

4. LOS ANGELES CRITICAL SUPPORT

Sheppard reported on the recommendation of the Los Angeles branch to extend critical support to the campaign of Bill Taylor, Communist Party candidate for Controller of Los Angeles. (see attached)

Motion: To concur with the recommendation of the Los Angeles branch to extend critical support to the campaign of Bill Taylor, Communist Party candidate for Controller of Los Angeles.

Carried

5. OAKLAND SEALE CAMPAIGN

Sheppard reported on a decision of the Oakland-Berkeley branch to reverse its previous decision to extend critical support to the campaigns of Bobby Seale for Oakland mayor and Elain Brown for Oakland city council. This decision was taken after Seale and Brown began campaigning as Democrats in the officially "non-partisan" elections.

Discussion.

6. MEMBERSHIP

Stone reported on the recommendation of the Houston branch to readmit E.Y. into membership in the party.

Discussion

Motion: To concur with the recommendation of the Houston branch to readmit E.Y. into membership in the party.

Carried

7. PUERTO RICO

Jeness proposed to open a discussion on Puerto Rican independence at a future meeting of the Political Committee.

Discussion

Agreed

Meeting adjourned.

COPY

COPY

COPY

March 16, 1973

Political Committee

Dear Comrades,

The L.A. Branch voted to recommend to the P.C. that we give critical support to Communist Party candidate Bill Taylor in the April 3 city election. We are running 9 candidates in the election, 6 of whom are on the ballot. We decided not to run for Controller in order to save the filing fee on what we considered the least important office. We were not aware that the C.P. would run for Controller when we decided on our slate.

Taylor is on the ballot listed as "organizer" (party designations are not permitted). Taylor is identified as a Communist Party candidate in all his literature and in all the articles that have appeared in the People's World, Daily World and Los Angeles Times. Taylor is the C.P.'s only candidate. His campaign is a cover for the C.P. support of Black Democrat ex-cop Tom Bradley for Mayor, although they have not come out for Bradley openly so far.

The C.P. is using the Taylor campaign in political interventions at campus meetings, at the Peace and Freedom and CDC conferences, at antiwar meetings and at rallies about Wounded Knee. Of Taylor's announced endorsers, two are figures we have worked with in the antiwar movement, Dr. Isidore Ziferstein and John T. Williams, who chaired a fund-raiser for Taylor last week. Bert Corona is another endorser.

Since the Stalinists are a tendency within the working class and Taylor is running as an open C.P. candidate, deciding on giving him critical support depends on the tactical advantages to us. We feel the main consideration here is the internal debate in the C.P. which centers largely around their electoral strategy.

The C.P. is our main opponent in Los Angeles in almost every area of work. The grouping around Dorothy Healy is very strong here. Hall attacked them in the Lame Duck in Turbulent Water speech for being too deeply involved in the Democratic Party and supporting McGovern too much over Hall-Tyner. From talking to CPers, YWLLers and people around them we know that Hall's speech, the importance of the Taylor campaign, whether or not to support Bradley openly and the effects of the SWP campaign are all topics of heated debate locally. In a talk at a rally at UCLA this week Taylor said he disagreed with "the SWP characterizing the office of Controller as irrelevant, like running for dog catcher."

The critical support tactic, in this case 99% critical, can be used in conjunction with our socialist election campaign to drive wedges into the debate within the C.P. We have no immediate prospect of recruiting CPers or YWLLers through such a tactic, but it will enhance our ability to talk to them and will be a real intervention in this internal dispute on their unprincipled level of discussion of electoral policy. It will give us a better opportunity to counterpose our independent class politics, especially through Olga's campaign for Mayor, to their backhanded support to Bradley.

The only serious objection to critical support to Taylor was raised by Milt Alvin. Milt's contention that the CP is discredited within the radical movement is unfortunately not true. In Los Angeles, the Defend the Treaty forces around the C.P. are stronger than the Out Now forces. They have significant support within the liberal milieu and have some weight in both the Black and Chicano movements. The YWLL operates openly at UCLA where they have weekly classes by D. Healy and semi-weekly forums. We are not stronger than they and they are not discredited to any big extent within the radical movement. They still have the ability to attract and disorient young people.

The critical support tactic to Taylor would be applied carefully, concentrating on producing one good leaflet and distributing it at meetings for Taylor and other functions where a number of CPers and YWLLers would tend to be present. We project this as an important but not major part of our campaign.

It is regrettable this letter is being written so late. However there are a number of meetings coming up for Taylor just prior to the election, and we will still be able to use the tactic effectively if you approve it.

Comradely,

s/ Stu Singer
Asst. Org.

COPY

COPY

COPY

Los Angeles, Calif.
Feb. 27, 1973

Political Committee

Dear Comrades:

At last night's branch meeting a motion was passed to give critical support to a Communist Party candidate, Bill Taylor, who is running for controller in the local elections. Of course, this is pending approval by the Political Committee. The election is nominally non-partisan and we do not have a candidate for this post. The CP is running only this one candidate. His election propaganda openly identifies him as a CP leader in this area. This latter point is a departure from previous policy followed for many years.

I am writing this letter as I opposed the motion to give critical support and want to give you my views before the PC makes a decision. Of the other NC members and alternates here Harry, Oscar and Edwards spoke in favor of the motion. The others did not attend any of the three meetings that took up this point. I assume that you will hear from the Executive Committee and that they will motivate their position. The EC unanimously supported the motion.

The motivation expressed by virtually all the speakers who supported the motion boiled down to the fact that giving critical support would enable our people to approach CPers and especially YWILLers for discussions. I do not challenge this but believe that this must be weighed against other considerations.

For about 15 years there has been a radicalization in this country. I need not go into any details on this as a great deal has already been written by us on it. We have pointed out campaigns at the milieu created by this radicalization and not at the CP which has existed largely at the periphery of the movements that emerged from the radicalization.

Among a huge number of radicals who have been produced in this period, I believe an overwhelming majority, the CP is known for its conservative and disruptive acts and is disrespected as a result. We have also had a good deal to say in connection with this and I need not dwell on it.

In my opinion the present campaign should be directed at the general radical milieu, on the campuses, high schools, anti-war elements, women, Blacks, Chicanos and other oppressed minorities. The CP should receive only such attention from us as is indicated by their participation in the election campaign. If we give critical support to Taylor, we are obliged to vote for him and ask others to do so as well as expressing our criticism of his program. I think that explanations of why we are taking such a stand unnecessarily handicap our approach to the radicals who may very well raise a few eyebrows when they learn we are giving support, critical support to be sure, to a Stalinist.

