

HUMAN RIGHTS NOW!

*Newsletter of the
Meiklejohn Civil Liberties Institute*



Spring 2018

Charges Dropped Against Two Leaders & Residents from The Village Encampment

Grassroots Efforts to House the Homeless Under Constant Attack

by Anita "Needa Bee" Miralle de Asis

After a year of public officials undermining their efforts to decriminalize homelessness and spark a movement to create humane and dignified solutions to the housing and homeless crisis in Oakland, two leaders and residents of The Village in Oakland faced criminal charges for defending themselves and the encampment they live in under conditions created by officials in the City of Oakland. All charges were dropped on the first day of their trial on Friday, March 16, 2018.

The Village in Oakland is a grassroots effort that organizes housed and unhoused residents of Oakland to provide temporary emergency shelter and support services to Oakland's homeless as a pathway towards

permanent housing. The movement made headlines in January 2017 when they successfully liberated unused public lands to manifest their vision. They were bulldozed by the City Administration to the tune of \$75,000.

Since then, the movement has established itself as a powerful lobbying and organizing body responsible for winning over Oakland City Council to declare a shelter crisis, legalize and protect the efforts of The Village and force the Mayor and her Administration to work with the group and grant them city owned or managed land to continue their mission.

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War Games by Law Enforcement Ended in Alameda County

by Critical Resistance

On Tuesday, March 27th, the Stop Urban Shield coalition put an end to the largest militarized SWAT training in the world. Urban Shield is a war games training and weapons expo that involves international and local law enforcement agencies and emergency responders.

After more than six hours, and hundreds of people gathered to speak out and give public comment opposing Urban Shield, the Alameda County Board of Supervisors voted to put an end to Urban Shield as of 2019. "Urban Shield as we know it ends at the conclusion of this vote," stated Supervisor Carson.

Urban Shield represents everything our movements

are fighting against — from collaborating and training with ICE, hosting the white supremacist militia the Oath Keepers, training with and sending officers to apartheid Israel, glorifying policing and militarization, exploiting tragedies and natural disasters and public health needs, and continuing to align with Alameda County Sheriff

Ahern's support of the Trump Administration — Urban Shield has no place in the Bay Area or anywhere.

Ending Urban Shield reminds us that we can win through cross movement building and strong organizing. This victory comes after years of organizing. It is a testament to our ability to shift power and win!



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MCLI Holds Second Human Rights Forum on Racism

By Steven DeCaprio

On Thursday, January 18, 2018 the Meiklejohn Civil Liberties Institute (MCLI) held their second Human Rights Forum on Racism at the GROW Incubator in West Oakland. The United States Government failed to submit a report to the U.N. Committee on the Elimination of Racial Discrimination (CERD) by the deadline of November 20, 2017, and MCLI intends to submit a shadow report based upon community input.

This forum was co-sponsored by the National Lawyers Guild San Francisco Bay Area Chapter, Sustainable Economies Law Center, East Bay Gray Panthers, Land Action, The Village in Oakland, and Grass Roots Oakland West. Anita “Needa Bee” Miralle De Asis, founder of The Village in Oakland and Program Director for MCLI, facilitated this forum.

Ann Fagan Ginger, founder of MCLI, and Walter Riley, Board Chair of MCLI, made presentations prior to a group discussion.

During the course of the discussion many expressed the importance of a Human Rights analysis in providing a framework for developing a vision for organizing.

Ann Fagan Ginger called upon everyone in attendance to support a call to the City of Oakland to submit a report to CERD. This proposal was unanimously accepted by attendees.

As of the writing of this article the City of Oakland’s Department of Race and Equity has not responded to this demand. To contact this department more information can be found here:

<http://www2.oaklandnet.com/Government/RaceEquity>

MCLI will be holding their third Human Rights Forum on Racism on Sunday, May 6, 2018 at 3:00 pm at the Eastside Arts Alliance, 2277 International Blvd, Oakland, CA 94606. For more information see the announcement on page 6.



