What’s News in Berkeley? More Than You Might Think

By Becky O’Malley

The big news last week was the relatively restrained reaction to an L.A. jury’s verdict that Johannes Mehserle was guilty of involuntary manslaughter in the shooting of Oscar Grant. Be sure not to miss the many fine pieces which appear as “Extras” in last week’s Planet, which covered it in depth, on the theory that the Berkeley Bubble is not an island unto itself. We hope to cover, as well as we’re able, significant stories like this one which affect the whole urban East Bay, both Berkeley and beyond.

Oscar Grant was a Hayward resident, and the policeman who shot him worked for the Bay Area Rapid Transit district, commonly known as BART, a regional agency which includes Berkeley—it just happened that the initial outraged reaction to the shooting manifested itself in Oakland, many of whose citizens, like Oscar Grant, are African-Americans. Many Berkeleyans and other people of conscience from all over the Bay Area took part in last week’s demonstrations. Among those few who were arrested for intemperate behavior, 75% were from outside Oakland, some perhaps even from Berkeley.

Only the Chronicle, of all the various news sources I scanned online and in print, tried to hype the violence which played a role in the demonstrations. The tactic seems to have paid off, with sensational coverage in the Friday paper near or at the top of the paper’s “Most Read” list on Sunday. In other publications, and later in the Chronicle, equal time was eventually given to the overwhelming majority who demonstrated without rioting.

The recent phenomenon of hyper-local blogging, and blogging in general, added interesting depth and human interest to this story. The urban East Bay now has local bloggers too numerous to count, and many chimed in with details which contributed to providing a well-rounded picture of the full sweep of events.

Some hyper-locals outside of Oakland chose instead to say that “it’s not in our backyard”—to ignore the story altogether, and that’s a defensible choice. You can only do so much, particularly if you’re working for free on your own time, and it’s tempting to say that news stops at the city limits.
It’s hard to know where to stop, but arbitrary distinctions may be the easiest way for small time operators to maintain sanity. Unfortunately, sometimes news from other political jurisdictions spills over to adjacent areas.

This is particularly true in the increasingly tightly packed Bay Area. If Oakland gets a stay-away injunction against known gang members in North Oakland, they’re likely to move a few blocks across the border into South and West Berkeley. Safeway’s plans to exploit their real estate holdings to the max with major building expansions will impact Berkeley neighbors of their Solano Avenue store (in Albany) and their Claremont and College store (in Oakland).

Even stories which seem to be just Berkeley stories have to be considered in regional perspective. My first California journalism job thirty years ago was as “regional government reporter” for the Bay Guardian, back in the days when the whole thing—the Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC) and many more—when the whole alphabet soup which makes the rules and the deals about development in the Bay Area was able to fit into the basement of the Claremont Hotel.

These days, those agencies and the state government are most often the movers behind what seem on the surface to be local phenomena. Part of the push for building high rises in Berkeley comes from ABAG’s housing quota system.

The hot controversy over Berkeley’s downtown plan or lack thereof is fueled by true believers who would have you think that building pricey condos in Berkeley will protect farmland elsewhere. But an excellent piece by Susan Sward in Monday’s Bay Citizen spotlights threats to California’s Williamson Act, which has protected agricultural land by giving tax breaks to farmers in the Bay Area and elsewhere. No matter how many high-rises developers cram into Berkeley if the council majority has its way, loss of the Williamson Act will mean inevitable loss of open space at the margins—and a Berkeley-only focus won’t illuminate that point.

The fate of Berkeley’s Measure C is another story that goes beyond Berkeley. Many Berkeley residents swim by preference at the several fine pools in Albany and El Cerrito—I took my late father to the lovely Albany pool for water-based therapy after he had a stroke. It’s not surprising that some voters saw no need to maintain Berkeley pools.

On the other hand, since Berkeley has the only warm pool of its type in the urban East Bay, we’re providing a regional resource which is used by swimmers from several jurisdictions, and the cost should probably be shared by all. An intelligent approach to planning for public recreational facilities would be regional, not local, and coverage of Berkeley should reflect that possibility.

Even something as seemingly local as the Berkeley Unified School District’s concern about excessive drug use at Berkeley High crosses the city limits, as a recent BUSD report on the topic notes:

“Substance use and abuse is related to high-risk behaviors such as binge drinking, drinking and driving, violence, engaging in unprotected sex, and other negative behaviors that can ultimately lead to death. The use of alcohol and marijuana also impacts school performance, which compromises the opportunities for students to have healthy and successful adult lives. Unfortunately, this growing problem is one that BUSD and the City share with other cities in Alameda County, the state, and the nation.” [emphasis added].

Things haven’t changed much in this regard since my own kids, now with their own teenagers and pre-teens, were at Berkeley High in the late 70s. Students still cross the street into Provo Park to indulge in forbidden substances—only the name of the park has changed, to MLK Civic Center Park, and the substances are now grouped by bureaucrats under the name of ATODs. It’s still the case that no one in authority at Berkeley High seems to be able to keep track of who’s in class and who’s not—why this should still be the case is still not clear.

But districts to the north and south of Berkeley in the urban East Bay corridor report very similar problems, as do schools both public and private that I’m familiar with in San Francisco, Santa Cruz, and probably everywhere else in the state. Perspective, again, is important in order to avoid undue hysteria.

None of this is to say that light features with a local emphasis aren’t pleasant to read. Many readers, myself included, guiltily enjoy a bit of what’s sometimes unkindly referred to as Real Estate Porn, especially if it’s about grand properties open for view which are close enough for a Sunday stroll. Many Berkeleyans are caught up in the national foodquake which has its epicenter in Berkeley, and we like reading about local purveyors.

(A high school student whom I once hired to organize my excessive book collection set up a shelf of mixed cookbooks and health books labeled “Food: Pro and Con.” He grew up to become a critic.)

What’s great about this internet age for the consuming reader is that if you have the time you can have it all. You can see what oddities the national papers, especially the New York Times, perceive when they look at the Bay Area from the wrong end of the telescope. You can sign up for your super-extra-hyper-local neighborhood news source to learn that unsupervised toddlers break branches on delicate shrubs in the mini-park across the street. And everything in between is available to you on demand—it’s just a matter of learning how to use the bookmarks in your browser.

News

Cost of New Downtown Plan (so far): $1 Million

By Zelda Bronstein
Mon Jul 12 21:09:00 -0700 2010

In the nearly five years since the City of Berkeley started preparing a new plan for downtown, the actual costs of the planning process have never been publicized. On July 1, two days after the council voted 6-2-1 to place the “Green Vision for the Downtown” sponsored by Mayor Bates and Councilmembers Moore, Maio and Capitelli on the November 2010 ballot, the City’s Budget Office told this writer that since Fiscal Year 2006, the City has spent $939,760 on the still-to-be-formulated Downtown Area Plan. Of that sum, officials said, $651,827 has gone to the
planner who’s overseeing the project, Matt Taecker. Taecker was reportedly paid with funds the City received from UC as part of the secret 2005 agreement that settled the City’s lawsuit of the University over campus expansion. What remains unclear is whether these arrangements honor the terms of the settlement agreement, and how these two avowedly cash-strapped public entities have found a million dollars (and counting) between them to fund this project.

The details of the settlement agreement merit scrutiny, because the call for a new downtown plan originated with that contract, which was formulated and approved behind closed doors. Indeed, that call came as a shock to the community; the City’s lawsuit had said nothing about downtown. Nor had the general public been clamoring for a new downtown plan. It still isn’t, to judge by the 9,200 signatures gathered last summer on the petition to referend the council majority’s first stab at a Downtown Area Plan.

Facing a fight at the ballot, in February 2010 the council rescinded that proposal. Since then, it’s drafted two more, each one skimpier than the last. In fact, at the council’s June 29 meeting, City Attorney Zack Cowan opined that the five-page “Green Vision for the Downtown” (effort # 3) is not a plan at all but merely an advisory measure.

The settlement agreement stipulated that UC would “pay 50% of the City’s cost of preparing the DAP EIR [Downtown Area Plan Environmental Impact Report], up to a maximum amount of $250,000.” It also said that the City would “employ a minimum of one FTE land use planner for four (4) years.” To fund the preparation of the EIR, the City was authorized to draw up to $250,000 out of the campus’ annual (through 2020) payment to the City of $1.2 million, the latter sum to increase annually by 3%.

One caveat: Funds annually allocated for transportation demand management ($200,000) and neighborhood programs ($200,000) could not be touched. The agreement also allocated $200,000 annually to City sewer and storm drain infrastructure projects, and $600,000 annually to City fire and emergency equipment, capital improvements and training. (A 2004 study commissioned by the City found that UC annually used $5,760,000 worth of City fire and emergency services and $2,698,000 worth of City sewer/stormwater facilities.)

What’s perplexing, then, is that all these allocations add up to $1.2 million. In other words, unless the City was raiding the UC monies designated for the City’s sewers, storm drains and fire services, there would seem to have been nothing left to fund the preparation of the DAP EIR, except the paltry 3% annual increase on UC’s initial $1.2 million contribution.

Taecker has been paid $651,827—all of it, according to the Budget Office, from UC. But the settlement agreement stipulated that UC would pay a maximum of $250,000 to the planner overseeing the DAP EIR. It also said that the City would share equally in that planner’s compensation. Did UC end up paying it all? And by so doing, has UC paid 70% of the total costs of preparing a new plan for downtown Berkeley?

The settlement agreement stipulated that the City would hire a planner to work on the DAP for four years. Taecker was hired five years ago, in Fall 2005; he’s still on the City payroll. Most recently, he’s been paid out of funds provided by a grant from the Metropolitan Transportation Commission to implement the DAP. But there still is no DAP, and thus nothing to implement. So what’s he actually doing?

The answer seems to be that he’s working on the mayor’s ballot measure: On June 29, Taecker joined planning director Dan Marks at the staff table, as the council discussed the “Green Vision for the Downtown.” Isn’t it problematic that funds earmarked for DAP implementation are being used to pay for the preparation of a ballot measure?

Finally, the settlement agreement stipulates that if, due to “City action or inaction not caused by UC Berkeley’s failure to perform under this Agreement,” within 48 months of the agreement’s execution— which is to say, by May 2009—the new Downtown Area Plan [DAP] has not been adopted and its Environmental Impact Statement has not been certified, the University’s annual payment to the City will be reduced by $180,000 each year or $15,000 per month of delay, until certification of the EIR and adoption of the Plan. The agreement also stipulated that the deadline could be extended by mutual agreement of UC and the City.

When the city council launched the DAP planning process on September 27, 2005, the staff report acknowledged that “if the City fails to meet the [May 2009] target for completing the new plan and certifying its EIR, “the University will reduce its financial contributions to the City under the settlement agreement; however planning and environmental review may continue to completion.”

The City missed the May 2009 deadline. On June 2, 2009 the council extended the DAP/EIR deadline to July 15, 2009. On July 14, 2009 the council passed its now-rescinded, first edition of the DAP. Berkeley still lacks a new downtown plan, and the deadline has not been extended a second time.

Is that why the words “University of California” and “settlement agreement” appear nowhere in either the “Downtown Area Ballot Measure” or the accompanying July 13 staff report to the council? In keeping with the settlement agreement, has the University reduced its payments to the City? If so, by how much? Is UC now contributing anything to DAP preparation? If not, how does the City, which faces a $16.2 million deficit in Fiscal Year 2011, intend to fund the future downtown planning process?

The July 13 staff report on the “Downtown Area Ballot Measure” devotes two sentences to the measure’s fiscal impacts. We read that if the measure passes, “there will be significant follow-up efforts by staff to adopt a Downtown Area Plan and implementation measures,” and that “additional environmental review may be necessary, depending on the exact changes proposed in the final plan. Not a word about costs of such efforts or how they will be funded.

On July 1 and 2, I asked the City Budget Office to provide an itemized and annualized account of planning for downtown Berkeley since 2005. As of July 12, I had yet to receive that account.

Solar Financing Program
Invented in Berkeley, Now National, is In Trouble

By Thomas Lord
Sun Jul 11 16:42:00 -0700 2010

A plan that might sound like the work of those hooligans on Wall Street was in fact
invented by an employee of the City of Berkeley in cooperation with Renewable Funding LLC, an Oakland-based corporation that helped to design, administer, and fund the Berkeley FIRST solar installation project.

Conceptually, it’s a simple business model: issue loans to homeowners based on the value of their property, no deep credit check required. Combine those loans into pools and sell shares in those pools. The interest rates will be a bit high, so welcome borrowers who already have a lot of outstanding debt against their homes. Ensure that tax-payers are on the hook for these loans as much as possible. If you can, try to get some laws passed to ensure that, in the event of foreclosure, these loans are repaid first—even ahead of a primary mortgage on the property and even, if necessary, at taxpayer expense.

Berkeley FIRST was the nation’s first PACE program (PACE stands for Property Assessed Clean Energy). PACE programs are a way to finance clean energy. They are were invented in Berkeley by Mayor Bates’ then Chief of Staff, Francisco (Cisco) DeVries, reportedly with some help from Daniel Kammen of UC Berkeley. DeVries later resigned his position with the city to help start Renewable Funding LLC, a privately held company, along with Kammen and Stephen Compagni Portis (a venture capitalist and also a colleague of Kammen’s at UCB).

Although PACE started with a small pilot program in Berkeley, it rapidly spread around the state and the nation. Today, twenty-one states plus the District of Columbia have PACE programs. This rapid growth, spurred in part by concerns for the environment and in part by efforts to create jobs, happened in roughly two years. Renewable Funding LLC rode the wave, participating in PACE program design, administration and funding in many municipalities. The company recently received venture capital funding of $12.2 million dollars.

Proponents argue that PACE is a clever way to fund essential clean energy improvements to vast numbers of US households and commercial buildings. But problems have arisen, stemming from the financial structure of PACE: PACE programs have been suspended around the country in response to objections raised by mortgage giants Fannie Mae and Freddie Mac.

**PACE Put on Hold**

PACE programs seek to encourage clean energy and energy efficiency improvements in homes and commercial structures by helping property owners to finance the upfront costs. For example, the Berkeley FIRST program enabled 13 homeowners to install solar power systems, using money from bonds issued by the City. In exchange, owners of participating homes agreed to an increase in their property taxes to repay the bonds. The idea is that this funding method is revenue-neutral for the city, but helps to decrease the city’s overall “carbon footprint” and reliance on imported energy.

However, mortgage holders, particularly Fannie Mae and Freddie Mac, object to the use of PACE programs by their borrowers. The increased taxes PACE imposes on a property take the form of a lien with seniority over the mortgage. In the event of a foreclosure, PACE taxes must be paid before mortgage lenders are paid.

A July 6 letter from the Federal Housing Finance Agency (FHFA) further asserts that PACE programs do not evaluate the borrowers who wish to receive these funds carefully enough, and that the programs are not supported by any evidence that they increase property values or achieve the intended clean energy benefits.

The FHFA says that PACE programs benefit the investors (those who buy the bonds) but place mortgage holders at risk:

> “While the first lien position offered in most PACE programs minimizes credit risk for investors funding the programs, it alters traditional lending priorities. Underwriting for PACE programs results in collateral-based lending rather than lending based upon ability-to-pay, the absence of Truth-in-Lending Act and other consumer protections, and uncertainty as to whether the home improvements actually produce meaningful reductions in energy consumption.”

The objections raised by FHFA have caused the suspension of nearly all PACE programs across the country. Twenty one states (including California) and the District of Columbia are affected.

**Profit for Inventors, Trouble for Mortgages**

PACE programs are frequently described as the joint invention of DeVries, now President of Renewable Funding, and Kammen, then and still Director of the Renewable and Appropriate Energy Laboratory (RAEL) at the University of California, Berkeley. With Stephen Compagni Portis, a venture capitalist and visiting scholar at UC Berkeley and member of the RAEL lab, they founded Renewable Funding, LLC. Compagni Portis is now the company’s chairman.

