



A project of the Partnership for Civil Justice Fund

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Dear District Attorney Jenkins:

As the Bay Bridge 78 defense team, we are writing to express our grave concern about the recent revelations related to anti-Palestinian bias in your office. On February 8, 2024, the San Francisco Standard published a series of emails from Assistant District Attorney Michael Menesini, 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.”

Not long ago, [you characterized](#) a peaceful San Francisco march, which called for a ceasefire in Gaza, as “pro-Hamas” and attributed anti-Israel graffiti to the protestors, despite there being no evidence linking the two.

We are concerned with the pattern of anti-Palestinian racism in your office. This sentiment appears to have influenced your decision to over-charge the protestors in the Bridge case with crimes which are not substantiated by the evidence.

The Bay Bridge 78 are among millions of people worldwide who are protesting and advocating for an end to the death and destruction Israel is inflicting upon Gaza, largely with U.S. weapons. For instance, on January 9, San Francisco passed a resolution calling for an immediate ceasefire. On January 26, the International Court of Justice, the world’s highest court, found that South Africa had presented a plausible case that Israel’s actions in Gaza are violating the Genocide Convention. On January 31, the United States District Court for the Northern District of California [found 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 “*it is every individual’s obligation to confront the current siege in Gaza*”. Defense for Children International-Palestine, et al., v. Joseph R. Biden, et al., U.S. District Court (N.D. Cal.) No. 4:23-cv-05829-JSW, *Order* (Dkt. No. 91), filed 01/31/2024.

Israel is currently flouting the ICJ’s orders and continuing to murder scores of children, babies, women, and men, every day, destroy hospitals, schools and housing, and cause mass starvation and thirst. The Bay Bridge 78 acted to call attention to this ongoing genocide while President Biden was in town. They are part of a vital tradition of Bay Area protest that has contributed to positive social change, from the Black Panthers, to ending the Vietnam war and South African

apartheid, the Gay Liberation movement, and more. Direct action, such as blocking bridges, has been effective. For example, the disruptive tactics of the HIV/ AIDS activist movement led directly to key medical reforms that saved lives and later facilitated the release of COVID vaccines and treatment.

The prosecution of the Bay Bridge 78 for their courageous acts is disproportionate, and we believe, reflects anti-Palestinian bias which compromises their fundamental right to due process and equal protection. The 78 include many Arab, Palestinian and South Asian Muslim defendants, who were protesting the war on Palestine. We are concerned that your office cannot prosecute the Bay Bridge 78 in the fair and impartial manner the Constitution requires.

Accordingly, we urge you to drop the charges against the Bay Bridge 78 immediately and work to eradicate the anti-Palestinian bias that exists within your office.

For justice,

The Bay Bridge 78 legal team