

Agenda Report

DATE: September 26, 2007
TO: CITY COUNCIL
FROM: HUMAN RELATIONS COMMISSION
SUBJECT: RECOMMENDATION REGARDING HUMAN RIGHTS AND 2008
ROSE PARADE FLOAT COMMEMORATING BEIJING OLYMPICS

BACKGROUND

Introduction

Beijing, China, shall host the Games of the XXIX Olympiad in 2008. The 2008 Rose Parade, with the theme of "Passport to the World's Celebrations," will feature a float commemorating the Beijing Olympics. The float has been approved by the Beijing Organizing Committee for the Olympic Games and will carry a number of officials during the parade.

At public meetings on July 16, 2007, and several other dates, individuals and representatives of organizations informed the City Council that there were serious human rights violations occurring in China and that it would therefore be inappropriate for the Beijing Olympics Float to be in the Rose Parade. Some also requested that the City Council seek the release of certain persons held prisoner in China and to write letters to Chinese officials objecting to the human rights violations. Other requests were made. These organizations included the Conscience Foundation, the Caltech Falun Gong Club, the Pasadena Chapter of Amnesty International, Reporters without Borders, China Ministries International, the Visual Artists Guild, Los Angeles Friends of Tibet, Justice for Americans in China, the Coalition to Investigate Persecution of Falun Gong, and the Olympics Freedom T-Shirt Global Movement.

The City Council requested that the Human Relations Commission review the matter and report back within 90 days with a recommendation.

On August 7, 2007, the Human Relations Commission received extensive public comment, written statements, and other materials. Most of the above-mentioned individuals and representatives of organizations, as well as a number of new individuals, spoke or submitted statements or materials raising human rights issues. Individuals and representatives of

organizations supporting the float also spoke or submitted statements or materials. These organizations included the Roundtable of Southern California Chinese American Organizations (float sponsor), Avery Dennison (float sponsor), the Caltech Chinese Student Association, and apparently the Chinese Scholars Association, Southern California.¹ A statement by Mayor Bill Bogaard was read to the Commission. Alan Lamson, Chair of the China Subcommittee of the Pasadena Sister Cities Committee, Lily Lee Chen, former mayor of Monterey Park, many Caltech graduate students (whom comprised two-thirds of the supporters), and other individuals spoke and submitted statements to the Commission in support of the float.

Additional comments and materials were submitted to the Commission thereafter, as well as at its public meeting on September 26, 2007. The Jews Against Genocide submitted a statement against the float, a number of individuals and groups who previously spoke before the Commission, and a number of new individuals.

The Human Relations Commission has carefully reviewed these statements and materials, as well as other material deemed relevant, and submits this report and recommendation to the City Council for its review. All of the material is available for the City Council's review. Copies of some of this material are attached hereto.

Jurisdiction

Statements have been made suggesting the City Council is not properly suited to review this matter, either because the foreign or international nature of the problem renders it beyond the City Council's jurisdiction and expertise or because the City of Pasadena is a separate legal entity from the Tournament of Roses and has no formal role in the float approval process.

The Commission acknowledges the political sensitivity and complexity of this issue, recognizes that the City Council infrequently issues statements or takes action on matters relating to foreign or non-local matters, and believes circumspection is warranted. The Commission does not believe, however, that either above reason should preclude the City Council's review of the matter.

The Commission notes that in 1989 the City Council adopted a purchasing policy that attempted to avoid companies doing business with apartheid South Africa, and that in 2006 it passed, essentially on human rights grounds, a resolution opposing a federal bill that would change immigration law.² The Commission believes that review of the current matter is even more appropriate given its relationship to an event that takes place in Pasadena and involves City officials and staff and, furthermore, since some of those who claimed to have suffered or to have

¹ Professor Kwan Ming Chan submitted a statement, without letterhead, referencing the "Chinese American Scholars Association" but the e-mail address on the statement references the "Chinese Scholars Association, Southern California." Professor Chan later indicated that the relevant organization is the Chinese Scholars Association, Southern California.