Walter Riley (left) and Ann Fagan Ginger (right) speak to attendees at Human Rights Forum on Racism

Rapid Response Networks Denounce Due Process Violations by ICE in Northern California

By Rapid Response networks

As members of rapid response networks, we are deeply disturbed by the deportation tactics that limit detainees’ access to legal representation and collectively undermine their due process rights.

We have documented the following incidents and are continuing to investigate:

On Wednesday February 28, 2018 ICE refused to provide attorneys who visited 630 Sansome Street with information about specific people it had detained or general updates about the ongoing deportation actions.

ICE transferred people to detention facilities outside Northern California, posing significant barriers to access by both attorneys and family members.

ICE arrested and then rapidly deported several people, in some cases within hours, leaving inadequate time for response by families or attorneys. One man was arrested on Wednesday morning, February 28th in Napa and was on his way out of the country by 5 pm that afternoon.

ICE pressured detainees into waiving their rights and signing deportation documents without allowing them to consult with pro bono attorneys who were available. A man arrested in Merced county was told he would not be able to talk to his family unless he agreed to sign a voluntary departure notice.

ICE used its Northern California headquarters at 630 Sansome Street as a processing center on Sunday, February 25th despite that it was not open to the public and attorneys were denied requests to access detainees.

These alarming tactics escalate ICE’s use of psychological intimidation. This already deeply troubled agency is further limiting transparency, opening the door to abuses, pressuring people into waiving their constitutional rights, and undermining due process.

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Berkeley Community Members Demand Stronger Police Oversight

By Berkeley Community United for Police Oversight

In 1973, Berkeley voters created the Police Review Commission (PRC), a national first and a step forward for civilian oversight. The citizens approved a mandate that the PRC have access on demand to “written and unwritten information and assistance as it may deem necessary” from the police department or any other office of the City government, and that investigation of complaints against officers be conducted primarily by the PRC. However, due to a drafting error in the filing of the PRC initiative, it was enacted as a simple ordinance instead of a charter amendment. Therefore in 1976, when the Berkeley Police Association sued the City to dismantle the PRC, the Court of Appeals stripped the Commission of its independence, as the ordinance conflicted with the City Charter, which gave these powers to the City Manager to delegate.

The group, Berkeley Community United for Police Oversight, is demanding that the Berkeley City Council place a measure on the upcoming November ballot to restore the people’s mandate for independent oversight of the police department. When enacted by a Charter Amendment, the Police Commission will have the authority to ensure that our police department operates within an appropriate framework of public accountability. This proposal is in line with best practices for police oversight in that it:

- J Is independent of the executive branch of government,
- J Adequately staffs, finances, and empowers the police commission to perform its functions, including investigation of alleged police misconduct, and
- J Allows for appropriate community input.

The existing PRC is solely an advisory body. The Police Commission, however, will oversee the Berkeley Police Department, as the voters who created the PRC clearly intended it to do. All policies and procedures of the department will be subject to the approval of the Commission. A Policy Section will advise the Commission on policy issues and may audit departmental practices.

The Police Commission will have the authority to see, on a confidential basis, internal department files such as disciplinary records, except for pending criminal investigations. An Investigations Section will investigate complaints at the discretion of the Commission, while the police department’s Internal Affairs Division will continue to investigate others. A Board of Inquiry composed of Commission members may modify the Commission investigators’ findings and proposed discipline.

The new Commission will be independent of city management. It will hire and remove its own managerial staff, while its line staff will be subject to civil service processes. It may hire its own attorney. Its decisions will not be subject to City Manager veto. The Commission may modify the department’s budget request to the city council. The Commission will not have the power to fire BPD officers without cause.

