean it would connect to the San Pablo Rapid Bus, but AC Transit claimed it could not be studied now.

Mayor Bates asked how Berkeley would connect to Oakland if they have dedicated lanes. The short answer was “awkwardly.” But Temescal residents are not likely to accept dedicated lanes: See this week’s article in the East Bay Express.

Joyce Roy is a semi-retired architect and long-time Oakland transit activist. Partisan Position writers are not guaranteed to be impartial, although they are knowledgeable and hope to provide accurate factual information.

Berkeley Council Rejects “Full Build” BRT, Votes for Hybrid Solutions

By Becky O’Malley
Thu Apr 29 23:40:00 -0700 2010

In a late night vote on Thursday, the Berkeley City Council voted to support hybrid alternatives to AC Transit’s Bus Rapid Transit proposal which eliminate dedicated bus lanes and bus boarding stations in the center of the street. According to AC Transit spokesperson Cory LaVigne this plan can’t be considered as part of the environmental impact study currently underway, making it effectively a “no build” alternative at this point.

But AC transit staff who attended the meeting told councilmembers that the alternative proposals, including the Reduced Impact Alternative advanced by Mayor Bates and Councilmembers Capitelli and Maio and the “Rapid Bus Plus” scheme hatched by a coalition of Berkeleyans including Michael Katz, Craig Becker and Vincent Casalaina, could not be included in the final environmental impact study since they had not been part of the draft study. The AC planners said that a parallel study of these alternatives could be done.

Councilmember Darryl Moore made a substitute motion to endorse studying the “full build”, but it was rejected by a 4-2-2 vote.

Comments from many members of the public and by the council extended the meeting past 11 p.m.

The rumored blitz from construction union representatives didn’t materialize.

Many of the speakers in favor of the full build alternative were students who wanted faster trips, while many opponents mentioned impacts on businesses and street vendors on Telegraph as well as hardships to senior and disabled users if local stops were eliminated as AC Transit’s plan proposed.

Berkeley News Roundup

By Riya Bhattacharjee
Fri Apr 30 07:50:00 -0700 2010

In the news since the last issue:

UC Berkeley Student Senate Fails to Overturn Israel Divestment Bill Veto

The UC Berkeley student senate Wednesday failed to override the veto on a bill urging the university to divest from two American companies profiting by making weapons for the Israeli Army.

Senators debated the issue until the early hours of Thursday morning, and about 4 a.m. the student senate voted, 13 to 5 to bypass the veto, one vote short of the required margin.

Arizona Deportation Bill Protest at UC Berkeley

Student organizers at UC Berkeley announced a mass deportation protest at Sproul Plaza on the Berkeley campus Thursday against the recent passage of SB 1070 in Arizona. The bill aims to identify, prosecute and deport illegal immigrants and is being called one of the toughest—if not the toughest—illegal immigration bills in the country.

A press release sent out by the rally’s organizers, including Spanish-language students on campus, described the bill as “promoting racial profiling in Arizona, and creating a state of terror against immigrants and non-immigrants alike.”

“[The bill] has made it necessary for campus community groups to act,” the press release says. The mass deportation action [will show our opposition to unjust and racist laws everywhere in this nation.”

Over 500 students were expected to participate in what the press release described as “a dramatic representation” of an I.C.E. raid.

“The main objective of this action is to illustrate the moral implications that this bill will generate not only in Arizona, but all over the United States,” a statement from the organizers said. “Although this law is targeted to the undocumented community, this issue affects everyone. It is an attack on our civil liberties, and a giant step backwards from a progressive society. SB 1070 is a seed for hate and prejudice, it dehumanizes communities and terrorizes families in Arizona and across the nation.”

AC Transit Board Considers Declaring
Cabbie Arrested for Sex Assaults

An Oakland cab driver was arrested by the Berkeley Police Department Tuesday for sexually assaulting women passengers in his car in January 2008 and April 2010.

According to his victims, 29-year-old Ali Obadi of Oakland asked them to sit with him in the front seat, following which he proceeded to forcibly hold their hands and grope their breasts.

City Council Turns Down Appeal on Mitch Kapor’s Home

The Berkeley City Council turned down an appeal on software mogul Mitch Kapor’s house on Rose Street at Tuesday’s City Council meeting, upholding the Zoning Adjustments Board’s unanimous approval of the project.

The 10,000 square foot house with a 10-car garage project made the Home & Garden section of the New York Times last month, with its opponents arguing that the proposed building was too big to be called green.

The proposed project will demolish an existing two-story 2,477-square-foot residence with three detached garages.

The Kapor’s told the zoning board that they had decided to move from San Francisco to Berkeley to be near the UC Berkeley campus, where Mitch Kapor is an adjunct professor at the School of Information and his wife runs the IDEAL Scholars Fund serving minority students.

More accounts of the meeting can be found in the Daily Cal and the Bay Area News Group papers.

The full meeting can be watched on the City of Berkeley’s web site.

Three Firms to Submit Proposals for New BAM/PFA Design

The Berkeley Art Museum and Pacific Film Archive picked three architecture firms from a list of 10 to design the new museum and film archive at the site of the former UC printing plant at 2120 Oxford St.

The three firms chosen are Ann Beha Architects of Boston, Diller Scofidio + Renfro of New York and Tod Williams Billie Tsien Architects of New York, the architectural firm for UC Berkeley’s C.V. Starr East Asian Library.

BAM/PFA’s Board of Trustees is expected to chose the finalist from among the three in June.

The museum is scheduled for opening in 2014.

UC Task Force Debates Sports Funding

The $13.7 million cost of UC Berkeley athletics was hotly discussed at a campus forum.

Becky O’Malley contributed to this article.

Court Rejects Chevron Appeal of EIR Requirements

By Bay City News
Fri Apr 30 07:57:00 -0700 2010

A state appeals court in San Francisco on Monday upheld a lower court decision that the environmental report for Chevron’s Richmond refinery expansion project is inadequate under state environmental laws.

Last June, a Contra Costa County Superior Court judge ruled that the refinery’s environmental impact report on the project was invalid because it failed to disclose whether the project would enable the refinery to process heavier crude oil.

The ruling was followed by an injunction ordering the refinery to stop construction on the project, and Chevron began laying off workers.

Chevron appealed the superior court ruling to the state Court of Appeal, but the appellate court upheld the lower court’s decision Monday.

“Chevron is disappointed with the Court of Appeal’s ruling,” Chevron spokesman Brent Tippen said today. “We feel both the evidence and the law amply supported the adequacy of the EIR prepared by the city of Richmond for the renewal project.”

The Richmond City Council narrowly approved the company’s Energy and Hydrogen Renewal Project in 2008 and the company broke ground in 2009.

Soon after the project was approved, however, a group of community groups represented by the nonprofit law firm Earthjustice sued the city, claiming the environmental impact report did not adhere to rules of the California Environmental Quality Act.

Refinery officials claimed the project was an upgrade that would increase the refinery’s flexibility to process a wider variety of crude oil and improve the plant’s energy efficiency and reliability. They also said the project would reduce overall emissions at the plant and that the environmental review was sufficient.

The environmental groups Communities for a Better Environment, the West County
Toxics Coalition and Asian Pacific Environmental Network, however, claimed that
the upgrade was actually an expansion that would enable the refinery to process heavier
crude oil, resulting in increased pollution in nearby communities and a higher risk of an
explosion at the plant.

Tippen said today that the company believes that the project was properly analyzed
and permitted.

“We are now reviewing the court’s decision and will determine what is next to be
done,” Tippen said.

Earthjustice attorney Will Rostov said, “The court agrees that the people of Rich-
don have a right to know just how dirty the crude oil processed in this refinery will
be.”

“The court pointed out the legal deficiencies in Chevron’s refinery expansion plan
tells Chevron the simple steps it needs to expand their refinery in a legal way that
won’t harm neighbors,” he said.

“Asthma rates in Richmond are already twice the national average, said Richmond
resident Kay Wallis, a health educator with the Division of Pulmonary and Critical Care
Medicine at University of California, San Francisco. “For decades, Richmond families
have paid a steep price for living near Chev-
ron’s refinery.”

In addition to describing the grade of crude oil the project will allow the refinery
to process, the court is also requiring Chev-
ron to revise its environmental report to in-
clude specific and proven mitigation efforts
it will take for any increase in greenhouse
gas emissions before it can proceed with the
project.

NEWS ANALYSIS: Walking or Driving While Brown:
Arizona’s New Immigration Law

by Ralph E. Stone
Fri Apr 30 08:51:00 -0700 2010

“Driving while Black.” “Walking while Black.” These are phrases in the contem-
porary vernacular for racial profiling, which is defined as the inclusion of racial or ethnic
characteristics in determining whether a person is considered likely to commit a
particular type of crime or an illegal act or to
behave in a “predictable” manner. Arizona’s
new immigration law will now target those
“walking or driving while Brown.”

The Fourth Amendment of the U.S.

Constitution guarantees the right to be safe
from unreasonable search and seizure with-
out probable cause. Since the majority of
people of all races are law-abiding citizens,
merely being of a race, which a police of-
licer believes to be more likely to commit a
crime than another, is not probable cause. In
addition, the Fourteenth Amendment of the
U.S. Constitution requires that all citizens
be treated equally under the law. It follows
then that it is unconstitutional for a represen-
tative of the government to make decisions
based on race.

