

Legal observer details police violence against FTAA protesters in Miami

By Suzanne Smither
16 December 2003

The following article was submitted by Suzanne Smither, a journalist who worked with the Miami Activist Defense (MAD) and served as a legal observer for the National Lawyers Guild during last month's demonstrations against the Free Trade Area of the Americas (FTAA) in Miami.

As night falls, dozens of police in riot gear are making arrests. Some of the men and women being cuffed and led away had been protesting at nearby jails where fellow activists were detained. Others were simply trying to make their way from stores and restaurants to their cars.

At a sub shop where, minutes earlier, a young man was surprised and cuffed while making a routine call at a pay phone, police threaten a group of young people seated quietly at an outside table with arrest for "loitering and prowling." But as these citizens tell the officers politely, they are only trying to get back to their cars and want to know if they can do so without being arrested on the police-lined streets. An attorney asks a cop why he's detaining these gentle, scared teens and 20-somethings. The officer, with a smug half-smile, says he has his orders—a judge can decide later what's lawful and what's not.

The attorney persuades police to let the group disperse. Then she, I and two other National Lawyers Guild legal observers escort the scared young people—including two medics—to their vehicles as police direct the foot traffic. Overhead, black helicopters hover in military formation like giant birds of prey. It feels like a scene out of a war movie.

It is early on the evening of Friday, Nov. 21, 2003, the day after tens of thousands marched down Biscayne Boulevard to protest the Free Trade Area of the Americas summit. The scene described above is part of what city officials proudly call their "blueprint for homeland security." To me, it's Day 2 of the Siege of Miami. The citizens I speak with are feeling anything but secure. They're puzzled, troubled. "What's happening to our city?" they ask. "What's happening to America?"

Videos and photographs provide frightening answers to those questions:

* A middle-aged man looks into the camera in shock, red streaming down his face as if he's just taken a shower in blood.

* An ivory-skinned woman raises her shirt to display a breast that's dark purple all over, except where the flesh has bruised black. A large chunk of flesh near her nipple is missing. She looks like the victim of a sadistic surgeon, but she's just a protester who was unlucky enough to catch one of those projectiles police were firing to "keep the peace."

* A clean-cut young man kneels in prayer. Without warning, police rush him with a huge, electrified metal taser shield—the kind used to

incapacitate violent prisoners. They chase the terrified man down the street while hundreds look on in horror.

Throughout downtown Miami, police were making pre-emptive arrests with little regard for citizens or the Bill of Rights, which is supposed to guarantee them freedom of speech and peaceful assembly, as well as freedom from unreasonable searches and seizures.

Marc Alain Steier, an attorney member of the National Lawyers Guild and a spokesman for the legal collective Miami Activist Defense, describes his arrest:

Early on Thursday morning, Steier was on Miami Avenue wearing his neon green legal observer's cap, talking on his cell phone and running his tape recorder. A police captain he remembered from the day before approached on his bicycle. Steier nodded to him. Then, Steier recalls, "he reached over and grabbed my hand and snapped the top of my cell phone off. He pushed me and threw me to the ground without a word. Other officers who were there—I think two or three—jumped on my back and cuffed me." This extra force was used although Steier notified police that he was a lawyer and a legal observer, and heard one of the officers say several times, "He's not resisting."

Police then dragged Steier back onto his feet and took him to the justice center to be fingerprinted and booked. He remembers overhearing a couple of officers debating, "What will get him disbarred?" They charged him with obstructing justice without violence and released him with an arrest affidavit only—no voucher for his confiscated tapes, broken cell phone (lying lost in the street) or smashed glasses. They did offer him treatment, in the prison ward, for his damaged knees, but Steier declined, saying he'd see one of the activists' physicians at their own wellness center.

Somehow in the minds of police, legal observers had gone from being necessary nuisances to outright targets. In the cockeyed scheme of "justice" in occupied Miami, Steier was treated relatively well. Other legal observers were jailed and denied access to drinking water or bathrooms for nine hours or more.

Even worse treatment awaited many of the 250 arrested protesters who lacked legal observer status. A woman reported being strip-searched in jail by four male officers, then left naked. A man who wore contact lenses was in great pain after being pepper-sprayed in the eyes, but was denied water to wash them out.

One didn't have to be arrested to feel oppressed that week in Miami. Busloads of protesters, mostly seniors affiliated with a major labor union, were denied access to downtown altogether. Those who did make it to Bayside found lines of club-brandishing police blocking the row of portable toilets.