In trying to find experiences from the past I brought to

the attention of the branch the 1940 decision not to support Browder, the CP presidential candidate, even though we had none of our own and despite Trotsky's view that we should give him critical support. The arguments of party leaders who discussed this with Trotsky were that militant unionists who were close to us would not understand such a position. The CP was discredited in those days and our party thought it would be a disadvantage for us to be identified with their campaign in any way.

On the contrary, I also told the branch, in the regroupment period that followed Khrushchev's revelations we made a turn towards the CP and its periphery. The circumstances then enabled us to influence a considerable number of people who had been under CP persuasion. We were able also to penetrate right into the CP itself.

While the present situation is not, of course, identical with either of the two above, it is more like the first than the second. But even that is not decisive in reaching a decision. What is of importance is just what giving critical support would gain for us and what it would lose. My opinion is that we can talk to the YWLLers just as well without supporting Taylor as we can if we do. Our people are already doing this, it was reported at the branch last night.

As I said at the branch it is unfortunate that not a single person who supported the majority in the debate mentioned the matter of the party's orientation, either for the whole past period of the radicalization or the present. The majority supporters obviously came to their conclusions on the basis of very narrow considerations, that is, the opportunity to approach YWLLers. I believe that a broader conception of our orientation is required.

Some speakers took up the shift in electoral politics that Hall indicated in a recent report to the CP leadership (the pamphlet "A Lame Duck in Turbulent Waters"). Past experience should caution us to take Hall's seemingly new stand with a considerable amount of salt. We should wait to see what they do and not take it for granted that they are going over to a position of independent politics just because they talk about it. The Taylor campaign hardly indicates an expression of the new CP policy. He is running for an obscure post. The CP is not contesting the mayoralty or any other posts that attract far more attention than that of controller.

While the vote in the branch was somewhat one-sided in support of the motion to give critical support, 44 in favor, 14 opposed and 8 abstaining, I hope that the PC will reject the proposal for the reasons I have given above.

Comradely,
s/Milt Alvin

14 Charles Lane
New York, N.Y. 10014
March 30, 1973

LOS ANGELES

Milt Alvin

Dear Milt,

At its March 23 meeting, the Political Committee voted to concur with the Los Angeles branch's proposal to utilize the critical support tactic in relation to the campaign of Bill Taylor. Your letter urging the PC to reject the recommendation of a majority of the branch to grant such critical support was distributed to the committee and considered by it in reaching its decision. I want to briefly outline my thinking on the central point you raise in light of the PC discussion.

You say that, "Among the huge number of radicals who have been produced in this period, I believe an overwhelming majority, the CP is known for its conservative and disruptive acts and is disrespected as a result." Consequently, you say, "If we give critical support to Taylor, we are obliged to vote for him and ask others to do so as well as expressing our criticism of his program. I think that explanations of why we are taking such a stand unnecessarily handicaps our approach to the radicals who may very well raise a few eyebrows when they learn we are giving support, critical to be sure, to a Stalinist." The implications of your argument go beyond this specific campaign in Los Angeles. If valid, your position would exclude the use of the critical support tactic in relation to the CP on a national scale.

The consensus of the Political Committee is that it is unfortunately not true that the overwhelming majority of people who have been radicalized so far in the course of the radicalization, or others who are becoming radicalized or will do so in the near future, have rejected the CP because of its conservative role. The CP remains a formidable opponent for us. In the past few years, it has emerged as our most important opponent on the left, competing with us for the allegiance of the radicalizing layers. It has succeeded in building a youth movement, the YWLL, that has somewhere around 1,000 members, and on a national scale is the YSA's most important competitor. Through the Angela Davis campaign, the YWLL has apparently succeeded in attracting a number of Black youth.

On a more fundamental level, we can expect that as long as the Soviet bureaucracy remains entrenched in the Soviet Union, there will be a basis for the development of the Stalinist movement in this country, which has the franchise. Just as the Stalinists confront us on a world scale, we will have to confront the counterpart of world Stalinism in this country. Thus we can expect to have to contend with the American CP for some time to come.

The tactic of giving CP candidates critical support can be useful in countering their politics. Of course such critical support is totally different from the kind of support we have extended to La Raza Unida Party candidates in recent elections, for example, since it should consist of total criticism of their program and perspectives. The only element of support is that we ask people to vote for them as against the capitalist parties. We can utilize such critical support in situations like the one in the current L.A. elections to point to the contradiction in the CP's running its own candidate for controller, in order to more effectively give backhanded support to the Democrat Bradley's campaign for mayor. Since the SWP is fielding a ticket in the elections, with a candidate for mayor, there is a working-class alternative to the capitalist candidates, which we can use to expose the CP's class-collaborationist position, and the critical support to the Taylor campaign would complement this. It would help us reach YWLLers and others with our positions, and can aid us in intervening in their internal disputes around the Gus Hall speech on the CP's electoral line.

We have utilized this tactic in relation to the CP successfully a number of times in the past. Tom remembered an instance in New York in the mid-forties, when Ben Davis ran as an open CP candidate. Our critical support at that time forced the CP into a public debate, where they rejected our support for a vote for Davis. A few years ago, we utilized the tactic in relation to the Apthekar campaign in Brooklyn, and more recently in the Pat Bonner-Lyons campaign in Boston. This latter forced the YWLL to attempt to refute our criticisms in their paper and defend their class-collaborationist politics. Comrades who were around in 1946 can check back into the 1946 bound volumes of The Militant to get an example of how we hammered away at the Ben Davis campaign with our critical support tactic.

There is one unfortunate aspect of the situation, and that is the lateness of the decision to utilize the critical support tactic. The branch would have been able to make better use of it if the branch discussion occurred earlier, and if the branch decision was communicated to the PC more quickly. As it stands now, there is little time left to do much with the tactic.

Comradely,
s/Barry Sheppard
National Organization
Secretary

COPY

COPY

COPY

14 Charles Lane
New York, N.Y. 10014
March 29, 1973

OAKLAND-BERKELEY

Dear Comrades Miliner, Lewis and Warren,

At its meeting of March 23, the Political Committee considered your letter concerning the four referendums on the police which are on the ballot in Berkeley in the forthcoming elections. The Political Committee decided to reject your proposal that we reverse the position taken by a majority of the branch in favor of a "No" vote on these four referendums. I would like to deal with the issues you raised in light of the discussion we had on the question in the Political Committee.

I understand your desire to gain a hearing among those we are reaching with our campaign, in order to present our program on the cops. But to urge a "Yes" vote on these referendums would not accomplish this because it would run counter to our program concerning the capitalist police. In other words, some fundamental questions are involved that must be dealt with clearly before concerning ourselves with tactical considerations. I'd like to consider some of these basic questions before discussing the referendums themselves.