The Police Commission will consist of seven regular and three alternate members, limited to two terms of three years. Commissioners will be nominated as a slate by a Selection Panel, appointed in turn by the Mayor and City Council. An up-or-down Council vote on the slate will confirm the appointment. The Commissioners will be paid a stipend for meeting attendance in recognition of their expanded responsibilities.

To get involved contact Berkeley Community United for Police Oversight at berkeleypoliceoversight@gmail.com, (510) 525-5497, P.O Box 9312, Berkeley California 94709

“Rapid response” Networks Denounce Due Process Violations by ICE in Northern California

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The purpose of our local networks is to provide legal support to anyone in our communities who ICE detains. When the federal government denies vital information and access to legal representatives, that threatens civil liberties for all people.

Community groups across the state have raised their voices to demand a halt to ICE’s abuses of power. We further call on ICE to provide complete information about those arrested in our communities, return all detainees to local jurisdictions to ensure legal access and family support, and to uphold every person’s due process rights.

Rapid Response Networks:

- J Alameda County Immigration Legal and Education Partnership
- J Contra Costa Immigrant Rights Alliance
- J FUEL Sacramento Rapid Response Network
- J Marin Rapid Response Network
- J Monterey County Rapid Response Network
- J North Bay Rapid Response Network (Sonoma and Napa Counties)
- J Northern California Rapid Response and Immigrant Defense Network
- J San Francisco Rapid Response Network
- J San Mateo Rapid Response Network
- J Santa Clara County Rapid Response Network
- J Services, Immigrant Rights and Education Network
- J Valley Watch Network
- J Your Allied Rapid Response (Santa Cruz)

Self-Defense Charges Dropped Against Two Leaders & Residents From The Village

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However, their victories have been continually undermined.

“The latest violation of our most vulnerable citizens by authorities occurred when two homeless leaders of The Village were forced to defend themselves and the encampment from an attack by a known predator,” reads a statement signed by more than two dozen social justice, faith based and business organizations.

Jodie Everett is part of The Village leadership and resident who intervened when his fellow Village leader and resident Mouangjoi Tracy Saelee Edmond attempted to defend herself from an assault with a nail-riddled two by four. The Village affirmed that not only are the two defendants victims, but the person they were defending themselves and the encampment from is also a victim of the system. According to volunteers and residents, the alleged assailant is in desperate need of mental health services and housing.

“There is a compassionate way to deal with our unsheltered residents but prosecuting them in our criminal justice system is not it. We need to show empathy and make sure they all get homes, medical health services, safety and protection. We do not need to pit them against each other,” reads a statement by The Village. “The issue we need to address is institutional. It is not about the two leaders who defended themselves and the encampment. It is not about the person who attacked Tracy. This should have never happened in the first place. They are all victims of an avaricious system.”

And now, scheduled for November 2018, the City plans to take away the land it granted The Village five months ago to repair an overpass. The 80 people the City herded will now be forcibly displaced to rebuild the overpass that spans across the parcel. The Village is currently negotiating with City Administration for four new parcels to house all 80 residents at the current location on E. 12th Street and 23rd Ave., as well as the original 16 residents who were bulldozed by the city last year. Of the 16 residents, 14 are homeless and 2 have died in the streets.

The Village in Oakland is a community effort addressing the homeless crisis in Oakland, advocating to decriminalize homelessness, and ensuring housing as a human right; not a commodity. To find out more follow them at <https://www.facebook.com/The-Village-in-Oakland-feedthepeople-731643677003021/> or call 510-355-7010.

Charges Against Land Action 4 Dropped

Squatters Rights Prevails after “Conspiracy to Trespass” Prosecution is Abandoned

By Land Action

On December 15, 2017 the Alameda County District Attorneys announced they would be dropping all the charges against the Land Action 4, a group of squatters and housing rights organizers. The charges against Steven DeCaprio, Kelly Jewett, and Aisha Alves-Hyde were dismissed immediately, and the charges against Patrick Xu are scheduled to be dismissed after 6 months pursuant to a



Land Action 4 Supporters Wear Pink

deferred entry of judgment agreement in the case *People v. DeCaprio*; Case Number 612587A-D in the Alameda County Superior Court.

