

## Press Release

Wood Street Commons March 17th, 2023

The City of Oakland mischaracterized the status of their new homeless shelter, to District Court Judge William H. Orrick, on February 3<sup>rd</sup>, 2023, when City Attorney Jamilah Jefferson told the Judge that the City's new homeless shelter at 24<sup>th</sup> and Wood Street would be fully ready to receive the 70-100 people that the City was planning to evict on February 14<sup>th</sup> (Valentine's Day), thus destroying the entire community of people living at the Wood Street Commons.

But the physical state of the new homeless shelter, situated on a bleak piece of land, owned by genetics billionaire, Fred Craves, which resembles a stark, regimented prison camp, surrounded by barbed wire fences, and run by security guards, and the City's non-profit subcontractor, B.O.S.S., is still not ready to receive the casualties of mass eviction. Nor is the contractual agreement between B.O.S.S. and potential shelter residents satisfactory to the majority of Wood Street residents.

Residents of the Wood Street Commons have made multiple attempts to communicate with the City, to the new mayor Sheng Thao, and to LaTonda Simmons, a multi-decade City insider (Asst. Administrator), as well as to others, to schedule meetings to discuss what residents want to see in terms of the facilities and agreements in this new City homeless shelter.

But the contents of the contract are highly controversial, and most residents are unwilling to accept a situation where they will be kicked out again in 90 days, have to lose most of their belongings due to lack of space and storage, and be subject to unconstitutional restrictions of their basic rights, through curfews, no-guest policies, no music stage or common areas to assemble, no free food distribution, no gardening, no solar power, no campfires, no cooking of food, and no operation of small businesses, etc.

But an even more serious objection that members of the community have to the actions of the City, is that the City's actions further prevent their community from reaching their goal of re-establishing their public land jurisdiction, protected under the Fifth Amendment. The City's actions of forcible relocation from the public land where they are living, within a self-governing cooperative community, and as the de facto "owners" of their own land, (U.S. Citizens own all public land in the United States), disperses their community into a mass of isolated individuals, in a fenced-in internment camp, on private land, owned by a billionaire, controlled by the City Government, and where they will have literally no collective voice, and no power to govern themselves.

Judge William Orrick is the person responsible for creating a legal cover for the City's, and the Governor's, policies, of non-stop, relentless "sweeps", "cleanings", "closures" and evictions of

encampments, otherwise known as the policy of “encampment resolution”. This policy is backed by \$100’s of millions of taxpayer dollars, and has proven ineffective at reversing the non-stop growth in homelessness numbers in the State.

At the Court hearing for the consolidated cases of Blain v. Caltrans and Neller v. Caltrans, on November 11<sup>th</sup>, 2022, Judge Orrick hastily proclaimed Governor Newsom, Mayor Libby Schaaf, Administrator Ed Reiskin, and Caltrans director Toks Omishaken, to be shielded from any liability or consequences for their policies of encampment eviction, which cause irreparable harm, trauma, lost shelter and lost property, lost land, and lost community.

The Judge ran roughshod over standard court procedures by not allowing any time for the two (self-representing) plaintiffs, Will Schwerma and Shay Neller, to present their rebuttal to this flagrant mis-application of executive immunity.

At the Court hearing on February 3<sup>rd</sup>, for the consolidated cases of Janosko v. the City of Oakland, and Jones v. the City of Oakland, the Judge committed further violations of procedure, in an apparent attempt to silence or minimize key points being made in defense of the Wood Street Community. The Judge cut Jones off in the middle of his argument, thus preventing presentation of evidence to the Court of significant problems and concerns about the negative conduct and deadly consequences associated with the City of Oakland’s homeless shelters and temporary housing system, managed by their non-profit subcontractors, B.O.S.S. and Operation Dignity. This evidence could have torpedoed the City’s, and the Judge’s, main legal argument, which is that temporary shelter beds constitute a fair and full exchange, for the land, liberty, possessions, livelihoods, and rich community that the people lose, due to forced relocation caused by the City.

Judge Orrick also failed to answer any of the legal arguments in Jones v. the City of Oakland, in his written ruling on the case. Nor did he, or the City, provide any legal arguments in response to Jones v. the City of Oakland, during the Court hearing. This resulted in further silencing and minimizing of key arguments in the community’s defense, including evidence of the unsuitability of the Oakland shelter system, and evidence of Fifth Amendment violations of the people’s cultural and community infrastructure, as well as denial of their claim of senior possession of public land, including the land at 1707 Wood Street..

Plaintiff Theo Cedar Jones, a community member of the Wood Street Commons, and founder of the Oakland Humane Commons land trust, has drafted a new case on behalf of the community, in the hopes of being heard by the Appeals Court in the Ninth Circuit. The Appeals Court could order a stay on eviction, as well as make a favorable ruling on the public land jurisdiction of we the people of the Commons.

In the meantime, friends and advocates from near and far, stand at the ready to put their bodies and their words and their money on the line, to aid in the defense of this tough little community, the Wood Street Commons, in West Oakland.

