

**From:** [REDACTED]  
**To:** [Lawrence McLaughlin](#); [City Council](#); [Diana Rich](#)  
**Subject:** Re: Local alert - Agenda item 8 - City Council Meeting April 2nd - Ceasefire resolution for Israeli-Palestinian conflict - LEGAL RISK  
**Date:** Monday, April 1, 2024 8:04:27 AM

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April 1st, 2024

To: Larry McLaughlin, City of Sebastopol Attorney  
7120 Bodega Ave  
P.O. Box 1776  
Sebastopol, CA, 95473

CC: Diana Rich, City of Sebastopol Mayor

**Dear City Attorney McLaughlin, City Mayor Rich and City of Sebastopol Council Members,**

I am writing in the reference to the proposed ceasefire resolution for Israeli-Palestinian conflict - agenda item 8 - City Council Meeting on April 2nd 2024.

As outlined by the League of California Cities, it's crucial to recognize that city ordinances and resolutions are bound by substantive limitations imposed by federal and state laws. One notable constraint is ***Federal Preemption, governed by the Supremacy Clause of the United States Constitution***, wherein local ordinances yield to federal statutes or regulations in cases of conflict.

The preemption doctrine also arises from the limiting language in ***Article XI section 7 of California Constitution***:

"A county or city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws."

Furthermore, ***Article I, Section 10 of the United States Constitution*** curtails state and local authority. In the landmark 1968 case, ***Zschernig v. Miller***, the Supreme Court introduced the dormant foreign affairs doctrine, also known as foreign affairs field preemption. This doctrine restricts states'

ability to engage in international matters.

In light of these principles, it's essential to understand that resolutions such as the one proposed, akin to the aforementioned case, may inadvertently encroach upon the federal government's foreign affairs jurisdiction. The Supreme Court's ruling in *Zschernig v. Miller* continues to hold significance, with U.S. courts of appeals consistently referencing and applying its principles.

In conclusion, it is imperative that we prioritize collaboration while upholding the principle of federal supremacy and addressing the distinctive needs of the city of Sebastopol.

It is inappropriate for a city to make any resolution about any foreign affair or any matter between the U.S. and another country or between foreign countries or foreign governments.

We must proceed cautiously to mitigate the risk of potential legal challenges. The attention from legal experts towards municipalities that have endorsed similar resolutions highlights the gravity of our deliberations. Let us work together to safeguard Sebastopol from such legal scrutiny and ensure that our actions align with both our values and the framework of the law. I suggest postponing adopting a ceasefire resolution for Israeli-Palestinian conflict until there is a clarity from City of Sebastopol Attorney on its legality.

I will look forward for your response.

Regards

Lev Luvishis

Sonoma County chapter of "Bring Them Home Now"