² U.S. House of Rep. Bill No. 4437, Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005.

family or friends who have suffered live in Pasadena or neighboring cities. The Commission also believes that, given the important stature of the Tournament of Roses and the impact of its activities on the image of Pasadena, comment by the City Council on this matter is appropriate. The Commission also notes that the City Council previously chose to enter into a “sister city” relationship with the Xicheng District of Beijing, China, which involves educational exchanges, including some touching upon sensitive topics such as the democratic process and individualism. An engagement with China on important matters has already taken place.

Preliminary Acknowledgement

As a preliminary matter, the Commission acknowledges the tremendous effort of the Tournament of Roses in organizing and hosting the Rose Parade each year. The parade greatly benefits Pasadena and is enjoyed by many people throughout the world. The Commission understands the rationale of the float sponsors and the Tournament of Roses for choosing to have a float in the 2008 Rose Parade that commemorates the 2008 Beijing Olympics. The Commission acknowledges that there is a tradition of Rose Parade floats commemorating the Olympics. The Commission acknowledges that the International Olympic Committee has in fact granted the right to hold the Olympic Games – one of the most prestigious sporting and cultural events in the world – to Beijing, China. The Commission is aware of the importance of community, cultural, and national pride here in the United States and elsewhere in the world, and respects the fact that many individuals and organizations are proud of the economic and social developments in China that have made the hosting of the Beijing Olympics possible.

The Commission does not believe that such pride and support of one’s nation or nation’s activities are in and of themselves inappropriate. The issue, in the Commission’s opinion, is the appropriate role of concern over human rights in such pride and support.

Human Rights as a Core Value

The Olympic Charter speaks of the centrality of human rights. The Olympic Charter proclaims that the “goal of Olympism is to place sport at the *service* of the harmonious development of man,³ with a view to promoting a peaceful society concerned with the preservation of human dignity,” and that “Olympism seeks to create a way of life based on . . . respect for universal fundamental ethical principles.” (Emphasis added.) The Olympic Charter, erasing any doubt about the application of such principles, states that any “form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.” Correspondingly, the official Beijing Olympics website explains that the Beijing Olympics’ motto – “One World One Dream” – expresses the common wishes of all people all over the world to strive for a bright future and, despite differences in colors, languages, and races, the ideal of peace for humankind.

³ The Olympic Charter states that use of the masculine gender when referring to physical persons shall be understood as including the feminine gender, unless there is a specific provision to the contrary.

Viewing beyond the Olympics, the Commission believes it is important to recognize that human rights principles are championed in the most cherished political documents of the United States: the Declaration of Independence and the Constitution of the United States. Some of these rights include the rights to free expression and assembly, to practice the religion of one's choice, to due process, to meaningfully participate in government, to be free from unreasonable search and seizures without due process of law, and to equal treatment under the law. The Commission notes that many of these rights are recognized in the United Nations Declaration of Human Rights, many other constitutions, treaties, and charters throughout the world, and, to a certain degree, the Constitution of the Peoples Republic of China.

The Commission cannot help but draw the conclusion that, given the exaltation of human rights in these great political documents and in the Olympic Charter itself, whole-hearted support of human rights is a vital prerequisite not only to genuine support of the Olympic Movement but to responsible moral citizenship, genuine patriotism, and good government in the modern world.

Human Rights Violations in China

The Commission acknowledges that according to reliable reports issued by credible private organizations and governmental agencies, there have been improvements in human rights in China. The Commission believes, however, that it is appropriate and important to acknowledge that according to these same reports there are serious human rights violations which continue to occur in China.⁴ According to these reports, some of these human rights violations include: (a) use of the criminal justice system to unjustly target labor leaders, human rights activists, political dissidents, journalists reporting on non-approved matters, certain internet users, HIV/AIDS activists, and others; (b) use of the criminal justice system to unjustly target religious minorities such as Tibetan Buddhists, Falun Gong, Christians of non-government approved churches, and other religions; (c) fundamental failures of due process in the arrest, detention, and punishment of people for ordinary crimes; (d) use of physical and psychological torture and forced labor; (e) censoring of academic, journalistic, and public expression on social and political matters; (f) forced sterilization and abortion; and (g) unfair appropriation of peasant property.

