

Aug. 20, 2024

Brooke Jenkins, San Francisco District Attorney
By email to: districtattorney@sfgov.org

Re: *People v. Von Hunnius*, et al., Golden Gate Bridge 26

Dear District Attorney Jenkins:

We are writing on behalf of the Golden Gate Bridge 26 defense team to demand that you recuse yourself from these cases due to conflict of interest and bias against Palestinians and those who support the Palestinian movement.

It appears that you have had at least two unpublicized meetings with the Israeli Consulate, one in February 2023, and another in December 2023. Public records show that you received gifts of wine from the Israeli Consulate. In addition, your director of public affairs, Lilly Rapson, was formerly the political education director of AIPAC, a powerful pro-Israel lobbying group in the United States.

This follows after your statement in October, 2023, characterizing a peaceful San Francisco march, which called for a ceasefire in Gaza, as “pro-Hamas.”

The pattern of anti-Palestinian and anti-Arab racism in your office is further shown by a series of emails from Assistant District Attorney Michael Menesini, as revealed by the San Francisco Standard on February 8, 2024, who, using his San Francisco government email address, described Palestinians as “brutal Arab invaders,” “hate mongers,” and “Nazis” who need to be “sent back to their native homelands”.

Our public prosecutors are charged with an important and solemn duty to ensure that justice and fairness remain the touchstone of our criminal justice system. *People v. Hill*, 17 Cal.4th 800, 847 (1998). Where a conflict of interest is of such gravity as to render it unlikely that defendant will receive a fair trial, recusal must be ordered. *People v. Conner*, 34 Cal.3d 141, 147 (1983) (citing Pen. Code, § 1424). It is apparent that bias has influenced your charging decision in the current Golden Gate Bridge case.

In an unprecedented manner, you have over-charged these activists with felony conspiracy and 38 counts of false imprisonment. Roads and bridges are traditional protest sites: from the famous 1965 Bloody Sunday march for voting rights on the Edmond Pettus Bridge in Selma, Alabama; to the Stop AIDS demonstration that stopped traffic on the Golden Gate Bridge in 1989; to a 1996 protest in which actor Woody Harrelson and others scaled the bridge causing an all-day traffic snarl to save a redwood grove; to a 2016 protest that shut down the Bay Bridge for Black Lives. To our knowledge, all of these prior Bay Area bridge protests were handled as infractions

and/or ultimately dismissed. The April 15, 2024, bridge protest was no different than any of these prior protests in the rich Bay Area tradition of activism for social change.

The Golden Gate Bridge 26 stand with millions of people worldwide who are protesting and advocating for an end to the death and destruction that is being inflicted upon Gaza by Israel, largely with U.S. weapons. On May 24, 2024, the world's highest court, the International Court of Justice, imposed preliminary measures against Israel under the Genocide Convention (<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>). Israel violated these measures, including an order that Israel “immediately, totally and unconditionally withdraw the Israeli army from the entirety of the Gaza Strip”. (See *id.*) In an advisory opinion on July 19, 2024, the ICJ held: “The prolonged character of Israel’s unlawful policies and practices aggravates their violation of the right of the Palestinian people to self-determination” (<https://www.icj-cij.org/case/186>).

On January 31, 2024, a Northern District of California federal court observed that “the undisputed evidence before this Court comports with the finding of the ICJ and indicates that the current treatment of the Palestinians in the Gaza Strip by the Israeli military may plausibly constitute a genocide in violation of international law”, and that “***[i]t is every individual’s obligation to confront the current siege in Gaza***”. *Def. for Child. Int’l-Palestine v. Biden*, No. 23-CV-05829-JSW, 2024 WL 390061 at *3, *5 (N.D. Cal. Jan. 31, 2024), emphasis added.

Israel continues to flout the ICJ’s orders. Every day the Israeli government is murdering scores of children, babies, women and men, and is destroying hospitals, schools and housing. Their brutal tactics have caused mass starvation and thirst. The Golden Gate Bridge 26 acted to call attention to this ongoing dire situation. They are part of a vital tradition of Bay Area protest that has contributed to positive social change, like the Black Panthers, those who protested the Vietnam war and South African apartheid, and those who advocated for Gay Liberation. Direct action, such as blocking bridges, has been effective. For example, the disruptive tactics of the HIV/ AIDS activist movement, as exemplified by the 1989 Golden Gate Bridge blockade, led directly to key medical reforms that saved lives and later facilitated the release of COVID vaccines and treatment.

The current prosecution is disproportionate, and we believe, reflects anti-Palestinian bias which compromises the defendants’ fundamental rights to due process and equal protection. We are concerned and believe that your office cannot prosecute the Golden Gate Bridge 26 in the fair and impartial manner that the Constitution requires.

Accordingly, we urge you to recuse yourself from this case.

For justice,

The Golden Gate Bridge 26 legal team

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