

COMMON COUNCIL PROCEEDINGS
CITY OF ITHACA, NEW YORK

165

Regular Meeting

8:15 P.M.

July 10, 1985

PRESENT:

Mayor - Gutenberger
Alderspersons (9) - Cummings, Dennis, Haine, Hoffman, Holdsworth,
Killeen, Peterson, Romanowski, Schlather

ABSENT:

Aldersperson (1) - Myers

OTHERS PRESENT:

City Controller - Spano
City Attorney - Stumbar
Dir., Planning & Development - Van Cort
Dep. Dir., Planning & Development - Mazzarella
Building Commissioner - Hoard
Police Chief - Herson
Asst. Fire Chief - Olmstead
Acting Fire Chief - Reeves
Supt. of Public Works - Dougherty
Personnel Administrator - Best-Shaw
T.C. Bd. of Representatives - Don Difton
BPW Commissioners - Ben Nichols, and Gerkin
Fire Commissioner - Karl Schmid
City Clerk - Rundle

*** Material omitted ***

PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:

Sanctuary for Salvadoran and Guatemalan Refugees

The following persons spoke to the Council in favor of the Council
declaring Ithaca to be a "Sanctuary City":

Nelson Reppert, 402 N. Aurora Street
Dale Hathaway, 162 E. King Road

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Matthew C.J. McCarthy, 92 Trumbull Corners Road
Michael Pitzrick, 401 Thurston Avenue
William Gibson, 101 Poole Road
Ron Ozer, 426 E. Buffalo Street
The Rev. Paul Gibbons, R.D. #1, Box 104, Trumansburg, N.Y.
Mary Jo Dudley, 119 First Street
Linda Finlay, 323 Eastwood Avenue

*** Material omitted ***

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*** Material omitted ***

HUMAN SERVICES COMMITTEE:

Sanctuary for Salvadoran and Guatemalan Refugees

By Alderperson Hoffman: Seconded by Alderperson Haine

WHEREAS, The United States supported the United Nations General Assembly's adoption of the Universal Declaration of Human Rights, December 10, 1948, which commits the member states to recognize and observe that "everyone has the right to seek and to enjoy in other countries asylum from persecution" (Article 14.1); and

WHEREAS, The United States, El Salvador and Guatemala have all ratified Geneva Convention IV, Relative to the Protection of Civilian Persons in time of war, August 12, 1949, which prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" (Article 3(1)); and

WHEREAS, The United States has acceded to the 1967 United Nations Convention and Protocol Relating to the Status of Refugees, which states that "no Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (Article 33.1); and

WHEREAS, Article 1 of the Convention defines a "refugee" as any person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside of the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country;" and

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WHEREAS, the United States Refugee Act of 1980 (P.L. 96-212, 94 Stat. 102) authorizes the grant of asylum to refugees who are defined in terms identical to the United Nations 1967 Convention; and

WHEREAS, many thousands of Salvadoran and Guatemalan non-combatant citizens have been killed, "disappeared," tortured, and detained without legal process in their countries during the last five years of warfare and strife; and

WHEREAS, hundreds of thousands of Salvadorans and many thousands of Guatemalans have fled their countries seeking refuge, but the United States is deporting Salvadorans at the rate of 100 a week back to El Salvador and from 1982 through 1984 the United States deported nearly 2000 Guatemalans back to Guatemala; and

WHEREAS, the Immigration and Naturalization Service has granted political asylum to less than 3% of the Salvadorans who apply; and of the 983 cases of Guatemalans applying for political asylum in the U.S. between October 1983 and December 1984 only three applications were granted; and

WHEREAS, under the Refugee Admissions Program, which grants only 1000 admissions from all of Latin America, none have been granted to Guatemalans under the present administration; and

WHEREAS, the Ithaca Area Sanctuary Committee has coordinated a local effort to involve local churches and other religious communities in considering the offering of sanctuary to refugees from El Salvador and Guatemala, with the result to date that the Ithaca Friends Meeting has declared sanctuary, supported by the First Baptist Church, New Jewish Agenda, Social Concerns Committee of St. Paul's United Methodist Church, the Centre for Religion, Ethics and Social Policy and the Committee on U.S.-Latin American Relations at Cornell; and

WHEREAS, the Tompkins County Human Rights Commission has awarded the Ithaca Area Sanctuary Committee the 1985 Human Rights Group Award, which states that "by your efforts on behalf of equal rights you have brought dignity to your community and distinction to your organization," and many other Ithaca citizens have publicly expressed their concern and support for this effort; and

WHEREAS, the City of Ithaca wishes to support its citizens in their efforts to maintain and further human rights for its citizens and and for all who come within its borders; and

WHEREAS, a Salvadoran refugee, Esperanza, with her baby daughter is currently being provided sanctuary by the above named religious communities in Ithaca, having fled her country fearing for her life; now, therefore, be it

RESOLVED, That the Common Council declares Ithaca to be a "Sanctuary City" for Salvadoran and Guatemalan refugees fleeing the general conditions of persecution and pervasive violence to life and person in their homelands, and who are now or at some future date may be residing in Ithaca, until they can safely return to their homeland or until they receive federally recognized residency status;

RESOLVED further, That the Ithaca Common Council directs, except as otherwise provided by law, that neither the City Administration nor any member of Common Council or any city committee, nor any department head or city employee, when acting in that capacity or as an agent of the City, take any action contrary to the safety and welfare of Esperanza, her child, or any other Guatemalan or Salvadoran refugee sponsored by the Ithaca Area Sanctuary Committee or its affiliated sanctuary church communities, including an act which would subject the refugee to arrest by the Immigration and Naturalization Service, or of others because of their involvement in, or support of, sanctuary;

RESOLVED further, That the Ithaca Common Council requests that the Immigration and Naturalization Service inform the Ithaca Area

Sanctuary Committee of any arrests it has made of those in sanctuary or working in support of sanctuary within the City of Ithaca or County of Tompkins immediately upon making such arrests;

RESOLVED further, That the Ithaca Common Council asks, in the name of respect for international law and human rights, that the federal authorities, including the Congress, take action to temporarily suspend the deportation of the Salvadoran or Guatemalan refugees who have fled to the United States from persecution in their home countries; and that to this end the Common Council urges that the Congress require non-discriminatory compliance with the Refugee Act of 1980, and supports the legislation introduced by Congressman Moakley and supported by all three Congressmen serving Tompkins County (H.R. 822 and S. 377) granting "extended voluntary departure" status to refugees from El Salvador, but urges that that legislation be expanded to include Guatemalans as well;

RESOLVED further, That the City Clerk communicate this resolution to all city departments and committees, to the New York congressional delegation, the local and national directors of the Immigration and Naturalization Service, and President Ronald Reagan.

Discussion followed on the floor.

A vote on the resolution resulted as follows:

Ayes (7) - Peterson, Hoffman, Killeen, Haine, Dennis, Schlather,
Cummings

Nays (2) - Holdsworth, Romanowski

Absent (1) - Myers

Carried

*** Material omitted ***