First of all, when we discuss the police, we are considering an aspect of the capitalist state. The special bodies of armed men, of which the cops are one contingent, are the backbone of the capitalist state, and have as their function the use or threat of use of force and violence to defend capitalist property relations. It was the experience of the Paris Commune and other experiences of the working-class struggle that led Marx and Engels to conclude that the working class could not, in the course of making a successful socialist revolution, simply lay hold of the machinery of the capitalist state, reform it, and use it for its own ends, but would have to break up the capitalist state and replace it with a new state based upon the armed workers.

Thus our program on the cops does not include reforming the police force, but dismantling it along with the rest of the capitalist state through mass action and replacing it with a workers militia. This is the axis of our approach, which guides us in raising partial and immediate demands concerning the police. These fundamentally point in the direction of exposing, handcuffing and abolishing, not reforming, the police. The road to this end is mass action.

We approach the question of the police in a different way than we do post office workers or other similar government workers, who do not form part of the "special bodies of armed men." We are for the struggles of these workers to form unions and fight for better wages, conditions, etc. Not so in the case of the cops! They are not fellow workers -- they're the workers' enemy.

We also approach the police in a different way than we do the army, which is also a part of the system of organized force and violence that makes up the capitalist state. The army -- especially a mass army of draftees -- includes to a greater or lesser extent a cross-section of society, and is composed largely of young workers who retain their connection to the mass of civilians, and who have the perspective of returning to civilian life. Revolutionary socialists can expect to win over large sections of the army rank and file in the course of the revolutionary struggle. Antiwar sentiment in the current U.S. army gives a small indication of the potential for doing this. But the police are a corrupted professional force pitted against the workers, oppressed nationalities, etc., in the daily course of the class struggle. They can be checkmated in the course of the revolutionary struggle, but we certainly do not expect to see sections of them won to the workers' cause.

In other words, history teaches us that we will see the break up of the army occur in a different way than the dismantling of the police. While we raise slogans for the civil and political rights of the soldiers in the army, we do not raise such slogans concerning the police. We envision soldier soviets, but certainly not a cop soviet!

At present, it is mainly the Black people and other oppressed nationalities who are bearing the brunt of the daily violence at the hands of the police, and it is among the oppressed nationalities that consciousness about the role of the cops and opposition to them is the highest. This situation has been reflected in our election campaigns and other propaganda, and it is in relation to the oppressed nationalities that the question of the police is raised most concretely at present.

Since the question of the police is part of the question of the state, when we discuss our program concerning the police in relation to the Black community, we have to again discuss the fundamental questions of the state in relation to Black people.

Our analysis of the oppression of Black people is that they suffer from a two-fold oppression. All Blacks are oppressed as a nationality. Most Blacks are also in the working class, and are exploited as workers. These two forms of oppression and exploitation condition and intertwine with each other.

Concerning the question of the state and revolution in relation to Black people, our analysis leads us to the conclusion that Black people will participate in the revolution both as an oppressed nationality and as a part of the working class. We predict, given the concentration of Black people in the cities and their superexploited status as workers, that Blacks will be in the forefront of the workers revolution. Blacks will thus play a two-fold role in the coming third American revolution, a fact which reflects the combined character of that revolution. We hold that the coming revolution will be combined in the sense that it will combine a socialist revolution with a

political revolution of the oppressed nationalities for self-determination.

Let's look at this second aspect, the political revolution for self-determination. Like the social revolution, this concerns the question of the state, although in a different way. Self-determination ultimately refers to the right of the oppressed nationalities to decide for themselves what state form they will live under in relation to the oppressor nationality. This can take many forms. An oppressed nationality may opt to live in a single integrated state with the formerly oppressor nationality -- that is the present option of the Palestinian Arabs in relation to the Israeli Jews. It may opt for an independent state, or an autonomous region, or one of many other forms. Perhaps Black people will opt for a union of Black communities, which would then define its relation to a socialist America. We do not propose any one solution for the Black people, but defend their right to self-determination, to decide this question for themselves.

Our support for the right of the Black people to self-determination is unconditional. At the same time, we are convinced that self-determination cannot be won under capitalism but only as part of the process of a workers revolution to establish socialism. Our program is for a workers revolution that will establish a workers state or workers states (whether there is more than one will depend on how the oppressed nationalities decide).

In the Transitional Program for Black Liberation, we based our perspective on the combined dynamic of the national and class aspects of the Black struggle. This is reflected in the demands raised. Concerning the police, we have taken into account that the police in the Black community are an outside occupation force of the oppressor nation as well as the guardian of capitalist property relations in the Black community in general. These two functions are of course completely intertwined. We have formulated our demand concerning the police with the objective in mind of removal of the capitalist police as an occupying force, as well as replacing the police with the self-policing of the Black community. Thus we have summarized this with the demand, "Replace police occupation of the Black community with a [Black] community-controlled police drawn from residents of the [Black] community." The second part of this demand, for the self-policing of the Black community, assumes and cannot be separated from the first part, for the removal of the present police, and this is clearly not at all a reform of the police.

This is related to another demand in the Transitional Program for Black Liberation, to "Organize self-defense units to protect the Black community and its organizations." Like the other demands raised in the Transitional Program for Black Liberation, and the document as a whole, these demands should be seen as extensions and components of the Transitional Program itself and part of its program for the organization of self-defense of the working class that ends with the demand for the

creation of a workers militia. It is an application of the method of the Transitional Program to the specific situation of the struggle of Black people.

Our program is based on the objective needs of the workers and other groups oppressed by capital and leads to the socialist revolution. Of course, applying that program at any given time depends on the objective situation, the relation of forces, our size, etc. It would be sectarian folly for us to be agitating for "workers militias" at the present time, for example, or for "soviets." Under certain cases, when the Black community has been under violent attack, we have called for the formation of self-defense units to defend the Black community. Concerning the police, we have raised the demand to replace police occupation of the Black community with a community-controlled police force drawn from residents of the community. At present, we are raising these demands not in an agitational but in a propagandistic way, since we do not see the possibility of launching mass struggles around them.

Wherever possible, we join and help build protests against police brutality. Currently in Detroit the comrades are doing an excellent job participating in protest actions and forums against the STRESS special police squad, with the demand that STRESS be abolished. In the past, we have participated in actions directed against particular police attacks. These protests had limited objectives -- for example, to mobilize enough popular opinion to scandalize the government into removing a particular cop or trying certain cops for murder. Another example was the campaign the Illinois comrades carried out several years ago pressuring the city and state governments to end the cops' collusion with the fascist Legion of Justice attacks. Even when mass organizations begin defending themselves against rightist or racist attacks they always maintain a simultaneous educational campaign putting the onus for the violence where it belongs -- the fascists, the bosses who hire them, their cop collaborators -- mobilizing as much sentiment and pressure in behalf of their cause as possible and against the cops -- legal and extralegal. The difference between raising such limited demands against the police, and the concept of reforming the police, is that the latter is based on the illusion that the police can be transformed into a neutral or "people's" police, and in reality boils down to attempting to make the police function better.

