

# JUSTICE FOR JESÚS GUTIÉRREZ!

Drop All Charges and Release Gutiérrez Now!

No UC/ICE Collaboration!

Make UC-Berkeley a Sanctuary Campus!

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## RALLY AND PICKET U.C.P.D. and CHANCELLOR

Wednesday, May 13<sup>th</sup>, 12:00PM at Sproul Plaza, UCB

## PICKET GUTIÉRREZ'S COURT HEARING

Thursday, May 21<sup>st</sup>, 8:30AM at Wiley Manuel Courthouse (661 Washington St., Oakland)

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At about 4:30PM on Wednesday, April 29, two plainclothes UCPD Officers Bruce Bower and Jorge Octavio entered the Clark Kerr Dining Commons on the UC-Berkeley campus and arrested Jesús Gutiérrez. Gutiérrez is a custodial worker who has been an employee at Clerk Kerr Dining Commons for three years. He is the primary financial supporter of his mother in México, and is also an activist in American Federation of State, County, and Municipal Employees (AFSCME) Local 3299, which represents custodians, gardeners, food service workers and drivers throughout the UC system. When Gutiérrez requested to have his AFSCME representative or a lawyer present, he was denied—a violation of AFSCME's contract with the University. After arresting Gutiérrez, UCPD contacted Immigration and Customs Enforcement (ICE). ICE placed a hold on Gutiérrez and now effectively has custody over him as he is held in Santa Rita Jail.

The alleged basis for this charge was a report claiming that Gutiérrez had used another person's social security number to work. No claim was ever made that Gutiérrez used false information to commit financial fraud. The UC police arrested Gutiérrez and have charged him with felony identity theft, simply on the suspicion that he is an undocumented immigrant. They immediately contacted—and have since worked hand-in-glove with—ICE, who have put an immigration hold on Gutiérrez which bars his ability to post and be released on bail.

Just days ago, in a unanimous May 4<sup>th</sup> decision, the U.S. Supreme Court in *Flores-Figueroa v. United States* ruled that the practice of charging felony identity theft to compel people into agreeing to deportation in order to avoid extended prison time—a common ICE tactic—is invalid and illegal. Yet the UCPD, a police force that is directly responsible to the supposedly liberal UC-Berkeley administration, is using precisely this tactic against a campus worker and AFSCME 3299 rank-and-file union activist.



UC-Berkeley's administration needs to do what the administration did at UC-Santa Barbara. On May 24, 2007, ICE agents arrested a Korean student, Yoon Choi. There, too, the UCPD aided ICE, acting as their deputies to assist ICE to find her dormitory room. The UC-Santa Barbara administration negotiated with the government and secured her release four weeks later. She was able to complete her degree.

**Collaboration between UC-Berkeley and ICE must stop now.** Mr. Gutiérrez's arrest is not only an anti-immigrant attack. It is an attack on UC workers and Jesús's union local, AFSCME Local 3299. It is the most militant union in UC, having conducted a five-day strike in 2008 and having just signed a new contract in February 2009. A large proportion of its members are Latina/os and immigrants. This arrest and threatened deportation are an attempt to intimidate these very same workers from organizing for their rights on the campus. The scandalous tradition of employers using anti-immigrant raids to suppress union organizing and workers' demands will not be tolerated on the

UC-Berkeley campus or anywhere in California.

Rally on Wednesday against the anti-immigrant, anti-union attack on Gutiérrez, and call for his immediate release and the dropping of all charges. We demand that the ICE immigration hold on Jesús Gutiérrez be dropped immediately, and that he be released from jail. Chancellor Birgeneau, Berkeley Mayor Tom Bates, Oakland Mayor Ron Dellums, Representative Barbara Lee, and all Bay Area political leaders must all join the call that ICE and the Obama administration drop the immigration hold on Gutiérrez. It is far past time to make UC-Berkeley a sanctuary campus. Chancellor Birgeneau should publicly state that the UCPD and UC employees will *not* collaborate with the ICE, and that UC-Berkeley, like the city of Berkeley, will be declared a sanctuary for undocumented immigrant workers and students. We demand an end to all the immigration raids and deportations. *¡Sí se puede!*

**Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality By Any Means Necessary (BAMN)** (510) 502-9072 BAMN.com california@bamn.com ASUC-sponsored