

# HUMAN RIGHTS NOW!

*Newsletter of the  
Meiklejohn Civil Liberties Institute*



Fall 2018

## UN Report On Homelessness Naming Oakland, San Francisco As Human Rights Violators

*By Needa Bee, Program Director MCLI*

**October 19, 2018** - the United Nations Special Rapporteur to the Right to Adequate Housing, Lelani Farha, released her new report documenting the “global scandal” of homeless encampments. In January of 2017, Farha spent time in the San Francisco Bay Area and Southern California to meet with unhoused residents and housed advocates and described the conditions as “cruel and inhumane”. The only U.S. cities explicitly called out for violations in the UN’s report on global homelessness are San Francisco and Oakland.

She states that while the existence of “informal settlements” are human rights violations due to local government’s lack of will to provide permanent housing to all residents, these encampments are also people’s assertion to their denied human right of housing. She declares that curbside communities are acts of resilience, resourcefulness and ingenuity in the face of dire circumstances. Rather than criminalize or ignore these settlements, until permanent housing can be offered to all, it is the duty of local governments not to evict curbside communities but to upgrade them and residents of these encampments should participate in all areas of the upgrading, including sanitation, clean water, food services and support services. **onward**

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## Indigenous Peoples Open Letter To California Governor and Climate and Forests Task Force

*Ramaytush and Greater Ohlone Territory (San Francisco, CA)*

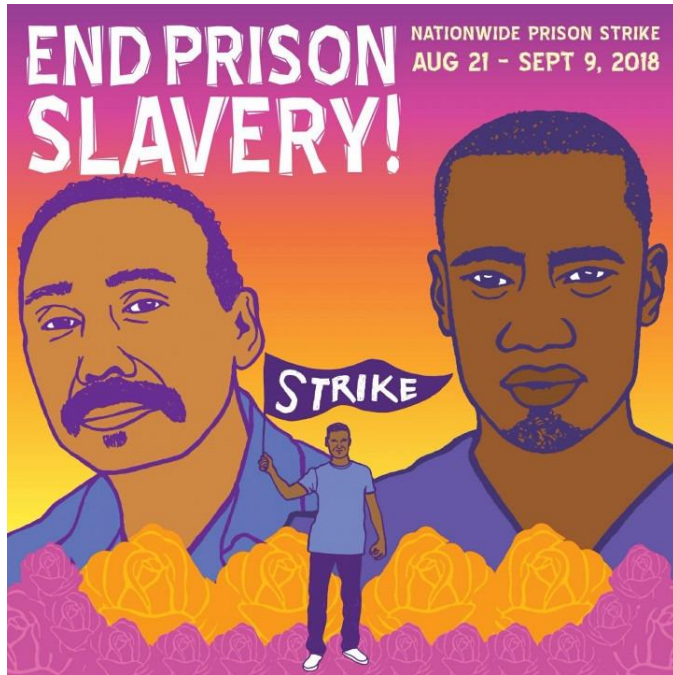
**September 10, 2018** - Original peoples and Indigenous nations of the world gathered on the Ramaytush and the greater Ohlone territory in California supported by ILO Convention 169 on Indigenous and Tribal Peoples (1989) and the United Nations Declaration on the Rights of Indigenous Peoples (2007) to protest the Global Climate Action Summit (GCAS) hosted by Governor Jerry Brown and the Governors’ Climate and Forests Task Force (GCF). The GCAS and GCF must not place a market value on the carbon sequestration capacity of our forests in the Global South and North.

You cannot commodify the Sacred — we reject these market based climate change solutions and projects such as the Reducing Emissions from Deforestation and Forest Degradation program (REDD+), because they are false solutions that further destroy our rights, our ability to live in our forests, and our sovereignty and self-determination. False solutions to climate change and climate disruption destroy both our material and spiritual relationship to the Earth. The GCF does not represent us and has no authority over our peoples and territories. There is an intrinsic interrelationship between our forests and our peoples of the North and the South. All of Creation is alive and

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# National Prison Strike Continues Throughout North America

By the Prison Strike Media Team



The extent of repression and retaliation by prison authorities against suspected participants in this year's nationwide prison strike continues to emerge slowly. The National Lawyers Guild Prisoners' Legal Advocacy Network (NLG-PLAN) has received additional details from 12 states, including:

- widespread "staff-perpetrated physical abuse, destruction of prisoners' personal property, theft/destruction of prisoners' legal property, and obstruction of prisoners' access .. e.g. .. to process grievance forms"
- scatter-shot retaliation against jailhouse lawyers, including "prevent[ing] them from jailhouse lawyering by placing them into solitary confinement under false pretenses"
- preemptive lock-down and segregation of thousands of prisoners, "in the absence in many cases of any apparent indication that the prisoners were involved in [the nationwide strike]"

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# Sex Worker Rights are Human Rights

By Rachel Saxer, MCLI Program Coordinator

In the wake of FOSTA/SESTA, two laws passed in April that sent shockwaves through sex worker communities nationwide, there have been surges of political organizing on behalf of sex workers and their rights. What FOSTA (Fight Online Sex Trafficking Act) and SESTA (Stop Enabling Sex Trafficking Act) have done is essentially made it possible for the Attorney General to sue any Internet platform that is potentially contributing to the sex trade. While supporters claim it aims to fight human trafficking by limiting online opportunities for solicitation, sex workers everywhere mobilized to tell a different story.

For sex workers websites like Backpage and Craigslist (places where you could affordably and discreetly advertise adult services) were considered safe zones and a step above street solicitation. Many attested that having access to online platforms decreased their physical vulnerability to violence, especially those who are survivalist workers (those most at risk economically). Additionally, FOSTA/SESTA impacted private forums that workers used to screen clients. "Bad date lists" are ways that sex workers report violence, instances of disrespect, and other bad behavior within their own community to keep one another safe. Platforms like Twitter weren't necessarily affected in part because of the company's large net worth. The amount of money a company would have to spend being sued by the Attorney General would not be nearly as devastating to Twitter, and other social media giants, as it would be to the much smaller and community driven Craigslist. This is why just 24 hours after the passing of the two laws Craigslist removed its entire personals section, including its widely beloved missed connections.

On June 2<sup>nd</sup>, International Whore's Day, thousands of people rallied to repeal FOSTA/SESTA and to decriminalize the sex trade.

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# Federal Appeals Court Upholds Right of Unsheltered to Not Be Criminalized for Sleeping in Public When There Is No Alternatives For Housing

By *Needa Bee*, Program Director MCLI

(September 4, 2018, Boise, Idaho) – This week, the 9th Circuit Court of Appeals affirmed what The Village has been asserting all along: that unsheltered persons punished for sleeping outside in the absence of adequate alternatives are victims of cruel and unusual punishment. In *Martin v. Boise* (formerly *Bell v. Boise*) - a lawsuit challenging Boise, Idaho's ban on sleeping in public - the court of appeals sided with unsheltered individuals who have been criminalized under Boise's policy. The courts agreed the unsheltered residents had their 8th Amendment constitutional rights violated by the City.

The Ninth Circuit held that the United States Constitution 'prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.' This decision impacts California, Alaska, Arizona, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam & Mariana Islands.

Two years ago, the Department of Justice recognized in this case, "[c]riminalizing public sleeping in cities with insufficient housing and support for unsheltered neighbors have been unconscionably evicted three or four times in this past year since the City of Oakland adopted this practice one year ago almost to the day. How appropriate to mark the Oakland Administration's one year anniversary of their homeless individuals does not improve public safety outcomes or reduce the factors that contribute to homelessness."

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# Bay Area Surveillance Webs Challenge Civil Rights

by *Tracy Rosenberg*, Executive Director of *Media Alliance*

Ubiquitous surveillance from government actors has been setting off civil rights alarm bells<sup>1</sup> for decades. What is different about the current landscape is that high tech tools are broadening the scope and increasing the range - and the web of interlocking agents is expanding.

We'll take a brief look at two surveillance projects in the Bay Area gone wrong: one emanates entirely from government agencies with interplay between regional transit and the Department for Homeland Security (DHS); the other demonstrates private interests colluding with government to press ahead the surveillance state both domestically and across the world stage.

Most people think of BART as a way across the Bay Bridge. The regional transit district has been grappling with increased ridership, decreased governmental support, and a series of in-system crimes. In 2016, before the "BART crime wave" became a regular headline, BART launched a secretive pilot program to place automated license plate readers in system parking lots. License plate readers (commonly abbreviated ALPR) do high speed scans of every car that passes by. The scans are geolocated in time and space, and run against law-enforcement prepared "hot lists." On average, 99.7% of scans do not match the hot lists. When readers are placed in a BART parking lot, they scan the plates of regular users hundreds and sometimes thousands of times, providing a precise indicator of when they may likely be found at a certain location. All the images need to be stored and searchable - and the local Department of Homeland Security fusion center (NCRIC) helpfully provides the service, allowing police depts to contribute and share scans and making them available to the CIA, FBI, DEA, ATF, IRS and (prior to Prop 54) ICE. Private manufacturer Vigilant Solutions also runs a parallel private database called LEARN, and signed a contract with ICE to share (*Continued*)

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<https://www.senate.gov/artandhistory/history/common/investigations/ChurchCommittee.htm>

their billion strong license plate collection with ICE in January of 2018. BART suffered a public relations problem<sup>2</sup> when privacy advocates noted they had simultaneously passed a “Sanctuary Transit” ordinance while continuing to feed license plate scans to the Homeland Security database throughout 2017, thus colluding with Trump’s ramped up civil immigration enforcement.