Steven DeCaprio is the founder of Land Action and Interim Executive Director of the Meiklejohn Civil Liberties Institute. Kelly Jewett is the current CEO of Land Action and co-founder of Occupy the Farm.

Patrick Xu and Aisha Alves-Hyde, who were formerly homeless, occupied an abandoned house in the Cleveland Heights neighborhood near Lake Merritt acting as on-site property managers for Land Action. The occupation began in mid-September of 2015 and went unnoticed by the owner of record for 3 months. Subsequently an agreement was made for the occupants to move out of the property. However, the Alameda County District Attorney’s Office broke the agreement and arrested Xu as he was removing the last of his belongings from the property.

Arrest warrants were issued Wednesday January 20, 2016. The organizers came to be known as The Land Action 4 and were charged with 7 charges, 3 of which were felonies. Among the allegations is that these organizers were involved in a “Conspiracy to Trespass,” a common charge used to target civil rights organizers.

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Charges Against Land Action 4 Dropped

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During the prosecution the Oakland City Council declared a shelter crisis. Since then homelessness has increased causing many to seek shelter in encampments throughout the city.

“This was a politically motivated prosecution devoid of legal merit. The prosecution completely folded in this case, and it was clear they did not want to take this case to trial. It is despicable for the Alameda County District Attorney’s Office to target homeless people and community organizers when we are in the middle of such a severe shelter crisis. This is an example of misplaced priorities; the D.A. putting the interests of real estate speculators before the interests of the majority of people living in Alameda County.” said Walter Riley, defense attorney for Alves-Hyde and President of the Meiklejohn Civil Liberties Institute.

“This ongoing oppression represents a historic and ongoing policy of human rights violations targeting landless people in violation of many human rights laws including the Eighth Amendment prohibition against cruel and unusual punishment, the Fourth Amendment right to privacy and due process of law, the Fourteenth Amendment right to equal protection under the law, and Article 11 of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”, stated Ann Fagan Ginger.

The dismissal of the charges against the Land Action 4 is encouraging in that local governments are realizing that criminalization of homelessness is unlawful, unsustainable, and immoral, forcing local governments to change policies. The City of Oakland and City of Berkeley have begun creating sanctioned encampments.

“We are at a crossroad when it comes to the rights of landless people. Up until now homelessness has been criminalized. However, as the number of unhoused people continues to rise, such criminalization becomes an increasingly untenable position.”, stated Steven DeCaprio, “Now is the time for us to mobilize to change the inhuman and degrading treatment of landless people so that all people are treated with basic human dignity and fundamental principles of human rights are upheld including the right to housing.”

New MCLI Board Members

By Steven DeCaprio

Recently, Angeles Gottheil, Therese Davis, and Lillian Phaeton joined the MCLI board of directors.

Angeles Gottheil has been elected Board Treasurer for MCLI. She also serves as the CFO of Land Action a non-profit fighting for the human right to housing and for access to land for the benefit of marginalized

communities. She is also the Board Treasurer for Killing My Lobster, a San Francisco non-profit supporting sketch comedy.

She moved to the Bay after attending Georgetown University in Washington, D.C., originally by way of Buenos Aires. She is a financial professional using her skills as an investment advisor and her experience in the microfinance industry to promote practical and sustainable solutions to the current housing crisis.

Angeles brings her experience in nonprofit management and financial planning to MCLI’s board.

Therese Davis is the Membership Coordinator for the National Lawyers Guild San Francisco Bay Area Chapter (NLGSF). In 2017 she was part of the leadership team that expanded membership engagement increasing their membership rolls by 10 percent while also increasing individual fundraising as her team diversified funding sources, raising over \$200,000 for the first time in the chapter’s history.