Demands concerning the police are in a different category than demands concerning other institutions in the Black community such as hospitals. While we demand "Community control over all the institutions in the Black community such as hospitals, welfare centers, libraries, etc." (Transitional Program for Black Liberation) our slogan on the cops is in a different category because it concerns the state. We are for the dismantling of the capitalist state apparatus, but not of libraries and hospitals.

There is clearly a big problem with the slogan "Black control of the police in the Black community." It can be interpreted to mean "controlling" the present police instead of replacing

them. To avoid this confusion it is better to use some variant of the formulation contained in our Transitional Program for Black Liberation.

Now let's look concretely at the proposed referendums in the Berkeley elections, in relation to our program and perspectives. The first, which is being called "demilitarization," limits the weapons the police can use. It also authorizes the police to use certain weapons, especially revolvers and clubs, and authorizes other weapons in the event of an "emergency." To vote "Yes" means to vote for the authorization of weapons under the guise of their limitations. It is even worse than a straight arms restriction referendum with all the illusions it can breed.

The second referendum bans "secret pacts" with other cop agencies. Agreements on coordination between the Berkeley police and other police, FBI, etc., would be made public. The third says that the cops have to live in Berkeley. These three referendums are designed to make certain reforms of the police. They do not lead either in the direction of mobilizing and educating for dismantling the police, or of removing them from the Black community in Berkeley to be replaced by "a [Black] community-controlled police force drawn from residents of the [Black] community." Supporting these measures could only help foster the illusion that the police can be reformed into somehow being "our" police, or "more responsive to the community."

From the information we have available, the April Coalition people are projecting these referendums in just this way, as a step toward making the Berkeley police "our" police. This is an illusion -- the police will remain their police until our class and our nationalities have dispersed them and replaced them with the armed power of the masses in the course of the mass revolutionary struggle. We have to counter any conception that the police can be made "ours" -- that is, that the cops can be transformed into a force on the side of the workers or the oppressed nationalities. We have to utilize demands, slogans, etc., that teach that the police are an agent of capitalist rule.

This is the central question. In addition, the concrete reforms proposed by these referendums themselves would change very little.

To ban certain weapons and authorize police use of others is not "demilitarization" as the petition for the referendum states. Should the referendum pass, the cops would be authorized to carry guns and clubs, use shotguns in an "emergency," and also, of course, call in other police forces, national guard, etc., if the situation "required" it.

But even if the referendum limited weapons even further, to the point where many cops were not allowed to carry guns around all the time, like in England, that would not mean that they had ceased to be an agency of force and violence in the service of capital. But on the picket lines and demonstrations now occurring in England, workers and Pakistani youth for instance are being taught what the cops' real role is. In any

"emergency," of course, the British cops can get all the guns they need. Our program is not to call for referendums to limit the arms of the cops or even to disarm them. Our perspective is the disarming and dismantling the police in the course of revolutionary mass struggle. This, not reforms, is the only way they will be disarmed. We are not for reforming the capitalist cops into a "nice" police force or one that uses a "measured amount" of force. On the other hand, we would support concrete struggles against, for example, a police attack on a Black community where the police used heavy weapons, and we would help expose the cops' use of those weapons. But we would also raise our own demands concerning the police in such a struggle.

The stipulation in the second referendum, to make public the agreements on coordination between the Berkeley police and other cop agencies would mean very little. These agreements would cover the formalities of exchange of information, etc. Any "understandings" the cops didn't want to be public would not be formal in any case.

To say that the requirement that the Berkeley cops live in Berkeley would "make them more responsive to the community" as the April Coalition asserts completely obscures the role and function of the police. The cops are the enemy of the working people and oppressed nationalities not because of their place of residence, but because of their function as agents of capital. In addition, the April Coalition, from the information we have, says this requirement will improve the "efficiency" of the police!

There is a fourth referendum, on the question of setting up a "civilian review board." In general, we are for a civilian review board of police practices if this can be used as a forum to expose the cops. In the 1971 referendum in Berkeley, we called for a vote for the proposition to set up civilian review boards in three districts in Berkeley, one of which was the Black district. These were to be elected boards, with the power to hire and fire police. Police were to be resident in the district they were working in. Such a review board could be utilized as a forum to expose police practices. In discussing the provisions of the residency requirement and the right to hire and fire, we could raise our own concept that the present police should be entirely removed from the Black community, and replaced with a police force drawn from the Black community and controlled by the Black masses.

The present referendum on the "civilian review board" is a significant retreat from the earlier one. It is to be appointed, not elected. It can only make recommendations to the city council. It is for the city as a whole, excluding the idea of a Black review board to review police practice in the Black community. It is very similar to the review board proposed by a bill in New York in 1964, which also was an appointed board. At that time, under the conditions in the city created by the police attack on the Black community earlier in the year and the Harlem explosion, we called for passage of this bill. This was to indicate that we were for the idea -- a step forward at that time --

of civilian review over cop practices. At the same time, we said that any board set up by such a bill, given that it is an appointed board, could be nothing but a "whitewash" of the police. In this situation, the decision to support this bill was a borderline decision, and we decided to support passage of the bill only because it raised the general idea of civilian review of the police, but opposed its contents concerning how a civilian review board would be set up. We opposed the kind of board that is being proposed now in Berkeley.

In 1965, in New York, an appointed board had been set up. We attacked it for being a phony board that did nothing but whitewash the actions of the police, and called for a genuine elected civilian review board.

In the context of the retreat from the 1971 Berkeley proposal to the present one being put forward in Berkeley, a tactic of calling for a "Yes" vote on this referendum but with the proviso that we think it will set up a whitewash board, not a genuine civilian review board, would not get our point across. It seems to me better to say that we call for the kind of board proposed in the 1971 Berkeley referendum, and the present referendum takes the guts out of the 1971 proposal, and will be a fake and a fraud if passed.

In addition, it seems to us that to a large degree the four proposals have to be considered as a whole. That is the way they are being projected in the Berkeley elections, as far as we can tell from the information we have. As a whole, they amount to a proposal to reform the police, to make a "better" police, creating illusions as to the real character of the cops. Picking and choosing among the different referendums, or urging a vote for an abstention, would confuse the central question of our opposition to this whole reformist approach to the police.