But the surveillance web is far more intricate than overlapping local, state and federal agencies, with private actors - specifically Silicon Valley’s tech monoliths - providing fundamental architecture. Salesforce<sup>3</sup>, Amazon<sup>4</sup>, Google<sup>5</sup> and Microsoft<sup>6</sup> employees have all penned impassioned appeals to their employers to end these agreements, with some partial success<sup>7</sup> at Google. But the huge contracts continue at a quick pace, demonstrating how engulfed Silicon Valley has become in the mechanics of the State. JEDI, a cloud storage contract that will put a single company in charge of most Department of Defense (DoD) data, including mounds of classified and top-secret records, received bids from Amazon, Microsoft, Oracle and IBM. Amazon head Jeff Bezos defended the bid with a statement that “if big tech companies are going to turn their back on the DoD, then this country is going to be in trouble.” Other countries, most notably Yemen, are already in trouble and Silicon Valley has played no small role in polishing the image of the Yemeni torturer Saudi Arabia through joint investments.<sup>8</sup> The statement by Bezos confirms the

marriage between libertarian Silicon Valley and the war machine that harkens back to the cyber world’s origins in the military.

Surveillance capitalism is a term used to define the merging of commercial persuasion techniques to government or political actor interests. The use of advertising techniques for voter manipulation is nothing new. Bernays and Lasswell articulated the methodology in the 1920s, and the practical application is far older than that. But what high tech and the surveillance state has made possible is micro-targeting that allows the delivery to personal devices of customized messages designed to tickle the bias and prejudices of the recipients without public scrutiny. Such mass scale micro-targeting has destroyed the fact-checking structure and degraded the civic conversation that democratic election systems rely on.<sup>9</sup>

Can we puncture the net? Besides consumer pressure from tech users, there are two possible and complementary roads. On the government side, advocates push for transparency<sup>10</sup>, from the local level up, to uncover the intricate data pathways. Here in the Bay, Oakland Privacy has successfully implemented transparency protocols for surveillance tech in six local jurisdictions. On the tech side, we can build new pieces of infrastructure, held by the commons, that leave the big tech companies out. Sudo Mesh<sup>11</sup> is building such a community-owned wireless network from the ground up in the East Bay. It’s late in the day, but our freedom demands no less.

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### ***UN Special Report continued from page 1***

Homeless leaders and advocates in San Francisco, Berkeley and Oakland hosted Ms. Farha, including Coalition on Homelessness, Western Regional Advocacy Project (WRAP), The East Oakland Collective, The Village/Feed The People, and First They Came For The Homeless. Ms. Farha was able to hear and speak directly with people living in encampments and on our streets about the oppression, hatred and police violence they experience everyday. *(Continued)*

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<sup>2</sup> *Mercury News*. 12 Sep 2018. Accessed 19 Oct 2018 via: <https://www.mercurynews.com/2018/09/12/bart-staff-ignored-board-to-spy-on-riders-sent-info-ice-could-access/>

<sup>3</sup> *The Verge*. 25 June 2018. Accessed 19 Oct 2018 via: <https://www.theverge.com/2018/6/25/17504154/salesforce-employee-letter-border-protection-ice-immigration-cbp>

<sup>4</sup> *Gizmodo*. 21 June 2018. Accessed 19 Oct 2018 via: <https://gizmodo.com/amazon-workers-demand-jeff-bezos-cancel-face-recognition-1827037509>

<sup>5</sup> *New York Times*. 01 June 2018. Accessed 19 Oct 2018 via: <https://www.nytimes.com/2018/06/01/technology/google-pentagon-project-maven.html>

<sup>6</sup> *Seattle Times*. 19 June 2018. Accessed 19 Oct 2018 via: <https://www.seattletimes.com/business/microsoft/microsoft-employees-call-on-company-to-cancel-contract-with-ice/>