Interestingly, recent polls show that 71
percent of African-Americans, long-time
victims of racial profiling, support the
ethnic profiling of people who look to be of
middle-eastern descent as do 66 percent of
whites.

Many states, including California, specifi-
cally prohibit racial profiling of both motor-
ists and pedestrians and prohibit profiling
based on religion or religious appearance.
Arizona has no such prohibitions.

It is not clear how the U.S. Supreme Court
views racial profiling. Two recent cases sug-
gest that the Supreme Court might disregard
state and municipal efforts to circumscribe
arbitrary police behavior motivated by
racial profiling. In the 1996 case of Whren
v. United States, Justice Antonin Scalia,
writing for a unanimous court, found no im-
propriety, Constitutional or otherwise, when
Washington, D.C. plain clothes officers in
an unmarked car stopped two Black men for
minor traffic violations in order to search
their car for drugs. D.C. regulations specifi-
cally prohibit police officers from making
traffic stops unless the driver was somehow
threatening public safety. Remarkably, in
upholding the validity of the pretext stop,
Justice Scalia found the plain clothes offi-
cers had met the reasonable suspicion
standard.

In the 2008 case of Virginia v. Moore,
Justice Scalia again writing for a unanimous
court, saw no violation of Moore’s Fourth
Amendment rights against unreasonable
search and seizure. The police officers in
this case received a call that a man known as
“Chubs” was driving without a license.
What was not mentioned in the Court’s
opinion was that the “Chubs” mentioned in
the radio transmission was not Moore, but
a man named Christopher Delbridge. This
was noted by the Virginia Supreme Court in
reversing the lower court decision. The
police did not search Moore at the scene.
Rather, they took him to his hotel room
where they searched him and found crack
cocaine. Moore is African-American living
in Portsmouth, Virginia, where more than
50 percent of the population is Black. The
Supreme Court refused to address the issue
of racial profiling.

Finally, a third case has raised concern
among civil rights advocates. In the 2008
case of Cerqueira v. American Airlines,
Inc., the Supreme Court declined, without
explanation, to hear the case of a man who
was kicked off an American Airlines jetliner
in Boston because a flight attendant thought
he looked like a Middle Eastern terrorist.
John Cerqueira is an American citizen of
Portuguese heritage who was trying to fly
home to Fort Lauderdale. Instead, he was
escorted off the jetliner and questioned by
police for two hours because American
Airlines personnel thought his dark hair and
olive complexion made him look Middle
Eastern. Cerqueira sued American Airlines
for discrimination and won. A federal court
of appeals court reversed the lower court de-
cision. It seems that airline safety trumped
Cerqueira’s individual rights. Cerqueira is
not alone in his plight. From 2001 to
2008, the Department of Transportation had
received 953 complaints of discrimination
against U.S. airlines.

As an aside, Section 412 of the Patriot Act
permits the U.S. attorney general to detain
aliens he certifies as threats to national se-
curity for up to seven days without bringing
charges. The standard for detention is the
familiar reasonable suspicion standard enun-
ciaed by the Supreme Court in
Terry

What about Arizona’s immigration law?
The law makes it a state crime to be in
the state illegally. The law also requires
immigrants to carry their alien registration
documents at all times and requires police to
question people if there is reason to suspect
they’re in the U.S. illegally. It also targets
those who hire illegal immigrant day labor-
ers or knowingly transport them.

The law will probably be challenged on
two legal theories: (1) that Arizona cannot
enact its own scheme to regulate immigra-
tion; and (2) the law essentially codifies
racial profiling. Article 1, Section 8 of the
U.S. Constitution gives Congress the power
to “establish an uniform rule of naturaliza-
tion.” And in the 1976 case of
Hampton v. Mow Sun Wong, the Supreme Court ruled
that the Congressional power to regulate
naturalization includes the power to regulate
immigration because it does not make sense to
allow Congress to pass laws on how an
immigrant becomes a citizen if Congress
cannot determine how that immigrant can
come into this country in the first place.
Therefore, the argument goes, only the U.S. has plenary authority over immigration because it is a national policy that affects relations with other nations such as Mexico, whose government has denounced the Arizona law.

The Arizona law gives law enforcement authorities carte blanche to make enforcement decisions based on race and ethnicity or racial profiling. The law will likely be challenged on that basis as well.

There is precedent for striking down the Arizona law. For example, a federal district court struck down California’s Proposition 187, a 1994 initiative that sought to deny health and welfare benefits and public schooling to the undocumented. Federal district courts in Pennsylvania and Texas have issued similar rulings overturning local ordinances that prohibited undocumented immigrants from renting homes or apartments. However, none of these cases has been affirmed by a federal court of appeals and thus, have not reached the U.S. Supreme Court.

Unlike these other cases, Arizona targets illegal immigrants themselves, not just their benefits and it imposes criminal penalties for conduct - being in the state illegally - that is not a federal crime but is only grounds for deportation. Arguably Arizona is regulating immigration, an exclusive right of the federal government and therefore, is unconstitutional.

Arizona has about 1.7 million residents of Hispanic or Latino origin, or about 30 percent of the population. This means that potentially 1.7 million Arizonans are likely targets for walking or driving while Brown.

Let the lawsuits begin.

Ralph Stone is a San Francisco attorney.

Berkeley Today: Friday

By Riya Bhattacharjee
Fri Apr 30 15:21:00 -0700 2010

In the news today:

Wareham Nixes Cannabis Clinic’s Plans to Move into Chocolate Factory

Money solves everything, or at least in the case of Wareham Development, it helped prevent what the company considered a big thorn from moving into prime retail space located in West Berkeley.

According to the Berkeley Voice, Wareham recently bought the former Scharffen Berger Chocolate building at 914 Heinz St.--space the Berkeley Patients Group had earmarked for relocating their cannabis dispensary.

The Berkeley Patients Group faced opposition from both Wareham, who contended that a cannabis dispensary would bring down real estate value and alienate prospective buyers, and Ecole Bilingue, a French American school located next to the candy factory.

Ecole Bilingue argued that there was a loophole in city law which prohibited marijuana clinics from opening up 1,000 feet of public schools, but didn’t mention anything about private schools.

Both Wareham and Ecole Bilingue had threatened to sue if Berkeley Patients Group went ahead with their plans.

More Pink Slips for BUSD Classified Employees

The Berkeley Unified School District is facing a tough time once again, and on Wednesday the Berkeley Board of Education approved pink slips for 30 classified employees.

The layoffs are expected to save about $900,000, a third of the district’s projected shortfall, which has sent the district scrambling to find ways to stay afloat, including considering two furlough days in the new school year.

School districts across California are feeling the pain of the state’s budget crisis, and many schools have already increased class sizes and some are even teaching their students in the dark to save on energy bills.

UC Berkeley Scientists Sequence Frog Genome

The UC Berkeley News Center reported Thursday that a team of scientists led by the Department of Energy’s Joint Genome Institute (JGI) and the university will publish the first genome sequence of an amphibian, the African clawed frog Xenopus tropicalis.

The lead researchers hope that the discovery will fill a major gap among vertebrates sequenced until now, and can now go on to design gene chips to look at changes in gene expression across the whole genome.

Hip Hop in People’s Park Saturday

Get ready for a free hip hop concert in People’s Park Saturday, May 1, noon to 5 p.m., presented by the UC Berkeley Students for Hip Hop.


Reduce, Reuse, Recycle, and Repair

Maile Urbancic
Thu Apr 29 20:02:00 -0700 2010

Ellie, 5, fixes a vacuum cleaner.

The usual catch-phrase for environmental responsibility is “Reduce, Reuse, Recycle.” However, on Earth Day, in a small computer lab in University Village, Albany, a local group added “Repair” to the list. Toolbox open, my daughter grinned as she unscrewed the base of our long-broken vacuum cleaner. In a corner, two of my friends leaned over the disassembled guts of a malfunctioning laptop. Broken cameras, microwaves, and electronics filled the tables near their hopeful owners as tools were passed around and volunteers guided each project and offered advice.

The Fixit Clinic, a bi-monthly event organized and run by technologist Peter Mui, was founded in 2009 to help families gain the skills and confidence to fix things. Here, Peter won’t just solve things for you. Instead, he shows participants how to evaluate problems, gather information online, and work logically to identify possible solutions. Any broken item small enough to carry is allowed, and parents are encouraged to bring their children. When I was young, I would sit with my father in our basement shop and help him fix things - toasters, clocks, whatever was broken. When it was obvious that our old phone was beyond repair, he let us kids take it apart. You really can’t buy a better toy -- in the end we had it all in pieces, each of us claiming ownership of a different part. I still remember how the rubber button pad felt on my fingers, and how we hot-glued the circuit board to a #2 pencil to make an “electric pencil” gag gift.

-8-
Things are different now; it often just seems easier to throw old things away rather than figure out what is wrong with them or try to understand how they work. However, at the Earth Day Fixit Clinic, the final tally of landfill-rescued items included: a vacuum, two cameras, two microwaves, a CD player, a pair of headphones, and a hair dryer. With luck, those who attended will be more likely to try to fix things in their own at home the next time something breaks. And if the grins I saw at the clinic were any indication, they’ll have fun doing it too.