According to the company’s web site, Renewable Funding offers “a turnkey solution specifically engineered to support the development of property-assessed clean energy (PACE) financing districts.” It helps municipalities to draft legislation and design programs, assists in marketing and administering PACE programs, and helps to secure financing-sometimes including buying up the bonds. In Berkeley, Renewable Funding bought up approximately $1.5 million worth of the bonds it had helped to design.

Renewable Funding collected fees and taxpayer-secured bond interest associated with these programs during a period when the foreclosure crisis began to rear its ugly head. As mortgage holders were suffering, PACE programs piled on with senior liens and taxpayer guarantees.

**The PACE Timeline**

**May 23, 2006:** Mayor Tom Bates places an item on Council’s Action Counter, seeking a ballot measure initially drafted to say “Should the People of the City Berkeley advise the Berkeley City Council to adopt and support aggressive efforts to reduce greenhouse gas emissions and actively engage in climate-disaster preparations to address the likely local climate change impacts such as flooding, shortages of potable water, and dramatically increased costs of energy?”

With some changes, this would eventually become Measure G, reading (on the ballot): “Should the People of the City of Berkeley have a goal of 80% reduction in greenhouse gas emissions by 2050 and advise the Mayor to work with the community to develop a plan for Council adoption in 2007, which sets a ten year emissions reduction target and identifies actions by the City and residents to...”
achieve both the ten year target and the ultimate goal of 80% emissions reduction?”

**November 7, 2006:** Measure G passes overwhelmingly.

**November 9, 2006:** At a celebration and kick-off for measure G, Mayor Bates announces Sustainable Berkeley’s Green-house Gas Initiative, “that came out of a 2 year dialog with business leaders,” according to a City press release.

Dan Kammen of UC Berkeley is scheduled to “invigorate the evening with his thoughts on how Berkeley can meet the Measure G mandate.”

**Sometime in 2007:** Cisco DeVries and Daniel Kammen are reported to have invented the PACE program.

**January 30, 2007:** Mayor Bates seeks and receives council consent to tentatively reserve $100,000 in the next budget to fund Measure G work.

In his memo placing this consent item on the agenda, Bates remarks: “I am re-organizing my office to focus more effort on our greenhouse gas reduction efforts. Beginning February 1st, my chief of staff Cisco DeVries will work half time on green house gas reduction efforts for the remainder of 2007. Some of his duties will be transferred to other staff.”

**February 22, 2007:** Termed-out lame-duck Assemblyman Lloyd Levine introduces Assembly Bill 811, which gives necessary state-level authorization to PACE programs. AB 811 is sponsored by the city of Palm Desert, California, which goes on to become a flagship client of Renewable Funding.

**October 30, 2007:** The Berkeley Daily Planet reports that the proposed PACE program in Berkeley is expected to add 125 new installations (it eventually adds 13). The city applies for a $160,000 grant from the EPA to create the program indicating that Daniel Kammen and Steven Chu (now Secretary of Energy) will serve among the advisors to the project.

**Sometime in 2008:** Renewable Funding LLC is founded by Compagni Portis, soon joined by DeVries, reportedly with Kammen’s participation.

**February 13, 2008:** Cisco DeVries’ resignation as Mayor Bates’ Chief of Staff is announced after two months of prior “transitioning” activity. In his remaining three weeks on the job, he will work exclusively on Berkeley’s solar PACE program.

**June 21, 2008:** AB 811 is signed into law by Governor Schwarzenegger.

**September 16, 2008:** Berkeley City Council approves the PACE program known as Berkeley FIRST. The New York Times quotes Daniel Kammen, in response to concerns about troubled financial markets, “Mr. Kammen, the Berkeley professor, was not worried, pointing out that venture capitalists have been pouring billions of dollars into the development of alternative-energy technology and looking for new ways to finance potential breakthroughs. ‘There’s so much more money there than ideas,’ he said. “

**September 23, 2008:** Berkeley City Manager Phil Kamlarz places an item on the Council’s action calendar to approve the contracts with Renewable Funding. This measure puts Berkeley taxpayers on the hook for a theoretical maximum of $1.5M but only requires a $97,500 set aside. It is expected that, in the case of Berkeley’s pilot program, none of this taxpayer money will need to be spent.

**October 23, 2008:** Renewable Funding announces that registrations for Berkeley FIRST will open on their web site on November 5th, just one month after the contract is formally approved.

**November 5, 2008:** Applications swamp the Berkeley FIRST program and all available slots are filled within 9 minutes of opening. Most applicants at this stage will ultimately choose to not enter the program, many citing the unfavorable interest rate and repayment terms of the bonds. Thirteen applicants, most with large first and second mortgages on their house already, remain.

**Sometime in 2009:** Renewable Funding purchases $1.5 million of bonds from Berkeley and, meanwhile, expands into many other cities. They become the “go to” firm which helps municipalities design, implement, execute and finance PACE programs.

**June 18, 2009:** FHFA issues the first warning letter that PACE programs create undue risks to homeowners and to lenders, according to a recent report from Lawrence Berkeley Laboratory.

**October 29, 2009:** Renewable Funding announces closing a deal to receive $12.2 million in venture capital funding.

**July, 2010:** After a year of discussion with Congress, the White House and other stakeholders, the FHFA, Freddie Mac and Fannie Mae pull the plug and force the suspension of PACE programs. Cisco DeVries remarks to the New York Times: “For all intents and purposes, until cooler heads prevail or congress acts, it’s very difficult to envision PACE going forward.”

*A Safer PACE Possible?*

PACE programs as currently implemented have tended to extend credit at less favorable terms than are often available from private sources for credit-worthy borrowers. This is not to say, at all, that PACE borrowers are anticipated to be deadbeats: merely that Freddie Mac and Fannie Mae are not completely out to lunch in raising their concerns.

Fixes to the PACE scheme might take the form of a court challenge to Freddie and Fannie’s objections, or the form of new federal legislation, or, as the state of Maine is considering (according to a March 25 online article from the Wall Street Journal) by making PACE loans junior rather than senior to existing mortgages.

Creative financing for domestic clean energy improvements appears to be excellent social policy yielding both environmental and economic benefits. What remains to be seen is if it can be done in a less problematic way.

Renewable Funding LLC could not be reached in time to comment for this article. We hope to talk to them later for a follow-up report.
Temporary Transbay Terminal to Open Aug. 7

By Andy Hamilton (BCN)
Tue Jul 13 11:26:00 -0700 2010

Beginning next month, San Francisco’s transit hub will move from the existing Transbay Terminal at Mission and First streets to a temporary terminal at Howard and Main streets.

The move, effective Aug. 7, allows work to begin on a new, $4 billion Transbay Transit Center at the site of the existing terminal. Completion of the 1 million-square-foot terminal is expected in 2017.

An open house for the temporary terminal will take place from 4 to 7 p.m. on Aug. 3, said Courtney Lodato, spokeswoman for Transbay Joint Powers Authority. Transit officials will be available to assist riders at the current terminal the week before its closure, and also at the temporary terminal for the first week it’s open.

The temporary terminal will have 24-hour security. There are no public restrooms.

The temporary terminal will serve AC Transit, Greyhound and West CAT Lynx on the inside of the terminal. Muni, Golden Gate Transit and SamTrans will be accommodated around the perimeter of the open-air facility.

Payment will continue to be accepted on board the buses, Lodato said.

Riders must enter the temporary terminal from Main Street during the first two months of operation while construction crews demolish an elevated bus ramp to build the last corner of the terminal, Lodato said. Bus stops will change in November once upgrades are complete.

Transit riders should visit temporaryterminal.org for more information and for construction updates.

“We’re encouraging people to plan ahead and learn about it,” Lodato said.

San Francisco voters approved Measure G last month, affirming city policy to locate the northern terminus of the planned San Francisco-to-Los Angeles high-speed rail line at the Transbay Transit Center.

More information on the new transit center is available at transbaycenter.org.

News Analysis: Doctors without Morals

By Ralph E. Stone
Tue Jul 13 12:02:00 -0700 2010

There is increasing evidence that United States physicians, psychologists, nurses, and medics have been complicit in torture and other illegal procedures in Iraq, Afghanistan, and Guantanamo. They violated one of the principal precepts of medical ethics: “First, do no harm.” Government physicians and psychologists who participated in and authorized the torture of detainees have escaped discipline, accountability or even internal investigation. The Pentagon, the C.I.A., state licensing boards, and professional medical societies have not initiated any action to investigate, much less discipline, these individuals. Presumably these health care professionals continue to treat an unknowing public with little or no fear of prosecution or disciplinary action.

Background

On April 16, 2009, President Obama released four top secret memos that allowed the CIA under the Bush administration to torture al-Qaeda and other suspects held at Guantanamo and secret detention centres round the world. According to the memos, ten techniques were approved: attention grasp (grasping the individual with both hands, one hand on each side of the collar opening, in a controlled and quick motion); walling (in which the suspect could be pushed into a wall); a facial hold; a facial slap; cramped confinement; wall standing; sleep deprivation; insects placed in a confinement box (the suspect had a fear of insects); and the waterboarding. In waterboarding the individual is bound securely to an inclined bench, which is approximately four feet by seven feet. The individual’s feet are generally elevated. A cloth is placed over the forehead and eyes. Water is then applied to the cloth in a controlled manner which produces the perception of suffocation and incipient panic.

In the now-discredited August 2002 memorandum from then Assistant Attorney General Jay Bybee to then White House Counsel Alberto Gonzalez narrowly defined physical torture as requiring pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, the permanent impairment of a significant bodily function, or even death.”

And we all remember former Vice President Cheney’s comment that: “enhanced interrogation techniques” (a euphemism for torture) sanctioned by the Bush administration are not torture and dismissed criticism as “contrived indignation and phony moralizing.”

Under, the “Yamashita standard,” based upon the precedent set by the United States Supreme Court in the case of Japanese General Tomoyuki Yamashita (In re Yamashita, 327 U.S. 1 (1946). He was prosecuted in 1945, in a still controversial trial, for atrocities committed by troops under his command in the Philippines. Yamashita was charged with “unlawfully disregarding and failing to discharge his duty as a commander to control the acts of members of his command by permitting them to commit war crimes.” Would the “Yamashita standard” apply to those in the chain of command right up to then President Bush as commander-in-chief of the armed forces, Donald Rumsfeld, his Secretary of Defense, Alberto Gonzales, his attorney general, and the directors of the Central Intelligence Agency?

It is a moot point now as President Obama has ruled out prosecutions against those who had been involved in torture. It is a “time for reflection, not retribution,” he said.

Defining Medical Torture

Medical torture (also known as a medical interrogation) describes the involvement and sometimes active participation of medical professionals in acts of torture, either to judge what victims can endure, to apply treatments which will enhance torture, or as torturers in their own right. Medical torture may involve the use of their expert medical knowledge to facilitate interrogation or corporal punishment, in the conduct of torturous human experimentation or in providing professional medical sanction and approval for the torture of prisoners. The term also covers torturous scientific (or pseudo-scientific) experimentation upon unwilling human subjects.

Pentagon top health official doctor William Winkenwerder Jr. in 2005 allowed military physicians to participate in torture and share medical records with interrogators so long as a detainee wasn’t officially their patient. Winkenwerder got an award from the AMA that year for outstanding contributions “to the betterment of the public health.” The AMA has refused to condemn Pentagon and CIA torture practices and made no response when in Feb., 2006, the U.N. Commission on Human Rights condemned U.S. doctors for having “systematically” participated in detainee abuse. Bioethicist Steven Miles of the University of Minnesota Medical School said the U.N. condemnation should have been “a call to arms” yet “the AMA said nothing.”

Yet, according to an AMA opinion, “Physicians must oppose and must not participate in torture for any reason. Participation in torture includes, but is not limited to, providing or withholding any services, substances, or knowledge to facilitate the practice of torture. Physicians must not be present when torture is used or threatened.” (AMA Code of Medical Ethics opinion 2.067)

According to the American Psychological
be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Article 3 of the Geneva Conventions states in pertinent part:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
(b) Taking of hostages;
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment.

Article 3 is straightforward and clear. Under Article VI of the Constitution, it forms part of the supreme law of the land.

Thus, a member of the military is personally held responsible for all of his or her actions, in all countries, at all times and places. “I was only following orders” is not a defense.

To disobey an unlawful order seems clear in principal, but not always in practice. A military physician is subject to a potential moral conflict between healing, on the one hand, and obedience to the military hierarchy and the command structure, on the other.

American doctors at prisons in Iraq, Afghanistan, Guantanamo, and elsewhere, are supposed to know their medical responsibility to document injuries and raise questions about possible abuse. Yet, those physicians and other medical personnel are part of a command structure that permitted, encouraged, and sometimes committed torture to a degree that it became the norm in the prison environment and to which they were expected to comply.

The Nazis provided the most extreme example of physicians becoming institutionalized to atrocity. In addition to cruel medical experiments, many Nazi doctors, as part of military units, were directly involved in killing. To reach that extreme point, they underwent a sequence of socialization: first to the medical profession, a self-protective guild; then to the military, where they became subjected to the chain of command; and finally to camps such as Auschwitz, where adaptation included assuming leadership roles in the death factory. Most of these physicians were ordinary people who had killed no one before joining murderous Nazi institutions. They were corruptible and certainly responsible for what they did, but they became murderers mainly in atrocity-producing settings.

Did any medical personnel refuse to engage in torture and, if so, were they disciplined?

Conclusion

Those who sanctioned torture either don’t know the law, or advocated flaunting the law. Human torture is not only morally unacceptable - it is also a crime. Waterboarding, for example, is explicitly prohibited by the Convention Against Torture and the Geneva Conventions. Using torture places us in the same company as history’s infamous torturers. Waterboarding, for example, dates back to the Dark Ages. By using torture, we lost any ideological advantage we might have had – the promotion of democracy, freedom and human rights. We became the thugs our enemies say we are.

Where does that leave us as a society if we do not punish those who carry out unlawful orders? We expect our physicians and psychologists to maintain a high standard of ethics, a high duty to their patients, and often to put the interests of their patients ahead of their own interests. Failure to meet these standards is an unconscionable disservice to the thousands of ethical physicians and psychologists in and out of the military.

Ralph E. Stone is a retired attorney.

Reader Opinion

Facts and Figures Prove No New Landmark Rules Needed in Downtown Plan

By Steven Finacom
Mon Jul 12 20:10:00 -0700 2010

A major and pernicious element of the Mayor’s new, proposed, “Downtown Plan” involves sweeping away the existing, established, process governing the designation of historic structures and
creating a special, abbreviated, procedure for reviewing potential historic resources in Downtown Berkeley only.

The Mayor and a majority of the City Council have essentially argued that this is necessary because developers and property owners are quaking in their boots, unwilling and/or unable to develop Downtown because they fear that historic regulation and all-powerful preservationists may stop them.

Nonsense.

I took a look at the actual—not the anecdotal-evidence of Downtown development and its relationship to potential historic sites over the past generation. Here’s what I found.

Over the past thirty years about 49 new construction buildings or building complexes have been built or fully approved in the area defined as the Downtown by the Mayor’s plan.

I am not talking about renovations, remodels, or small additions to existing buildings—there have been dozens of those, as well. I’m describing new construction structures or major new construction additions that made existing structures double or more in size.

Several of those projects affected historic buildings generally by demolishing them, but occasionally by moving them to other sites.

And how many times was Berkeley’s existing landmarks law put into effect with the result of seriously delaying one of those projects?

Once—perhaps twice—out of 49 occasions.