Although the Commission does not have the resources to investigate the accuracy of the statements made to the Commission about particular human rights violations, the Commission recognizes that these statements are consistent with the information in the above-mentioned

⁴ See, e.g., Amnesty International Report "People's Republic of China: The Olympics Countdown – one year left to fulfill human rights promises," dated August 7, 2007; Human Rights Watch Report "China: No Progress on Rights One Year Before Olympics," dated August 2, 2007; Human Rights Watch Report " 'You Will Be Harassed and Detained' – Media Freedoms Under Assault in China Ahead of the 2008 Beijing Olympic Games," dated August 2007; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices – 2006, China (includes Tibet, Hong Kong, and Macau), dated March 6, 2007; United States House Resolution No. 188, calling for the stop of the persecutions of Falun Gong practitioners, passed July 24, 2002; United Nations Reports on China's Persecution of Falun Gong 2004.

reports. One individual stated that she was held in prison in the Xicheng Detention Center and other prisons for four years and physically tortured because she had practiced Falun Gong. Another stated that her mother is currently imprisoned for similar reasons. Another asked the City Council to rescue her husband who had been illegally arrested in China. A U.S. citizen stated that her son was killed in China with no meaningful explanation provided to her despite repeated inquiries.

None of the members of the Commission have personally experienced such deprivations of human rights and therefore do not deign to fully comprehend the pain, humility, and unjustness experienced by these individuals. With respect to those individuals who shared with the Commission descriptions of their own suffering or the suffering of family members, friends, or neighbors, the Commission extends its deepest sympathies. The Commission recognizes that this public sharing was an act of courage and righteousness.

Statements in Support of the Beijing Olympics Float

There were four to five speakers who publicly supported the float but also expressed concern about human rights issues in China and elsewhere. These included Mayor Bogaard, Mr. Lamson, Ms. Chen, and a few other individuals. Their position, explicitly or implicitly, was that keeping communication channels and interactions open between the United States and China is more likely to lead to the progressive development of China, and that the Beijing Olympics was part of this process.

The great majority of those who supported the Beijing Olympics and/or the float took a different position. This position, in effect, was that the human rights issues raised before the City Council and the Commission were the political views of the protestors, that the Olympics has nothing to do with politics, and that therefore the protestors' communications and demands to the City Council and the Commission were inappropriate. The Commission notes that this was the position, in effect, of the Roundtable of Southern California Chinese American Organizations, the Caltech Chinese Student Association, the Chinese Scholars Association, almost all of the graduate students of Caltech, and other individuals.

A minority of supporters claimed that the human rights issues raised by the Falun Gong representatives or in the reports set forth in footnote 4 herein were not true. This is discussed more fully below. A number of individuals stated that they had good experiences in China, and did not speak of human rights issues one way or the other.

Analysis

The Commission is troubled by the position expressed by this majority of float supporters. To equate the expression of concerns over basic human rights violations as mere expressions of political viewpoint – even if one sincerely believes that politics should not be involved in the Olympics – suggests a profound insensitivity to the plight of fellow Chinese. As discussed

above, credible reports identify an array of behavior that simply does not comport with the most basic requirements of the legal, ethical, and humane treatment of human beings. To express concerns about this is not political sloganeering.

Furthermore, to say in effect that the Olympics has nothing to do with human rights is simply not correct. As discussed above, the Olympic Charter, Beijing's own Olympic motto, and the promises of Beijing when it accepted the IOC invitation to host the Olympics, all expressly acknowledge human rights as a central principle of the Olympic Movement. Speaking more broadly, the Commission believes that diligent attention to human rights is a fundamental prerequisite to responsible moral citizenship, genuine patriotism, and good government in the modern world.