There is a related question of the character of our election campaigns and how we use them. On the one hand, we reject the sectarian approach of the Socialist Labor Party, which campaigns only on their own version of maximalist demands and ignores the immediate struggles and issues confronting the working class and the society as a whole in either local or national campaigns. On the other hand, while we utilize our campaigns to project the party as a consistent fighter for the immediate and democratic struggles and needs of all the oppressed, we do not run radical reformist campaigns, we run revolutionary socialist ones. That is, we link these struggles and issues with the need for socialism, raising transitional and socialist demands in our campaigns, and presenting our perspective of abolishing capitalism and replacing it with a workers government building a socialist society. On the issue of the police in the Berkeley elections, we want to use our campaigns both to support any protests or struggles against the cops and at the same time raise our socialist analysis of their role and our transitional demands on this question.

These referendums have also to be placed in the context of the current Berkeley elections as a whole, and the politics of the April Coalition. In the April Coalition, we see the other

side of the coin of the ultraleftism of its "radical" supporters -- opportunist political class collaborationism with the capitalist parties and candidates. The change from the 1971 police referendum to the present one is part of the evolution of the April Coalition to the right. It is another demonstration of the logic of class-collaborationist politics. Our opposition to the current referendums can be utilized by us to help explain this evolution of the April Coalition and what is wrong with its politics.

I appreciate the concern you comrades express in making sure our position is understood and not confused with any right-wing opposition to the referendums. This can be accomplished by counterposing the 1971 referendum to the present one and putting forward our own program on the police.

I realize that this is a somewhat long letter, but the questions you raised have to be thought out carefully. I hope this has helped answer the major points you are concerned about.

Comradely,
s/Barry Sheppard
National Organization
Secretary

Political Committee
National Office
New York, New York

Comrades:

We are writing you regarding a decision of the Oakland-Berkeley Branch to oppose all four police initiatives as part of the Berkeley City Council campaign orientation. The vote was taken to approve the recommendation of the E.C. majority at the general Branch meeting, Monday, March 5th.

It is our opinion that the position of the Branch is incorrect on these measures, and we would like to bring the issues involved to your attention and ask for your thinking on them.

The minority position of urging a "yes vote" on the initiatives can be summarized as follows:

1. All four initiatives have some value as reforms of the present police practices.
2. All four could set precedents that could raise the level of consciousness of the community, that it could challenge the present police policies.

Our evaluation of the initiatives are as follows:

A. Demilitarization - This initiative limits weaponry of the Berkeley Police and bans weapons commonly carried by cops and used to terrorize the oppressed minorities and the students of Berkeley.

B. Secret Pacts - This initiative bans all secret agreements on the part of the Berkeley police with all other law-enforcement agencies (local, state and national), including the FBI and CIA; and makes all proposed agreements subject to public scrutiny and record through the Berkeley City Council.

C. Review Board - This initiative would create an appointed board which would have meetings which would provide a regular forum for public discussion of present police policies and actions.

D. Police Residency Requirements - This initiative makes it mandatory for police officers and personnel to live within the Berkeley City limits. Its purpose is to cause police personnel to become more aware of and responsive to the needs of the community.

By supporting the initiatives it makes clear to everyone that we are on the side of the oppressed, and it gives us the benefit of a hearing when we explain our entire program for the police and the limitations of the present initiatives. It also aids us in our criticisms of our opponents (e.g., the April Coalition, liberal Democrats).

In the absence of a written summary of the E.C. majority position, here are the main points of the report as we understand it:

The E.C. majority recommended that the Branch publicly urge a "No Vote" to all four initiatives for the following reasons:

1. The initiatives represent nothing of any significance whatsoever.

2. They represent only an attempt at "window-dressing" of the police force by the liberals.

3. The initiatives represent a left cover for the retreat of the Coalition from its former stance on the 1971 Community Control of Police Initiative.

4. These initiatives do not come out of the mass movements, but to the contrary, come out of the liberal wing of the Democratic Party.

5. The essence of what the Party should support, i.e., Community Control, is completely lacking in these initiatives, and they represent a step backward from the 1971 initiative.

6. The implementation of the initiatives is left totally to the city council.

7. Though these are half-way measures, we would support them if they came out of the mass movements.

Our criticisms of the E.C. majority arguments: The main stress of the report to the Branch was that the Coalition was in the midst of a rightward retreat from all fronts, including its position on the police, and a "No Vote" position would enable us to oppose the Coalition head-on. We are of the opinion that this approach is not only sectarian, but it allows our political position on this issue to be dictated by our opponents.

Another motivation of the majority was that the implementation of the initiatives would be left to the City Council; yet at the same time our campaign material calls on the City Council to implement our program. These two positions seem inconsistent.

Finally, it is our opinion that a "No Vote" position would be justified only if it could be proven that the initiatives would either aid the police in carrying out their function or that these initiatives only serve to block a more positive development like the 1971 police initiative. However, in the absence of these arguments, we think that the minority position of a "Yes Vote" is the correct position.

Enclosed are copies of the initiatives.

Comradesly,

Ken Miliner
James Lewis
David Warren

Enclosures

cc: Frank Boehm
Clifton DeBerry
Paul Montauk

INITIATIVE PETITION FOR THE ENACTMENT OF A CERTAIN CITY
ORDINANCE

TO THE CITY COUNCIL OF BERKELEY, CALIFORNIA:

We the undersigned, being duly qualified and registered voters of the City of Berkeley, California, and constituting not less in number than five (5) per cent of the entire vote cast within said city for all candidates for mayor in the last election, hereby petition the City Council and request that the following proposed ordinance be submitted to a vote of the people at the next municipal election pursuant to the Election Code of the State of California, or that, in lieu of said election, the City Council enact said propose ordinance pursuant to said Election Code:

An ordinance relating to ESTABLISHING A POLICE REVIEW COMMISSION, PROVIDING FOR THE APPOINTMENT AND REMOVAL OF MEMBERS THEREOF, AND DEFINING THE OBJECTIVES, FUNCTIONS, DUTIES AND ACTIVITIES OF SAID COMMISSION.

The people of the City of Berkeley do ordain as follows:

Section 1. The general purpose of this ordinance is to provide for community participation in setting and reviewing police department policies, practices, and procedures and to provide a means for prompt, impartial and fair investigation of complaints brought by individuals against the Berkeley Police Department.

Section 2. There is hereby established a Police Review Commission of the City of Berkeley. Said Commission shall consist of nine (9) members appointed by the City Council. All members shall be residents of the City of Berkeley. No officer or employee of the City shall be appointed to the Commission.

