



Legislation Text

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Fiscal Note

No fiscal impact.

Title

SUBSTITUTE - Reaffirming Support for a Permanent Ceasefire and Supporting Student Protestors Supporting Student Organizers & Reaffirming Commitment to Peaceful Resolution

Body

~~WHEREAS, on December 5, 2023, the Madison Common Council unanimously passed two resolutions: one calling for an immediate ceasefire in Gaza and urgent political action to deescalate the crisis and to prioritize truth, reconciliation, restitution, and the building of a future for Palestinian and Israeli people, and the other condemning all acts of Islamophobia and Anti-semitism and encouraging all Madisonians to recognize the diversity of religions as a source of strength and to foster an environment of open and constructive dialogue that provides a supportive space to engage in these crucial conversations; and,~~

~~WHEREAS, according to Al Jazeera, the Gaza Ministry of Health reports that armed violence has claimed the lives of over 34,500 people, including more than 14,000 children, as well as over 1,100 Israelis; and,~~

~~WHEREAS, the devastation and death continue with horrific news of a mass grave uncovered at Nasser Hospital in Gaza which included bodies shot in the head; and,~~

~~WHEREAS, according to Al Jazeera and the United Nations, 24 hospitals have been partially or totally destroyed and at least 53 schools have been totally destroyed; and,~~

~~WHEREAS, this conflict is perpetuating a dangerous and costly lack of access to basic human needs in Gaza, such as food, water, medical supplies, and more, which are indispensable for the survival of the civilian population; and,~~

~~WHEREAS, for the safety and security of all civilians and in order to provide humanitarian aid to Gaza, any ceasefire must be agreed upon by both sides and must be guaranteed by the physical presence of international partners who have a vested interest in seeing peace and stability in the region; and,~~

~~WHEREAS, it is reported that both Israel and Hamas attacked and seized hostages and there is unclear reporting on the state of said hostages; and,~~

~~WHEREAS, after over 200 days of violence, leaders have not yet successfully enacted a permanent ceasefire; and,~~

~~WHEREAS, students at over 120 universities across the United States, including the University of Wisconsin-Madison, have organized peaceful protests and encampments to express their first amendment rights and have demand for a permanent and immediate ceasefire, divestment, and action from campus leaders and elected officials; and,~~

~~WHEREAS, on Monday April 29, University of Wisconsin-Madison students began the Popular University for Gaza encampment at Library Mall, joining over 100 universities across the globe participating in encampments~~

in support of an immediate and permanent ceasefire in Gaza, which further called for the University of Wisconsin-Madison to divest from occupation, borders, and prisons from Palestine to Teejop; and,

WHEREAS, on April 29, the Wisconsin ACLU issued a statement in support of students right to free speech and reminded us that “university administrators are left with a choice – one that will determine which side of history they will be on. They can stay true to the Wisconsin Idea – the founding principle of our state university system – which holds that college campuses must serve as incubators for self-discovery and empower students to critically examine, understand, and interact with the world around them. Or they can, regrettably, decide to follow the path of other universities that have succumbed to political pressure, betraying and punishing their students, faculty, and staff for peacefully exercising their right to dissent”; and,

WHEREAS, UW-Madison administration and the University of Wisconsin Police Department (UWPD) should share the priority of maintaining safety and protecting first amendment rights to free speech; and,

WHEREAS, clear communication and de-escalation from UW-Madison administration and UWPD is essential to maintaining safety and protecting first amendment rights to free speech; and,

WHEREAS, during the week of April 29, 2024, Madison area elected officials responded to the peaceful protest at Library Mall to listen and ensure the safety of all involved, despite the lack of clear communication from law enforcement; and,

WHEREAS, on April 29, 2024, the Wisconsin State Patrol and UWPD physically pushed two Madison alders and a Dane County Board Supervisor at the Fluno Center as they were operating in their capacity as elected officials to represent their constituencies; and,

WHEREAS, on May 1, 2024, UWPD, Madison Police Department (MPD), Dane County Sheriff (DCSO), and Wisconsin State Police organized and initiated an escalation tactic through executing a raid on the peaceful protest and encampment at Library Mall, resulting in numerous arrests and eyewitness reports of student and faculty injuries that resulted from police brutality; and,

WHEREAS, during the raid on May 1, 2024, there were numerous eyewitness reports and photographic evidence of UWPD, DCSO, and state troopers using violent tactics, including the use of batons, knees on the upper back, stripping clothes, chokeholds, and other forms of physical violence on UW-Madison students and faculty; and,

WHEREAS, in MPD’s Standard Operating Procedures (SOPs) for “Demonstrations and Assemblies,” one of the principles states that “communication between police and event organizers before and during events can create mutual understanding, generate cooperation and compliance, and prevent disorder”; and,

WHEREAS, on September 1, 2020, the Madison Common Council created Section 5.16 of the Madison General Ordinances to prohibit Madison Police Department employees from intentionally using carotid or neck restraints; and,

WHEREAS, numerous UW-Madison campus and local organizations, UW-Madison faculty and staff, elected officials, and a broad range of local supporters have called on Madison area law enforcement to discontinue the raid on the encampment and use of force on students and protests;

NOW, THEREFORE, BE IT RESOLVED that the Common Council calls on Chancellor Jennifer Mnookin to use her authority under Wisconsin Administrative Code 18.07(4) to authorize the Popular University for Gaza

at UW-Madison encampment in the spirit of the Wisconsin Idea, as long as students and community supporters are peaceably assembling and exercising their First Amendment rights to dissent.