The Commission is also concerned about the many float supporters' focus on the claims of the Falun Gong and correspondingly ignoring the claims of Amnesty International, Reporters without Borders, the Conscience Foundation, the Visual Artists Guild, Los Angeles Friends of Tibet, Justice for Americans in China, and China Ministries International. Many human rights issues have been raised, not just mistreatment of the Falun Gong. This singular focus on the Falun Gong suggests a possible lack of realization on the part of many supporters of the actual nature and scope of the human rights issues in China. This possible lack of realization is also suggested by the fact that most Chinese supporters basically said the same thing, implying programmatic preparation. It is also troubling that a fair number of students stated that the Olympics represents some combination of peace, health, friendship, diversity, and harmony, and yet in effect suggested that those who complained about these very things were out of place.

The Commission notes there was no substantive argument about the existence of the reported human rights issues in China. Some general comments, however, were made by a number of individuals. Upon reviewing a draft version of the Commission's report in this matter, Professor Kwan Ming Chan, of the Chinese Scholars Association, Southern California, orally stated that China like all other countries has room for improvement regarding human rights. He stated, however, that the extensive list of human rights reports set forth in footnote 4 could be proved untrue with other reports. He did not submit any such reports. He also stated that a scientific study would prove these reports incorrect. Professor Chan's position is troubling. The Commission notes that the organizations or agencies listed in footnote 4 are very credible and include Amnesty International and the U.S. State Department. He likely read none of them. He also made no attempt to substantiate his position. The Commission also notes that a number of Caltech graduate students stated that the Falun Gong representatives before the Commission made statements that were "not true" or "biased" or "crazy."

Given the number and quality of reports on the human rights issues in China, and the fact that Professor Chan (a long-time professor of science) and the graduate students in question (who major in various sciences and attend one of the most prestigious scientific institutions in the world) are familiar with the need for evidence and analytical processes before coming to conclusions in their respective scientific fields, it is very disappointing that they should dismiss

such human rights issues, with little or no inquiry on their part, in such a cavalier manner. For this position to come from a professor of science, and who represents certain Chinese academics in California, and regarding such a fundamental issue – it is egregious. The Commission notes that this position was expressed by a minority of supporters.

The Commission wishes to make clear that almost all of those who spoke before the Commission were polite to the Commission and one another. The Commission believes it is possible that the troubling implications of the statements of the majority of the float supporters were not realized or intended. The Commission realizes that many in China have benefited from the significant economic and educational developments of the last twenty years. The Commission does not intend to downplay the importance of this benefit.

The Commission believes it is possible that in certain circumstances human rights issues are not intentionally ignored but rather compete with and are overshadowed by other interests, such as business, educational, or political interests. The Commission realizes that it is often difficult for those who do not suffer serious deprivations of human rights to empathize with or understand those who do. Although the desire for justice often burns brightest in the hearts and minds of victims of injustice, the true test of progressive development is whether such desire attaches to the hearts and minds of those who have not directly suffered injustices.

The Commission acknowledges the importance of community, cultural, and national pride and respects the fact that many individuals and organizations are proud of the economic and social developments in China, developments that have made the hosting of the Olympics feasible. The Commission believes, however, that certain forms of cultural or national pride, intentionally or unintentionally, may discourage the honest examination of the moral health of the community. The Commission takes the unequivocal position that pride and support of one's community should in no way weaken one's commitment to the principles of the rule of law, justice, equality, due process, and fundamental fairness, that is to say, to human rights.

Some have mentioned that the United States early on contained practices, such as slavery and limited voting rights, that today would be considered serious human rights violations. Others mention that human rights violations still occur in the United States or by the hands of its government. The implication is that judgment against China, given its place in its developmental path, should therefore be qualified or suspended.

The Commission acknowledges that a critique of the actions of foreign nations, or even those of our own nation, is often fraught with difficult issues of fact-finding and judgment calls. The Commission acknowledges that each nation has its own historical, cultural, and social uniqueness that influences its pattern of development. The Commission acknowledges that the causes of human rights violations are many, varied, and at times complex, and that human rights violations may result from both government action and private behavior, malicious intent as well as apathy, social or cultural predisposition as well as violations of social mores, corruption as well as unintended consequences.