In other words, if you did a successful new construction development in the Downtown in the past three decades, you had maybe a two to five percent chance—one or two out of 49—that the existing Landmark Preservation Ordinance might prove a serious impediment or delay to your proposed project.

And, as we shall see, you also had essentially a zero percent chance that the Landmarks Ordinance would actually stop, significantly alter, or seriously delay your project.

Both City officials and private developers anxious to reduce regulation and increase the size of Downtown development have used the Landmarks Ordinance as a great bogeyman. But the facts tell a different story.

Let’s look at the evidence.

The 49 new construction developments in the Downtown are identified in the attached pdf.

(If you like, you can consult City records to see exactly when they were approved and built. I do not believe you will find any of them that weren’t under construction sometime between the beginning of 1980 and the present year, 2010. I watched most of these buildings under construction.

If you do find an error in this list, please let me know. I will be happy to adjust the list accordingly. However, unless you can find several big errors in it out of 49 projects, my basic arguments still stand. One or two buildings added or subtracted won’t affect the statistics or this analysis in a major way.)

Those 49 projects divide up as follows:

Sixteen were multi-story housing developments, either apartments or condominiums.

Thirteen of these are private develop-
ments, ranging from two to nine stories tall-most of them are around four or five stories, often above ground floor retail. One is a University-owned apartment complex; two are non-profit, affordable housing developments.

22 were private sector office, commercial, or mixed-use buildings not containing housing. Two of these are one story commercial on small lots, but the majority are large structures, with up to four or five stories of offices and covering as much as a square block. All were for-profit developments, with the exception of the David Brower Center office building.

That totals 38 buildings, 34 of them for-profit, private sector developments-exactly the sorts of projects the Mayor tells us that developers are afraid to try to build in Downtown because of our Landmark Ordinance.

Developers apparently haven’t gotten that dismal message; for decades they’ve been successfully building at an average of more than one big new construction project a year in Berkeley’s relatively small and compact Downtown.

Then add six new, private or non-profit, institutional buildings built Downtown in the same period, including two theaters (Berkeley Rep’s Roda stage, and Freight & Salvage), the KPFA headquarters, a major new construction addition to the Downtown YMCA, the new, freestanding, YMCA Youth Center at Center and MLK, Jr. Way, and the Institute of Buddhist Studies on Durant Avenue.

This brings us to 44 new construction building projects, total.

Finally add three major public sector new construction projects; Berkeley City College, the major addition to the Central Berkeley Public Library, and a two-block long complex of new buildings at Berkeley High School.

47 building projects, total, forty of them built by the for-profit private sector or private non-profit organizations.

Finally, there are two buildings that have gone through the public review process, received approvals, and await construction. One is the University’s Helios building at Hearst and Oxford, where demolition of the old State Department of Health building is finishing up; the other is private sector infill housing adjacent to the old Fidelity Bank on Shattuck, south of Dwight, where demolition has occurred but the new construction has not yet started.

That gives us 47 buildings or building complexes that were constructed in the Mayor’s proposed Downtown zone between 1980 and 2010, and two others approved and awaiting construction-49 projects, total.

Now let’s look at the landmarks issue in relation to these developments.

Here, we’ll make a distinction between a possible “historic resource”-a building or site that may prove historic, but has not been fully researched or officially designated-and an official City of Berkeley Landmark.

How many of the 49 new construction projects involved officially designated historic resources? Five, by my count.

* University Walk (1942 University) involved the construction of a major addition running from the back of a historic building-the landmarked Bonita Apartments-through the block to Addison Street.

* An approved infill housing development on Shattuck south of Bancroft would construct new housing adjacent to the old landmarked Fidelity Savings & Loan and renovate the later for commercial space.

* The Institute of Buddhist Studies project at Durant and Fulton involved the renovation and expansion of the landmark Howard Automobile showroom.

* The addition to the Central Berkeley Public Library.

In each of these four cases the developer planned the retention and renovation of the historic building, with an adjacent, new construction, addition.

* A fifth site-the Gaia Building-involved demolition of a Structure of Merit.

And how many of the 49 projects involved potential historic resources?

By my count, about ten.

* The Fine Arts building (Haste / Shattuck) resulted in the demolition of the Fine Arts Theater.

* The Shattuck Senior Homes (2425 Shattuck Avenue) resulted in the demolition of the Berkeley Theater, one of Downtown’s early movie palaces.

* The Gaia Building removed the old Red Cross headquarters-once a private creamery-and part of a 19th century livery stable, behind.

* The Touriel Building (2004 University Avenue) resulted in the demolition of the 19th century home of one of Berkeley’s “Founding Fathers”.

* The Promenade Building (1936 University Avenue) demolished an old-late 19th or early 20th century-unresearched house.

* 1846-86 University resulted in the demolition of a commercial building that had been the first independent home of a Berkeley institution, Moe’s Books.

* The Golden Bear Building on University Avenue resulted in the relocation of an older house to another site in Berkeley and the Tipping Mar Building (1906 Shattuck) led to the move of a 19th century house from the site and out of Berkeley.

* 2001 Addison resulted in the demolition of the remains of Downtown Berkeley’s last remaining manufacturing building—the 19th century Pape Planing Mill.

* 2115 Milvia resulted in the demolition of the old Wheeler building, built for a homegrown business.

* The new three-story Downtown Berkeley Inn required the demolition of a Deco-style early 20th century one-story motel.

So let’s consider these 10 buildings that were only “potential” historic structures when their removal (or moving) was proposed to make way for new development.

Now here’s where the Mayor or his allies might say, “Aha! Ten ‘potential historic resources’ out of 49 projects. That means more than 20 percent of those projects were in the ambiguous zone where the developer didn’t know if they were dealing with a real historic landmark site.”

“Proves our point! We need different landmark rules Downtown to give developers certainty.”

It proves nothing of the kind.

In fact, it proves the opposite.

In several of those ten cases, voices-sometimes lone voices-were raised in opposition to the proposed demolition of a possible historic structure.

In only two of the ten instances, however, did a significant struggle focused principally on historic resource issues result.

At the Touriel Building site historic preservationists (myself included) argued that the old house on the property should
be saved, or moved to a nearby site—a lot was actually offered where it could be relocated.

Berkeley Architectural Heritage (BAHA) filed a lawsuit. But when the legal dust cleared, the house was torn down. It had not been landmarked, and it had not been saved. The development was built as proposed.

At the Fine Arts Building site, some individuals proposed landmarking the old Fine Arts Theater. This was, I believe, the only instance, in these 49 developments, where a development dispute directly resulted in a formal landmark proposal that was reviewed by the Landmarks Preservation Commission.

And what was the result?

The Landmarks Preservation Commission itself voted to reject the landmark application! The building was demolished and the development proceeded. No need for the developer to appeal the designation to the City Council, or file a lawsuit, or abandon the project because of uncertainties or delays.

So the City body officially charged with designating landmarks decided at the very first step of review that the building wasn’t officially historic.

What can we construe from all this?

Certainly not that our existing historic resource laws in Berkeley extensively block or hinder development in the Downtown, as the Mayor would have us believe.

Berkeley’s development community is hardly dismayed—it has been briskly building, building, building to the tune of tens of millions of dollars, most likely millions of square feet, and hundreds of residential units in the Downtown for decades.

During that still-unexhausted run of development our existing Landmarks Preservation Ordinance was routinely applied in five cases where there were already designated historic resources on proposed development sites, and was almost never formally brought into play for the other “potential historic” resources.

To recap:

Nearly fifty new-construction Downtown developments—most of them large—have been built in the past thirty years. Only about fifteen of them involved sites with designated or potential historic resources.

Only a couple of those projects resulted in lawsuits or efforts to landmark a building.

And in the one case where the Landmarks Preservation Ordinance was formally invoked, the Landmarks Commission killed the landmark designation at its first official stage, and the development proceeded.

There is no need to have special new, watered down, rules for potential landmark designation in Downtown Berkeley.

There is a need for the Mayor and his allies on this issue to respect the facts rather than reciting discredited shibboleths.

See the actual buildings here. (Steven Finacom has periodically served on the Landmarks Preservation Commission and is a long-time Berkeley resident. This piece represents his personal views, not the position of any organization with which he is associated.)

**Wednesday Planning Commission to Address the Future of West Berkeley**

*From WEBAIC

Sun Jul 11 16:59:00 -0700 2010*

There’s a key Planning Commission meeting on Wednesday July 14th to decide the future of protected industrial spaces and the location and definitions of research and development. The Planning Commission is set to have their last discussion (before a final Commission Public Hearing in September) on opening up now-protected industrial space, on Wednesday, July 14th, 7 pm, at the North Berkeley Senior Center - MLK at Hearst. As at the May 19th meeting, the Commission will likely take a “sense” vote on the issue.*

**Why Attend:**

As these protections are the central mechanism by which West Berkeley maintains a viable, local-serving industrial base with over 320 companies & almost 7000 family-wage jobs, your attendance at this meeting can accomplish three critically important things:

1. It can assure that the Planning Commission doesn’t reverse its May 19th decision to not open up protected manufacturing space.

2. It can convince the Commission that their ill advised vote to open up the protections on all Wholesale Trade & Warehouse space (almost 2 million sq ft, over 1000 jobs) is:

a.) Unnecessary to accommodate R&D. WEBAIC has already agreed to allow millions of R&D sq ft (able to accommodate many times more R&D than projected demand) on large Master Use Permit sites.

b.) Destructive of existing economic activity (R&D uses are documented as paying on average 3X protected uses, creating displacement pressure on functioning companies and productive jobs), and

c.) Not legal (violates West Berkeley Plan and Berkeley General Plan Goals and Policies, and hasn’t studied as required (in the West Berkeley Project Draft Environmental Impact Report) potential environmental impacts from the opening up of this large amount of space to uses (R&D) generating 50% more traffic than existing uses.

3. It can assure that where R&D locates on now-protected space in West Berkeley (ideally on MUP sites), it has an industrial character requiring wet lab or bench space, thus making sure that the precious 4% of Berkeley’s land base set aside for industrial production & distribution uses isn’t taken up by pure office uses that are already allowed to locate on the large land base in all Commercial districts and on the large amount of West Berkeley space not under protections. The West Berkeley Plan intentionally put R&D outside the protected category because R&D is more highly capitalized and would displace protected uses. This fact is as real today as when the policy was enacted. Even in this economic downturn, Berkeley aggregate vacancy rates for warehouse and manufacturing space are the second lowest of all East Bay cities, (lower than for offices), revealing the resiliency of these sectors. This is also no time to be putting displacement pressure on the jobs of people who’ve taken the brunt of regressive federal economic policies over the last several decades and who are most likely to be a pay-check or two away from foreclosure, loss of healthcare, or other economic calamity. These jobs are the linchpin of Berkeley’s economic and ethnic diversity and are recognized as such in the West Berkeley Plan. The City should be seeking to expand, not contract, them.
**Express Chimes In**

Even the East Bay Express, a paper previously showing no understanding of WE-BAIC’s efforts, put the article: “Factories for the Future...momentum shifts toward preservation of land suitable for light manufacturing” as their cover story on the June 30-July 6th issue. As cities everywhere are recognizing the value of maintaining a PDR (Production, Distribution, & Repair) base, it’s up to all of us together to guide the Planning Commission away from its present unsustainable course and in the direction of rational, equitable, and productive policy choices that recognize the value of the revenue, jobs, goods, and services that flow from West Berkeley’s successful industrial and artisan economy and culture.

**Master Use Permit and other Proposals at Wednesday, July 28th PC Meeting**

The last Planning Commission Meeting until the fall will be held on July 28th (same place & hour) on the critical issues relating to the Master Use Permit. Among these issues are allowable heights and density (FAR - Floor Area Ratio), how much of West Berkeley will be subject to this permit and over what period of time, what are permitted uses on these sites, and how development on these sites will affect the residents & homes in the Mixed Use Residential (MUR) districts.

*When Democracy is Denied, the Antidote is More Democracy*

At the May 19th meeting, the Planning Commission denied many business owners, employees, and residents the basic democratic right to inform decision-makers with their opinions and experience on issues critical to their lives and livelihoods before those decision-makers voted on these issues. Since only a short period of time was set aside for public comment before this important vote, many of the citizens packing the room were relegated to speaking late at night (if they were even able to stay), after the decisions had been made. Though violating the spirit of democracy, this action was likely “legal” due to the “vote” taken (though clearly setting direction for staff) somehow not qualifying as an “official” vote.

Voting before citizens have their say reveals a deep disrespect toward citizens taking valuable time from their lives and families to exercise their right to express their opinions in a timely manner. If Commissioners don’t possess the patience or energy to listen to citizens they’re tasked with serving, there are adequate numbers of able citizens willing to shoulder this responsibility.

In the face of such action, it’s more important than ever to show up and respectfully express our opinions until such time as the weight of our facts, experience, passion, and dare we say, sometimes wisdom, result in a positive outcome for West Berkeley and the Berkeley community as a whole.

**City of Berkeley Should Take Over Warm Pool Building in Trade with BUSD**

*By Terry Cochrell*

**Sun Jul 11 16:42:00 -0700 2010**

Warm-pool users at BHS read with interest the online letter by Mr. Henrik Bull, FAIA, who is interested in matters familiar to us: the value of upgrading and altering the old-gym complex where the City of Berkeley (COB) operates the therapeutic, highly valuable warm-pool.

Mr. Bull was awarded the designation of “Fellow” by a local chapter of the AIA, a high honor in the architectural profession. The term, “FAIA” denotes a designer, planner and firm-operator of great skill and wide accomplishment.

We 700-800 warm-pool users should feel grateful to have such a master on board and sympathetically advising us about warm-pool and old-gym at BHS.

As well, the city and public school district should feel honored to obtain pro bono advice and actual planning schemes from Mr. Bull re the architecture and planning in question.

In his letter he discusses the successful effort to “…landmark the Old Gym…”:

Landmarked buildings may not be demolished by law to be replaced by new construction for any functional purpose with the single ironic exception of classrooms, this according to the person most responsible for landmarking of old-gym complex at BHS.

Landmark status in fact may be quite valuable to the district.

Mr. Bull notes that the stadium “…architects were assigned to design a new bleacher/ stadium ...This would be built before the classroom/gym building.”:

Before the new BHS stadium was to be built, BUSD hoped a new parking structure might be built nearby.

This writer advocates that the city, COB could do exactly that in exchange for title to the existing warm-pool 2-room building, and as a public service to teachers and students at BHS.

Bull discusses the charrette, “Many interesting ideas were generated in this brief study session and a report was presented to the BUSD. They were not interested…”:

With little if any discussion or media attention, BUSD dropped all ideas and suggestions in the circular files; the donated time involved was worth thousands of dollars; thanks BUSD. How sweet!

BUSD had been ordered by a judge to implement this study group and examine the suggestions generated. What judge and why?

A lawsuit (re: the EIR for the new BHS master-plan involving demolition of old-gym) had been begun in response to what seemed to some a careless, abbreviated writing of the environmental impact report (EIR). The suit had to be dropped for financial reasons. The judge, however, wanted BUSD to seriously study the ideas of outside designers.

The BUSD felt intimidated, one imagines, or at least inconvenienced.

Working with the city bureaucrats to replace the warm-pool roof in the late 1990’s may have left BUSD feeling somewhat intimidated or at least inconvenienced. BUSD provided roof-upgrade design-documents that were less than succinct, mostly boil-erplate, Alex Tara, city architect told this writer, upon seeing a set of specs.

BUSD got in a hurry there, flew by the seat of their pants, then administered construction, then discovering that the specs, specification documents gave contractors insufficient instructions; this then required delays and triple funding to complete properly the work;

The city was justifiably annoyed by the resulting need to cough-up more funding.