BE IT FURTHER RESOLVED that the Common Council calls on Chancellor Mnookin and UW-Madison to discontinue any disciplinary actions against students and faculty, including suspension and expulsion, and instead directly engage protesters in productive conversations to gain mutual understanding.

BE IT FURTHER RESOLVED that the Common Council issues a written order per our authority under Wisconsin Statutes 62.09(13)(a) to Police Chief Shon Barnes to update MPD Standard Operating Procedure (s) to clarify that whenever Mutual Aid is rendered for a demonstration where protesters are peaceably assembling, that the Officer in Charge will not direct officers to interfere with the lawful exercise of free speech rights and will communicate with protesters and affected elected officials who may be attempting to facilitate communication, deescalate, and ensure the safety of event participants.

BE IT FINALLY RESOLVED that the Madison Common Council defends the rights of UW-Madison students to assemble 24/7 as a demonstration of solidarity with the Palestinian people and we reaffirm our call for an immediate ceasefire, cessation of hostilities to all civilians, and urge our federal legislators to use their power for diplomatic and humanitarian ends to stop funding a war being carried out in clear violation of US and international law.

Sources:

- <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live>
- <https://www.aljazeera.com/news/2024/4/24/uncovering-of-mass-grave-at-gazas-nasser-hospital-what>
- <https://www.aclu-wi.org/en/press-releases/aclu-wisconsin-emphasizes-importance-students-first>

WHEREAS, on Monday April 29, 2024, UW-Madison students joined over 120 universities internationally, part of the Popular University for Gaza movement by establishing an encampment on Library Mall, with goals of calling for an immediate and permanent ceasefire in Gaza and disclosure and divestment from occupation, borders and prisons from Palestine to Teejop; and,

WHEREAS, the “Wisconsin Idea” is signified as a general principle “that education should influence people’s lives beyond the boundaries of the classroom”; and,

WHEREAS, students chose to set up tents, sleeping bags and permanent shelters overnight on campus property; and,

WHEREAS, student organizers maintained a peaceful presence at all times, establishing community guidelines including not engaging with counter-protesters, assuming best intentions, and seeking to create a community of understanding and respect; and,

WHEREAS, student organizers emphasized out-of-class education and community building, through hosting activities including prayer, teach-ins, guest speakers, open mics, pop-up libraries, therapy and wellness spaces, meditations, movie screenings, art-making, t-shirt printmaking, Dabke dancing, Shabbat, providing protective circles for daily Muslims prayers; and,

WHEREAS, communication from UW-Madison administration and University of Wisconsin Police Department (UWPD) to students, organizers, and elected officials did not achieve the goal of transparency and de-escalation leading up to the incident on May 1; and,

WHEREAS, on May 1, 2024, the peace at Library Mall was broken when under the authority of UWPD and assisted by Madison Police Department (MPD), Dane County Sheriff's Office (DCSO), and Wisconsin State Patrol initiated an operation to remove student tents; and,

WHEREAS, during the operation on May 1, 2024, there were numerous eye-witness reports and photographic evidence of UWPD, MPD, DCSO, and state troopers using tactics, including the use of batons, knees on the upper back, stripping clothes, and other forms of physical use of force on UW-Madison students and faculty; and,

WHEREAS, the continued communication since May 1 has led to de-escalation between the organizers and UW-Madison Administration, during ongoing negotiations; and,

WHEREAS, a broad range of supporters, including campus and community organizations, UW-Madison faculty and staff, elected officials, and community members have called on UW-Madison to prioritize First Amendment rights, allow the peaceful protest and encampment, provide full transparency to students and organizers, and continue good faith negotiation efforts with student organizers; and,

WHEREAS, the impetus behind the student-led organized movement is shaped by mounting concerns and personal impact of violence in Gaza in which after over 200 days of violence without a permanent ceasefire, the Gaza Ministry of Health reports that armed violence has claimed the lives of over 34,000 people including more than 13,000 children and over 1,700 Israelis, as well as the taking of 250 hostages;

NOW, THEREFORE, BE IT RESOLVED the Madison Common Council commends the student organizers for exercising their First Amendment rights, signifying the Wisconsin Idea, and engaging in civil disobedience for beliefs they strongly hold.

BE IT FURTHER RESOLVED the Madison Common Council urges Chancellor Jennifer Mnookin and UW-Madison leadership to prioritize protecting free speech and allow the encampment to continue during ongoing negotiations with student organizers.

BE IT FURTHER RESOLVED the Madison Common Council condemns the ongoing indiscriminate bombing, violence, and displacement of civilians in Gaza carried out by the Israeli Government, as well as the Hamas attack on October 7.

BE IT FURTHER RESOLVED the Madison Common Council reaffirms its commitment to an immediate and permanent ceasefire, as stated in the December 5, 2023, resolution that passed unanimously, along with the release of all hostages and prisoners.

BE IT FURTHER RESOLVED the Madison Common Council condemns any acts of antisemitism, islamophobia, and hatred in any and all forms.

BE IT FINALLY RESOLVED that a copy of this resolution be sent to Chancellor Jennifer Mnookin.