<sup>7</sup> Next Gov. Oct 2018. Accessed 19 Oct 2018 via: <https://nextgov.com/it-modernization/2018/10/microsoft-amazon-ceos-standby-defense-work-after-google-bails-jedi/152047/>

<sup>8</sup> <https://www.npr.org/2018/10/19/658721670/examining-the-close-ties-between-saudi-arabia-and-silicon-valley>

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<sup>9</sup><https://www.nytimes.com/2018/08/16/technology/facebook-microtargeting-advertising.html>

<sup>10</sup><https://slate.com/technology/2018/05/oakland-california-and-other-cities-are-reining-in-out-of-control-police-technologies.html>

<sup>11</sup> Sudo Mesh: <https://sudomesh.org>



In Ms. Farha's report she frames the encampments and street dwelling in the United States under the same vein as the informal settlements around the world. Finding that "the scope and severity of the living conditions in informal settlements make this one of the most pervasive violations of human rights globally," states the report. The Oakland conditions of discrimination and harassment of encampment residents and punitive denials of access to basic services constitute "cruel and inhuman treatment and is a violation of multiple human rights...Such punitive policies must be prohibited in law and immediately ceased." This assertion falls in line with the 9<sup>th</sup> Circuit Courts Sept 4<sup>th</sup> decision that criminalization of homelessness violates curbside communities' 8<sup>th</sup> Amendment rights and constitutes as cruel and unusual punishment.

"The Report of the Special Rapporteur on Adequate Housing As a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context" is being presented at the United Nation's office in New York on October 19<sup>th</sup>. In solidarity with this presentation at the UN, events are planned in New York City; Denver, Colorado, and Oakland, CA October 23.

Writing in support of WRAPs Right to Rest acts in California, Colorado, and Oregon, the Rapporteur summed up her visit in California:

"In my capacity as the UN Rapporteur on Housing, I visited California and saw firsthand the human right violations being experienced by people who are homeless. They are the victims of failed policies—not the perpetrators of crime. The state of California must take action to remedy the criminalization of rest...While I toured encampments and drop-in facilities serving homeless people, the community repeatedly expressed that they simply wanted to be treated as human beings. It is dehumanizing, demoralizing, and unjust to criminalize hundreds of thousands of people due to their housing status."

The report concludes with step by step recommendations to enhance the lives of over 800 million people around the world who live in informal settlements and inhumane conditions concluding:

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"That truth is that by any measure — moral, political or legal — it is unacceptable for people to be forced to live this way. Refusing to accept the unacceptable is where we must begin. All actors must mobilize within a shared human rights paradigm around the imperative of upgrading all informal settlements by 2030."

The UN Press release on the report can be found here:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23737&LangID=E>

The report can be found here:

<https://wraphome.org/research-landing-page/legalresearch/>

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***open letter from world's indigenous continued from page 1***

interrelated. The air we breathe has life and gives life to all and cannot be bought, sold or traded. As our Sarayaku brothers and sisters say, KAWSAK SACHA, the forest is alive. The spirits of our ancestors live in these living forests, the tundra, the plains, the deserts, the mountains, and the oceans. We are all children of the same mother, Mother Earth. Our relationship with our forests requires us to abide by the original instructions of Mother Earth.

It has been proven that carbon markets have never worked to reduce emissions. Yet, our communities and territories are under increasing pressure, manipulation and coercion to accept selling forests and air as carbon offsets. Moreover, REDD+ and extractivism are two sides of the same coin. Just like fossil fuels, REDD+ by any name evicts our peoples from our lands and territories, grabs vast tracts of our land, violently and forcibly displaced our people and restricts our lives and livelihoods, and violates our human rights. REDD+ and extraction result in intimidation, the militarization of our communities, arrests, criminalization and even assassination.

The majority of the world's forests are found within Indigenous peoples' territories. It is well known that forests survive and regenerate naturally under Indigenous stewardship. The true drivers of deforestation and climate change are States, multinational corporations and others that (*Continued*)

build roads in and to our forests, promote settlers, legal and illegal logging, large scale agribusiness and industries, monocultures, oil and gas exploitation and other unwanted mega projects. These threaten our way of life, our rivers and streams, food security, wildlife and biodiversity and contribute to wide scale climate change.

We are here with the support of small Indigenous and non-Indigenous supportive NGOs.

We are aware that other Indigenous organizations are also here, funded by millionaire NGOs, either supporting forest carbon markets or leaving the door open for them.

Consultations, if at all, in many cases are simply meetings where state agencies, rich NGOs, and others seek only economic benefits, drowns out our voices, and undercuts our right to self-determination. As acceptance of these false solutions is sought, false promises of the titling and protection of our forests and meager economic benefits lead some to accept REDD+.