Section 3. The term of each member shall be two (2) years from the effective date of his or her appointment. Each member of the Commission shall serve until his or her successor is appointed and qualified. No member shall serve more than two (2) consecutive terms.

Section 4. Vacancies on said Commission, from whatever cause, except temporary vacancies as hereinafter provided, shall be filled for the unexpired term by the City Council member whose appointee has ceased to serve. The appointment of any member of the Commission who has been absent and not excused from three (3) consecutive regular or special meetings shall automatically expire effective on the date the fact of such absences is reported by the Commission to the City Clerk. The City Clerk shall notify any member whose appointment has automatically terminated and report to the City Council that a vacancy exists on said Commission and that an appointment should be made for the length of the unexpired term. A member of the Commission may be granted a leave of absence not to exceed three (3) months by the City Council, and a temporary vacancy shall thereupon exist for the period of such leave of absence. During the period of such temporary vacancy, the Council may

fill such vacancy by a temporary appointment to said Commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume full and permanent membership on said Commission.

Section 5. The Commission shall elect one of its members as Chairperson and one as Vice-Chairperson, who shall each hold office for one (1) year and until their successors are elected. No officer shall be eligible to succeed himself or herself in the same office. Officers shall be elected no later than the second meeting of the Commission following its appointment.

Section 6. The Police Review Commission shall be a working Commission. In order to compensate Commissioners for their time and work in investigating complaints, reviewing policies and practices, and attending meetings, Commissioners shall receive \$3.00 (three dollars) per hour, but in no case shall compensation for any one Commissioner exceed \$200 (two hundred dollars) per month. Procedures and regulations for accounting for hours worked and compensation shall be developed and adopted by the Commission and filed with the office of city clerk.

Such clerical and secretarial assistance as are needed by the Commission shall be provided by the office of the City Clerk. The Commission is further authorized to secure and define the duties of same, in the manner consistent with existing law, as it may deem necessary or appropriate.

Section 7. The Commission shall establish a regular time and place of meeting and shall meet regularly at least once every two weeks or more frequently as workload requires. The regular place of meeting shall be in an appropriate central location in the City capable of accomodating at least 75 people, but shall not be held in the building in which the Police Department is located. At least once every three months, or more frequently if the Commission desires, the Commission may meet in other places and locations throughout the City for the purpose of encouraging interest and facilitating attendance by people in the various neighborhoods in the City at the meetings.

Special meetings may be called by the Chairperson or by three (3) members of the Commission, upon personal notice being given to all members or written notice being mailed to each member and received at least thirty-six (36) hours prior to such meetings, unless such notice is waived in writing.

All Commission meetings, and agendas for such meetings shall be publicized in advance by written notice given to newspapers, radio and television stations serving the City at least three (3) days prior to regular meetings, and at the same time as members are notified of special meetings. In addition, notice of meetings shall be posted regularly on such bulletin boards and at such locations throughout the City as are designated by the Commission.

All meetings shall be open to the public, unless the Commission, in order to protect the rights and privacy of

individuals, decides otherwise and if such closed meeting is not waived by the individual concerned. The Commission shall cause to be kept a proper record of its proceedings. The records and files of the Commission and its officers shall include, but not be limited to, all official correspondence, or copies thereof, to and from the Commission and its members, gathered in their official capacities, and shall be kept and open for inspection by the public at reasonable times in the office of the Secretary to the Commission.

A majority of the appointed Commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take any action.

The Commission may appoint such subcommittees as are deemed necessary or desirable for the purposes of this ordinance, provided that, membership on such subcommittees shall not be limited to the Commission members but may include members of the public who express an interest in the business of the subcommittees. The members of such subcommittees shall serve without compensation.

Section 8. On the petition of fifty (50) or more citizens in the City of Berkeley filed in the office of the Secretary of the Commission, the Commission shall hold a special meeting in an appropriate and convenient location for the individuals so petitioning for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners. Copies of the petition shall be filed by the Commission with the City Clerk and the City Council. Notice of such meeting shall be given in the same manner as notice is given for other meetings of the Commission. In no case shall the Commission meet later than five (5) working days following the date the petition is filed.

Section 9. In carrying out its objectives, the Commission shall receive prompt and full cooperation and assistance from all departments, officers and officials of the City of Berkeley. The Chief of Police, or his deputy if the Chief is ill or absent from the City, shall as part of his duties attend meetings of the Commission when so requested by the Commission, and shall provide such information, documents, or materials as the Commission may request. The Commission may also require the attendance at its meetings of any other police department personnel or City officials it deems appropriate in the carrying out of its responsibilities under this ordinance.

Section 10. The Commission established by this ordinance shall have the following powers and duties:

a) to advise and make recommendations to the public, the City Council, and the City Manager;

b) to review and make recommendations concerning all written and unwritten policies, practices and procedures of whatever kind and without limitation, in relation to the Berkeley Police Department, other law enforcement agencies and intelligence and

military agencies operating within the City of Berkeley, and law enforcement generally, such review and recommendation to extend to, but not be limited to, the following:

- i) Treatment of rape victims;
- ii) Police relationship with minority communities;
- iii) Use of weapons and equipment;
- iv) Hiring and training;
- v) Priorities for policing and patrolling;
- vi) Budget development;
- vii) Other concerns as specified from time to time by the City Council;

c) to request and receive promptly such written and unwritten information, documents and materials and assistance as it may deem necessary in carrying out any of its responsibilities under this ordinance from any office or officer or department of the city government, including but not limited to the Police Department, the City Manager, the Finance Department, the Public Works Department, and the City Attorney, each and all of which are hereby directed as part of their duties to cooperate with and assist the Commission in the carrying out of its responsibilities; provided that, information the disclosure of which would impair the right of privacy of specific individuals or prejudice pending litigation concerning them shall not be required to be made available to the Commission except in general form to the extent police activities in specific cases reflect police department policies and; provided that, the individual involved in the specific situation may consent in writing to the disclosure of information concerning him or her; in which case it shall be made available to the Commission;

d) to receive complaints directed against the Police Department and any of its officers and employees, and fully and completely investigate said complaints and make such recommendations and give such advice without limitation (including disciplinary action and action relating to departmental policies and procedures) to the City Council and the City Manager in connection therewith as the Commission in its discretion deems advisable; provided as follows:

i) that investigation of all complaints filed with the Commission shall begin immediately after complaints are filed and proceed as expeditiously as possible;

ii) that all such complaints filed with other offices, boards, bureaus, and departments of the City, including the Police Department, shall be referred to the Commission for investigation and that the Police Department shall conduct its own investigations only at the request of said Commission, and;

iii) that regular quarterly reports relating to the number, kind, and status of all such complaints shall be made by the Commission to the City Council and the City Manager;

e) consistent with provisions of the Berkeley City Charter and to the extent permissible by law, to exercise the power of subpoena;

f) to adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary and to publish and file same with the office of the City Clerk, and to do such other things not forbidden by law which are consistent with a broad interpretation of this ordinance and its general purposes.

