



PAUL ROBESON CHAPTER

201 13th Street, Box 248 ♦ Oakland, CA 94612-9998 ♦ Ph: 510-214-7813 ♦ www.paulrobesonaclu.org

May 17, 2010

Chair
William McGee
Vice-Chair
Derrick Wortes
Secretary
Jeff Landau

Oakland City Attorney
City Hall, 6th Floor
1 Frank Ogawa Plaza
Oakland, California 94612

Treasurer
Tom Ford

Dear City Attorney John Russo and City Council Members:

Affiliate Representatives

Anne Gordon

Louise Rothman-Riemer

We are board members of the Paul Robeson Chapter of the Northern California ACLU, with more than 5,000 members in Alameda County and membership covering the planned gang injunction zone in North Oakland. Our organization is committed to defending and promoting the civil liberties of our members and all individuals in Northern California, and we feel strongly that the proposed injunction in our community is dangerously overbroad. We recognize that the Office of the City Attorney has signaled some changes to its original complaint since the Oakland court hearing on April 22, 2010, though our concerns about the harmful impacts and potential for abuse with this injunction remain. We urge you to reconsider the proposed gang injunction in North Oakland and take on criminal activity without endangering the civil liberties of our members and all individuals in the planned zone.

It is our understanding that the City Attorney's Office has committed to naming the individuals to be enjoined as defendants in its complaint, and we applaud this. The need for transparency regarding who would be affected by the injunction is paramount, as uncertainty will unnecessarily burden many in our community who will be in fear they will violate a law not applicable to them. Naming the enjoined individuals also importantly affords them some due process in the form of notice. Still, these defendants will not be provided representation if they cannot afford it, which poses grave concerns in light of the quite strict limitations on liberty proposed for enjoined parties. Furthermore, we are not convinced from the reading of the City Attorney's complaint that the injunction would, in fact, be limited to only the named defendants. If John Does may include up to 70 people, how can we have confidence that all enjoined parties will have notice and a fair hearing prior to their being affected?

The pursuit of a safer Oakland is important, of course, and community violence - gang or otherwise - must be addressed. At the same time, we risk weakening North Oakland by implementing policies without sufficient safeguards against abuse. As citizens of Oakland, we must know exactly who is to be enjoined,



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how those enjoined will be restricted, and how the demands of due process will be satisfied for all those to have their liberty restricted. Before all this, we must know why the traditional safeguards to our fundamental right to privacy, reasonable suspicion and probable cause, must be abandoned in the case of the individuals to be enjoined. Violence in Oakland is real, and we are in need of proven solutions. With research showing the minimal efficacy of gang injunctions, there simply is not good cause to compromise the rights of some and endanger the rights of many in this effort.

Respectfully,

Jeffrey Landau, *Secretary*
Paul Robeson Chapter
Northern California ACLU

Cc: William McGee, Chair
Derrick Wortes, Vice Chair
Anne Gordon, Affiliate Representative
Louise Rothman-Reimer, Affiliate Representative
Mary Jo Foote, Board of Directors
Hamid Grinage, Board of Directors
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People United for a Better Life in Oakland (PUEBLO), Board