Working with the superintendent’s warm-pool users-committee and the city’s departments to organize seismic-upgrades and much-needed alterations after the bond issue was passed for existing warm-pool also left the BUSD feeling overwhelmed and maybe intimidated; BUSD in any case refused to sign an MOU with COB for bond-funded upgrades.

One wonders if this was the climax in the drama after which BUSD decided: “out, damned warm-pool.”

One who witnessed the behavior of the city in some meetings with the district about those matters understands why the BUSD may have felt put-upon, intimidated.

*It is unwise of the city to build on non-COB property,* this writer, a designer, believed and believes, and this may be near the heart of the matter; who would be liable...
for faulty construction? ...and so on.

The standing of BUSD may be brought somewhat into question by imposition of design and construction standards from outside as may seem necessary to the city and as may in some cases be much more professional, when remodel or new construction on BUSD and non-COB property is involved.

Standing is both a legal and psychological concept of considerable importance.

BUSD is under pressing financial constraints generated by the prop 13 consequences as well as by the economy-meltdown due to “wars” overseas; shortcuts tempt any organization under such pressures and are only to be expected.

BUSD had a small, probably insufficient staff with lack of detailed education, experience and expertise in essential areas of planning, design and construction, 10-12 years ago. (Also, janitorial staff at BHS was about half that mandated by the state back then; endless problems resulted re: keeping restrooms in order.)

This writer has always expressed doubt about COB building on BUSD property, either across from Milvia or at West Campus.

This writer advocates that warm-pool room and north-pool building title be given to COB, the building be severed from old-gym and upgraded / remodeled by COB, all in trade for some equal property to BUSD from COB.

Alternatively, BUSD should give $8 million to the city to build a new warm pool on COB property, maybe adjacent to Iceland. Voters probably would go along with such a proposal in November, given the interminable mess inflicted on all parties by the spat.

Mr. Bull discusses “...$3 million which the voters approved...”: As well the then city council soon voted another million dollar gift toward the same goal which million was recently redirected by Mayor Bates after no discussion with the pool-users’ committee, and it was soon chewed up by the mayor’s task-force to jawbone the upgrade of all city pools in Berkeley.

Others and this writer feel this was illegal and unethical and must be redressed.

In the event that BUSD continues to find intolerable the presence of the warm pool etc on BHS campus, the least they can do to make up for their really quite bizarre, unacceptable behavior is to hold-off dumping us in the nearest ditch until 1) private or public funding is secured, 2) a truly appropriate site is found, 3) proper title is given to COB or suitable non-profit body, 4) an agreeable designer and design is arrived at, 5) a reputable contractor is found, and 5) a facility is constructed.

This could easily take more than just a few months that BUSD has budgeted prior to their outrageous plan to demolish buildings worth tens of millions of dollars, which as Mr. Bull points out can easily be saved and re-used., as classrooms or what-have-you.

We 700-800 pool users beg the rational members of the public school board at BUSD to swallow their pride, to listen to expert advice from Mr. Bull and others, to reconsider the bumbling South-of-Bancroft-Master-Plan, to at the very least work with COB and coordinate timelines, rather than behaving like distasteful, petty tyrants.

After Mehserle Verdict
Community Should Turn to Human Rights Law

From the Meiklejohn Civil Liberties Institute
Tue Jul 13 09:45:00 -0700 2010

The Meiklejohn Civil Liberties Institute (MCLI), a Human Rights and international law think-tank, is calling for the use of United Nations treaties and treaty law in the aftermath of the Oscar Grant trial verdict.

The murder of Oscar Grant by former BART police office Johannes Mehserle is a human rights violation and must be treated as such. As soon as the verdict was announced Thursday, the call went out to take the case to the United Nations. The U.S. Department of Justice announced Friday that it would investigate possible civil rights abuses in the Grant case. MCLI calls for federal, state and local officials to utilize U.S.-ratified human rights treaties along with constitutional protections in their investigations and legislative processes.

In May 2010, MCLI filed a complaint to the United Nations Human Rights Committee enumerating the violations of the International Covenant of Civil and Political Rights (ICCPR) in the Oscar Grant case. These include Article 26 of the ICCPR guaranteeing equal treatment under the law without regard to race, and Article 10, which states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. The Meiklejohn Civil Liberties Institute is concerned that all of the rights ensured by applicable international treaties be honored.

On the state level, MCLI is sponsoring a piece of legislation that would request the Attorney General of California to assist state, county, and local agencies in filing regular reports to the United Nations on the status of Human Rights compliance in their jurisdictions. This groundbreaking legislation, ACR 129, authored by Assemblymember William Monning (Carmel), has passed the Assembly Judiciary Committee unanimously. MCLI calls for swift enactment of this legislation to ensure that international standards of human rights are respected domestically.

MCLI has testified in the California State Assembly in support of effective, independent civilian review of the BART Police Department, and urges that such review be legislated and implemented swiftly as well.

MCLI notes that some see the Oscar Grant murder and the involuntary manslaughter verdict as an isolated incident, rather than as an expression of continuing racial discrimination. In response, MCLI points out that people from diverse ethnic and social backgrounds, including long-time Oakland attorney, African-American community leader, and MCLI board member, Walter Riley, were targeted by police and arrested while acting in a legal and peaceful manner in after-verdict protests.

“Efforts to treat all people fairly, equally, and with just accordance to the law are values all Americans can agree on,” points out Rev. Daniel Buford of MCLI, “which is why it is critical that we uphold all of our obligations contained in the United Nations treaties that the US has ratified.”

The Mehserle Verdict Illustrates Institutionalized Racism

By Maris Arnold
Tue Jul 13 09:55:00 -0700 2010

Now that the Mehserle verdict is in, the entire panorama of the case looks rotten to the core. It’s another crystal clear example of how institutionalized racism is perpetuated. It’s also a crystal clear example of the hidden (not so hidden) rule of government that the police mustn’t be held accountable for the grossest violations of human rights. The trial was tailored to fit this rule.

Imagine the powers that be getting together in the aftermath of the myriad video clips and the subsequent uprising. Those clips made it impossible for the usual excuses, e.g. resisting arrest, failing to obey a lawful command, etc. to be offered up as justification for the shooting that was a murder.
They tried to let the murder just slip by, from the stalling by then BART top cop Gary Gee to the failure to indict by then Alameda County District Attorney. That didn’t work because of too much persistent public outcry.

But the uprising in Oakland really scared them. Kill an unarmed, handcuffed, on his belly black man, that’s ok. Break a window, can’t have that. It was obvious something had to be offered up to assuage the righteous rage before downtown business life came to a halt.

Ok, give ‘em a trial. But it cannot, must not, be held in Oakland. San Diego would have been too blatant a cover-up. Simi(an) Valley had been used up for acquitting the Rodney King bashers. So it was moved to LA.

Odor #1: The jury was selected with not one African American on it. That this was permitted is not an accident. The judge allowed an exclusionary jury.

Selecting a majority white jury means cynically counting on its racism. More offensively, among the 7 majority white jurors, several had relatives who were cops. This also isn’t an accident. The smell’s getting really bad now.

While Oscar Grant’s minor infraction of the law when he was just 16 was allowed in court, Mehserle’s past violent behavior as a cop was not. This also didn’t just happen. The presiding judge made this decision. It constitutes judicial prejudice.

After deliberating less than 7 hours which is very disrespectful to Oscar Grant, his family, and the law, the jury came back with a verdict of involuntary manslaughter. This is the lowest possible sentencing charge short of acquittal. With time off for “good behavior” and time served, Mehserle could do maybe 3 months. He was whisked off to jail immediately after the verdict to start racking up time. Justice served!

The weapons enhancement, if it stands, might mean that Mehserle will do some real time. But with the judge who presided being the same one who pronounces sentencing, guess what the chances are. BTW: if Mehserle’s that sorry, let him offer to serve 14 years.

So there it is in all its ugly injustice. But what could be a next constructive step? For one thing, as Willie Brown suggested in his July 11 Chron column, BART cops should be disarmed for the safety of the riding public. In other words, gun carrying BART cops threaten the safety of the riding public no matter what their ethnicity. 100,000 or more signers to petitions demanding such disarmament would be too powerful to ignore.

P.S. The Chronicle stories and local tv bites trying to prove that Oakland is safe for business are headlining statistics showing that among those arrested, the largest number were from out of town. In fact, Berkeley, although not specifically named, was obliquely referred to by Oakland police brass mentioning a nearby town growing and nourishing free-lance anarchists. This is a throwback to the cries of “outside agitators” from the Southern white power structure during the Civil Rights Movement as if the desire for justice should obey borders.

**There are No “Outsiders” in the Struggle against Oppression**

*By Reiko Redmonde*  
**Tue Jul 13 10:03:00 -0700 2010**

To those who talk about “inoculating” people against the so-called “violence” of the masses. Who preach against protest. Who say “be cool.” Who say they want to preserve a “peaceful and thriving Oakland” when the reality is that every day the police run rampant, brutalizing and killing our youth. Who cynically invoke the names of Malcolm X and Huey Newton in attempts to pre-emotively quell the outrage of the people. Who speak of “love” while they denigrate those who have taken a stand, calling them “outside agitators” and “extreme fringe groups” We say:  

WHERE IS YOUR OUTRAGE AT THE MURDER OF OSCAR GRANT? Oscar Grant, 22 years old, with his whole life ahead of him, was shot in the back at point blank range in front of his friends and hundreds of BART passengers. It was a horror. A violent, brutal, totally unjustified execution.

WHERE IS YOUR OUTRAGE AT THE EPIDEMIC OF POLICE BRUTALITY? At least 100 people are killed by police each year in California. At least 1000 people are killed by law enforcement each year across the US. Sergio Hernandez, 15, shot by Border Patrol while committing no crime and while on the Mexican side of the border. Ayana Stanley Jones, only 7 years old, killed by Detroit police grenade and bullet.

AND WHERE IS YOUR OUTRAGE AT THE PRE-EMPTIVE REPRESSIVE MEASURES, EDICTS, AND MILITARY EXERCISES BY THE POLICE?  

WHY ARE YOU SPEAKING OUT AGAINST THE PROTESTERS, INSTEAD OF STANDING WITH THEM AGAINST POLICE BRUTALITY?  

To those officials who sound like southern sheriffs in 1964 when they talk of “outside agitators” we say:  

WHAT BLACK YOUTH IN THIS COUNTRY IS “OUTSIDE” OF AND NOT SUBJECT TO DEGRADATION AND POTENTIAL DEATH SENTENCE AT THE HANDS OF THE POLICE?  

WHAT PERSON IN THIS COUNTRY DOES NOT HAVE THE RESPONSIBILITY TO STAND UP TO THAT OUTRAGE?  

This system of capitalism/imperialism is poisoning the oceans, creating dead zones; is waging unjust wars; is criminalizing immigrants; attacking women; and it enforces all of this oppression and injustice with brutality, repression and violence.

We say it is right to rebel. If the people do not resist oppression, they will be demoralized and crushed -- forced to swallow their anger until they eventually turn it against each other.  

WHO DO YOU “LOVE”? WHERE DO YOU STAND? WHERE IS YOUR OUTRAGE AGAINST THE SYSTEM? WHAT KIND OF WORLD ARE YOU FIGHTING FOR?

The system delivered its verdict, a slap on the wrist to Joannes Mehserle. It mobilized its armies of cops, its liars in the media, its networks of politicians, ministers, nonprofits and snitches to stifle and suppress the people. We take heart that in the face of all that people took to the streets with courage and determination, and gave voice to the bitter anger of many, many more, in Oakland and beyond. There are no outsiders in the struggle against oppression.

The whole damn system IS guilty. We are stepping up the battle for justice for Oscar, the battle against the whole damn system, and we are building a movement for revolution.

Fight the Power, and transform the people, for revolution!  

Reiko Redmonde is part of Revolution Books in Berkeley.

**Letters to the Editor**

Pelosi Backs Two Feries for Berkeley; Post-Verdict Riots; Anarchism? The Post-Reagan Era; Arizona Cracks Down Again; The Walls Came Tumbling Down; Planning to Plan Downtown; Coal Kills; Mayor’s proposed Downtown Area Plan Ballot Measure; Kenneth Thiesen’s 2008 Opinion; Feminists for Life
Pelosi Backs Two Ferries for Berkeley

I wanted to bring to your attention our latest Pork Alert highlighting wasteful earmarks that were included in the fiscal year 2011 Department of Transportation, Housing, and Urban Development (THUD) Appropriations Act. One of the earmarks that we highlighted was for acquisition of two ferries for a new ferry service in Berkeley that was requested by House Speaker Nancy Pelosi (D-Calif.):

“$500,000 by House Speaker Nancy Pelosi (D-Calif.) for a new ferry service in Berkeley. According to Rep. Pelosi’s website, these funds would be used for the acquisition of two ferries, which would come equipped with solar panels. In this instance, going green wastes the taxpayers’ greenbacks.”

MacMillin Slobodien
Citizens Against Government Waste
Washington, DC

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Post-Verdict Riots

The 3 or so rallies-turned-riotous that have occurred since the killing of Oscar Grant have a couple of things in common from my perspective. First, the masses—especially last week—of cops gathered to keep order magically couldn’t or wouldn’t prevent vandalism and looting of stores of innocent merchants in downtown Oakland, who have had to foot the recovery bill each time. Since so “few” vandals were involved, and since the trashing took place in the same confined area, why couldn’t the OPD have learned something from the earlier 2 events and been ready, instead of massing their troops some blocks away?

Second, about these “white professional out-of-town anarchist inciters”, as they have been characterized by Chief Batts (and his predecessor): could he be using this coded term to refer to some Berkeley citizens, who seem to invite glib categorization? Since I know and read about a non-authoritarian, un-coercive world of cooperation and mutual aid for community in which all share and participate for a better life. We oppose hierarchy and domination whether by state or corporation. We may never realize those goals but do try to live by the means and values of the ends we’d like to see realized. Mayhem is not a part of it.

Harry Siitonen

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The Post-Reagan Era

“It just boggles me to hear people say and write: The Post-Reagan era encompassed one of the greatest economic expansions in history, without, yet, realizing that a synonym for expansion is to bubble and that it was the bursting of that unregulated, unmonitored bubble that brought on the economic misery we are in today, paying for that alleged “greatest economic expansion in history.”

Keith Kreitman

When Ronald Reagan became president, he brought into the office something that had been lacking in the previous three administrations: confidence. His programs were innovative (to be sure), and he was an eloquent orator. Simply put, Americans (in general) trusted his leadership, and he capitalized on that.

“Reaganomics” instituted sweeping tax cuts, particularly for the upper-income taxpayers. The Reagan advisers assessed (correctly I believe) that more money in the hands of those with a surplus would be reinvested in the economy. The American economy boomed for nearly eight years, but President Reagan left the White House having bloated our economy with debt. The largest deficits in the history of any economy (nearly $2.2 trillion) were accumulated during the longest period of uninterrupted economic growth.

“He’s a warmonger, he’s a militarist, he’s rash and he’s going to get us into a war”—so the people voted for him! They voted for war! Definitely a vote for rearmament, a vote for war, a vote for doing something about the hostages, a vote for doing something about the economy, a vote against high taxes, a vote for cutting taxes. All the things that Reagan has promised to do were things that you can see now the American people were in the mood for and are popular issues but in the end it lead to bankruptcy today!

Ted Rudow II, MA

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Arizona Cracks Down Again

It appears Arizona is not done cracking down on unsavory characters. Upcoming legislation (tongue in cheek) calls for many harsh new changes and a number of new groups police will be able to stop and detain on sight.

These groups include: Scandinavians with exceptional mechanical knowledge of Saab automobiles; Those with IQs between 70 and 79 which is considered “borderline” and has the word border in it; people who may have voted for the “dark-skinned fellow” for president; parents who had a pinata at their child’s last birthday. You get my drift.