Section 11. That Ordinance No. 4061 - N.S., and Ordinances No. 4149 - N.S. and No. 4887 - N.S. in amendment thereof are each and all repealed by this Bill. To assist in an orderly transition between the Citizens Committee on Public Safety, herein abolished, and the Police Review Commission established by this Bill, all files, records, books, publications, and documents of whatever kind of the former Committee shall be promptly deposited in the Office of the City Manager for the use and benefit of the newly created Police Review Commission.

Section 12. If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence, or word is declared to be severable.

Each of us, for himself or herself, says:

I have personally signed this petition; I am a qualified voter of the City of Berkeley, California, and my place of residence is correctly written after my name.

INITIATIVE PETITION FOR THE ENACTMENT OF A CERTAIN CITY ORDINANCE TO THE CITY COUNCIL OF BERKELEY, CALIFORNIA:

We the undersigned, being duly qualified and registered voters of the City of Berkeley, California, and constituting not less in number than five (5) per cent of the entire vote cast within said city for all candidates for mayor in the last election, hereby petition the City Council and request that the following proposed ordinance be submitted to a vote of the people at the next municipal election pursuant to the Election Code of the State of California, or that, in lieu of said election, the City Council enact said proposed ordinance pursuant to said Election Code:

An ordinance relating to REQUIRING SWORN EMPLOYEES OF THE BERKELEY POLICE DEPARTMENT TO RESIDE WITHIN THE CITY OF BERKELEY.

The people of the City of Berkeley do ordain as follows:

Section 1. The interests of the people of the City of Berkeley will be furthered by assuring that sworn personnel of the Berkeley Police Department understand and have a personal stake in the quality of life in the City of Berkeley, develop close relationships with its various neighborhoods, and in turn be known by and accountable to them and otherwise develop a high sense of responsibility to the entire community they serve. The general purpose of this ordinance is to effectuate

these broad objectives by requiring sworn personnel of the Berkeley Police Department as a condition of their employment to reside within the City of Berkeley.

Section 2. All personnel currently employed full-time, part-time, or regularly by the Berkeley Police Department as sworn peace officers and all members of the Berkeley Police Reserves as of the effective date of this ordinance are hereby required as a condition of their continued employment to establish and take up legal residence in the City of Berkeley within twelve (12) months of the effective date hereof. All personnel hired on a full-time, part-time, or regular basis by the Berkeley Police Department as sworn peace officers and all new members of the Berkeley Police Reserves after the effective date of this ordinance are hereby required to establish and take up legal residence in the City of Berkeley within ninety (90) days of beginning work and being placed on the payroll of the Berkeley Police Department. Such residence must be maintained while so employed. To further effectuate the general purposes of this ordinance, recruitment efforts by the Berkeley Police Department shall largely concentrate on individuals currently residing within the City of Berkeley.

Section 3. By way of exception to Section 2 of this ordinance, the residency requirement for either currently employed or newly hired persons in the Berkeley Police Department may be waived when it is clearly demonstrated that the establishment and taking up of legal residence within the City of Berkeley would cause an extreme hardship to the individual involved above and beyond normal and usual changes which accompany a move of one's residence. Such waivers and cases of extreme hardship are declared to be rare. Waivers may be granted only after a written petition in sufficient detail requesting same and showing the hardships involved is filed by the individual requesting it with the City Manager and only when recommended by the City Manager and approved by the City Council.

Section 4. This ordinance is designed to support and effectuate the requirements of Berkeley's Affirmative Action Hiring Program for minority groups and women. The purpose of this ordinance is to help create a city police department composed of Berkeley residents in which minority groups and women are fairly represented.

Section 5. If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence or word is declared to be severable.

INITIATIVE PETITION FOR THE ENACTMENT OF A CERTAIN CITY ORDINANCE TO THE CITY COUNCIL OF BERKELEY, CALIFORNIA:

We the undersigned, being duly qualified and registered voters of the City of Berkeley, California, and constituting not

less in number than five (5) per cent of the entire vote cast within said city for all candidates for mayor in the last election, hereby petition the City Council and request that the following proposed ordinance be submitted to a vote of the people at the next municipal election pursuant to the Election Code of the State of California, or that, in lieu of said election, the City Council enact said proposed ordinance pursuant to said Election Code:

An ordinance REQUIRING BERKELEY CITY COUNCIL APPROVAL OF ALL MUTUAL AID PACTS AND OTHER AGREEMENTS BETWEEN THE BERKELEY POLICE DEPARTMENT AND ALL OTHER LAW ENFORCEMENT AGENCIES OR POLICE DEPARTMENTS FOLLOWING A PUBLIC MEETING; MAKING PUBLIC THE TERMS OF SUCH AGREEMENTS AND LIMITING THEIR DURATION.

The people of Berkeley do ordain as follows:

Section 1. The interests of all people of the City of Berkeley, the police department which serves those people, and the cause of a more just system of law enforcement will all be furthered by providing for openness and candor and community involvement in the establishment of working relationships between the Berkeley Police Department and other law enforcement agencies, police departments, or private security organizations. Law enforcement activities and procedures within the city limits are a major matter of policy in the governance of the City. The general purpose of this ordinance is to provide for the public disclosure and City Council approval of the terms and conditions of agreements, understandings, or policies reflecting such relationships, and for community involvement in the process of such approval, prior to the date on which the agreements, understandings, or policies take effect and city funds are expended in implementation thereof.

Section 2. All agreements, letters or memoranda of understanding, or policies which express terms and conditions of mutual aid, information sharing, cooperation, and assistance, between the City of Berkeley and/or the Berkeley Police Department and all other local and state (including University of California Police Department, Alameda County Sheriff and California Highway Patrol), and federal law enforcement, military and/or intelligence agencies, police departments or private security organizations are hereby cancelled ninety (90) days from the date on which this ordinance becomes effective, unless approved by the Berkeley City Council in accordance with Section 3 of this ordinance. No funds of the City of Berkeley shall directly or indirectly be expended in implementation of any such agreement, understanding, or policy unless the provisions of this ordinance are complied with.