The Commission does not believe, however, that the difficulties of progressive development and the fact of human rights violations in the United States of past and present requires a muted voice in the current matter. The Commission believes the opposite. Throughout the history of the United States, minority voices have spoken out against human rights violations of the time. The Quakers, with Benjamin Franklin, were the only members of privileged society whom sought official condemnation of slavery at the First Congress. Such condemnation, even without implementing measures, was massively offensive and inconvenient to Southerners as well as many Northerners. Franklin was called senile and ignored. History has proven who was right. This example, a severe one, does not teach us to be quiet in the face of human rights violations.

Possible Actions

Because of the foregoing, the Commission believes that the City Council should issue a strong statement that supports the principle of human rights and that reaffirms the need for renewed effort in China to address the human rights issues. The Commission is more than happy to assist the City Council in drafting a resolution for its review. The Commission recommends that such statement be respectfully submitted to the appropriate officials of the City of Pasadena's sister-city, the Xicheng District of Beijing, and that the China Subcommittee of the Pasadena Sister Cities Committee be consulted on how best to accomplish this transmission.

The Commission believes, however, that more should be done. The Commission believes that even under a theory that interaction with China is the course that will most likely lead to progressive development, no such theory justifies a blanket ban, in all circumstances, on respectfully requesting some adjustment or action on the part of those affiliated with Chinese interests. The Commission believes that the current situation is one that warrants such request. The Commission's belief is based not only on the human rights concern raised by many people, but also based on the apparent belief by the great majority of float supporters that human rights is not a legitimate topic of discussion in the current matter, and for a vocal minority of supporters, that the human rights issues raised are simply not true. As discussed above, this is troubling to the Commission.

Those who have raised human rights concerns have asked that the City Council request the Tournament of Roses to reject the float. They have suggested other options, for example, to have a co-marshal of the parade, such as the Dali Lama, or to allow a float or marching band on their behalf be part of the parade, or to augment the design of the float to reflect a more international Olympics theme, or to include a sympathetic individual to ride on the float. They have asked that the City Council communicate with Chinese officials about the human rights issues. As mentioned above, an individual asked that the City Council help with the release of her mother from prison. One individual asked the Commission to facilitate her petition to the Tournament of Roses to allow her to march in the parade as the Goddess of Democracy.

Another thought is that the City Council would help facilitate the convening of a summit on the human rights issues in China. This would need to be a meaningful event, well-publicized, and not one attended only by American and other organizations and individuals already sympathetic to human rights concerns. Another option is that the City of Pasadena could contribute, and more importantly, facilitate the Roundtable of Southern California Chinese American Organizations or their respective members, and possibly Avery Dennison and others, to make significant financial and other types of contributions, to an organization such as International Bridges to Justice. This organization, according to its literature, is dedicated to protecting the basic legal rights of ordinary citizens in China and other developing countries. The City of Pasadena may consider, if appropriate, what role its sister-city contacts may play in facilitating the goals of such organization.

The above-described actions need not be mutually exclusive.

The Commission wishes to raise a preliminary option. The Commission believes that, before the City Council takes any final action on this matter, the City Council should attempt to facilitate a meaningful dialogue with the Roundtable of Southern California Chinese American Organizations and the Tournament of Roses, as well as with the Caltech Chinese Students Association, and with the primary involved human rights organizations, with the goal of some resulting concrete action.

The Commission raises this option for several reasons:

The Commission believes that as a matter of principle resolution of a dispute, or at least progressive movement in such dispute, usually requires some facilitated and meaningful dialogue with the respective parties. Such dialogue, if structured properly, allows for the play of interaction and creativity that sometimes results in some productive movement that was previously not thought possible or in some instances even contemplated. Such dialogue has not occurred in the current matter. The Commission's efforts have been limited primarily to gathering information and reviewing such information.

Given the complicated and sensitive nature of this situation, the Commission believes that involvement of the leadership and stature of the City Council at this time would be appropriate and helpful. The Commission believes that the importance of the human rights issues as well as the interests of the parties that sponsor or support the float would be well served by the above-described involvement of the City Council.