There are too many dark-complexioned people who are legal citizens that are going to be stopped and if anyone of them does something stupid (like reach down in their car to get their proof of identity), someone is going to get shot and killed.

In the larger scheme of things Arizona’s “one state” law is unconstitutional and targets a whole segment of society who don’t look white, Asian or Afro-American.

If you have dark skin would you want to vacation in Arizona and be singled out for no other reason than how you look? This law smacks of 50’s racial segregation.

Ron Lowe

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The Walls Came Tumbling Down

If you happened to be in the vicinity of Berkeley Way and Shattuck Avenue last week, you undoubtedly observed the bleak shell of an abandoned building, bearing an eerie resemblance to World War II bombed out structures in London. That forlorn building would be the former California State Department of Public Health, which for several decades provided valuable health advice and service to all Californians. Ah, but that was before then-Governor Ronald Reagan, in his infinite wisdom, decided to relocate the Health Department to Sacramento, with only a few laboratories remaining in the Berkeley building.

-14-
My first job upon arriving in Berkeley was with this Health Department, where I worked in the Health Education Services Film Library, booking instructional films to schools, hospitals and individual borrowers. I had several friends who were Health Educators, making field trips to various regions throughout the state (i.e., giving much needed advice on nutrition and sanitation to migratory field workers in the Central Valley.) For most of these Health Educators the move to Sacramento was a great personal sacrifice, and they were understandably very unhappy at being forced to leave their home and friends in the Bay Area. I didn’t have to make that painful move; I simply quit my job and went to work at the University of California.

This afternoon, on impulse, I drove past Berkeley Way only to discover that the Health Department had been totally demolished-reduced to rubble. I lingered at the site, thinking back to the six years I had worked there and I must admit that nostalgia swept over me as I bid farewell to that once proud building that had served the community so well.

Dorothy Snodgrass

Planning to Plan Downtown

I appreciate what the majority on the Berkeley City Council is doing regarding the downtown plan. I always plan to plan before I plan, so that my planning can incorporate not only the planning of the plan, but the plan to plan the planning of the plan, at which point the planning of the planning of the plan’s plan is well organized and resembles a well-planned plan for a plan.

Carol Denney

Coal Kills

We must get off of coal it is by far the dirtiest fuel. The mining and burning of coal has killed more people than all other forms of energy combined.

Frank Ackerman

Mayor’s proposed Downtown Area Plan ballot measure

Here’s my counter proposal to the mayor’s proposed Downtown Area Plan ballot measure.

Resolution:

“Adopt an Action Plan that calls for all citizens of Berkeley to be happy, (thus) making Berkeley one of the happiest cities in the United States.”

Jurgen Aust, AICP

Realtor

Kenneth Thiesen’s 2008 Opinion

I just read the article as I ran across the link while reading a current story. Had I read this when current, I would have really given this asshole an earful. Hopefully this prick has moved to another country by now. Reminds me of an old Merle Haggard song... The Fightin Side of me. This asshole Thiesen should listen to it and be very happy that he’s far, far away from Chicago and my neck of the woods.

Donald C. Walls, Jr.
Mount Prospect, Illinois
Sergeant USMC 79-83

Feminists for Life

Ruth Rosen has many interesting insights into why women dominate the Tea Party. But her characterization of Feminists for Life’s work is, to use one of her phrases, cleverly disingenuous.

First of all, I never gave Rosen a statement about taxes or government subsidies. Second, her statements are just plain wrong. In fact, Feminists for Life worked with other women’s organizations to achieve legislative victories for women, including the Violence Against Women Act, the Family and Medical Leave Act, and enhanced child support enforcement. Feminists for Life was the first to advocate for the inclusion of pregnant women in the State Children’s Health Insurance Program. We are proud to have helped secure critical votes for these historic pieces of legislation, which have improved the lives of women and children.

Today we continue to work in coalition with East Bay Community Law Center and many other advocates for the poor to fight the welfare “family cap” and other child exclusion provisions that make it more difficult for impoverished women to choose to parent their children.

Furthermore, while FFL has worked to bring attention to the needs of birthmothers, our track record clearly indicates that we equally support the needs of married, single, or partnered parents as well as those parents who ultimately choose to make an adoption plan. Most recently, our advocacy for on-campus resource centers for parents and birthmothers helped lead to the inclusion of such resource centers in the health care reform legislation. Readers can easily find this and more factual information about FFL at www.feministsforlife.org.

Because women deserve better,

Serrin M. Foster

President
Feminists for Life of America

Columnists

Dispatches From The Edge: Africa: No Butter but Lots of Guns

By Conn Hallinan
Sun Jul 11 09:56:00 -0700 2010

The developed world has a message for Africa: “Sorry, but we are reneging on our aid pledges made at the G8 summit at Gleneagles, Scotland back in 2005, but we do have something for you—lots and lots of expensive things that go ‘bang’ and kill people.”

And that was indeed the message that came out of the G8-G20 meetings in Canada last month. The promise to add an extra $25 billion to a $50 billion aid package for the continent went a glimmering. Instead, the G8 will cut the $25 billion to $11 billion and the $50 billion to $38 billion. And don’t hold your breath that Africa will get even that much.

The G-8 consists of Britain, the U.S., Germany, France, Italy, Japan, France, and Russia, although Moscow is not part of the aid pledge.

Canada’s Muskoka summit hailed “significant progress toward the millennium development goals”—the United Nations’ target of reducing poverty by 2015—but when it came time to ante up, everyone but the United Kingdom bailed. The Gleneagles pledge was to direct 0.51 percent of the G-8’s gross national income to aid programs by 2010. The UK came up to 0.56 percent, but the U.S. is at 0.2, Italy at 0.16, Canada at 0.3, Germany at 0.35, and France at 0.47. Rumor has it that France and Italy led the charge to water down the 2005 goals.

The shortfall, says Oxfam spokesman Mark Fried, is not just a matter of “numbers.” The aid figures “represent vital medicines, kids in school, help for women living in poverty and food for the hungry.”

AIDS activists are particularly incensed. “I see no point in beating around the bush,” said AIDS-Free World spokesman Stephen Lewis at a Toronto press conference. He charged that Obama Administration’s Emergency Plan for AIDS Relief “is being flat-lined for at least the next two years.” Lewis said AIDS groups were treating five million patients, but that another nine million needed to be in programs. “There are AIDS
projects, run by other NGOs [non-governmental organizations], where new patients cannot be enrolled unless someone dies.”

But if the poor, sick, and hungry are going begging, not so Africa’s militaries.

According to Daniel Volman, director of the African Security Research Project, the White House is following the same policies as the Bush Administration vis-a-vis Africa. “Indeed, the Obama Administration is seeking to expand U.S. military activities on the continent even further,” says Volman.

In its 2011 budget, the White House asked for over $80 million in military programs for Africa, while freezing or reducing aid packages aimed at civilians.

The major vehicle for this is the U.S.’s African Command (AFRICOM) founded in 2008. Through the Trans-Saharan Counter-Terrorism Initiative, AFRICOM is training troops from Morocco, Algeria, Tunisia, Mauritania, Mali, Niger, Senegal and Chad. The supposed target of all this is the group al-Qaeda in the Islamic Maghreb (AQIM), but while AQIM is certainly troublesome—its sets off bombs and kidnaps people—it is small, scattered, and doesn’t pose a serious threat to any of the countries involved.

The worry is that the various militaries being trained by AFRICOM could end up being used against internal dissidents. Tuaregs, for instance, are engaged in a long-running, low-level insurgency against the Mali government, which is backing a French plan to mine uranium in the Sahara. Might Morocco use the training to attack the Polisario Front in the disputed Western Sahara? Mauritanians complain that the “terrorist” label has been used to jail political opponents of the government.

In testimony before the House Foreign Affairs Committee, Assistant Secretary of State Johnnie Carson said the U.S. was seeking to bolster Nigeria’s “ability to combat violent extremism within its borders.” That might put AFRICOM in the middle of a civil war between ruling elites in Lagos and their transnational oil company allies, and the Movement for the Emancipation of the Delta, which is demanding an end to massive pollution and a fair cut of oil revenues.

The National Energy Policy Development Groups estimates that by 2015 as much as 25 percent of U.S. oil imports will come from Africa.

So far, AFRICOM’s track record has been one disaster after another. It supported Ethiopia’s intervention in the Somalia civil war, and helped to overthrow the moderate Islamic Courts Union. It is now fighting a desperate rear-guard action against a far more extremist grouping, the al-Shabaab. AFRICOM also helped coordinate a Ugandan Army attack on the Lord’s Resistance Army in the Democratic Republic of the Congo-Operation Lightning Thunder- that ended up killing thousands of civilians.

The U.S. has been careful to keep a low profile in all this. “We don’t want to see our guys going in and getting whacked,” Volman quotes one U.S. AFRICOM officer, “We want Africans to go in.”

And presumably get “whacked.”

AFRICOM’s Operation Flintlock 2010, which ran from May 3-22, was based in Burkina Faso. Besides the militaries of 10 African nations, it included 600 U.S. Special Forces and elite units from France, the Netherlands, and Spain. Yes, there are other arms pushers out there, and the list reads like an economic who’s who: France, the United Kingdom, China, Russia, Sweden, and Israel. Some 70 percent of the world’s arms trade is aimed at developing countries.

So, is AFRICOM about fighting terrorism, or oil, gas and uranium? Nicole Lee, the executive director of Trans Africa, the leading African American organization focusing on Africa has no doubts: “This [AFRICOM] is nothing short of a sovereignty and resource grab.”

And who actually benefits from this militarization of the continent? As Nigerian journalist Dulue Mbachu warns, “Increased U.S. military presence in Africa may simply serve to protect unpopular regimes that are friendly to its interests, as was the case during the Cold War, while Africa slips further into poverty.”

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**Senior Power : “Noah’s Ark Was Built By Volunteers”**

_by Helen Rippier Wheeler_

_{Sun Jul 11 09:35:00 -0700 2010_}

(The complete quotation, according to Energize, Inc- Especially for Leaders of Volunteers, is “Don’t ever question the value of volunteers. Noah’s Ark was built by volunteers; the Titanic was built by professionals.”)

Volunteering is the practice of people working on behalf of others or a particular cause, without payment for their time and services. It is generally considered an altruistic activity, intended to promote good or improve human quality of life. People also volunteer for their own skill development, to meet others, to make contacts for possible employment, to have fun, and for a variety of other reasons, some of which might be considered self-serving and that I won’t go into now.

Volunteering takes many forms and is performed by a wide range of people. Many volunteers are specifically trained for the areas in which they work, such as, medicine, education, or emergency rescue and fire-fighting. Some volunteers serve on an as-needed basis, as in response to a natural disaster or for a beach clean-up. And there’s the volunteer army. Habitat for Humanity and international service clubs such as Rotary and Soroptimists are examples of nonprofit service organizations.

Volunteerism is a tradition that encourages unpaid community and church service as the most acceptable activity for women away from home.

Wikipedia Encyclopedia differentiates among 3 other volun... terms: (1) Voluntarism (action), the use of or reliance on voluntary action to maintain an institution, carry out a policy, or achieve an end; (2) Voluntarism (metaphysics), a philosophical term emphasizing the primacy of the will; and (3) Voluntarism, the philosophical position that the only legitimate interactions between and among people are those freely assented to by all parties concerned.

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From a senior citizen’s perspective, there are 2 approaches to volunteering and to volunteers-- the senior citizen as a volunteer, and volunteers as providers of various kinds of support for senior citizens.

Once a week eighty-nine year old Aiko Yamamoto volunteers at the North Berkeley Senior Center front desk and served one term as an elected member of the Center’s Advisory Council. Asked about volunteer work, eighty-four year old Harry Siitonen focuses on labor, his lifelong concern; he had to quit the Alameda Central Labor Council because of his hearing but he writes for the Finnish-American newspaper and he pickets. When asked about her current volunteer work, seventy-eight year old Ying Lee mentions concern for “peace and social justice issues.” (She is a former member of the Berkeley Public Library board of trustees; service on Berkeley boards and commissions is appointive). (See April 27, 30, 2010 Berkeley Daily Planet)

A young, unemployed, recent graduate who in the past was expected to complete a low-paying internship in her/his field now hunts for an internship to get experience that may lead to a “real job”, a paying job. “It will look good on your resume” may accompany an invitation to do work without
pay. As a senior citizen, you can volunteer but you will usually be expected to submit an application or be invited to apply to volunteer.

The City of Berkeley’s Division on Aging website reads “Volunteers are always welcome in all of our programs to deliver meals to home-bound seniors, to assist with the Mercy Brown Bag program, to teach classes, and to provide other expertise and help. Volunteer Forms are available online.” This is followed by a broken link. Currently, most of the senior centers’ classes are conducted by unpaid volunteers.

It is possible to apply online to volunteer at the Ecology Center, which runs Berkeley’s residential curbside recycling program, the Farmers’ Markets, Farm Fresh Choice food justice program, Terrain magazine, EcoHouse demonstration home and garden, the Ecology Center Store, and a variety of Information and Climate Change Action programs.

The BIN - Berkeley Information Network -- is a project of the Berkeley Public Library; hundreds of hits respond to “volunteer organizations.”

The State of California website’s Volunteer Search Results generates 93 Alameda County “ongoing” hits; “at home” and “one-time” opportunities are listed. Some are “suitable for teens, seniors.” One - for a board member, minimum age 50, meets once a month... expects Board members to bring at least $500 to the organization each calendar year...

There can be problems associated with volunteering and volunteer work. For example, as I write this, there are 50+ San Francisco Bay Area Craigslist responses when keywords volunteer + services or community are paired. Few sound like they are responses from genuine volunteers offering free services or things. Elsewhere on the Internet, there’s what may be better news, e.g. the Association of New Jersey Volunteer Centers declares “Volunteer! There are numerous volunteer positions available at our Centers - intake coordinators, facilitators, receptionists, computer specialists and more.”

The United Nations Volunteers (UNV) program contributes to peace and development through volunteerism. “Every year, close to 8,000 qualified and experienced women and men of 160 nationalities serve as UNV volunteers in 130 countries. They are professionals who play key roles contributing to peace and making an impact on development results.” To qualify for AmeriCorps*VISTA, one must be a U.S. citizen, U.S. national, or lawful permanent resident. Most programs seek members with college degrees or at least 3 years of work experience. Many also seek retirees with extensive experience.


Sex and gender appear to be frequently-considered factors when considering volunteers and volunteering. “Sex is the biological status of the person; gender is the cultural notion of what it is to be a woman or a man.” “Gender and work history in the placement and perceptions of elder community volunteers” were reported by Kara Fischer in the June 1991 Psychology of Women Quarterly. In “Gender and religious differences associated with volunteering in later life.” (Journal of Women & Aging, April 2010), Lynda K. Manning reported investigating the effect of gender and religiosity on volunteer behavior in later life. When accounting for gender and religious differences specifically, there are assumptions that older women are more likely to volunteer in later life as opposed to men, and that gender is a better predictor than being religious for the likelihood of occupying a volunteer role in later life.

In her PhD dissertation Masako Ishii-Kuntz considered “Formal activities for elderly women: determination of participation in voluntary and senior center activities” (Journal of Women & Aging 1990 2(1)). She found that age, race, and health status influence participation in voluntary organizations and senior centers. Elderly widows are more likely to participate in voluntary organizations than married women. Loneliness has a positive impact on senior center participation of these women. In both Japan and the United States, participation in senior center activities and classes is not necessarily associated with volunteering in the work of a senior center. High school students allegedly filling ‘community service’ requirements are often found engrossed in their homework at the senior center front desk!