Editorial Cartoons

Pepper Spray Times

By Carol Denney
Fri Apr 30 00:22:00 -0700 2010

Latest issue of the Pepper Spray Times.

Reader Opinion

Students Respond to Governor’s Pledges to Higher Education

By University of California Student Association
Thu Apr 29 19:23:00 -0700 2010

Everyone’s celebrating the Governor’s “pledge” to save the Cal Grant... everyone except for students, that is. The pledge to save the Cal grant doesn’t save anything at all. In fact, it hurts low income students and their families.

If you dissect this “pledge,” the truth reveals the Governor has made another empty statement that still cuts funding to higher education. In his official statement, the Governor says: “I will not sign a budget without those increases in there,” referring to his January budget proposal. Let’s break it down. First, Schwarzenegger stated that he will not cut from the $2 billion he proposed in January. This alleged increase actually is a reimbursement to this year’s budget from last year to supplement the mandated enrollment growth increases. As for the Cal Grant, the Governor said that he would not sign a budget that makes any additional cuts to the Cal Grant than the budget that he proposed in January. Looking at his January proposal, this means that eliminating the Competitive Cal Grant, decoupling the Cal Grant from fee increases (leaving a $3,000 gap), and capping the income ceiling limit are still on the table. If there were any additional cuts made to Schwarzenegger’s January proposal, the Cal Grant program would be destroyed.

In short, students will still be burdened with being billed $10,000 for fees without having a secure source of financial aid to help pay for it.

Saving funding for higher education and the Cal Grant was originally a demand that students made during meetings with the Governor at UCSA’s Lobby Day on March 1st and through mobilizations made at the capitol and across campuses during the year. On Lobby Day, the Governor pledged to save the Competitive Cal Grant if there was an increase in revenue from tax receipts. On Tax Day, there was a 3.9% increase from receipts, which would be able to fund the Competitive Cal Grant. California’s tax-paying families have upheld our part of the bargain, why hasn’t the Governor?

Students feel cheated and frustrated with the Governor failing to keep his promise. The Governor is perpetuating a broken system that he helped create where the state funds prisons more than higher education. Students will not stand for this. We will take action until he keeps his word and gives what is owed to us. We’re going to hold the Governor accountable to his promise to restore the Cal Grant and increase support for higher education.

The University of California Student Association is the official voice of over 200,000 undergraduate, graduate, and professional students from the eleven UC campuses. It is our mission to advocate on behalf of current and future students for the accessibility, affordability, and quality of the University of California system.

Letters to the Editor

Thu Apr 29 20:09:00 -0700 2010
04-30-10 Letters To The Editor

UC Berkeley’s New Hybrid

The odd-shaped new hybrid cars racing around the roads give me hope that someday driving won’t always be considered such a deep insult to the planet. The word hybrid has an intriguing tone; old and new in combination, possibly representative of things green, sustainable and good.

So I was fascinated to read that the UC Berkeley’s athletics program was now a hybrid. The sports programs used to be considered “auxiliary”, an April report explained, which meant they had to be financially self-sufficient.

But now, under the new “hybrid” status, they can use money meant for academic programs and enjoy a new, more flexible financial standard.

Sports programs which used to have to raise their own funds through ticket prices and fees can now, according to the report, use more general campus funds previously reserved for academic departments.

It still may annoy the Academic Senate that sports programs enjoy subsidies while academic courses are cut and instructors are laid off, but the semantic sleight of hand reduces the impression of fiduciary impropriety.

UC Berkeley’s willingness to redefine accounting vocabulary to excuse misplaced financial priorities inspires awe in this alumna, especially against the backdrop of Goldman Sachs employees testifying before congress that betting against their own financial instruments is perfectly legal and reasonable.

The unilateral move of athletics programs from auxiliary to hybrid status is undeniably impressive. The football team may have been an embarrassment this year, but I must say, this hybrid stuff is a really good game
Housing Advocates Oppose 1200 Ashby Deal

There are actually a lot of HAC members who are against allowing 1200 Ashby from being built. This mostly stems from the building hogging section 8 credits from other deserving building projects, also the question of the plans showing that this is as it stands not a Senior Housing facility. Anyone can go to the Planning Dept. and check this out. Also, some members are just waiting for June 30th to roll around and disappear the development for the time being at least.

With this in mind, I believe that along with making the plan changes I wrote about in my first letter to make this actually a senior housing facility. I also think that up to 32 apartments (no studios are shown in the plans, a mistake) should be removed and intermittent lounges should be planned for.

As a 47 year veteran of architectural practice and having worked with many developers in the past, it appears in my opinion that this is a “move to market” development and I believe that as soon as he can (when the market improves) he will attempt to remove it from senior housing rolls.

I think if most of these changes (and those from my first letter) are made, staff, commission, council and the people of Berkeley will stand behind it.

Alan (Avram) Gur Arye
retired architect

The Answer is Plastics

In the SF Chronicle, April 28, a front page story is about plastic toys being banned in Santa Clara County over concerns of their contributing to childhood obesity. The main concern should be for their contributing to the expanding environmental overload of plastics already causing floating plastic garbage patches over thousands of square miles of Pacific and Atlantic oceans. These toys made of non-biodegradable plastic quickly get broken, lost or thrown away to end up going to our dumps or worse, if loose on the ground as they may in rainfall events get carried to streams or drains eventually getting to the oceans. Floating around whole or in pieces some plastic gets mistaken for food by fish, which end up with their guts jammed up and unable to take in real food. Several ocean conservation groups have pictures of fish collected with their guts crammed with plastic. I urge readers to get action in Alameda and other counties to do what Santa Clara County has done, and I propose further action to get the chains to substitute plastic food containers with biodegradable containers.

Another point to go with this is that the federal govt. has no office or agency to develop a comprehensive best program to handle our waste messes especially organic wastes and sewage. In the UK two different offices have been established to develop wastes strategies. I urge readers to call on their federal elected officials to get such an agency going; perhaps posting a comment on Obama’s Whitehouse website might get some attention quickly if more than a few comments get posted there.

One action for such an agency quickly to consider might be “strip mining” as it were of the plastics on the oceans, at least in the part with the thickest piling up of plastics, especially the middle of the patch in the Pacific ocean as an eddying action keeps pushing outlying plastics to the center. Just about all plastic that floats is of the 1-7 recyclable type that can be burned with just carbon dioxide being given off to generate electricity. A surface skimming, which the US Coast Guard was supposedly trying, would get a coal-like fuel without coal mining dangers that have gotten much recent attention due to deaths at several mines, without environmental scars from blowing off mountain tops or from dumping mine wastes, and without mercury emissions. The collected plastic might be gotten cheaper than mined coal so that the cost of collecting it could be recovered, perhaps even with some profit being made, and many extra benefits for the environment would occur with getting plastic from being eaten by fish.

Dr. J. Singmaster,
Ret. Environmental Chemist

Accountability on Wall Street

# The Wall Street Accountability Act will regulate shadow markets that previously escaped regulators and hold big banks and financial institutions accountable for their own decisions and make them plan ahead for possible losses and also assure tax payers they won’t be stuck bailing out banks again. It will also give shareholders new power to stop exorbitant bonuses that reward executive failures. Finally, it would require banks and non-lending institutions to provide clear, understandable information to consumers.

In addition, it would require complicated derivative transactions to take place in an open, transparent way.

Amity Buxton
Oppose Smart Meters

PGE is installing Smart Meters on Alameda County homes and businesses, often without residents’ consent. State Senator Dean Florez has called for a moratorium due to inordinate billing increases. Sebastopol requested a moratorium citing concerns about health and radio frequency radiation, reading accuracy, and interference with appliances. In light of those issues, lack of security and vulnerability to hackers, or inadequate privacy, Alameda County residents may wish to sign a petition to the Alameda County Board of Supervisors and City Councils, Assemblymember Nancy Skinner, State Senator Loni Hancock, Governor Schwarzenegger, and the California Public Utilities Commission. The petition requests that they:

1. Call for an immediate moratorium on the installation of Smart Meters;
2. Thoroughly investigate the program and the six concerns above by holding public hearings and requiring independent testing;
3. Require PGE to submit a characterization study of the system planned for Alameda County;
4. Allow customers to “opt out” of program; and
5. Call for a moratorium on the disposal, recycling, or permanent alteration of the old meters.

Here is the online petition: petitiononline.com For people who prefer a paper petition, that is often an option at the north Berkeley farmers’ market on Thursday afternoons.

Phoebe Anne Sorgren

Columnists

Dispatches From the Edge: Mexico: Tales of Chrysler & Cocaine

By Conn Hallinan
Thu Apr 29 19:55:00 -0700 2010

So what does being stranded in the middle of the high Mexican desert have to do with Chrysler and cocaine? Well, it was a Chrysler that got Anne and me into the mess—a model aptly named Attitude (“all attitude,” as one of my kids would say). But there was no cocaine or other assorted drugs in the tiny town of Bondojito Huichapan Hidalgo, just a hardware store, a minuscule tienda, and, of course, a church.

For most Americans, however, Mexico is all about drugs and violence, and it is hard not to think about our southern neighbor without conjuring up the vocabulary of the Apocalypse: “With deadly Persistence, Mexican Drug Cartels Get Their Way” screams the New York Times; “Mexico’s drug war stirs fear in the U.S.” warns the San Francisco Chronicle; “Obama eyes troops for Mexico drug war,” headlines the Financial Times. Since 2006, according to Aljazeera, 22,743 people have been victims of the conflict, vastly more than the U.S. and its allies have lost in the Iraq and Afghan wars.