Section 3. Hereafter no such agreement, understanding, or policy shall be valid or effective unless specifically approved by the City Council following public hearings on the same as hereinafter provided. All terms and conditions of such agreements, understandings, or policies shall be reduced to writing and presented to the City Council for approval by the Berkeley Police Department or appropriate city official, accompanied by a statement of the rationale therefore, projections of the costs

of implementation, and other information or explanations requested by the Council.

Section 4. At least ten (10) days before the public hearing required by Section 3 of this ordinance, copies of all agreements, understandings, or policies to be presented, together with supporting statements and documents, shall be made available to the public in the office of the City Clerk. The public hearing shall afford opportunity for interested members of the public to offer their views and opinions of the arguments, understandings, or policies proposed for approval. It shall be the duty of the head of the police department to attend such hearings for the purpose of responding to Council inquiries and providing such additional information relating to the agreements, understandings, or policies as may be requested by the Council members.

Section 5. No such agreement, understanding, or policy shall be valid or effective for more than one year following City Council approval, but each may be renewed or extended following the disclosure, public hearing, and documentation procedures provided for in Section 3 and Section 4 of this ordinance.

Section 6. Copies of all such agreements, understandings, and policies, or extensions or renewals thereof, as approved by the City Council shall be filed by the Berkeley Police Department with the office of the City Clerk and made available to any member of the public upon request.

Section 7. This ordinance shall be broadly construed and interpreted as to scope and coverage in order to effectuate its intent, and any doubts or ambiguities as to its applicability to any agreement, understanding, or policy shall be resolved by decision of the City Council.

Section 8. If any provision or section of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence, or word is declared to be severable.

INITIATIVE PETITION FOR THE ENACTMENT OF A CERTAIN CITY ORDINANCE TO THE CITY COUNCIL OF BERKELEY, CALIFORNIA:

We the undersigned, being duly qualified and registered voters of the City of Berkeley, California, and constituting not less in number than five (5) per cent of the entire vote cast within said City for all candidates for mayor in the last election, hereby petition the City Council and request that the following proposed ordinance be submitted to a vote of the people at the next municipal election pursuant to the Election Code of the State of California, or that, in lieu of said election, the City Council enact said proposed ordinance pursuant to said Election Code:

An ordinance relating to PROMOTING PUBLIC SAFETY BY DEMILITARIZING THE BERKELEY POLICE DEPARTMENT THROUGH LIMITING AND REGULATING THE USE OF WEAPONS.

The people of the City of Berkeley do ordain as follows:

Section 1. The general purpose of this ordinance is to demilitarize the Berkeley Police Department and enhance its character as a civilian rather than a military or paramilitary law enforcement agency paid for and ultimately accountable to the people of the City of Berkeley. It is also intended to promote the safety of the people of Berkeley by limiting the number and types of weapons used by the Berkeley Police Department and controlling their use, and by instituting testing and public reporting requirements for all weapons and related equipment officially sanctioned for use by departmental agents or employees.

Section 2. The only firearm and ammunition authorized for use by any agents or employees of the Berkeley Police Department in the course of performing regular law enforcement duties in the City of Berkeley are the following: Smith and Wesson (or comparable make) .38 caliber 6-shot revolver with 4 or 6 inch barrel, double action with side swing cylinder, using only .38 special ammunition with cartridges limited to 158-grain police loadings and bullets limited to the metallic non-expanding variety. Such weapons and ammunition are to be paid for and issued by the Berkeley Police Department.

Section 3. The following weapons and/or ammunition and chemical agents are specifically prohibited by this ordinance for use by any agents or employees of the Berkeley Police Department while performing law enforcement duties in the City of Berkeley:

a) privately-owned handguns, shotguns, rifles or other privately-owned weapons and/or ammunition of any kind;

b) leaded gloves, blackjacks, saps, leaded or weighted batons, submachine guns, CS gas and Mace, handguns not of the make and caliber set forth in Section 2 of this ordinance, .357 magnum shells, 200 grain loadings for .38 caliber shells, soft-nosed or hollow point bullets, rifles of any make or caliber and, except as provided in Section 4 of this ordinance, shotguns of any make or gauge.

Section 4. By way of exceptions to Section 2 and Section 3 of this ordinance, the Berkeley Police Department is permitted to keep and use, only in cases of extreme emergency, twelve (12) shotguns. Such shotguns are declared to be lethal weapons and shall be permanently stored in the headquarters of the Berkeley Police Department and removed therefrom only when such extreme emergency is declared to exist by the head of the department, or his deputy if the department head is not available. The make, gauge, barrel length and loadings of such shotguns shall be as follows: Ithaca (or comparable make) 12 gauge, five-shot pump, with 18 inch barrel, using double ought (00) buckshot. Under no circumstances, other than those of extreme emergency,

will such shotguns be carried in police department vehicles.

Section 5. The acquisition or use of any weapons not authorized by this ordinance must be authorized by vote of the Berkeley City Council following a public written report by the Berkeley Police Department on potential ill, maiming or dangerous effects of the weapon or weapons in question and a subsequent public hearing. This provision also applies specifically to acquisition of weapons for purposes of testing.

Section 6. Within 30 days after passage of this ordinance, the City Manager shall furnish the Berkeley City Council with a complete inventory of all weapons, ammunition, and chemical agents possessed by the Berkeley Police Department. The City Council shall oversee the destruction of all weapons prohibited by this ordinance along with any other weapons the City Council shall deem it in the best interests of the people of Berkeley to destroy.

Section 7. At least once every quarter, or more frequently if ordered by the City Council, the Berkeley Police Department, with the assistance and cooperation of the appropriate city departments, shall make available to the City Council, with copies for public inspection filed in the office of the City Clerk, an inventory detailing the following:

a) quantities in stock in the Berkeley Police Department, or issued by it to agents or employees of the Department, of all weapons, ammunition, and chemical agents, by type, make, model, and serial number;

b) all losses or utilizations by the Berkeley Police Department or its agents or employees in the quarter of weapons, ammunition, and chemical agents, by quantity, agent or employee, date, type, make, model, and serial number;

c) all purchases or replacements by the Berkeley Police Department in the previous quarter of any weapons, ammunition, and chemical agents by quantity, cost, date of purchases, type make, model, and serial number.

In addition, a reasonably detailed annual inventory of all equipment of whatever kind, weapons, ammunition, and chemical agents, by quantity, cost, type, make, model, and serial number shall be prepared by the Berkeley Police Department with the assistance and cooperation of other appropriate city departments, with copies available for public inspection filed in the office of the City Clerk and shall be made available to the City Council. Photographs of all types of weapons, ammunition, and chemical agents shall accompany such annual inventory.

Section 8. Violation of any of the provisions of this ordinance by any agent or employee of the Berkeley Police Department shall be cause for discharge, discipline, or termination of services.