We are profoundly pained and angered to see how each day our Mother Earth is becoming more and more sick. This is happening because the management of our forests has been left in your hands and your decisions that concern our territories have failed. It is not us but you that have led to deforestation and destruction of ecosystems. The forest is our home, it belongs to us by pure inherent right. We will protect what we have left.

But in order to keep it in your hands you invent forms of state ownership such as “conservation areas” or “sustainable development areas.” You invent more forms of offsets such as “intelligent agriculture” “biodiversity offsets” and even “butterfly offsets” that detrimentally affect our lives, our food security, our forests, our biodiversity, and sovereignty. We will never accept the state’s so-called “Ecological Area for

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Sustainable Development for the Province of Pastaza” or anywhere else in the 37 provinces, 10 countries, and a third of the forests of the world. Our forests are not carbon dumps, they are our homes.

After many centuries of harming other human beings and Mother Earth, governments now act as if it is time to save and protect humanity. For decades the UN has met to find ways to profiteer from privatizing the air

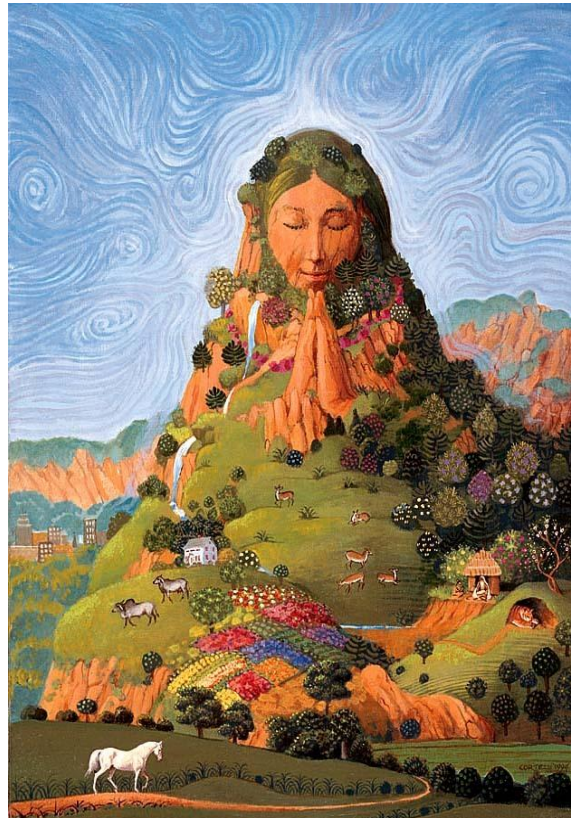
in the name of addressing climate change. Mother Earth will only be saved if you respect her and love her. Mother Earth will only be cured by stopping the extraction and burning of fossil fuels — we must keep fossil fuels in the ground.

We declare this so that our future generations be free as the rivers, mountains, lagoons, and the birds that flood us with their songs. We declare this in the name of our ancestors who reside in these forests, mountains, rivers, and lagoons. We declare this in the honor of our struggle that has always demanded respect and dignity. We have the right to choose how we want to live, how we want to feel, how we want to breathe. The rights of Mother

Earth and the rights of Indigenous peoples must not be violated, this is fundamental if we really want to live in harmony and preserve humanity.

The sacred cannot be commodified nor is it for bargaining. We reject and call for the cancellation of the Governors’ Climate and Forests Task Force. We declare this on behalf of our future generations so that they have the possibility of living free like our forests and as free as the eagle of the Amazon. We demand respect to our right to choose how we want to live, how we want to feel, how we want to breathe.

*No carbon colonialism. No REDD+. No commodification of the air. No land grabs. No carbon pricing. Mother Earth and Father Sky are not for sale. Indigenous Organizations Nations or Peoples*



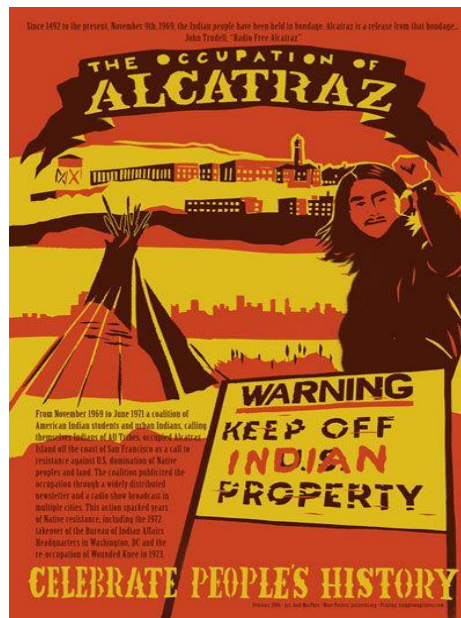
# Abolitionist Narratives on Thanksgiving