So if you are a couple of Gringos dead in the water in the middle of nowhere these things come into your mind, particularly when the tow truck has not arrived and it’s starting to get dark.

But as I said, we didn’t encounter any drugs or gangs, just helpful locals (I think somewhat bemused by our situation), a friendly tow truck driver, a solicitous guy from Hertz, a difficult taxi driver, and a very sympathetic hotel staff. In fact, the whole time we were in Mexico we didn’t see a shoot out or any bodies, although the journalist we were staying with—Martha Mendoza, one of Associated Press’s aces—told us about a recent gunfight in Monterrey.

Martha is currently writing about the status of the “war on drugs” that Richard Nixon declared back in 1971, and that governments all over Latin America are starting to abandon. As wars go, it has been an unmitigated calamity.

“How much misery can a policy cause before it is acknowledged as a failure and reversed? The U.S. ‘war on drugs’ suggests there is no upper limit,” writes Financial Times columnist Clive Crook. “The country’s implacable blend of prohibition and punitive criminal justice is wrong headed in every way: immoral in principle, since it prosecutes victimless crimes, and in practice a disaster of remarkable proportions.”

A recent report by the 17-member Latin American Commission on Drugs and Democracy, lead by three former heads of state, concluded, according to Wall Street Journal columnist Jose de Cordoba, that “US-style anti-drug strategy was putting the region’s fragile democratic institutions at risk and corrupting ‘judicial systems, governments, the political system and especially the police force.’”

It has also had virtually no effect on the movement of drugs. According to a Guardian (UK) investigation, more than 750 tons of cocaine is shipped from the Andes, a traffic that “has forced peasants off land, triggered gang wars and perverted state institutions.”

As Col. Rene Sanabria, the head of Bolivia’s anti-narcotic police force, told the British newspaper, “The strategy of the U.S. here, in Colombia and Peru was to attack the raw material and it has not worked.”

In the case of Colombia, the U.S. has poured $6 billion in mostly military aid into the country, plus poisoning almost 2.5 million acres of coca plants. Coco production is up by 16 percent.

Member of the commission and former Brazilian President Fernando Henrique Cardoso said, “The available evidence indicates that the war on drugs is a failed war. We have to move from this approach to another,” and urged a rejection of the “U.S. prohibitionist policies.”

A study by the Brookings Institute agrees, as does a study by Harvard economist Jeffrey Miron and endorsed by 500 economists.

The Commission report has received widespread coverage in Latin America. “They’re saying enough is enough,” says John Walsh of the Andes and Drug Policy at the Washington Office on Latin America. “There’s a real drug war weariness in Latin America and its bad enough to feel like a policy had been imposed and its worse when the policy doesn’t work.”

Mexico, for instance, has deployed an estimated 35,000 soldiers in 14 states, only to see drug-related deaths increase, and more and more municipalities fall under the influence of drug cartels.

There is also growing anger that the body count in Mexico is a direct result of U.S. weapons dealers selling everything from automatic weapons and 50-caliber sniper rifles, to grenades and rocket launchers to south of the border gangs. According to a Congressional study, more than 90 percent of the guns used by Mexican drug gangs come from dealers in Arizona, New Mexico and Texas.

In Arizona last year, the state appellate court dismissed a case against a gun dealer who had sold some 700 weapons to intermediaries for Mexican drug gang smugglers. Several of the guns were used to kill eight police officers in Culiacan, the capital of Sinaloa state. It is estimated that this south-bound flow of firepower generates about $25 billion a year for U.S. gun dealers.

The “collateral” damage from the “war on drugs” is not just to Mexico and the rest of Latin America. According to Miron’s study, more than 500,000 people are in prison for drug crimes in the U.S.—the overwhelming percentage of them for possession—more than the total number of prisoners for all crimes in Great Britain, Germany, Spain,
France and Italy combined.

Changing those laws, however, will require coming up against a powerful coalition of law enforcement agencies and the prison industry that cost taxpayers about $100 billion a year.

A number of Latin American countries have begun pulling away from the U.S. approach. Last summer, Mexico eliminated jail time for small amounts of marijuana, cocaine, heroin, LSD and methamphetamine. Brazil, Colombia and Uruguay have also decriminalized possession of drugs for personal use, and Argentina’s Supreme Court ruled that criminalization of marijuana possession was unconstitutional.

Ecuadorian President Rafael Correa pardoned some 2000 small-time drug couriers last year, telling the parliament, “They are single mothers or unemployed people who are desperate to feed their families.”

The model everyone seems to be looking at these days is Portugal, which eliminated jail time for personal drug possession. A recent study on the decriminalization of drugs in that country found “While many drug addiction, usage, and associated pathologies continue to skyrocket in many European Union states, those problems—in virtually every relevant category—have been either contained or measurable improved with Portugal since 2001.”

The Netherlands and Switzerland have also decriminalized possession.

The Obama administration has taken a few tentative steps in the direction of redirecting the “war on drugs,” including lifting the ban on federal funding of needle exchange programs, and shifting some Latin American aid from the military to civilian law enforcement. But criminalization is still at the heart of the U.S. approach.

A decade ago, the U.S. pressed the United Nations to adopt a “drug-free world” strategy, rather than focusing on addiction and treatment. The results have been a disaster. A European commission on the UN strategy concluded last year that this is “no evidence that the global drug problem was reduced” in the past 10 years, and “while the situation has improved in some of the richer countries...for others it has worsened, and for some it worsened sharply and substantially.”

Kasia Malinowska-Sempuch, director of the global drug policy program at the Open Society Institute in Warsaw told the Guardian, “Thanks to the global ‘war on drugs’ over the past decade, close to two million people living in the former Soviet Union are infected with HIV, half a million U.S. citizens languish in prison for non-violent, drug related crimes, and billions of dollars are spent on destructive military actions in Colombia while the production of cocaine continues to rise.”

There is no question that the war on drugs makes parts of Mexico and Latin America dangerous. But the majority of people in those countries go through their lives having nothing to do with drug gangs or shootouts. Indeed, the thing that strikes one most about Mexicans—besides their politeness and sense of humor—is their common sense. No, you don’t have to take off your shoes to get on an airplane, and when your artificial hip sets off the alarm bells, they don’t take 20 minutes to go over every inch of your body with metal detectors.

So while being marooned in the desert with a badly designed Chrysler is not a lot of fun, it eventually sorts itself out. Our misguided “war on drugs” will be a steeper hill to climb.

**THE PUBLIC EYE: The Jobs Problem**

*By Bob Burnett*

*Fri Apr 30 08:09:00 -0700 2010*

The latest polls indicate that if the midterm elections were held today, Democrats would lose seats in Congress because of dissatisfaction about the economy, particularly high rates of unemployment. Over the next six months, what should the Obama Administration do to solve the jobs problem?

For several months, the unemployment rate has lingered around ten percent. Sadly, the last report noted, “44.1 percent of unemployed persons were jobless for 27 weeks or more.” In addition to 15 million unemployed there are 9.1 million “involuntary part-time workers” plus another 1 million “discouraged workers, who have given up looking; in other words, 1 out of every six US workers that wants a full-time job does not have one.

While most voters blame former President Bush for the collapse of the economy, President Obama has borne the brunt of anger over unemployment. Fortunately, there are many indications the economy is getting better. The GDP forecast is positive for the first quarter and the year. And widely watched economic indicators such as the Bloomberg Personal Finance Index and the TED spread are positive. But it’s unclear how quickly employment will follow.

Recently, Vice President Biden predicted accelerated job growth. “Some time in the next couple of months we’re going to be creating between 250,000 jobs a month and 500,000 jobs a month.” And there are several indications of improving employment conditions. If true, this will indicate the US economy is beginning a U shaped recovery rather than the dreaded “inverted L” shape—a rapid descent following by a painfully slow employment rebound.

President Obama’s January 27th State of the Union address emphasized job creation: “jobs must be our number-one focus in 2010, and that’s why I’m calling for a new jobs bill tonight.” “I’m proposing that we take $30 billion of the money Wall Street banks have repaid and use it to help community banks give small businesses the credit they need to stay afloat... I’m also proposing a new small business tax credit— one that will go to over one million small businesses who hire new workers or raise wages... While we’re at it, let’s also eliminate all capital gains taxes on small business investment, and provide a tax incentive for all large businesses and all small businesses to invest in new plants and equipment...”

A recent SBA report observed, “Over the past 15 years, small businesses have accounted for about 65 percent of the private-sector net job creation.” 64 percent of the jobs lost in 2008 were due to cuts at small firms.

Early in February, the White House gave Congress small-business-oriented job-creation initiatives. On February 26th, a House committee considered the $30 Billion community-bank proposal. Unfortunately, Republicans painted it as another “bail-out,” claiming lenders aren’t lending because they “are uncertain about the changing regulatory environment.” Since then the proposal has languished in Congress. (Although, on April 16th, the Small Business Administration got an $80 million extension of its popular small business loan program.) In his April 27th town-hall Meeting in Ottumwa, Iowa President Obama said, “One of our proposals is to have some of [the repaid bailout] money used to help get small business loans out... this is really a top priority for our administration.”