The Commission believes that it would be premature to take a final position on this matter before allowing at least the chance that something fruitful and productive may result from such interaction, especially given what the Commission perceives as the potential good will of all participants involved in this matter. The Commission perceives that all of the parties and individuals involved, including the protestors, are very interested in the progressive development of China and very proud of the ability of China to be able to host the Olympics.

The Commission notes the expectation is that the result of the dialogue will not be momentary interaction but a lasting and improved understanding of the vital role of human rights, and that such understanding is ultimately reflected in expressed statements and other concrete action by various individuals and organizations. By concrete action the Commission obviously does not believe that there will be a voluntary agreement to remove the float from the parade, but that some other action may occur that is either on the list of contemplated options set forth above or some other type of action that is similar in nature or degree. Any agreed upon action may also depend on how those individuals and organizations who raise human rights issues wish to proceed in the future on this matter.

Finally, the Commission believes that meaningful dialogue and resulting action will much more likely lead to better press about the Rose Parade and to the avoidance of any actions that may embarrass or disrupt the parade.

The Commission believes that the City Council should take final action on this matter no later than 30 days from the date of this report. The Commission believes that the City Council should entertain any and all of the options discussed above but that its final decision should take into consideration the efforts of the involved parties to communicate, to reach some sort of understanding over the issues, and to agree on some concrete action. If some concrete action is agreed to by the parties, then that could be submitted to the City Council for review and ratification as its final action in the matter. If no good faith dialogue occurs, then that should also weigh seriously in the final decision.

The Commission believes that the City of Pasadena is in a unique position, not only with respect to its sister-city relationship with the Xicheng District of Beijing but also because of the intersection of the Beijing Olympics with one of the most prestigious events that takes place in Pasadena, to contribute to the improvement of human rights, which is to say, to the progressive and healthy development of a society.

RECOMMENDATION

The Human Relations Commission recommends the following:

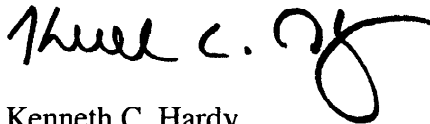
1. The City Council shall create an ad-hoc committee for the purpose of reaching out and communicating with the various individuals and groups in this matter, the expectation is that the dialogue will result in some concrete action, as discussed above. The ad-hoc committee shall include members of the City Council, the Human Relations Commission, and any others the City Council believes will contribute to this matter.
2. The ad-hoc committee shall report back to the City Council in no later than 30 days. At that time the City Council shall take a final position on the matter. The City Council should entertain any and all of the options discussed above and take into consideration the efforts of the involved

parties to communicate, to reach some sort of understanding over the issues, and to agree on some concrete action. If some action is agreed to by the parties, then that could be submitted to the City Council for review and, if sufficient, ratification as its final action in the matter.

3. After the ad-hoc committee reports back, the City Council shall also issue a resolution expressing the central importance of human rights principles and concern over the human rights issues in China. The resolution shall reflect upon those matters discussed herein as well as take into consideration any good faith efforts at interaction, or lack thereof, and shall be communicated in an appropriate manner to the Xicheng District of Beijing.

This report was approved by the Commission on September 26, 2007, on a vote of 5-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth C. Hardy". The signature is fluid and cursive, with a large loop at the end.

Kenneth C. Hardy
Chair
City of Pasadena Human Relations Commission

City of Pasadena
Human Relations Commission

**AGENDA REPORT
ATTACHMENTS**

- Attachment 1 – Statements of those raising Human Rights Issues
- Attachment 2 – Float Sponsors and Tournament of Roses
- Attachment 3 – Other statements in support of the Float/Olympics
- Attachment 4 – Public Speaker Cards for 6/25/07 and 7/16/07 City Council Meetings – Raising Human Rights Issues
- Attachment 5 – Cal Tech Graduate Students in support of Float
- Attachment 6 – Speaker Cards for those raising Human Rights Concerns at 8/7/07 Human Relations Commission Meeting
- Attachment 7 – Public Speaker Cards for other Float supporters at 8/7/07 Human Relations Commission Meeting