

# **ACT-UP SAN DIEGO - CIVIL DISOBEDIENCE**

“IT IS THROUGH DISOBEDIENCE THAT PROGRESS HAS BEEN MADE,  
THROUGH DISOBEDIENCE AND REBELLION.” OSCAR WILDE

## **CIVIL DISOBEDIENCE GUIDELINES:**

Avoid physical violence, even when faced with hostility.  
Meet violence with non-violent resistance.

Do Not Carry Weapons!

Express anger, frustration and pain without abusing anyone.  
Maintain an attitude of respect for all people you encounter.

Avoid actions or words that might promote panic or endanger the well-being of anyone.

## **ITEMS TO BRING WITH YOU:**

Identification

An amount of money required to prevent a vagrancy charge.

## **ITEMS TO LEAVE AT HOME:**

Weapons, or anything that can be construed as a weapon.  
This may include something as tiny as a nail file or nail clippers.

Alcohol or drugs other than for medical purposes. If you are taking medications, you need to carry them in the original prescription labeled bottle. Also the support team may keep your medications for you.

We all look gorgeous in our jewelry, though it may be wise to leave it at home this time. Better safe than sorry. Police departments can 'lose' items quite easily.  
Furthermore, dangling jewelry may cause personal injury during a rough arrest.

## **NOTES ON CIVIL DISOBEDIENCE:**

Affinity Groups operate on the 'buddy' system: the members of the group try to stay together and watch out for one another in the scary world of jails and police authoritarianism. The ideal size of an Affinity Group is about 5 – 9 people. The group makes decisions about what risks they want to take during the action. Thus each member should develop a trust for all other members of her/his group. In addition, each Affinity Group should have or be assigned at least one support person. The Affinity group should consider its support person(s) in its risk decisions.

**SUPPORT** is one of the most important jobs in the making of a peaceful, successful and defiant demonstration of Civil Disobedience. Support persons follow-up on the arrestees in their care. This means collecting the support cards of their arrestees, following their people to the jail or citing center, dealing with the police to be sure their arrestees are being processed, keeping bail money, holding arrestees personal possessions and making sure arrestees are receiving their medications and/or medical care if necessary. It is a difficult and frustrating job when the police are not cooperative. Everyone in the group should acknowledge the hard work required of the support team. Furthermore, arrestees must be sensitive to the stress of support positions and not be over demanding. Without support, there is no Civil Disobedience.

**LEGAL OBSERVERS** should be equipped with pencil, pad, cameras and or recording devices. They record police actions and should try to get as close as possible to the arrestees without risking arrest themselves during the arrest process. These persons do not have to be attorneys, though attorneys maybe necessary in negotiating the demonstrators' release with the police.

## **WHAT ABOUT THE POLICE?**

Of course, the police are there to arrest you.

While discussing the non-violence guidelines, your group will need to discuss the degree of militancy your group wants to present to the police officers. Sometimes this may mean yelling at the police, resisting arrest by going limp or maintaining one's position while they try to drag you away. If the police become abusive, look for their badge number and shout it out to your support team. Once you are in the jail, if that is where you are cited, please be conscious of the position of prisoners who are in jail not because of a political choice. In other words, don't be obnoxious (meaning racist, classist etc.) please be aware.

### 1. **You do not have to talk to the police or FBI or any other investigators.**

You do not have to talk to them whether they come to your house, on the street, if you've been arrested, or even if you are in jail. Only a court or a Grand Jury has legal authority to compel testimony.

2. You don't have to let the police or FBI into your home or office, unless they show you an arrest or search warrant which authorizes them to enter that **specific** place.

3. If they do present a warrant, you do not have to tell them anything other then your name and address. You have the right to observe what they do.

4. Take written notes, including the agents' names, agency and badge numbers. Try to have other people present as witnesses and have them take written notes, too.

5. Anything you do or say to law enforcement officers, may be used against you or other people.

6. If you do give the FBI or police information, it may mean that you will have to testify to the same information at trial or before a Grand Jury.

7. Lying to an FBI agent or other federal investigators is a crime.

8. The best advice, if the FBI or police try to question you or to enter your home or office without a warrant, is to - JUST SAY NO! Law enforcement agents have a job to do and they are highly skilled at it. Attempting to 'outwit' them is very risky, you can never tell how a seemingly harmless bit of information can help them hurt you.

9. The investigators may threaten you with a Grand Jury subpoena if you don't give them information. But you may get one anyway and anything you've already told them will be the basis for more detailed questioning under oath.

10. They may try to threaten or intimidate you by pretending to have information about you. ('We know what you've been doing, but if you cooperate it will all be all right.') If you are concerned about this, tell them you will consider talking to them with your lawyer present.

11. If you are nervous about simply refusing to talk, you may find it easier to tell them to contact your lawyer. Once a lawyer is involved, the agents usually pull back since they have lost their power to intimidate. If you are taken into police custody, once you request an attorney, they **must**

cease questioning you until your lawyer is present. But remember, you do not have to answer their questions, even if they keep asking.

**POSSIBLE FORMS OF SENTENCING:**

Jail fine probation suspended sentence community service combination

**TYPES OF CHARGES:**

Felony misdemeanor infraction