On April 18th, President Obama signed a $38 billion jobs bill with multiple job-creation provisions: “businesses that hire anyone who has been out of work for at least 60 days would be exempt from paying the 6.2% Social Security payroll tax on that

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employee through December… Employers would get an additional $1,000 credit for each new worker remaining on the job for a full year.”

In his 2011 budget the President proposed to eliminate capital gains taxes for small businesses under common-sense conditions.

There’s divided opinion about whether additional Federal action is necessary. While most observers believe a “credit crunch” is inhibiting banks from the small business lending essential for robust job-creation, some feel the general market recovery will resolve this problem. Writing in a recent KIPLINGER LETTER, economist Richard DeKaser predicts the end of the credit crunch: “Business access to bank loans is poised to improve as lenders get losses under control and upgrade their economic outlook.”

Other observers disagree. They believe the Federal Government needs to pass a massive jobs bill. Economist Robert Reich calls for “At least another $300 billion in stimulus money… Some should go to the states and cities to restore cuts; some should be applied to the nation’s crumbling infrastructure; a portion should go to direct hiring (a new WPA).”

At this writing, it appears that the Obama Administration is about to score an impressive victory with the passage of meaningful financial reform. To solve the jobs problem the White House should seize on this momentum and cajole Congress to pass the $30 Billion community-bank initiative.

Bob Burnett is a Berkeley writer. He can be reached at bobburnett@comcast.net

SENIOR POWER: Meet some not-young members of the community.

By Helen Ripper Wheeler
Thu Apr 29 23:34:00 -0700 2010

Part 2: “…go with the flow.”

Eighty-three year old Lawrence J. Phillips rents a “studio” in a Berkeley Section 8 project. (HUD subsidizes low-income seniors’ and disabled persons’ rents via the Section 8 program.) Born and raised in Iowa, Larry had a year of college. He feels secure in the streets of his community “most of the time.”

His hearing and eyesight “could be better,” and he takes several prescription meds and uses the Veterans Administration health service. Larry serves on the North Berkeley Senior Center Advisory Council. He would like to see trips scheduled by the Center to the new Catholic Cathedral in Oakland, the Fox Theater and whale watching, also an Italian class.

Asked, whether he has ever attended a Berkeley Commission on Aging meeting, Larry replies, “No, what do they do?” He is a member of the Peace and Freedom Party. Before retirement, he worked for an insurance company. He uses the central public library. Larry has been “a Kaiser patient for many years,” History is his preferred subject, currently reading R.R. Tolkien’s The Legend of Sigurd and Gudrun.

+++ Berkeley resident Ying Lee has been a Kaiser patient for many years. She has an advance health care directive. She does not attend senior centers, uses the YMCA gym. When asked if she smokes, her response suggested that she once did but “gave it up.” She takes one prescription med and never took estrogen. She experienced a recent fracture, and has begun calcium and Vitamin D. Her main health problems are “hearing, fading eyesight and arthritic fingers.” Two years ago she fainted twice while driving. Now without car, she uses buses but not taxi scrip.

Seventy-eight year old Ying Lee is a former member of the Berkeley Public Library board of trustees, although she borrows books from the University library. Her family consists of 2 children and a grandchild. Before retirement 10 years ago, she was employed as Barbara Lee’s legislative director. When asked about current volunteer work, she mentioned her concern for “peace and social justice issues”.

Ying Lee’s favorite TV programs are Bill Moyers, Frontline, Nova, POV, Boston Legal, and Justice. (“Justice: What’s The Right Thing to Do?” is on PBS KRCB Channel 22, taught by Harvard Professor Michael Sandel. Euthanasia is among the “issues” he considers. The entire series is available on the web.)

+++ Avis Worthington is a well known Gray Panther; she edits and writes the Berkeley chapter’s newsletter. She is 78 years old and has been “going to Kaiser” for 30 years, with “a little time off when… got divorced.” Yes, she has an advance health care directive. Her main problem is eyesight—macular degeneration, with cataract surgery in the offing. Still, she identified arthritis as her main health problem. When I asked about what she would do if she were alone and fell, she acknowledged that would be a problem. She recognizes the considerable difference between a rental that is ‘low income housing’ and one that is considered “affordable housing.”

She’s from Wisconsin. Earned her B.A. degree in art history at the University of Illinois and M.A. in writing at San Francisco State. Avis drives her own car, but does not have a disabled person’s placard. My question prompted her intention to look into it! [It’s free. The application form is at http://www.dmv.ca.gov/forms/reg/reg195.pdf ]

Not surprising that she uses a Mac--pre-retirement she was a writer. She attends the North Berkeley Senior Center and is an AARP and Wellstone Democrats member. She doesn’t use the public library, preferring to buy books and donate them. Her favorite TV programs are Monk and CSpan.

+++ Through thick and thin, 83-year old Jocelyn Ferguson is ready, willing and able, although getting her to discuss herself wasn’t easy. Joy was born in Trinidad and has completed university-level education. Before retirement, she was employed as a travel agent. When asked how ‘your’ senior center may have changed, her response was so Joy: “It offers a wide selection of Trips, Classes and Programs. There have been some changes with New Management, but this is bound to happen – there are changes every day in normal living, and we must be able to go with the flow.”

For years, Joy has been caring for the flower beds in front of the North Berkeley Senior Center as well as tending her personal Strawberry Creek Lodge garden patch. She innovated, and is responsible for the Center’s Friday after-lunch opera video series. She is a Gray Panther who prefers mystery novels -- currently reading Lynda LaPlante’s Above Suspicion -- and publications about opera. Movies that are “oldies,” like Turner Classics, appeal to her. She enjoys Hallmark and BBC Chanel 4 News. She has a pc and email.

Not as “active as I used to be, and don’t attend many meetings anymore.”

Joy’s main health problems are hypertension and asthma (she does not smoke). Hearing and eyesight are both good; arthritis is treated with aspirin and Icy Hot. She uses the Over 60 Health Center and does not have
a power of attorney or advance health care directive. She is “not sure” of the difference between a nursing home and assisted living and was unaware of the Elmwood Nursing Home scandal in the news in March.

Lucky Joy’s response is “Don’t have one,” when asked what is or has been her main housing problem, and she feels secure in her community. She lives alone in a Section 8 unit, and has family nearby. She screens incoming phone calls “most of the time.” Asked about her main transportation problem, again: “Don’t have one.” Joy manages her transportation with a formulation of automobile, taxi scrip, and bus.

For your consideration:

CALL TO CONFIRM these May 2010 meetings of interest to senior citizens:

When: Tuesday, May 4. Noon-1 PM
What: Brown Bag meeting on public policy issues.
Where: 1247 Marin Av., Albany branch, Alameda County library, Edith Stone Room
Details: League of Women Voters-sponsored. Public is invited
For more information: Ronnie Davis (510) 526-3720 x16 rdavis@aclibrary.org

When: Wednesday, May 5.
What: CINCO DE MAYO special lunch. Reserve by May 3. ($8.00)
Where: Emeryville Senior Center, 4321 Salem St.
Details: Emeryville Senior Center programs, facilities, and services are for adults 50 years old+ who have completed a free membership application.
For more info: (510) 596-3730.

When: Wednesdays, May 5, 12, 19, 26. Noon-1 PM
What: Play Readers at Central
Where: Berkeley Public Library, 2090 Kittredge. 4th floor Story Room
Details: Adults read aloud from great plays, changing parts frequently.
For more info: (510) 981-6241

When: Wednesday, May 5. 6-8 P.M.
What: Lawyer in the Library.

When: 1247 Marin Av., Albany branch, Alameda County library
Details: Free 15 minute consultation with an attorney. Advance registration required;
For more information: Sign up at the Reference desk or call (510) 526-3720 ext. 5.

When: Thursday, May 6. 1:30-3 P.M.
What: “Seniors: Making Daily Activities Easier”
Where: Albany Library, 1247 Marin AV.
Details: Alameda County Library’s Karen Marshall demonstrates and discusses “Simple and Easy Gadgets & Other Devices.”
For more information: (510)745-1499, 526-3720. seniors@aclibrary.org

When: Thursdays, May 6, 13,20, 27. 10-11 A.M.
What: Computers for Beginners at Central
Where: Berkeley Public Library, 2090 Kittredge
Details: Free, drop-in-classes - Self-Paced. Learn how to use the mouse and the keyboard, set up e-mail, and search the internet.
For more information: (510) 981-6148

When: Tuesday, May 11. 7-9 P.M.
What: Second Tuesdays Poetry Reading and Open Mic
Where: 1247 Marin Av., Albany Branch, Alameda County Library.
Details: Free.
For more info: Vivian Jaquette (510) 526-3720 x20. vjaquette@aclibrary.org

When: Saturday, May 15. 11am – 12 noon
What: Landlord/Tenant Counseling at Central
Where: Berkeley Public Library, 2090 Kittredge. 2nd Floor - Berkeley History Room
Details:Berkeley Rent Board housing counselors offer free, one-on-one counseling
When: Wednesday, May 26. 1:30 PM – 2:30 PM
What: Great Books Discussion: Frankenstein by Mary Wollstonecraft Shelley.
Where: 1247 Marin Av., Albany Branch, Alameda County Library.
Details: Lively discussion of selected Great Books, led by Rosalie Gonzales.
For more information: Ronnie Davis (510) 526-3720 x16 david@aclibrary.org.

