

A Letter to the Community

Eleven local activists have been charged with a variety of offenses arising from the occupation of a vacant bank building last fall. We have several concerns regarding this prosecution. The three-day occupation of a 3 ½ year vacant bank building peacefully ended with more than 300 people going in and out of the building as observers, reporters, supporters, or organizers. Though many have been identified doing the same behavior, these eleven were selected for prosecution. We oppose the arbitrary & selective prosecution that seems to be happening here where many are known but only a few are charged.

Some of the defendants are journalists who were present to report on the protest. We condemn any attempt to criminalize their exercise of the crucial First Amendment right to gather and disseminate information about this newsworthy event. All charges based on this constitutionally protected activity should be dropped immediately.

Some of the defendants are regular media critics of the local police and government officials. The Constitution requires that the enormous power of government be exercised fairly and even handedly, and not be based on the identity or past actions of the defendants.

The City of Santa Cruz has a **shelter emergency** which provides **winter shelter for only a fraction of its homeless population**. The expressed intention of the 75 River St. Occupation was to **establish a protective Community Center through negotiations** with the owner—Wells Fargo. After attempts to negotiate failed, the occupiers left peacefully. The positive motivation and symbolic nature of the protest was evident. Nothing was stolen. The minor damage that was done was limited and not done by those charged.

Occupations in other cities—even those which ended in arrests—have not resulted in **massive felony charges** such as those leveled against the Santa Cruz Eleven. The SCPD – in regular contact with protesters-- made **no citations or arrests over the three day period** of the occupation. They allowed people to come and go from the building for three days. Yet two months later **eleven were singled out as scapegoats** for prosecution.

Are these charges meant to warn Occupy Santa Cruz and to the broader community? Is the message: "**Don't raise issues** discomfoting to Wells Fargo and its friends downtown. **Don't embarrass us with mass direct actions**, however peaceful" ?

Recently the district attorney has gone still further, posting photos of groups of people gathering outside the vacant bank last winter on Facebook and U-Tube. The photos show people engaged in First Amendment protected assembly near the building or symbolic occupation activity intended to send the community a message about abusive banking

practices, unused housing, and the vast homeless population. The photos and videos on the D.A.s website **urge people to inform on their friends and neighbors** to identify them as potential “felons” for being present at or supportive of the protest.

We understand that as a consequence of this **witchhunt**, one defendant has attempted **suicide**, two others have **lost their jobs**, and one is being **evicted** from her home so far. Santa Cruz authorities have also responded with a variety of other repressive measures including **an injunction** against Occupy Santa Cruz, **a curfew** around the courthouse, **repeated arrests** of individuals for simply being at a protest at night, and massive seizure and **destruction of survival gear** and equipment of the local homeless community, creating **several hundred homeless refugees**.

- Dismiss all charges around this occupation.
- Lift any curfews restricting access to public space at the courthouse, the parks, city hall, the riverbank, and elsewhere.
- Restore the right to assemble and protest in the public spaces.
- Respect for the rights and property of the homeless community.
- Guarantee no further legal harassment of those peacefully involved in the occupation.
- Hold accountable any police officers or other public officials engaging in repression or threats of repression against those exercising First Amendment rights Retain, suspend, and/or prosecute as necessary.

Drop all charges against the Santa Cruz 11 !
Unite against further attacks on the movement !