The National Displaced Homemakers Network grew out of a support group for unemployed older women. A displaced home-maker was defined as an individual who had been providing unpaid services to family members in the home and who, after managing a household for years, was forced by financial necessity to find a wage-paying job. The programs aimed to help them transition from home to workplace with free sessions on life-skills development, job-skills assessment, career counseling, pre-employment preparation, job referral, and placement. It was the era in which older women were told that retirement provides opportunity to pursue higher education through enrollment in a college or in short-term adult education or Elderhostel program. Although the Displaced Homemakers Self-Sufficiency Assistance Act was adopted in 1990 and repealed in 1998, the Network’s advice continues to be germane to senior citizens’ needs and interests: “Good volunteer opportunities are available in hospitals, schools, libraries, art museums, and numerous nonprofit organizations. Contact your local Council on Aging, Office of Elder Affairs, Area Agency on Aging, or Volunteer Action Center to find out about volunteer programs. Call your state house of representatives or city hall to find out which agency administers volunteer programs for elders in your community.”

'SINGLE PAYER, UNIVERSAL HEALTH CARE IN CALIFORNIA! Helen Rippier Wheeler can be reached at pen136@dslextreme.com

No email attachments; use “Senior Power” for subject.

Restoration Comedy: Phoning It In

By Jane Powell
Sun Jul 11 16:59:00 -0700 2010

Having returned from Indiana to a typical East Bay summer (i.e. fog, or what a friend refers to as “barbeque in a parka” weather), I’m a little testy. As I’ve grown older I’ve come to actually like heat— not that I’m thinking of moving to the other side of the hill or anything. Nope, still attempting to hold on to my house. So I had another appointment at NACA last week.

When I showed up, they told me I couldn’t talk to the counselor, I had to call the 800 number and ask to speak to a negotiator. They said a negotiator had been trying to contact me. Oh really? I had made two separate phone appointments (via the web) to speak to a negotiator and no one had called at the appointed time, or ever. (NACA is strictly a “don’t call us, we’ll call you” kind of organization.) Unless all those phone
calls from 800 numbers that I never answer because they’re probably phone solicitors were from NACA, I don’t think they were trying to get in touch with me. They could have left a message, not to mention they also have my email address.

But I dutifully called the 800 number from my cell phone. This was about 9:15 a.m. I was helpfully informed that I was caller #196 waiting to speak with a customer service representative. Every couple minutes my status in the line was updated, going down two or three numbers each time. Thank God they don’t say “your call is very important to us”- I would have had to strangle someone. I put on the headset and proceeded to run a few errands. By the time I had to be at work at 10:30, I’d only gotten down to #27. Then I had to hang up. So that was 75 wasted daytime cell phone minutes. Ostensibly the lines are open till 8 p.m. California time, so I called again about 7:30 in the evening- the office was already closed. Tried again the next day- this time I only started at caller #50! Finally got a human, who said the next available phone appointment was July 16th. Swell.

There was a reason I wanted to talk to an actual human at the NACA office- because when they call on the phone, it’s like the worst cell phone call you’ve ever been on. Apparently there are no cubicles, because you can hear numerous other conversations going on in the background, there’s a lot of static on the line, and everything you say comes back as an echo. The person at the other end keeps cutting out intermittently, so you miss half of what they say, and have to keep asking them to repeat it. So I’m not exactly looking forward to the phone call on the 16th.

Those of you who have been following this whole thing may recall that I was going to NACA’s Save the Dream event in Washington, DC, which started on July 16th, meaning I wouldn’t be home to get the phone call anyway. But when I checked the website to find out if they actually had decided on a venue for it, I discovered that they had, and also, that they had changed the starting date to July 23rd. Luckily I was able to change my airline ticket or I would have been out 50,000 miles for nothing.

In the immortal words of George Carlin, “If you die while you’re on hold does your light go out?”

Jane Powell writes for the Planet whenever she feels like it. Apparently she’s feeling like doing it weekly for the moment. Enjoy it while you can, and contact her at hes-dressng@aol.com.

Wild Neighbors: Tales of the Lone Parrot
By Joe Eaton
Tue Jul 13 10:08:00 -0700 2010

I got a handful of interesting responses to a column earlier this year about what I believed to be the last survivor of the wild parrots of Berkeley, a species known to the pet trade as cherry-headed conures and to ornithologists as red-masked parakeets. One writer bridges a gap in the story regarding the fate of the penultimate parrot. Another suggests that there may be another flock out there.

Here’s Dennis Markham:

“I saw your article in the Daily Planet. I counted up to five parrots at one time since living near Ninth & Delaware since 1992. Up until a couple of years ago, there were three parrots. One of the parrots died of an unknown disease according to a neighbor on Ninth who used to watch after them.

“Last fall after the big unexpected rainstorm (September/October?), we found one of the two remaining walking on the sidewalk and unable to fly, its beak looking injured. We took it to the Contra Costa pet emergency, which was the only place that would take it after normal business hours. After some frustrating inquiries as to the status of the bird, I was told that one of the vets lived in West Berkeley and knew where the parrot had come from.

“After the parrot recovered, the vet returned the bird to the neighborhood. Once again there were two parrots, until about a month later when one disappeared. I had noticed that the neighborhood ravens had been chasing both parrots for several weeks. I believe they weakened the injured one so much that it eventually died. I cringe every time I see the single parrot in the neighborhood. It seems that it is looking for its mate/family.”

That account seems pretty definitive. Other readers had mentioned the parrots being harassed by crows, mainly crows.

One parrot was still being observed as recently as May, when I received the following from Rommel Baton:

“I came across your articles when Googling Conures in Berkeley. Seems like you’ve been following these guys around for awhile. We saw Wild Parrots on Telegraph Hill and ever since, we are always on the lookout for those birds when we are around that area.

“So one morning I go to work last week and I park my car on Camelia at 5th street near Gilman like usual. I get out of the car and I hear the bird, he’s not really calling to anyone. I look up and I spot him on some telephone wires, he’s just preening himself and making a sort of giggling sound. I took out my phone and I snapped a photo of him to show my girlfriend, otherwise she would never believe me. I watched him for about five minutes and went on my way.

“I never thought I would see him again, but yesterday I was going to my car in the afternoon and I could hear him (or her). I didn’t see it but I did hear it. Maybe it lives close by? It’s kind of industrial, I couldn’t imagine that a parrot would want to live around that area…”

But not long before, Bill Lanphier had reported a multiple-parrot sighting:

“A group of maybe a dozen flying west to east, in the 500 block of Talbot, Albany, late afternoon” on April 13. “I was looking straight up at them and, because of the direct backlighting, I couldn’t pick out much. But I’m 80% sure they were green and about the right size for, what I think is called, green conures (like most of the birds I recall seeing in the Telegraph hill documentary). They consistently stayed in relatively tight formation (also as I recall from the documentary).”

So what’s going on here? Observer error is always possible; remember the ivory-billed woodpecker fiasco. But if Mr. Lanphier wasn’t seeing parrots of some kind, what were they? Do the Telegraph Hill parrots cross the Bay on occasion? Has there been a recent mass parrot escape in Albany? I would welcome any additional observations.

News from Berkeley: The Alameda County Fair, Pick-N-Pull & Chez Panisse

Jane Stillwater
camping out with the disabled people there who are protesting Governor Schwarzenegger’s rather foolish budget cuts to salaries for their home-care workers. Will let you know how that goes.

And here’s a trilogy of articles I just wrote about Berkeley -- or at least the East Bay area. Hopefully these places will cheer you up too.

The Alameda County Fair: “We had fun!”

“Let’s go to the Alameda County Fair on Wednesday,” said my daughter Ashley -- and I, of course, replied, “Yawn.” But I was wrong. We went and had a really good time.

Not only was there a carnival with all the rides and monster foot-long corn dogs and all that kind of stuff but this really was a true county fair and there was pie judging and flower judging and demonstrations of gadgets that you never knew that you needed and quilt exhibits as well.

And there were also chickens. We bought chickens. We now have four chickens -- they were four for $20 (and also came with food.) We named them Smokey Robinson, Sun Rocker, Marika Mustache and Scary Spice.

“Did you like the fair?” I asked my two-year-old granddaughter Mena.

“We had fun!” she replied. And we did.

Pick-N-Pull: America 50 years from now?

My daughter’s friend recently needed some spare parts for his car. “Wanna go to Pick-N-Pull with me?” he asked. Pick-N-Pull? What’s that? “It’s an Elephant’s Graveyard for old cars.” Let’s go!

Pick-N-Pull is located way out in Richmond, in the Iron Triangle area. Guys (yes, it’s a guy thing) go there to pull spare parts out of old cars so they can get used parts on the cheap. The place has HUNDREDS of old cars -- row after row, just sitting there. And looking like what American streets will look like in 50 years after we have run out of oil.

Ashley’s friend brought his tool box. A bunch of other guys did too. And, yes, there were a few women there, but not many besides me. And the pickers and the pullers were all leaning over engines with wrenches and stuff. I loved it. Rows and rows and rows of cars -- most were from the 1990s. There were only a few really old cars and trucks. We looked at them all -- but Ashley’s friend never did find the right part for his car.

PS: Approximately 40 rows at Pick-N-Pull were devoted to the ruins of American-made cars, mostly Cadillacs, Saturns, Buicks and Fords. And only approximately five rows there were devoted to broken-down foreign-made cars. What does that tell us?

My birthday dinner at Chez Panisse

“The American life-style is non-negotiable,” said George H.W. Bush -- and then he and his sons almost immediately proceeded to negotiate away as much of it as they possibly could to bankers, tycoons, weapons manufacturers, lobbyists and Congressmen on the take.

But not only was the Bush family’s and corporatists’ enthusiastic deregulation of our public safety guarantees and the wholesale looting of our treasury a huge threat to the American life-style, that but when our oil runs out in a few years, we can forget that life-style completely! According to James Howard Kunstler’s book “The Long Emergency,” in less years than we would like, we’ll all be back to living like the Amish.

But there is one part of the American life-style that I absolutely refuse to negotiate until I absolutely positively have to -- my yearly birthday dinner at Chez Panisse. Even if I have to scrimp and save all year long, even if I have to beg my grown children to treat me, I’m going! Nothing makes getting older more bearable than having a birthday dinner at Chez Panisse.

I can’t find the fancy little souvenir menu they gave me which says exactly what me and my son Joe ate, but I can still (vividly!) remember most of it anyway. Salmon carpaccio, rack of lamb and cherry pie. Plus I took plenty of photos.

Corruption in the Repair Industry

By Jack Bragen

I worked as a television and video repairman in the 1980’s, was employed by several small repair shops and was self employed at it. I was pretty good at troubleshooting the circuitry in TV’s and VCR’s, yet some of the jobs were more stressful than I would have liked.

In my time as a technician I learned that the retail price of repairs often didn’t reflect the amount of work put into someone’s unit, but instead reflected the company’s need to pay its overhead in order to stay in business. One reason why I never made it big as a repair shop owner was my fear of overcharging. I always wanted to give the customers a good deal, and in the process of that I didn’t
make any money.

Price gouging of automotive repair shops and electronic repair shops includes replacement of more parts than are required to make a unit functional again, charging for work that never took place, and making up ailments in someone’s unit that exist only in the imagination.

I admit that a couple of the shops that I worked for, that were located in Concord and Pleasant Hill, participated in some of this price gouging. The owners of the shops justified this behavior by saying that it was the only way that their business could be profitable.

In some instances, the same part invariably wears out in one make of television set, computer, or automobile; it means that the troubleshooting time is minimum for technicians who have “seen that before.” It further means that fifteen minutes can be spent to fix something, and yet the full repair price gets charged for the unit. In the 1980’s, the Hitachi made VCR’s were notorious for bad idler wheels. The symptom was “eating tapes.” This repair could often be performed without disassembling the unit, could be performed in five minutes or less, and about ninety dollars in labor could be charged because that was the standard rate.

Home electronics repair law, and automotive repair law seem largely unchanged in the last twenty five years. Registration with Department of Consumer Affairs was and still is a legal requirement for someone who represents that they perform these repairs; although today more shops appear to be in violation of this requirement. Budget Cuts have forced the merger of the Bureau of Electronic and Appliance Repair with another agency.

Having the license is no indication of repair prowess. There is no exam for a service dealer registration; it is a matter of completion of the paperwork and payment of their fee every year. A contractor’s license can also be used, and that license does involve testing.

In some instances, a repair estimate is given for more than your unit is worth, not because that much money to repair something, but instead because the technicians don’t want to deal with hours of troubleshooting that could otherwise be spent more profitably on someone else’s easier repair. This is called “shot gunning,” in which every part is replaced that might possibly cause the symptom, as opposed to doing the tests that would tell you which part is bad. The customer is told falsely that all of these parts were “shot,” meaning worn out. Should you accept such an estimate, you are paying for the technician’s laziness or lack of competence. Should you turn down the estimate, you’re paying a diagnostic fee for a diagnosis that didn’t happen.

**Arts & Entertainment**

**Silent Film Festival Celebrates Cinema’s First Golden Era**

*By Justin DeFreitas*

*Tue Jul 13 10:39:00 -0700 2010*

The complete film has been lost for eight decades, the original version never having been seen since its 1927 premiere in Berlin. Cut by producers and censors, in Germany and abroad, it has since existed only in fragmented form. A semi-reconstructed version circulated in 2002, the most complete version to date at that time, but still missing about 40 minutes of material, including one or two subplots. Then, last year, a nearly complete print of the original *Metropolis* was discovered in Argentina. This, the most complete version of the film we are likely to ever see, is a sort of universal language.

The San Francisco Silent Film Festival, now in its 15th year, showcases the breadth and depth of the first golden era of cinema, presenting the full range of film treasures—from slapstick to science fiction, from Russian avant garde to the American west—as they were meant to be seen: on the big screen, in a beautiful 1920s movie palace, and with live musical accompaniment. This year the festival expands to four days, beginning Thursday night, July 15, at the Castro Theater with John Ford’s *The Iron Horse* (1924) and continuing all day Friday, Saturday and Sunday with films from America, France, Germany, China, Italy and Scandinavia.

**METROPOLIS**

Perhaps the festival’s highlight this year is the Friday night presentation of the recently discovered original version of Fritz Lang’s *Metropolis* (1927). One of the most influential of all science fiction films, *Metropolis* is a dystopian nightmare in which the age of machines enables a repressive societal structure in which workers are forced underground to work as slaves, running the machinery that enables the ruling class to thrive above ground.

The film is full of typical Langian imagery-stark, symmetric compositions, grand in size and scope—including the iconic moment when the protagonist is bound to a machine that resembles a large clock, trying to keep up with the never-ending task of matching the movement of the machine’s arms to a series of flashing lights. The purpose of the machine is never explained but used merely as an expressionistic and symbolic device: mankind enslaved to both time and its own machines. Later in the film the mad scientist Rotwang sends his robot into the workers’ netherworld, disguised as their saintly leader Maria, with the intent of using the machine-woman to spark a revolt. Again, man’s demise is threatened by the specter of his own machines run amok.

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to ever see, premiered once again in Berlin this year and now comes to San Francisco. The film will be accompanied by the Alloy Orchestra, performing their own score.

HARRY LANGDON

Saturday’s screenings include one of the least known of the silent era’s greatest clowns. Comedians were a dime a dozen in the days of silent film, but great comedians were precious and few. The judgment of history has left us maybe a half-dozen top-notch talents, and just a few of those names are much remembered today. Charlie Chaplin, Buster Keaton and Harold Lloyd are the heavy hitters of course, the names that immediately come to mind, with perhaps Roscoe “Fatty” Arbuckle, Mabel Normand, Charley Chase, and a few others lagging not so far behind in name recognition. Still others, like Laurel and Hardy, did well in silent films but are today best known for their sound work.