When: Thursday, May 27. 12:30-3 P.M.
What: Older Americans Month High Tea.

ENTERTAINMENT.

Where: Albany Senior Center, 846 Masonic Av.
Details: $4.00 per person includes light lunch and tea. Reserve a table.
For more information: (510) 524-9122
Helen Rippler Wheeler can be reached at pen136@dslextreme.com
No email attachments; use “Senior Power” for subject.

WILD NEIGHBORS: The Koa’e ‘Ula Hula

By Joe Eaton
Thu Apr 29 14:40:00 -0700 2010

Ron Sullivan

Pair of wedge-tailed shearwaters at nest site.

Ron Sullivan
Red-footed booby returning to nesting colony.

Ron Sullivan
Red-tailed tropicbird at Kilauea National Wildlife Refuge.
Kaua‘i is an extraordinary place to see seabirds. Kilauea National Wildlife Refuge on the North Shore hosts nesting Laysan albatrosses, red-footed boobies, and wedge-tailed shearwaters. The boobies occupy a wooded slope above the ocean; we watched them bringing in twigs as nesting material. The albatrosses, mostly unpaired adolescents and supersized chicks, use a nearby hill. Almost literally underfoot, the shearwaters had excavated burrows right at the edge of a paved path. Great frigatebirds, long-winged piratical creatures, nest elsewhere but come to Kilauea to steal fish from the hapless boobies.

With all that, I’d have to say that our most memorable seabird encounters involved tropicbirds. Two species breed in the Hawaiian Islands, the white-tailed (koa‘e kea in Hawai‘ian) and the red-tailed (koa‘e ‘ula). Tropicbirds are sleek, long-winged birds, somewhat like terns in appearance except for the pair of elongated feathers that extend from their tails. As you would expect, these streamers are red in the red-tailed tropicbird and usually white in the white-tailed, although we saw one individual white-tail with salmon-pink streamers. The red-tail’s feathers were used in traditional Hawaiian regalia.

Although we saw red-tails only at Kilauea, we ran into at least a white-tailed tropicbird or two almost every day: in Waimea Canyon, near Po‘i’pu on the South Shore, at Wailua and ‘Opaeka‘a falls on the Kaua‘i east side. We watched them gliding above the Pu‘u Kila Kaua‘i refuge: a half-dozen birds facing the wind, and in some cases leaping into the air, about fifty feet, to drop back with a great whooshing sound of the boatswain’s whistle.

The two species have different nesting habitat preferences. Red-tails lay their single egg under concealing vegetation on flat clifftops overlooking the sea. White-tails use crevices in inland canyons, often near waterfalls. Twice we watched a white-tail spiral down toward a cliff face and suddenly disappear into an undetectable cavity in the rock wall. These birds also nest on the rims of the still-active craters of the other Kilauea on the Big Island, about as predator-proof a site as you can imagine.

Both sexes incubate the single egg. Depending on site availability, red-tails can be loosely colonial, but they are far from neighborly.

Harrison says they have vicious tempers. Nestlings are sometimes killed during territorial battles between adjacent pairs. White-tail nests are more dispersed, and much harder for biologists to reach.

A cultural sidebar: the annual Merrie Monarch hula competition took place at Hilo on the Big Island while we were on Kaua‘i. (The monarch in question: King David Kalakaua, who helped rehabilitate the hula after its suppression by missionaries.) The winning group this year, Ke Kai O Kahiki, performed a tropicbird-inspired routine including a jumping move called kenapulu that evoked the birds’ diving maneuvers. You can see it on YouTube.

They did not, however, try to imitate the backward-circling dance of the red-tailed tropicbird. That’s something I would happily pay to see.


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and twisting to capture flyingfish, squid, mackerel scad, and sauries, or to evade a pursuing frigatebird. Red-tailed tropicbirds can pick off flyingfish on the wing.

Tropicbird courtship is aerobic. We did not get to see the courtship flight of the white-tailed tropicbird, in which a pair glides in tandem, the male’s tail streamers touching the female’s back. However, we caught the red-tails’ performance at the Kilauea refuge: a half-dozen birds facing into the wind and back-pedaling so as to leapfrog their neighbors. This is accompanied by the strident vocalizations that led sailors to call them bosun birds, for the sound of the boatswain’s whistle.

The ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.”

Judit clearly lays out overlapping theses: that the general health and contentment of
a society is based less on the total wealth of that society than on the spread of that wealth being “not too unequal.” The history of Western Europe, of England, and of the United States, he says, shows the broader sharing of wealth starting in the late 19th century and reaching a peak in the social legislation of the 1930s Depression, this “less unequal” arrangement holding until the 1970s. “Over the past thirty years we have thrown all this away,” retaining somewhat more of it in Europe, less in Thatcher/Blair England, and much less in America, from Reagan to Bush.

Judit takes the old saying about those who don’t know their history being condemned to repeat it, and adds a dimension: those who have forgotten or never lived through the pre-New Deal to Great Society years, have no idea how grim life was for most people before Social Security, unemployment insurance, government mandated safety laws in industry, etc etc. We should, he says, be fiercely fighting to protect social legislation and government regulatory powers, resisting “privatization” and shouts of “socialism,” used as a synonym for some sinister plot against “freedom.” The very real danger is that we will lose what we have by taking it for granted, by lack of memory, lack of experience, and through sheer lack of imagination. Judt takes upon himself, in what must be a final statement, the work of explaining, reminding, laying out the dimming facts, the short history of nations moving toward becoming “good societies,” bequeathing to a couple of generations, “security, prosperity, social services, and greater equality.” Far from being “socialism,” this good society, was necessarily mixed: “social democracy was always a mongrel politics.”

He offers a vivid but simple metaphor for this mixture. “Imagine a classic railway station (one of those) cathedrals of modern life.” Enterprises like newsstands, shops, or coffee bars in and near the station are best run by private enterprise, competing and surviving according to the quality of their goods and service. “But you cannot run trains competitively by placing two trains on a track and waiting to see which performs the best. Efficient” public schools would expel slow learners with special needs; “efficient” public libraries would buy only the few vapid best-sellers read by the most people.

(If all this should seem to be obvious and clear to everyone, don’t forget one example of present confusion that Judt didn’t need to cite, the mostly sadly hilarious and widely quoted objection to universal health care: “The government should keep hands off my Medicare!” Hello?)

This is a hard book to review because of the temptation to quote from page after page of his compressed but simple, clear explanation. At one moment I decide I am learning something new by reading it; a moment later, I am rereading one page or another, admiring the connections he makes that help me to more deeply understand and affirm what I “know.”

So just buy the book, or insist that your library buy it, read it, then pass it on to one of the young people Tony Judt wants to reach before he dies.


SEAGULL SOARS AT SHOTGUN –See it by Sunday!
by John A. McMullen II
Thu Apr 29 22:54:00 -0700 2010

Trish Mulholland.

A century ago, theatre changed. The first “modern” play was The Seagull by Anton Chekhov. The usual theater fare then was melodrama which was considered to be high art. The Seagull was people just talking, expressing their innermost longings, mired in incontrovertible conflicts of the heart, and locked in a “union of opposites.” When it opened in St. Petersburg, the audience response was hostile. The actress playing Nina was so frightened that she lost her voice mid-performance, and Chekhov hid backstage after the first act. But fellow playwright and producer Nemirovich-Danchenko saw the play’s potential and three years later in 1898 convinced C. Stanislavski to direct it for their Moscow Art Theatre. The rest is history. The MAT brought its work to NYC in the ‘20’s, the crowd gasped when actors just behaved and engaged in such startling and ground-breaking staging as turning their back on the audience while conversing. It overwhelmed the audience with a naturalism that set a new tone and mode which would be the forefather of film acting. The crest of the Moscow Art Theatre still bears a seagull.

Many famous playwrights since have had a shot at adapting this seminal play, among them The Notebook of Trigorin in 1981 by Tennessee Williams (who said The Seagull was his inspiration to write plays), Tom Stoppard in 1997, and now Emily Mann with her SEAGULL IN THE HAMPTONS now playing at Shotgun Players at their Ashby Stage home.

Taking Ms. Mann’s wholly accessible work, Reid Davis has directed a seamless, marvelously cast version. Ms. Mann has set in a familiar yet parallel place where actors and writers still might keep a summer house. She spices it with recognizable references (Meryl Streep, Peter Brooks, Judy Dench, New Yorker cartoons, Red Bull fueled pre-show nerves, boom-boxes) and adapts the dialogue to post-post-modern phrasing which is much closer to the subtext of the original lines, and thereby suits this pseudo-modern century’s more candid, “out-there” parlance. Reid Davis wisely cast the actors and each fulfills the well-written roles of fully-formed, compelling portraits of recognizable characters and their motivations regardless of the size of their role. It’s a play about relationships—and even a touch of the “Gossip Girl” soap opera with so many dalliances between the characters—but full of philosophical and psychological insight. I attended Wednesday last, late in the run. It has played to very positive reviews; after seasoning through weeks of performance, it soared.