*From Critical Resistance*

As many outside of prisons will be gathering with friends and loved ones for the extended weekend, Critical Resistance joins communities fighting to honor the history of resistance to colonization, war, and genocide this Thanksgiving. Due to the continual efforts of Native Americans challenging the narrative of Thanksgiving as a symbol of peaceful coexistence, the holiday is now widely seen for what it truly represents: the systematic attack and genocide of indigenous people in North America.

Challenging mainstream narratives is central to Critical Resistance, as the state never ceases to rewrite history or demonize those who it oppresses. From challenging the portrayal of people locked in solitary, put on a gang injunction, or deported as “the worst of the worst,” to dispelling settler-colonialist claims of improving gentrifying neighborhoods through displacement of browner and poorer residents, we are committed to shifting the conversation – and rejecting the terms offered to us by those in power.

For us, fighting for abolition and challenging the notion that policing and cages make us safer are inseparable from rejecting Thanksgiving’s false narrative. The narrative of the prison industrial complex is rooted in and perpetuates the war on Black and Native people, the demonization of immigrants and people of color, and the marginalization of all who have been made superfluous through under/unemployment. By shifting common sense and amplifying our own narratives, we seek not only to set the record straight, but to strengthen the grounds on which our struggles against state violence and for self-determination can thrive.



*prison strike continued from page 2*

"remarkable nationwide consistency in .. correctional systems' talking points as cited in the media" — prison officials in areas where intense repression was reported "have staunchly refused to acknowledge prison strike activities in their facilities", following a plan distributed by the American Correctional Association after the 2016 strike. In Halifax, Nova Scotia, [testimony in a habeas corpus application has confirmed](#) that 40 people held in a "close supervision unit" have been confined to their cells 23 hours a day, on one occasion for a continuous 36-hour period, for several weeks. This action comes

after 10 members of prison staff refused to work in the unit, and commenced during the non-violent strike previously reported.

The Times-Union in Jacksonville, Florida reported that two letters from its journalists asking about the strike were rejected by officers at Okeechobee Correctional Institution on the grounds that they were a "threat to the security, order, or rehabilitative objectives of the correctional system, or the safety of any person".

Meanwhile, severe restrictions have been imposed on correspondence and reading materials in [Pennsylvania](#) and [Ohio](#) following claims that contact

with synthetic cannabinoids left dozens of prison staff sick. This theory has been [broadly rejected by medical professionals](#); a past president of the American College of Medical Toxicology said "In a word, it's implausible.. One thing we know about [synthetic cannabinoids] is that they don't cause the effects these folks are having, and certainly not by the route that they're being exposed ... The symptoms are much more consistent with anxiety." People in prison, their families and supporters fear that the changes, costing tens of millions of dollars, will effectively shut down groups like Books Through Bars in those states, as well as expose client-attorney communications to surveillance.

At Indiana State Prison, whistleblower Aaron McDonald is now under an *(Continued)*

one year non-contact visitation status in retaliation for exposing the inhumane conditions and rampant abuse going on inside. His mother, Leslie Hernandez is facing bogus charges for her outside organizing and support for her son. IDOC Watch is monitoring the situation and preparing the next move to defend them both.

The crackdown against incarcerated activists in Youngstown, Ohio has intensified. Imam Siddique Hasan, a prisoner leader on death row following the 1993 uprising in Lucasville Ohio received a one year phone restriction and security level hike, while multiple supporters were permanently banned from visiting any Ohio prisons. Officials at the supermax where Hasan is held have also engaged in collective punishment by increasing visitation restrictions, especially targeting organizer Greg Curry. Prosecutor Mark Peipmeier also filed motion to set an execution date for Hasan's friend, Keith LaMar, who was also falsely convicted following the uprising. This motion came shortly after the strike, but LaMar was not involved in strike organizing.

In nearby Toledo, Ohio David Easley, James Ward, and Matt Hinkston engaged in another hunger strike September 14th to raise up the ten prison strike demands, in protest to their own isolation after the August 21st strike and to fight for proper mental health treatment for their fellow incarcerated comrades.