But the name of Harry Langdon still languishes in relative obscurity. The consistency and quantity of his best work may not quite place him among the ranks of the big three, but he is awfully close. Or at least he would be, if his work was more widely seen and appreciated. One of his best films, The Strong Man (1927), directed by Frank Capra, will show at 4 p.m. Saturday.

Langdon’s tenure at the top was brief, a meteoric streak across the comedy horizon. Walter Kerr, with his landmark book The Silent Clowns, has become the de facto authority on the comedian, with virtually every discussion of Langdon centering on Kerr’s insightful distillation of the essence of the comedian’s work. It was Kerr’s view that Langdon “existed only in reference to the work of other comedians.” The form had to exist already, and “with that form at hand—a sentence completely spelled out—Langdon could come along and, glancing demurely over his shoulder to make sure no one was looking, furtively brush in a comma.”

By 1926, Kerr wrote, audiences were well versed in the mechanics and traditions of screen comedy. The major comedians delighted viewers by their unique approaches to the form, by the idiosyncratic ways in which they both met and flouted those conventions. But Langdon more often than not simply defied those conventions altogether, usually by doing...nothing. In situations where another comedian would have leapt into action, or at least turned tail and run, Langdon just stood there. As the world moved around him, he stood watching and blinking, allowing us to observe the slow thought process that left him hilariously ineffectual.

Kerr: “[L]angdon’s special position as a piece of not quite necessary punctuation inserted into a long-since memorized sentence means that he remains, today, dependent on our memory of the sentence. It is not even enough to know the sentence. We must inhabit it, live in its syntax in the way we daily take in air, share its expectations because they are what we expect, if we are to grasp—and take delight in—the nuance that was Langdon. You would have to soak yourself in silent film comedy to the point where Lloyd seemed a neighbor again, Chaplin a constant visitor, Keaton so omnipresent that he could be treated as commonplace, and the form’s structure as necessary as the roof over your head in order to join hands with Langdon once more and go swinging, fingers childishlly interlocked, down the street. That sort of immersion can never really take place again, except perhaps among archivists, and we shall no doubt continue to have our troubles with Langdon. It seems likely, however, that our reacquaintance with silent film comedy is going to develop a good deal beyond what it is now; the closer we come to feeling reasonably at home in it, the larger will Langdon’s decorative work—all miniature-loom.”

Silent comedy has indeed seen a resurgence since Kerr’s day, and this year’s festival provides just the sort of context viewers necessary to fully appreciate Langdon: Saturday’s screenings begin at 10 a.m. with a series of comedy shorts, including the work of Roscoe “Fatty” Arbuckle, Buster Keaton and Laurel and Hardy, that should at least provide viewers with a passing familiarity with the syntax of the form.

Other screenings:

* Louise Brooks, one of the most beautiful and iconic of silent film actresses, in G.W. Pabst’s Diary of a Lost Girl.
* The 1922 Danish/Swedish production Haxan: Witchcraft Through the Ages, in which director Benjamin Christensen applies the tenets of psychoanalysis to the witches of the Middle Ages
* William Wyler’s 1929 action-drama Shakedown.
* Dziga Vertov’s The Man with a Movie Camera (1929), a dizzying work which attempts to grant the camera the agility of the human eye.

* The Woman Disputed (1928), one of the few surviving films of Norma Talmadge, one of the era’s biggest stars.
* L’heureuse mort, a French comedy from 1924.
* The Flying Ace (1926), one of the earliest films to feature African Americans in positive roles.
* A Spray of Plum Blossoms (1931), a Chinese adaptation of Shakespeare’s Two Gentlemen of Verona, featuring two of China’s most popular actors, Jin Yan and Ruan Ling-yu, sometimes referred to as China’s Greta Garbo.
* Rotaie (1929), one of the silent era’s most important Italian films, which had a strong influence on the work of the great German director F.W. Murnau.
* Three educational presentations: Variations on a Theme: Musicians on the Craft of Composing and Performing for Silent Film, and two installments of the popular Tales From the Archives series, in which archivists present rare short films and clips and discuss the art and craft of preserving our cinematic history.

San Francisco Silent Film Festival. July 15-18 at the Castro Theater, 429 Castro St., San Francisco. For tickets and a complete schedule, see www.silentfilm.org.

It’s Mozart Time Again

By Ira Steingruber
Tue Jul 13 15:18:00 -0700 2010

The wonderful time of the year has come, the time of the 2010 Midsummer Mozart Festival, the only all-Mozart festival in the country. This year’s celebration of the heartbreakingly beautiful music of the Salzburg-born genius will feature two programs, each presented at four locations around the Bay Area over the next two weekends. The selections include symphonies, concertos, ballet music and vocal arias performed by top local performers and internationally renowned artists, all under the direction of Maestro George Cleve, a Bay Area treasure and one of the world’s greatest interpreters of Mozart’s music.

Program I will begin with an early Symphony, No. 15 in G major, K.124, and close with Mozart’s penultimate Symphony, No. 40 in G minor, K.550. No. 15 was written when Mozart was sixteen and although many of his early symphonies lack the interest of his later works, this is one of the exceptions. It has four movements, but the whole piece can be played in less than ten minutes, a lovely little gem with a particu-
larly beautiful third movement Menuetto. Sixteen more years separate this proficient work by the world’s most brilliant teenager from No. 40, a work that can only be compared to transcendent works on the level of King Lear, the Sistine Chapel or Mozart’s own Don Giovanni.

Mozart entered the opening bars of this and his other two last symphonies, Nos. 39 and 41, into his Verzeichnis aller meiner Werke, his autograph thematic catalogue of his compositions, between June 26 and August 10 of 1788. That means that during a six week period in the summer of 1788, after the failure of Don Giovanni in Vienna, during the time that his infant daughter died, while composing half a dozen other pieces, he carried these three symphonies around in his head and then wrote them down one after the other in fully orchestrated versions. Not only would that be difficult in itself, but these are the greatest symphonies of the Eighteenth Century and among the greatest pieces of music ever composed. In these monumentally exquisite late symphonies Mozart presents the Nineteenth Century with the seeds that would flower into a hundred years of romantic music.

Sandwiched into this symphonic roll, Cleve has chosen two meaty concertos to fill his Mozart hoagy, Piano Concerto No. 21 in C major, K.467, and Violin Concerto No. 4 in D major, K. 218. Fourteen-year-old piano and violin prodigy Audrey Vardanega will perform No. 21 with its famously haunting Andante. This slow second movement is well known from its use in the movie Elvira Madigan, but let’s not hold that against it. Like Cleopatra, “Age cannot wither her, nor custom stale her infinite variety.” Indeed, variety is the very essence of this composition with an abundance of unique ideas in all three movements. It is through its position between the fast opening Allegro maestoso and the equally spirited closing Allegro vivace assai that the lyricism and simplicity of the Andante becomes fully realized as music and not programmatic musical shmalz.

Then it takes on the purity and rigor of Bach or Satie.

The Festival orchestra’s talented concertmaster, Robin Hansen, steps forward as soloist for the Violin Concerto, No. 4. In general, Mozart’s concertos present a perfect balance between the individual soloist and the orchestral ensemble. Here, the soloist has the best of it with plenty of opportunities to show off both emotionally and technically. The final movement is so imbued with the feeling of dance that Mozart later transformed it into the four contredanses, K.269b.

Astoundingly, Mozart composed this accomplished piece when he was nineteen.

With three masterpieces featuring orchestra, violin and piano, plus an undeservedly neglected early symphony, Program I of the Festival promises to be a delicious immersion into the creative realm of the greatest genius European music has ever produced. Look for my preview of Program II of the Midsummer Mozart Festival in next week’s issue of the Planet.

Program I of the Midsummer Mozart Festival will be performed Thursday, July 15, 8 pm, Mission Santa Clara, SCU Campus in Santa Clara; Friday, July 16, 8 pm, San Francisco Conservatory of Music Concert Hall, in San Francisco; Saturday, July 17, 6:30 pm, Gundlach Bundschu Winery, in Sonoma (outdoors); and Sunday, July 18, 7 pm, First Congregational Church, in Berkeley. For more information call 415-627-9141 or visit www.midsummermozart.org.

Home & Garden

Inside Northside’s Fabled Spring Mansion

By Steven Finacom
Tue Jul 13 09:58:00 -0700 2010

Scores of curious sightseers—and perhaps some serious potential buyers—wandered this past Sunday through the closest thing to a residential palace in Berkeley, the John Hopkins Spring mansion.

According to what the realtor told visitors on Sunday, the immense vacant house will be open again from 1 – 4 this com-
The Spring Mansion, which borders on The Arlington but has its practical access through two gated drives on San Antonio Avenue, is an approximately 12,000 square foot house that looks, inside and out, like a seat of landed aristocrats or minor nobility dropped into the North Berkeley Hills.

The house was built in 1912 by wealthy developer and capitalist John Hopkins Spring as a centerpiece to the Thousand Oaks subdivision his firm had developed. It once stood prominently on the hillsides, visible from considerable distances, but the landscape and other buildings have grown up around.

You can—and probably will—pass by on The Arlington just a few hundred feet downhill from the house and not notice much except a curiously long stretch of dense vegetation and a fence.

Daniella Thompson has written that the house was modeled on the Achillion Palace in Corfu. It also resembles, in plan at least, a considerably toned down version of The Breakers in Newport, Rhode Island.

The exterior sense of the monumental building, designed by John Hudson Thomas, is broadly neoclassical, with columned portico and symmetrical facades, but the grandly scaled interior spaces have interesting architectural characteristics of earlier eras.

There’s an almost Minoan or Egyptian feel to the two story atrium with its flat lay light, four immense, unornamented, corner columns, simple decoration, oil-lamp-like sconces, and wrap-around second story balcony.

The ground floor includes a vaulted entry hall (and a back entry hall as well), and vast, now largely empty, rooms that served as library, living room, dining room, and billiard room (a pool table now occupies the original banquet hall). The main house occupies the largest.

The realty listing describes the surrounding site as “a 100 year old botanical garden’. It is immensely spacious for Berkeley—more than three acres for the whole property—and does have some treasures, including a rare old wine palm and some unusual pines, but at present it looks rather like a dry wooded hillside in Tilden Park.

Some of the outdoor fixtures look to be in ruins. There’s a tennis court with rocks piled along one side and a tree sprawled onto it, one outbuilding pockmarked with graffiti, and two formal ornamental pools, both dry, with forlorn remnants of sculptures.

Outbuildings include a structure and a house down by The Arlington, the converted carriage house (two residential floors and a basement) of San Antonio, a strange, squat, brick and wood eruption that looks like a 1970s fraternity lounge—complete with lava rock fireplace and ample bar counter—helicopterized onto one of the formal terraces, and a charmingly derelict cottage in the woods.

Some ornamental features—statuary, light standards—that show up in pictures from just a few years ago are now damaged or absent, although grand exterior stairs and balustrades remain.

The Spring Mansion is at 1960 San Antonio Avenue. Head up The Arlington from The Circle, turn sharply right and uphill on San Antonio, and wind around a few curves to reach the entrance gates. Be cautious of traffic and pedestrians on the narrow street, and park where it’s legal, instead of just convenient.

Check http://www.redoakrealty.com/ for current listing information and any announcements about an open house on July 18. The property is listed as “1960 San Antonio Avenue.”

The property is listed by Red Oak Realty, and on the handouts at the open house described as “presented by” realtors Robin Gaskins and Laurie Capitelli (who also serves on the Berkeley City Council).

It’s being marketed as a property that ‘lends itself perfectly to either a grand executive residence or institutional uses such as a retreat, conference center, school or extended stay residences.” The property has been subdivided into four parcels that could be sold together, or separately; the main house occupies the largest.

You can read two thorough articles about the history of the Spring Mansion in back issues of the Daily Planet online.

February 22, 2006, Daniella Thompson wrote about the history of the building in the Planet, and later expanded her article into a longer piece that can be found online at Berkeleyheritage.com.

February 13, 2007, Dave Weinstein wrote about both the history, and about development plans for the building at that time.

Events

Outings: The Historic Shinn House and Gardens

By Steven Finacom
Mon Jul 12 21:09:00 -0700 2010

The wooden Victorian style Shinn House dates to the 1850s and showcases four generations of Shinn family artifacts and early Alameda County rural life. Beyond the rose arbor on the right a two-story water tower rises.
The “day room” has a round dining table where the adult members of the family often ate, a fireplace with inglenook seating, and a safe (empty) concealed behind one of the wooden panels.

Docent Al Minard, in period costume, describes the intricacies of 19th century meals in the formal dining room.

This little, originally one room, cottage was the first Shinn family home on the property before the main house was built. It was constructed of timbers salvaged from schooners abandoned on the Alameda County bay shore.

SHINN’S NURSERIES!

Non-Irrigated Trees.

I offer for season of 1889-90 a large stock of fine, healthy Trees, of all varieties. Would call especial attention to stock of Muir and Other Peaches, Italian Apricots, Almond, French and Silver Prunes, Menzies Apricot, English Walnut.

Our locality is free from the pest of the orchardist, San Jose scale; and a guarantee of inspection will be furnished to all who may desire.

SEND FOR PRICES.

JAMES SHINN.
Niles, Alameda County, California.

An advertisement by James Shinn in the July-December 1889 Overland Monthly—

which his daughter, Millicent, owned and published—highlights the fruit and nut trees he had available for sale from the Niles property.

“Thank you for visiting the beautiful half of Alameda County.”

Our guide was being somewhat facetious, but it was hard at the moment to disagree standing next to a handsome historic house surrounded by four and a half acres of gardens and grounds, with the golden-and undeveloped-hills of Fremont in the near distance.

Fremont?

Yes. The city that Berkeleyans (including this writer, on occasion) tend to dismiss as a bland expanse of tract subdivisions and auto malls is also home to a number of historic houses, parks, and other properties where you can envision life of earlier days in what began as a prosperous agricultural district of Alameda County.

We were at the Shinn House and Arboretum, which dates back to the 1850s and was the four-generation home of the Shinn family until given to the City of Fremont as a historic site and park in the 1960s.

The house and grounds are a treasury of early Alameda County rural history and a pleasant spot to visit for a short tour and garden stroll. Located at the warmer end of the county in a district rich in deep, alluvial soil, this area quickly became a focus of early agriculture in post-Gold Rush days.

Dr. Joseph Clark from San Francisco bought the property in 1856 from the Sim (sic) family. He invited his sister, Lucy, and her husband James Shinn to move to California to manage it. They came from Texas with at least one young child by the sea route through Panama that same year.

For several years the Shinns—who ultimately had seven children—lived in a tiny, literally one room, cottage built by the previous landowner “Captain” Sim out of timbers taken from Gold Rush era schooners that had been abandoned in the tidelands along the bay shore.

This structure, now clapboarded and white painted, was moved to a site near the current property entrance and is used today as headquarters for a dedicated group of volunteer gardeners who maintain parts of the grounds.

If on your visit you have a chance to peek inside, you’ll see the wide-timbered walls, a rustic fireplace across one end, and a lowered ceiling that housed a loft where the children slept.

The main house—the feature attraction of tours—is a two and a half story above basement Stick Eastlake farmhouse which, our guide said, had Bavarian folk architectural touches reportedly suggested by Continental Shinn relatives.

Now painted yellow, it’s built of clear-heart redwood that was logged not far away in Castro Valley. The main structure was
under construction from 1865-1876 and weathered, reportedly without mishap, the great Hayward Fault Earthquake of 1868 that tore through the grounds within 100 feet of the building.

The house has a generous front door shaded by a huge rose arbor. Left, when you enter, are formal parlor and dining room. To the right, the first room is a small office lined with agricultural texts where the ranch was managed. Beyond it, a generously sized “day room.”