Chekhov has had a bum rap as being boring. It’s hard to read. The problem has been the clunky translations by academics using formal language that betrayed the conversational tone, the foreign and complicated Russian names that are hard to keep track of, and the directing of it as a “holy theatre” dramatic piece rather than the comedy that Chekhov specifies it to be. The play rides the line between satire and comedy; it makes
fun of art-obsessed theatre people, writers and their minions while contrasting them to regular hardscrabble folks who work for a living yet live in awe of the superstars. It masterfully invokes the ironic mode in which we don’t want to be those people and we stand outside the fray and laugh at them; then at other times in the empathetic mode, we walk in their shoes and our hearts go out to them. Emily Mann reveals, “If I see another one of these Seagulls that doesn’t get a laugh and everyone’s in a corset, I’m going to scream. Chekhov was a stage rat. He knew what a funny line was. He knew actors. He understood what would and wouldn’t work on stage. He understood the humor in everyday misery….” (Read her entire interview at http://www.mccarter.org/Education/seagull/html/6.html)

The maker and shaker of this little world is the Queen Bee middle-aged actress Maria (Irina Arkadina in Chekhov). Trish Mulholand is the perfect technicolor diva with moods turning on a dime; if Maria weren’t an actress, we would call her bipolar with a narcissistic personality disorder. She is the materfamilias, the provider who bounces from stingy to beneficent, and the ultimate “cougar” in ringlets who plans never to age. I foresee an award for this performance; it would be worth it to go just to see her dominate everyone including her younger lover who she straddles and browbeats with her mercurial moods and mind-games.

Kelsey Ventner plays the giddy, over-protected, star-struck Nina with wonderful physical expressiveness, movingly nubile in her sun dress. All the men drool, and she is irresistible with her innocence. The Greeks, who had a word for every dramatic device, used the term “pharmakos” for the sacrificial lamb which “a man passing by, for want of anything better to do, destroys,” and she personifies that archetype. The fishing-hole scene with the writer Philip (Trigorin) is a dance of mutual moths to mutual flames. The director’s choreography in this and the countless arrivals and departures of the large cast goes unnoticed in its artistry unless you’re looking for it, which is high praise.

Brooding, abandoned Alex — Chekhov’s Treplev the son—is played by Liam Callister with an appropriately inherited manic-depressive temperament as a cautionary character out of Columbine High who seems to be a danger to himself or others. His apple-cheeked countenance and little boy haircut plays in counterpart to his radical alienation and melancholy. His strange, symbolist monologue about Creation and Apocalypse are more relevant today than in 1898, since we now know about the Big Bang, tectonic plate movement, entropy, evolution, and global warming.

There are great moments throughout, from the pre-show “turn off your cell” announcement done in character by the Caretaker Lorenzo played by Mark Manske and his Wife Paula played by Beth Dietchman who interrupt one another like any contemporaneous bickering couple. There is a moment between Harold (Medvedenko in Chekhov) played by with nerdy aplomb by Andy Alabran who worships Milly (Masha in Chekhov) who rejects him for the unrequited love of Alex. He is eating vanilla wafers, and puts one on her thigh for her; she brushes it away, wasting food and insulting his offer; he puts another, again brushed away, and another, until she relents and eats one—it serves as a foreshadowing metaphor in dumb-show for the way he wears her down to eventually giving in to him.

Philip (Trigorin the writer) is played with 30-year-old charm and reserve by Alex Moggridge. At 30-ish, you can still hit on 18-year-olds while you have a sugar-mama. His confession about his obsession with writing—and the old artist’s dilemma they joke about that, no matter how tragic or desperate the situation, there is a little voice in the back of the head saying, “Remember this; you can use it.”—is Chekhov’s personalized perspective. Moggridge takes us through the convoluted thought-process of the monologue without missing a beat or an implication. Chekhov put himself into the work through Philip/Trigorin the obsessed writer as well as through the doctor, here called Ben (Dr. Dorn in Chekhov), a Silver Mercer whose dialect and manner set him apart in this role and keeps him outside the fray.

Robert Broadfoot’s set of a sandy beach L-shaped dock with sunken piers and two platforms behind provide a playful platea for summer sunning under a Tommy Bahama beach umbrella and the outdoor stage where the theatrical conflict begins. The entire stage is framed by the receding wooden arches of the old church. The addition of rattan furniture takes us inside for more summer behind-closed-doors drama. By reconfiguring and covering the furniture, we enter a dark living room and move to winter. Backed by a hanging beachescape panoramic painting which lighting designer Matthew Royce uses to bounce light off of to truly transport us to the beach in the various seasons (sky light that this East Coast boy remembers well). This production is a model of collaboration, and the smooth and motivated scene changes are an object lesson for all incipient directors. Sound designer Erik Pearson’s quirky, invocative choices of entr’acte music (Sinatra’s “Summer Wind” to “I Pagliacci”) serves as tongue-in-cheek commentary while setting the mood.

Easy summer wear of plaid or white Bermuda shorts and other classy beachwear allows us to relax into the naturalism of the play but costumer Victoria Livingston Hall has some real fun with Uncle Nicky’s (Sorin) blue blazer, white trousers, pink necktie and deck shoes for the closeted gay portrayal done so deftly by Richard Louis James (Nicholas/Sorin); the outfit could be out of Noel Coward or “La Cage aux Folles.” Her costuming of Anna Ishida (Milly/Masha) in dark clothes and Doc Marten boots provides inspiration for the actress’s spirited and transforming portrayal of a rebellious, defensive, antsy, cigarette-smoking, alcohol-abusing petulant Gotham teenager with a crush on all artists, who in Act Two turns into an alcohol-abusing, burdened, husband-loatching wife who settled for second-best. Little touches like simple ripped jeans for the penniless Alex, then a hooded sweatshirt for a quick scene of rejection of his mother and her lover evokes Hamlet’s “too much in the sun/son” moment—the original play is rife with Hamlet quotes and parallel—or at minimum reminds us of the Unibomber.

Emily Mann had two hits here in the 80’s: Still Life about coming home from Viet Nam which won six Obies, and Execution of Justice about the People vs. Dan White that the old Eureka Theater commissioned. SEAGULL AT THE HAMPTONS premiered with her directing her own work at the McCarter Theater Center in Princeton, New Jersey, in 2008 where she is artistic director, and has adapted three other Chekhov favorite.

A word about the theater experience at Shotgun: Shotgun is hip and friendly. As you walk up to it, it reaches out to meet you with ever-changing painted info on the outside wall and a real, old-time marquee outlined in light bulbs that you expect to starting “chasing.” Box officer Jonathan Kreuze greeted us at the door attired in red shirt, black tie
and jacket and snappy straw porkpie hat. Jonathan is genuinely gregarious, and was welcoming two older subscribers, bestowing free tickets for champagne and logo-ed water bottles to them. The lobby and entrance walls are painted a happy burnt umber; you walk down a little labyrinth (a short reorienting trip to the Magical Realm) to an open theater that used to be a church where you sit in pews. You can buy hard liquor and take it to your seat just like in British theaters. The staff is authentically amiable in a relaxed way, and there are almost no hard edges to the experience. The only drawback is that the pews have no cushions on the back—an easily fixed yet heretofore seemingly overlooked situation that older attendees have complained of. Most theater audiences are of an age when this discomfort conflicts with their enjoyment of the production, so I hope they fix it soon.

SEAGULL IN THE HAMPTONS
Presented by Shotgun Players, Patrick Dooley, artistic director
At Ashby Stage, 1901 Ashby Ave., Berkeley (at Martin Luther King Jr. Way) across from Ashby BART station.
Final three showings Fri 4/30 & Sat 5/1 at 8 pm and Sun 5/2 at 5 pm.
Run Time: Two hours and ten minutes including the intermission
Tickets/info www.shotgunplayers.org or 510-841-6500 ext. 303.

Written by Emily Mann. Directed by Reid Davis; sets by Robert Broadfoot, costumes by Victoria Livingston Hall, lighting by Matthew Royce, sound by Erik Pearson, properties by Adriane Roberts, dramaturgy by Karl Soehnlein.

WITH (Chekhovian counterparts roles added): Andy Alabran (Harold/Medvedenho), Liam Callister (Alex/Treplevy), Beth Deitchman (Paula/Polina), Anna Ishida (Milly/Masha), Richard Louis James (Nicholas/Sorin), Mark Manske (Lorenzo/Shamrayev), John Mercer (Ben/Dorn), Alex Moggridge (Philip/Trigorin), Trish Mulholland (Maria/Irina Arkadina), Kelsey Venter (Nina).

*Members of Actors’ Equity

John A. McMullen II is a local reviewer, teacher and director. You can reach him at EyeFromTheAisle@gmail.com

Home & Garden
Bringing back the Natives Garden Tour this Sunday
By Steven Finacom
Thu Apr 29 14:47:00 -0700 2010

Spring showers will give way to local, native, wildflowers this weekend as a number of local homeowners invite the public into their gardens.

This Sunday is the 6th Annual Bringing Back the Natives Garden Tour, featuring several Berkeley and Berkeley-area gardens.

The focus of the free tour is, as the name implies, growing California native species in the home garden. The gardens typically range from those of native purists—who don’t water, and exclude all introduced species—to gardens where native and drought-tolerant species predominate but also harmonize with other plantings.

Some are designed by professionals, others homemade and homegrown. They range from a few hundred square feet in the flatlands to extensive and complex properties in the Berkeley hills.