In order to most effectively capture the energy that has been generated during the National Prison Strike, Jailhouse Lawyers Speaks has established the Millions for Prisoners' Human Rights Coalition. The coalition aims to include 400+ groups and organizations that endorsed the National Prison Strike as well as individuals who've signed on in solidarity with prisoners. The coalition is committed to the achievement of all of prisoners demands beyond the strike dates.

The Coalition will be led by incarcerated organizers who relay updates to coalition members on at least a bi-weekly basis. The strategy moving forward will include outside members supporting different forms of prisoner led resistance. At this time JLS is focused on informing policymakers about the National Prison Strike and has requested that the coalition collect signatures and send letters to members of Congress on the state and federal levels. To date the online petition has collected well over 30,000 signatures and has sent thousands of letters demanding that prisoners' human rights be met.

While reporters and supporters are eager to know, no plans have been solidified and no dates have been released for a National Prison Strike next year. In the coming months JLS will be leading resistance by relaying actions through the Millions for Prisoners' Human Rights Coalition. Supporters as well as reporters are encouraged to join the coalition in order to stay informed about JLS's next steps.

We look forward to seeing the outcomes of JLS strategy leading collective action from the inside in pursuit of each of the demands. As the months continue, actions progress and results materialize, JLS will be able to give more informed details about future events that best respond to the nation's desperately volatile criminal justice climate.

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***court upholds right of unsheltered continued from page 3***

The Village has asserted this interpretation of constitutional law for the past two years as The City of Oakland's Administration repeatedly shuffles, moves, closes down and evicts dozens of encampments in Oakland.

"Not only is this practice and policy a violation of constitutional law and human rights law, its absolutely inhumane and ineffective," said The Village co-founder and lead organizer Needa Bee. "Some of our first eviction - by having the Ninth Circuit declaring it is a constitutional violation."

Homeless advocates hope the court's decision, will force bureaucrats to redirect resources towards meaningful and constitutional solutions to the problem of homelessness.

"The current Tuff Shed Camps are not the answer. Not only are we documenting numerous human rights violations, but the process in which they are created are in direct violation of the Court's ruling," said Steven DeCaprio Executive Director of Meiklejohn Civil Liberties Institute. "The city chose to create their Tuff Shed sites in two of the largest encampments in West Oakland - both with more than 100 residents. Yet the Tuff Sheds only temporarily house 40 people. The other 60 plus residents had their 8th Amendment



constitutional rights violated when they were forced to move.”

DeCaprio, Bee and other homeless advocates and unsheltered residents have referred to the Tuff Shed sites “prison camps,” “torture camps,” or “concentration camps.” Many assert that more than the 8th Amendment is violated at the Tuff Shed sites. “The Tuff Shed Prison Camps also violate the 4th amendment illegal search & seizure and right of privacy, the 5th Amendment right to due process, the 14th amendment right to due process and equal protection, the International Covenant on Civil and Political Rights, and the International Covenant Against Torture and All Forms of Cruel and Unusual Punishment”, DeCaprio said. “You can’t throw someone in a prison camp and say this is housing.”

Currently the Administration is planning to create a new Tuff Shed site in the Henry J. Kaiser Auditorium Parking Lot to house 40 people that live around Lake Merritt. To date at least 150 people live in tents or handmade structures around Lake Merritt. The City plans on beginning to evict these unhoused residents in the next week. When the City shut down the encampments surrounding the Brush Street and Northgate Tuff Shed sites, several of the residents went to The Village seeking sanctuary.

“We already were beyond capacity with the six encampments the Administration herded onto the land. But we did not turn anyone away. Because were else will they go? Will Libby’s Administration continue her legacy of violating the human rights and constitutional rights of Oakland’s most vulnerable residents?” asked Bobby Qui Building Lead & Organizer for The Village. “We hope not. What really needs to happen is The City needs to stop selling public property for market and above market rate development and start building housing that those of us who have been gentrified can afford. Getting unsheltered people into housing is a win-win approach. It benefits those without shelter and the communities that are impacted by neighbors living in public spaces. And it costs so much less than criminalizing the unsheltered.” through the criminal justice system.”

In March 2018 The Village learned they would be evicted from the land the City offered them months

before for a scheduled CalTrans bridge retrofit. CalTrans was unaware that the Administration had offered The Village the parcel or that six encampments had been herded onto the land. The Village continues to demand land that Oakland City Council instructed the Administration to lease the grassroots movement. Eviction on The Village and retrofitting process is scheduled for November 2018. The City Hall rumor mill has told Bee that the City will charge The Village for trespassing and allow CalTrans to bulldoze the shelter and facilities they have built.