She was also instrumental in mobilizing NLGSF membership to fight the rise of fascism as well as attacks on immigrants by the Trump administration. Her efforts ensured all of these successes during a leadership transition with both the Board President and Executive Director leaving the organization at the end of 2017.

Lillian Phaeton has previously worked with numerous organizations including Peace Action and the California League of Conservation Voters where she has supervised both fundraising and database management. She was born and raised in San Francisco, CA and is a classically trained pianist who has been part of the San Francisco Bay Area music scene for many years.



Angeles Gottheil, MCLI Board Treasurer

Third Human Rights Forum on Racism

Forums Throughout Oakland Provide Opportunity to Include Racially Diverse Communities

Sunday, May 6, 2018 at 3:00 pm at the Eastside Arts Alliance, 2277 International Blvd, Oakland, CA

It is now clear that the Trump administration refuses to submit its report to the U.N. Committee on the Elimination of Racial Discrimination (CERD). The deadline for the report was November 20, 2017, and the Meiklejohn Civil Liberties Institute (MCLI) has requested that the Trump administration and CERD provide us information on the status of the report. Thus far we have received no responses from our inquiries, and there has been no news of a report having been submitted. The only logical conclusion is that the Trump administration has no intention to submit a report.

MCLI continues to reach out to the community to ensure that all forms of racism by the federal, state, and local governments in the U.S. are included in a shadow report to be submitted by MCLI and allies working in communities experiencing racism at the hands of the government.

Our previous Human Rights Forums on Racism were held in North Oakland and West Oakland. Our next forum will be in East Oakland near The Village in Oakland encampment Two Three Hunid Ohlone Village (TTHOV). All of the residents at TTHOV are people of color, and by having this forum close to the encampment MCLI looks forward to exploring the intersections between racism, poverty, and homelessness.

According to the U.S. Census, Oakland is one of the most racially diverse cities in America. Because of this, holding these forums in different parts of Oakland enables MCLI to reach communities who have multifaceted experiences with systemic racism thus giving a broad spectrum of lived experiences related to numerous forms of racial oppression.

Needa Bee Named New MCLI Program Director

Anita Miralle De Asis Granted Haywood Burns Memorial Fellowship by National Lawyers Guild

The Meiklejohn Civil Liberties Institute (MCLI) is excited to announce that Anita “Needa Bee” Miralle De Asis has been named Program Director.

Needa Bee is a long-time businesswoman, artist, organizer, advocate, activist and educator. She has been a leader in the Oakland/Bay Area as well as in broader California and internationally, tackling issues and connecting the dots between colonization, immigration, education, police terror, housing, displacement, homelessness, health, food justice, and culture.

She is currently studying human rights law and civil rights law and is an apprentice to civil rights lawyer Walter Riley.

Needa Bee was granted the Haywood Burns Memorial Fellowship by the National Lawyers Guild so that she can work with MCLI to support and expand the Institute’s work and the work of her organization, The Village, of ensuring landless people’s human and constitutional rights to adequate housing and the decriminalization of homelessness.



Anita “Needa Bee” Miralle De Asis

New Book Out Soon!

OUR 100 HUMAN RIGHTS: HOW WE CAN EXERCISE THEM AND GET THEM ENFORCED

This is the first book, according to author Ann Fagan Ginger, to list every step someone can take to enforce all of their human rights in the U.S. Constitution and statutes, and in:

- Convention on the Elimination of All Forms of Racial Discrimination
- Convention against Torture
- International Covenant on Civil & Political Rights
- Organization of American States: Declaration on the Rights and Duties of Man
- Convention on Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- International Covenant on Economic, Social & Cultural Rights
- And more!