Berkeley sites include the Fleming Garden on Shasta Road, where the owners began gardening with natives in the 1950s and have created a spectacular hillside native enclave above an artificial stream, and swimming pool.

The tour brochure describes it as “the leading native plant garden in private ownership in California” and, having visited before, I can tell you it’s a sight to see. There’s a front yard grove of native trees with a shady wall covered with native ferns; around the back of the house a switchback path climbs an artfully gardened slope into the sun and Bay views.

The garden of Glen Schneider on California Street is also a tour regular. It’s intended to be “reminiscent of what the Berkeley flats might have looked like prior to the arrival of Europeans” and is planted with only native species gathered by seed or cutting within the sun and Bay views.

The garden of Glen Schneider on California Street is also a tour regular. It’s intended to be “reminiscent of what the Berkeley flats might have looked like prior to the arrival of Europeans” and is planted with only native species gathered by seed or cutting within the sun and Bay views.

The annual tour is sponsored by the Berkeley Architectural Heritage Association (BAHA) House Tour which this year also takes place on Sunday the 2nd. I’m going to the House Tour which is in the afternoon and features nine spectacular Julia Morgan homes. However, I’ve learned from experience of past years that it’s possible to visit at least two or three of the local native gardens starting at 10:00 am and still get to the BAHA Tour in plenty of time. Both events can be enjoyed.

They include the ever-fascinating California Native Bee Garden (on the University of California’s Oxford Tract, just northwest of the campus), the Alameda Butterfly Habitat in a schoolyard, and the Native Here Nursery in Berkeley.

The tour runs from 10 am to 5 pm on Sunday, May 2. Children are allowed but must be “closely supervised”. Pets are not allowed.

It’s too late to order a tour brochure on line, but you can register in person on the morning of the tour and pick one up. You need a brochure to get the tour maps, detailed printed garden descriptions and locations, and tear-out tokens for admission.

The gardens are also extensively described, with some pictures, on the Bringing Back the Natives website, so you can take a look in advance for the ones that might be of most interest.

The tour is free—funded by government agency and private grants and donations—but this year the organizers have included a prominent appeal in the brochure asking attendees to consider voluntarily donating $10 minimum per person (for the whole tour, not each garden). There will be donation jars at the open gardens.

See bringingbackthenatives.net for more tour details.

Note: this tour always seems to conflict with the annual Berkeley Architectural Heritage Association (BAHA) House Tour which this year also takes place on Sunday the 2nd. I’m going to the House Tour which is in the afternoon and features nine spectacular Julia Morgan homes. However, I’ve learned from experience of past years that it’s possible to visit at least two or three of the local native gardens starting at 10:00 am and still get to the BAHA Tour in plenty of time. Both events can be enjoyed.

Steven Finacom is on the Board of the Berkeley Architectural Heritage Association, and has written for the Planet about numerous community, garden, and historic events.

)
The Berkeley Arts Festival will run for the entire month of May at 2121 Allston Way, the future home of the Judah L. Magnes Museum in downtown Berkeley. It is across the street from Cancun Taqueria and Gather. Donation $10

For the entire calendar see berkeleyartsfestival.com.

Adobe building event Sunday, May 2

By Steven Finacom
Thu Apr 29 19:37:00 -0700 2010

If you want to get dirt under your fingernails in a productive cause, there’s an opportunity this weekend.

It’s “Kassa-The First Annual Urban Adobe Festival”. A organization dedicated to building with natural materials—including Adobe brick—has put together the festive event, which includes food and music, to create a supply of adobe bricks for building projects later in the year.

The event is sponsored by Vertical Clay, a “natural building company and school” based in the East Bay.

Sunday’s event is modeled on age-old gatherings in West African villages. “Making adobes is something best done in a group, and a group is happier when there is music”, the organizers say on the Vertical Clay website.

“The Malinke people know this better than anybody; kassa in their tradition is a ritual, very energetic, interchange between work and music…we are borrowing loosely from their tradition to throw an adobe party! Come help us celebrate.”

Anyone is welcome to show up, says Sasha Rabin, one of the leaders of Vertical Clay. Children are welcome, and people can come for as short or as long as they wish. The activity is free. It runs from 12 noon to 5 pm on Sunday, May 2.

The organizers suggest that people wear work clothes—it’s working by hand with clay, after all. Attendees are also encouraged to bring food to share.

If you’re interested in going, the event is at 2314 Howe Street in Berkeley. Howe is a one block long street, running between Telegraph and Ellsworth in south central Berkeley. It enters the west side of Telegraph just north of Ashby.

The activities will also connect through the back yard to the large Chevron service station parking lot at the northwest corner of Telegraph and Ellsworth. The event is a one block long street, running between Telegraph and Ellsworth in south central Berkeley. It enters the west side of Telegraph just north of Ashby.

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Ashby and Telegraph.  

Vertical Clay does both building projects and teaches hands-on classes in the use of natural building materials—“adobe, cob, earthenbag/superadobe, straw-clay, clay wattle, wattle-and-daub, earth and lime plasters, earthen floors, and certain kinds of bamboo and strawbale construction.”

They’ve worked with the B-Tech Academy at Berkeley High School to build a cob oven. In El Sobrante they’re involved with “Villa Sobrante,” a project that is retrofitting a 1940s house with natural building techniques and experimenting with various construction techniques for outbuildings on the 1/3 acre property.

Raw materials for the Berkeley event will come from El Sobrante.  

This is the First Annual building event. Will there be more? “Our idea is to continue the event every year in the East Bay at different sites,” Rabin says.

This Sunday, says Rabin, they hope to construct about 300 building blocks. They’ll be earmarked for construction of a courtyard and garden wall at another site.

See the Vertical Clay website for more about Sunday’s event, and about classes and on-going activities.

You can also call (928) 243-2243 for more information, and see the Villa Sobrante blog.

**Wine and Chocolate at Community Garden on Saturday**

*By Steven Finacom  
*Thu Apr 29 19:56:00 -0700 2010*

Any old messiah can turn water into wine. But wine into water? That takes a community effort.

This Saturday, May 1, the Friends of the Kenney Cottage Garden group is holding a wine event at their garden on Fifth Street in West Berkeley. Several vintages and varieties of donated wine, chocolate, cheese, and other snacks will be available.

A modest $10 donation requested from each attendee will help the group hook up a connection to East Bay MUD water — thus the theme.

The event runs from 2:30 to 6:30 pm at 1629 Fifth Street, just north of Virginia. The location is just around the corner from trendy Fourth Street.

Drop by any time, have some refreshment, view the evolving gardens and talk to the community gardeners. A plant nursery, cisterns, and garden beds are up.

The garden — on a block of Victorian homes and light industrial uses — is turning into a rare community oasis in a neighborhood with few open spaces and public facilities.

The Fifth Street lot, currently owned by the City of Berkeley Redevelopment Agency and leased to the Northern California Land Trust, is planned for a permanent community garden and is also the proposed site of the historic Elizabeth Kenney Cottage.

In conjunction with the garden effort, the NCLT, Berkeley Architectural Heritage Association, and FKCOG — all non-profit groups — are working to raise funds and plan to bring the one story 1880s wooden dwelling to the front of the lot.

The Cottage is the oldest building surviving from early Downtown Berkeley (it once stood on Addison, below Oxford) and is a unique, prefabricated, structure designed and manufactured in Berkeley. It’s currently on a temporary University Avenue site.

The three groups hope to bring it home to West Berkeley where it would be refurbished, in the midst of the community garden, as a neighborhood community and arts center.

You can find more information on the garden project at kfgc.org.

(Steven Finacom is on the Board of Berkeley Architectural Heritage and is involved with the fundraising effort for the Kenney Cottage).

**Arts & Events Calendars**

**CLASSICAL MUSIC-EAST BAY THROUGH MAY 9**

*Fri Apr 30 11:01:00 -0700 2010*

**BERKELEY ART MUSEUM AND PACIFIC FILM ARCHIVE**

“Soul’s Light,” May 9, 3 p.m. Program features works by Rossi, Barber, Whitacre and others. $8. (415) 331-5544.

2626 Bancroft Way, Berkeley. <

**FIRST CONGREGATIONAL CHURCH OF BERKELEY**

“Sea to Shining Sea,” May 6, 8 p.m. Program features works by Barber, Bolcom and Copland. $32-$54. (415) 357-1111.


**HERTZ HALL AT THE UNIVERSITY OF CALIFORNIA, BERKELEY --**

May 4: University Baroque Ensemble performs works by Bach, Vivaldi, Telemann and Charpentier.

May 5: Chamberbridge performs new works by American and Swiss composers.

“A Symphony of Psalms,” May 1, 8 p.m. Program features works by Stravinsky, Britten, Rachmaninoff and Part. $5-$15.

University Symphony Orchestra, May 7 through May 8, 8 p.m. David Mines conducts a program featuring works by Schumann and Shostakovich. $5-$15. (510) 642-9988.


**ST. DAVID OF WALES CHURCH --**


**ST. JOSEPH THE WORKER CHURCH --**

“J.S. Bach in B Minor,” May 8 through May 9, Saturday, 8 p.m.; Sunday, 4:30 p.m. The Berkeley Community Chorus and Orchestra presents this celebrated work. 1640 Addison St., Berkeley. (510) 843-2730, www.stjtwc.org.<

**ST. MARK’S EPISCOPAL CHURCH OF BERKELEY**