“Let’s see if we get the land to move on, or if the City Administration gets a lawsuit,” Bee said. “The Ninth Circuit has declared as long as there is no option of sleeping indoors, the government cannot criminalize curbside communities for sleeping outdoors, on public property, on the false premise they had a choice in the matter. Where will the residents at e12th & 23rd go in November? Where will the 150 unsheltered residents around the Lake go when they are evicted?”

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### ***sex worker rights continued from page 2***

A little over a week later on June 13<sup>th</sup> California Gov. Jerry Brown enacted AB 2243 a state law that would create historic protections for sex workers who report witnessing or experiencing violence. Taken from St. James Infirmary newsletter, “The law was inspired by San Francisco’s “Prioritizing Safety for Sex Worker” policies, which emerged from the Sex Work and Trafficking Policy Impact Committee of the Mayor’s Task Force on Anti-Human Trafficking, which is staffed by the Department on the Status of Women. AB 2243 amends the Evidence Code to prevent evidence that a person engaged in prostitution be used against them in a prostitution case if they were a victim of or witness to a violent crime at the time. ***A 2009 study from the University of California, San Francisco and St. James Infirmary, found that over 60% of sex workers face some form of assault while engaged in sex work. Laws like AB 2243 create a safe path for sex workers to report violence against them.***” Located in San Francisco, St. James Infirmary is a medical clinic that provides current (Continued)

and former sex workers, their spouses, and their children with free medical care, STI testing, mental health services, and other supportive resources. For many sex workers, finding affordable non-judgmental medical attention can feel like a daunting and near impossible task. Shortly after the passing of FOSTA/SESTA, California AIDS non-profits like St. James Infirmary were threatened with the introduction of SB-1204 by Senator Pat Bates. SB 1204 would expand the definition of pandering to prostitution to include passing out safe sex literature and free condoms. The bill was heavily criticized for further conflating sex trafficking and consensual sex work, if not undermining the work of public health activists completely unrelated to the sex trade, and fortunately died in the Senate before making it to the House.

Much of the momentum behind the new laws impacting sex work is due to mass assumptions that targeting sex workers will eradicate human trafficking. The lack of understanding that legislators seem to have about the complexities of the industry is staggering and as a result negatively impacts the population they claim to be trying to protect. What is interesting is that many campaigns to fight human trafficking are often exclusively associated with sex slavery but hardly acknowledge other forms of forced labor that exists for example in the agricultural and service industries. This is not to say that human trafficking isn't a very real and devastating issue, but that by perpetuating the idea that every single person engaging in the sex trade is being exploited anti-sex work legislators can further criminalize and punish consenting adults. The important distinction to be made between human trafficking and sex work is a distinction of choice. A choice to do what one wants with one's own body to acquire resources to further move through the world. Most sex workers are women, mothers, and in poverty. For so many people the ability to utilize their bodies as a resource is the key to survival in an economic climate that does not guarantee a livable wage.

For these reasons Meiklejohn Civil Liberties Institute is looking to collaborate with the National Lawyers Guild Sacramento Chapter to form a policy committee on behalf of sex workers, drug users, and landless people. By letting the lived experiences of

society's most marginalized and underrepresented people inform policy making we hope that they can one day meet their survival needs without the threat of violence or imprisonment and have safe living and working conditions in order to thrive.



## New Books 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](mailto:Annfginger@gmail.com)

### **KNOW YOUR RIGHTS HANDBOOK FOR CURBSIDE COMMUNITIES**

This handbook and accompanied training are designed to educate homeless folks to have knowledge of local, state, federal laws and court decisions at their fingertips to assert their civil and human rights. coming soon!

### **HOUSING IS A HUMAN RIGHT: A GUIDE FOR DECRIMINALIZING HOMELESSNESS**

The handbook is being created with policy makers and housed residents in mind to better inform policies, laws, practices and attitudes so that those with power and privilege can stop approaching homelessness as a criminal problem and start understanding it as a human rights crisis.

# MCLI Apprentices Begin Law Office Study Program

## Program Provides Tuition Free Alternative to Law School

By Steven DeCaprio, Executive Director MCLI

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.

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:

<https://nlgsf.ourpowerbase.net/becoming-a-mentor>

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

<https://nlgsf.ourpowerbase.net/losp-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/committee>

## 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  
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<b>MCLI, P.O. Box 673, Berkeley, CA 94701-0673, (510) 848-0599, mcli1965@gmail.com</b>	

# HUMAN RIGHTS NOW!



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## 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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