A woman in her 20s who had spent the day training as a street medic recounted her experience:

“As sunset approached...the four of us noticed we were being followed and watched by a couple of police officers... A strange intuition set in. Somehow I dismissed it, knowing we were doing absolutely nothing even remotely illegal, and we would be fine. I was wrong.

“As we approached the MetroRail turnstile, we were quickly surrounded by a horde of bike cops. They grabbed our backpacks from us and immediately started searching through them. They also began to separate us and started asking for IDs.

“They quickly started writing down my information on some form. They also started pulling things out of my bag, specifically information I had just been given at the medic training... They also looked through my personal journal, which left me feeling more violated than the frisking and pat down I was subjected to a few minutes later.

“Within the first half hour, the only words I remember saying were: ‘What am I being held for?’ One police officer answered that we fit the description of four people who were running around the streets, changing clothes and avoiding the police.”

A middle-aged activist in a wheelchair recalled: “We witnessed demonstrators being shoved with shields and batons and pepper-sprayed without provocation. A group of street medics were treating wounded demonstrators in front of a storefront where [my friend] and I became separated... I wheeled myself north along Biscayne towards the police phalanx. I had gotten almost to the end of the block when police fired concussion grenades. Someone grabbed the handles of the wheelchair and ran me north on Biscayne.

“‘Thanks for getting me out of there,’ I said, and half meant it. The attractive young woman who had grabbed the handles of my wheelchair and rushed me a block farther north at a dead run pulled us over beneath a MetroRail overpass. We were two blocks from the police phalanx moving up the street toward us and pushing the Free Carnival Area of the Americas ahead of them.

“‘Aren’t you afraid?’ she asked. She was breathing fast from the extra exertion and an adrenaline mix of exhilaration and fear. ‘No,’ I answered honestly. ‘Not of them. They’re only following orders.’

“I pointed at the Intercontinental Hotel and added, ‘The ones giving them those orders, now, them I’m afraid of.’ For a moment, we both had found two things in Miami. There is unbridled greed behind closed doors and a passion, concern and compassion in the streets. She headed up Biscayne. Phalanxes of riot police blocked side streets. I never got her name and she didn’t ask mine. Two total strangers caring about one another and caring for our democracy being erased on the streets of Miami. It’s all about raw power now. Who will dictate and how many will resist.”

What will it take to heal the wounds Lady Liberty suffered during FTAA week?

Another legal observer offers some answers in a letter to the *Miami Herald*:

“Miami residents are entitled to know the truth about what occurred during the anti-FTAA demonstrations on Nov. 20th...so they can make their own evaluation about the behavior of the police department. Chief Timoney’s letter to the Herald printed on November 30, 2003 (“The AFL-CIO should look inward...”), describing events during the afternoon of November 20th is a work of fiction.

“* The allegation: ‘At this point, without notice or provocation,

hundreds of coalition protesters who remained on the street began to attack police officers located at Second Street and Biscayne Boulevard. Assorted debris, projectiles and tear gas were thrown at police...A separate group of police officers began dispersing the violent group.’

“* The truth: At 3:50 p.m., after most of the union demonstrators had left the area..., rows of fully armored and helmeted police moved in formation from a line north of First Street into a crowd of demonstrators who were chanting anti-FTAA slogans. Demonstrators were pushed back by police into crowds behind them. Those who became trapped having nowhere to go were knocked to the ground or beaten by club-wielding officers. At the same time, volleys of tear gas canisters were launched by police stationed behind the lines into the crowd of panicked demonstrators while they were moving away from the advancing officers. When demonstrators fell back, the police began firing shotgun projectiles into the crowd. Hundreds of rounds were fired and dozens of demonstrators were hit and injured. Demonstrators were shot in the head and face by rubber bullets and hard red plastic chemical filled balls. As the crowd of demonstrators dispersed north on Biscayne towards Third Street, the police advance stopped but the shooting continued and more tear gas canisters were fired into the diminishing group. Some of the gas canisters were picked up by demonstrators and thrown back at the police...

“* The allegation: Numerous warnings and orders to disperse were issued by police with little compliance...

“* The truth: At no point in time were protesters warned to leave or given orders to disperse. The police lines moved directly into the group of demonstrators without notice or provocation. Those unable to escape were beaten with police batons.

“The Miami Police Department is not the appropriate entity to conduct an investigation of its own activities. Only an independent and impartial inquiry will determine the truthfulness of Chief Timoney’s statements to the *Herald* and the public.

“FYI: My recitation of events is from personal observation. I was located directly in front of police lines on Biscayne Boulevard at the time.”

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