Contact: Annfginger@gmail.com

MCLI Apprentices Begin Law Office Study Program

Program Provides Tuition Free Alternative to Law School

By Steven DeCaprio

In California an attorney can mentor an apprentice under the Law Office Study Program (LOSP) as an alternative to law school. Steven DeCaprio, Interim Executive Director of MCLI, completed this program and passed the bar exam. He co-founded the Association of Legal Apprentices with apprentices based out of the Sustainable Economies Law Center (SELC) which provides legal consultation for cooperatives.

The structure of SELC is not dissimilar to MCLI. The attorneys at SELC share a small office with an open floor plan with their apprentices. In much the same way the attorneys on the board of directors of MCLI can mentor apprentices studying at the MCLI office.

MCLI Board Chair Walter Riley recently agreed to mentor Needa Bee and Angeles Gottheil under the LOSP. This works in synergy with MCLI's work because both Needa Bee and Angeles have made commitments to work on programs with MCLI. Needa Bee is MCLI's new Program Director and Angeles is MCLI's new Board Treasurer. Time spent working on MCLI programs can also be counted toward their law studies under the LOSP.

This program is part of a larger program started by the Association of Legal Apprentices (ALA) to encourage movement lawyers to mentor apprentices under the LOSP.

In the 1960s the United Farm Workers of America used a similar strategy to build the capacities of their legal teams by educating labor organizers through the LOSP

Currently MCLI is coordinating with the ALA and the National Lawyers Guild (NLG) to expand education through the LOSP in order to build leadership in the legal profession from community organizers within oppressed communities. This will increase diversity along race, class, and other lines within the legal profession.

By providing a tuition free alternative to law school it is MCLI's goal to increase MCLI's capacity as well as the capacity of movement lawyering generally while also increasing diversity within the legal profession so that there will be a new generation of attorneys who share similar lived experiences as the communities they assist.

Currently, MCLI does not have any further slots for apprentices. However, MCLI is working with the NLG San Francisco Bay Area Chapter to create more opportunities for NLG members to study under the LOSP.

If you are an attorney who has practiced for 5 or more years then you can sign up as a mentor here:

<http://www.nlgsf.org/form/becoming-mentor>

If you are interested in studying law under the LOSP you can sign up with the NLG here:

<http://www.nlgsf.org/form/becoming-mentee>

There is currently not sufficient capacity to match apprentices with mentors unless the apprentices are actively involved with the NLG. All applicants are encouraged to become active members working on NLG programs. For more information on the various committees and caucuses within the San Francisco Bay Area Chapter of the NLG go here:

<http://www.nlgsf.org/committees>

Order MCLI Books!

“Nuclear Weapons Are Illegal” by Ann Fagan Ginger
In July 1996 the International Court of Justice made history by declaring nuclear weapons illegal. Here is the complete decision and much more.....\$30.00

“Alexander Meiklejohn: Teacher of Freedom” by Cynthia Stokes Brown
Anthology and biographical study of the great First Amendment advocate.....20.00

“The Ford Hunger March” by Maurice Sugar
This study of this important uprising has been praised by Philip S. Foner, Studs Terkel, Coleman A. Young, Percy Llewellyn, and Edith Withington.....\$15.00

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Orders up to \$45: \$5 (shipping / handling)	_____
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Pay by credit card using the donation form on page 8 or make checks payable to MCLI; send w/ this form to:	
MCLI, P.O. Box 673, Berkeley, CA 94701-0673, (510) 848-0599, mcli1965@gmail.com	

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RETURN SERVICE REQUESTED

Donate to MCLI Today!

The Meiklejohn Civil Liberties Institute needs funding to support our human rights advocacy and education as we work to hold the Trump administration accountable and bring in a new generation of leadership from emerging grassroots movements fighting systems of oppression. MCLI is drawing upon new leadership from within communities directly impacted by human rights violations so that our work can better reflect the needs of marginalized communities.

MCLI needs your support to continue to work collaboratively with oppressed communities and social movements. Make a donation by completing the information below and mailing it to **MCLI, P.O. Box 673, Berkeley, CA 94701.**

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