Big windows and French doors facing east, a fireplace with inglenook seating, a circular dining table, the kitchen conveniently next door, and plenty of informal sitting around room and daylight make this century and a half old space surprisingly approximate a “family room” of today.

According to our guide this is where the Shinn family spent much of its indoor time and the adults regularly ate. Beyond, in the ample kitchen, is a L-shaped built in bench with table where the children and servants dined. Off to one side-and not on the tour-is a building extension and water tower, partially converted to park restrooms.

Upstairs-accessible by formal staircase from the front hall, or steep back stairs from the kitchen-there are four bedrooms and a small nursery in the front of the house. One bedroom features a wall covering made from thin pieces of bamboo, mounted in a screen and painted with flowers and birds.

A small bathroom represents a “modern”-that is, first half of the 20th century-improvement. Our guide noted that the house was originally lit by kerosene lamps, and then went straight to electricity, without a gas lighting era.

Behind the back stairs there’s a second floor hall with another small bedroom, a bath, and a back bedroom, done as an early addition, and looking like a ship’s cabin with walls and ceiling paneled in redwood.

The house is furnished with a mix of Shinn originals and collected objects from the 19th century. The pantry is stocked with period canned goods and hand-operated mechanical devices for food processing such as cherry pitters. There’s a laundry alcove and “sad iron”, so called because, after heating on the stove, they could easily transfer a speck of soot to a piece of laundry, ruining that piece of washing.

Many of the furniture items are not original to the Shinn family, but there are ample authentic family artifacts from paintings to books, to a custom built indoor sedan chair in which a disabled member of the family could be carried up and downstairs from her bedroom.

Our guide mixed in interpretations of 19th century life with Shinn stories. For example, he said the tradition of doing washing on Monday had roots in large Sunday dinners at which guests were often present and prosperous families prided themselves on never running short of food.

This meant there were leftovers for meals the next day, leaving time for the women of the house to turn to another time-consuming task, like laundry.

There’s a close and early tie between the Shinn’s and Berkeley. Four of the children went to Cal, son Joseph starting in 1879 when the University was just a dozen years old.

The most notable academic Shinn was Joseph’s younger sister, Millicent. She not only received a degree as an undergraduate but, several years later, earned a PhD-the first graduate degree awarded to a woman by the University of California.

Millicent Shinn’s advanced degree was based on study of her niece. Her dissertation was published as Biography of a Baby and, our guide said, is still used in teaching child psychology.

There in her southwest facing bedroom in the house is a photo of her and other delegates on the Berkeley campus at an American Association of University Women convention. And there are also reminders of her adventurous literary life.

In the early 1880s she bought the rights to the Overland Monthly magazine-a publication co-founded by Mark Twain-and published and edited it for several years, giving prominent place to poetry and women writers, mixed with luminaries from Joaquin Miller to Jack London.

Outside the house, take time to stroll the grounds that are a combination of historic re-creation, imaginative landscapes, and fallen corners awaiting restoration.

There are two barns at the back of the property, one of them salvaged and brought from another historic site in Fremont (the original Shinn barn burned in the 1970s when the house was vacant and awaiting restoration). By the barn is a small enclosure of bearing apricot trees, labeled as the last remnant of original orchard in Alameda County.

The Shinn’s used the ranch for food production, but also built up a substantial and well known nursery business, one of several that made the future Fremont area famous by the late 19th century for its prolific production of useful plants-such as fruit trees-along with exotic species and ornamentals.

“Niles has become the leading point in the township for the shipment of fruit, partly became the soil and situation are so excellent, but chiefly by reason of the comparatively early establishment of local and commercial nurseries here”, Charles Howard Shinn wrote about the neighborhood in 1889.

“Even before the Shinn nurseries were begun, neighbors who saw my father extending his orchard would come in to see if he could spare a few trees.”

At the time of the writing, Joseph Shinn was devoting 110 acres of his 250-acre property to fruit trees, besides his commercial nursery.

Another source of income for the Shinn’s came from selling gravel from adjacent Alameda Creek, which annually washed down alluvium from Niles Canyon and the vast littoral of inland Alameda County beyond. The gravel mines are now the Alameda Creek Quarries Regional Park, just northwest of the historic house.

Several early trees survive on the remnant Shinn property. There’s an enormous pair of wine palms planted around 1878 and rising like ancient temple columns, a Morton Bay fig with a tangle of sinuous surface roots dozens of feet across and a gingko older than the one on the UC campus.

Rose beds, ornamental fountains, a lush shady lawn in front of the house, and a handsome modern-era Japanese garden off to one side are all open for strolling. The grounds would be a nice place to have a picnic lunch before or after a tour of the house.

In fact, if you’d like to go to the Shinn House and a picnic, next Sunday-July 18-noon to 4 p.m. is a good opportunity. The Shinn House grounds will be put to use for a “Victorian Ice Cream Social”, benefitting the Mission Peaks Heritage Foundation that operates the house.

Model A antique cars, an old West gunfighter’s re-enactment, lace making and quilt making demonstrations, and tours of the Shinn House are offered.

The overall event is free. House tours are $5, and food-including hot dogs, popcorn, and ice cream sundaes-will be available for purchase. Call (510) 795-0891 for details.

At other times house tours are offered on the first Wednesday and third Sunday of each month, from 1 to 3 pm. The Mission Peak Heritage Association operates the house and staffs tours. The grounds are open as a City park from sunrise to sunset.

Our tour was led, in costume by an enthusiastic and well-informed Fremont com-
munity historian, Al Minard, who is also a leader in statewide history organizations.

The visit was organized as one of the Berkeley Architectural Heritage Association’s “First Friday” events, organized and led by BAHA Board member Sally Sachs. First Fridays take groups of visitors (advance sign-ups required) to local historic and architectural sites, often with a guided behind-the-scenes tour.

Visits to the Berkeley City Club (August 6) and the Contemporary Jewish Museum in San Francisco (September 2) are currently scheduled.

See the events page of BerkeleyHeritage.com for more information.

If you want to explore the Fremont area further before or after a visit to the Shinn House, the Niles business district is not far away, just off Mission Boulevard north of the Alameda Creek bridge.

It includes three or four blocks of one and two story wooden and brick storefronts mainly populated by antique stores and art galleries, along with the Essanay movie museum (open weekends) that recalls the era just before Hollywood when Niles was a major center of film production.

The City of Fremont has just completed an extensive park across from the shops around a historic railroad depot. This is one end of the Niles Canyon Railroad that offers rides on historic rolling stock down what was the original Transcontinental Railroad route into the Bay Area.

A drive up nearby Niles Canyon to Sunol is a trip back into rural Alameda County, where early Westerners were filmed. If you’re making an ambitious excursion you can circle ‘round the east side of the Berkeley Hills and return through the Caldecott Tunnel.

This historic parts of the Niles district always remind me of what Berkeley may have felt like in the early second half of the 19th century with a rustic wooden downtown commercial district, quiet side streets of Victorian cottages, and unbuilt hills rising at the edge.

The Shinn Historical Park and Arboretum is at 1251 Peralta Boulevard in Fremont, about 35 driving miles south of Berkeley.

If you’re going by car you can take either the low road or the high road to the Shinn House from the Berkeley area. 880 runs south to Fremont, then take Mowry Boulevard east to Peralta Boulevard, then double back a block west on the latter. Or drive down 580 to Hayward and head south on 238, which becomes Mission Boulevard, to just past the entrance to Niles Canyon, where you turn west down Mowry, thence to Peralta.

The 880 route is perhaps faster, if there are no traffic back-ups. The foothill route leads you through a rapidly developed district of Hayward and Fremont where condo tracts adjoin bait shops and defunct bowling alleys.

The Fremont BART station is also about a 15-minute walk south of the property.

USEFUL REFERENCES:

City of Fremont website for the Shinn House
Website links for historic attractions in the Shinn House vicinity
Niles Main Street Association http://www.niles.org/
Niles Essanay Silent Film Museum and theater
http://www.nilesfilmmuseum.org/
Niles Canyon Railway
http://www.ncry.org/
Niles Railway Museum (under development) in the historic Niles station.
http://www.nilesdepot.org/niles/home.html

(Steven Finacom wrote about another historic Fremont estate, Ardenwood and the, in the December 7, 2007 issue of the Planet, which can be found on line.)

Arts & Events Listings

Readings-East Bay Through July 25

A GREAT GOOD PLACE FOR BOOKS

Andrew Beahrs, July 21, 7 p.m. The author talks about “Twain’s Feast.”

BERKELEY PUBLIC LIBRARY, CENTRAL BRANCH

Novella Carpenter, July 22, 6:30 p.m. The author talks about “Farm City.”
Free. Monday-Tuesday, noon-8 p.m.; Wednesday-Saturday, 10 a.m.-6 p.m.; Sunday, 1-5 p.m. 2090 Kittredge St., Berkeley. (510) 981-6100, www.berkeleypubliclibrary.org/<

BOOKS INC., BERKELEY

Oren Hartman, Kathleen Price, Annamarie Price, July 16, 7 p.m. The authors talk about “The Price Price of Altruism.”
Justin Cronin, July 19, 7 p.m. The author talks about “Passage.”
Jeffrey Ma, July 20, 7 p.m. The author talks about “House Advantage.”
Jodi Liano, July 21, 7 p.m. The author talks about “Cooking From the Farmer’s Market.”
Jill Lebeau, Maureen Raytis, July 22, 7 p.m. The authors talk about “Feng Shui Your Mind.”
1760 4th Street, Berkeley. (510) 525-7777, www.booksinc.net/<

DIESEL, A BOOKSTORE

Stefanie Syman, July 25, 3 p.m. The author talks about “The Subtle Body.”
5433 College Avenue, Oakland. (510) 653-9965.<

EASTWIND BOOKS

Lian Gouw, July 18, 3 p.m. The author talks about “Only a Girl.” Free.
Brian Tom, July 24, 3:30 p.m. The author talks about “Sacramento’s Chinatown.”
2066 University Ave., Berkeley. (510) 548-2350.<

MOE’S BOOKS

Marc Hofstadter and Tim Kahl, July 22, 7:30 p.m. The authors read their poetry.
10 a.m.-11 p.m. daily. 2476 Telegraph Ave., Berkeley. (510) 849-2087, www.moesbooks.com/<

MRS. DALLOWAY’S

Allison Benis White and Sandy Tseng, July 22, 7:30 p.m. White talks about “Self-Portrait with Crayon.” Tseng talks about “Sediment.”
2904 College Avenue, Berkeley. (510) 704-8222.<

Classical Music-East Bay Through July 25

BERKELEY ART MUSEUM AND PACIFIC FILM ARCHIVE

SLEEP, July 23, 7:30 p.m. Featuring Liz Harris and Eugene Petrushansky. $5.
2626 Bancroft Way, Berkeley. <
CHURCH OF THE GOOD SHEPHERD
Temescal String Quartet, July 18, 7 p.m. Works by Mendelssohn and Brahms. $12-$15.

CROWDEN MUSIC CENTER
Lee/Graber Duo, July 16 through July 23, Jul. 16, 20, 23, 7:30 p.m. Wayne Lee and Miles Graber play the complete Beethoven violin sonatas. Free. (510) 388-7437.
Wayne Lee and Miles Graber, July 20, 7:30 p.m. Works by Beethoven. Free. (510) 388-7437.

FIRST CONGREGATIONAL CHURCH OF BERKELEY
“Midsummer Mozart Festival Program One,” July 18, 7 p.m. All-Mozart program features performances by pianist Audrey Vardanega and violinist Robin Hansen. George Cleve conducts. $20-$65. (415) 627-9141.
“Midsummer Mozart Festival Program Two,” July 25, 7 p.m. All-Mozart program features performances by pianist Seymour Lipkin and basso Jeremy Galyon. George Cleve conducts. $20-$65. (415) 627-4191.<
www.midsummermozart.org.

FIRST COVENANT CHURCH OF OAKLAND
“Summer Sing-ins,” through Aug. 10, 7 p.m. Jul. 20: Bach’s b minor Mss, conducted by Bob Worth.
4000 Redwood Road, Oakland. (510) 531-5244. www.oaklandfcc.org.<

LESCHER CENTER FOR THE ARTS
“Madama Butterfly,” through July 18, Jul. 10, 13, 16, 8 p.m.; Jul. 18, 2 p.m. Conducted by Joseph Marcheso and directed by Brian Staufenbiel on a set designed by Matthew Antaky. $39-$100. (925) 943-7469.

ORINDA COMMUNITY CENTER
Open Opera, July 25, 4 p.m. Opera singers perform classics and favorites. Free. (510) 547-2471. www.openopera.net.
26 Orinda Way, Orinda. (925) 254-2445. www.ci.orinda.ca.us./<

ST. JOHN’S PRESBYTERIAN CHURCH
“Sacred Offering,” July 17, 7 p.m. Classical Indian and world music, featuring Kit Walker, John Wubbenhorst and others. $20.

Highlights-East Bay Through July 25
“LASTSUNDAYSFEST,” — July 25. Event features two stages, one spotlighting up-and-coming and well known Bay Area bands, and a second outdoor cafe stage presenting smaller groups and individual performers, food, games and more. Event held on Telegraph Avenue in Berkeley from Dwight to Bancroft Ave.
Noon-7 p.m. www.lastsundaysfest.com.<

ASHKENAZ
California Honeydrops, July 21, 9 p.m. $10.

FOX THEATER
New Pornographers, Dodos, Imaad, Wasif, July 18, 7:30 p.m. $27.50.
1807 Telegraph Ave., Oakland. (510) 452-0438.<

FREIGHT AND SALVAGE
Iris Dement, July 23. $28.50-$29.50. Victor Krummenacher, July 24. $18.50-$19.50.
Music starts at 8 p.m. unless otherwise noted. 2020 Addison St., Berkeley. (510) 548-1761. www.freightandsalvage.org.<

GREEK THEATRE
Michael Franti and Spearhead, Brett Dennen, July 16, 8 p.m. $37.50.
Jackson Brown with David Lindley, July 24, 8 p.m. $55.50-$85.50.

ORINDA COMMUNITY CENTER
Open Opera, July 25, 4 p.m. Opera singers perform classics and favorites. Free. (510) 547-2471. www.openopera.net.
26 Orinda Way, Orinda. (925) 254-2445. www.ci.orinda.ca.us./<

JACK LONDON SQUARE

YOSHI’S
Pete Escovedo 75th Birthday Celebration Latin Jazz Orchestra featuring Sheila E., Juan and Peter Michael Escovedo, through July 18, Thursday-Saturday, 8 and 10 p.m.; Sunday, 2 and 7 p.m. $18-$28.
Shows are Monday through Saturday, 8 and 10 p.m.; Sunday, 2 and 7 p.m., unless otherwise noted. 510 Embarcadero West, Oakland. (510) 238-9200. www.yoshis.com.<

Dance-East Bay Through July 25
Tue Jul 13 13:15:00 -0700 2010
ASHKENAZ

JACK LONDON SQUARE
“Dancing Under the Stars,” July 16 and July 23, 8:30-10 p.m. The Linden Street Dance Studio provides free dance lessons to all at the foot of Broadway.

SHATTUCK DOWN LOW
“Live Salsa,” Wednesdays. An evening of dancing to the music of a live salsa band. Salsa dance lesson from 8:30-9:30 p.m. $5-$10.

SOLAD DANCE CENTER
“Persian Dance,” Tuesdays and Thursdays, 8:30 and 10 p.m. Rosa Rojas offers traditional dance classes. $10.
Citrus Marketplace, 2260 Oak Grove Rd., Walnut Creek. (925) 938-3300.<

STARRY PLOUGH PUB
“Ceili and Dance,” Traditional Irish music and dance. The evening begins with a dance lesson at 7 p.m. followed by music at 9 p.m. Mondays, 7 p.m. Free.