

US: Police cleared in Taser assault on Florida student

Tom Carter
30 October 2007

Last week, the University of Florida released a 17-page executive summary of the Florida Department of Law Enforcement (FDLE) investigation into the brutal Taser attack on student Andrew Meyer last month. The report concludes that the decision to use the Taser stun gun against Meyer was “well within” Florida standards for police conduct.

University of Florida president Bernard Machen, releasing the summary, revealed that the two police officers that had been put on leave after the assault, Sergeant Eddie King and Officer Nicole Mallo, had been reinstated by the University Police Department. “I have full confidence in the police department, which has a solid record and remains focused on keeping our campus safe,” Machen added.

Last month, Meyer, a journalism student, was wrestled to the ground and shot point-blank with a Taser gun by campus police after he asked a number of pointed questions to Democratic senator and 2004 presidential candidate John Kerry at a public forum at the university. The Taser gun sends a powerful electric shock, temporarily incapacitating the target.

Videos documenting the assault found their way onto YouTube and other online video sites, prompting widespread protests from students at the University of Florida and elsewhere. Meyer’s last plea before he is attacked with the Taser—“Don’t Tase me bro”—has since made its way into the student lexicon at universities around the country.

The summary of the FDLE investigation released by the university, in which the names of the officers and witnesses are redacted, is remarkable in a number of respects. First, the report contains a number of crude attempts to smear Meyer, including attempts to establish that Meyer had a reputation for “disruptive behavior” and that he had plans to cause a “disruption” at the Kerry event.

The report also reveals that extraordinary police precautions were taken during Kerry’s visit, in which the police identified and reported audience members who were “potential security concerns.” Finally, in the face of the fact that the assault took place in the middle of a crowded auditorium, and was videotaped from several different angles, the report concludes that the police acted without fault.

On September 17, Kerry addressed a student audience at an auditorium at the University of Florida. The student-run Accent

Speakers Bureau hosted the event. Meyer asked his questions during a question-and-answer period following Kerry’s talk. Shortly after beginning his comments, which criticized Kerry from the left, Kerry became noticeably irritated and campus police began insisting that he ask a question and cease talking.

In response to the prodding of the police, Meyer responded, “He [Kerry] has been talking for two hours—I think I can have two minutes, thank you very much.”

Meyer’s criticisms were understandable and legitimate. Citing numerous documented incidents of voter fraud during the 2004 elections, he asked Kerry why he had conceded the election to Bush “*on the day*” of the election.

Meyer then pointed out that in spite of Kerry’s stated opposition to the Bush administration’s policies, including Bush’s implicit threats to invade Iran, Kerry and other congressional Democrats had not taken one of the principal constitutional means at their disposal to block the implementation of those criminal policies: impeachment. “If you’re so against [invading] Iran, how come you’re not saying, ‘Let’s impeach Bush now?’” Meyer asked. “Impeach Bush now before he can invade Iran!”

According to the police report, a representative of the Accent Speakers Bureau gave a hand signal to an auditorium technician, indicating that Meyer’s microphone should be turned off. The technician abruptly shut off the microphone, and Meyer responded by stepping away from the microphone and raising his voice incredulously.

As the police report confirms, the decision to eject Meyer from the auditorium was made by the police.

Several police officers approached Meyer, grabbing him forcefully by the shirt and arms and trying to move him towards the auditorium exit. “I haven’t done anything!” Meyer shouted to the assembled students. “They’re arresting me!” When Meyer reached the back of the auditorium, he momentarily broke free of the police and was subsequently tackled by two officers.

What follows is fully documented on videotape from multiple angles. Six uniformed police officers have Meyer pinned face-down on the floor. Gasps and protestations erupt from the audience as the officers pull out their Taser stun guns. Meyer pleads, “Don’t Tase me bro!” and then screams as he is

shocked. Kerry, with a direct view of the assault, stands impatiently, joking that Meyer is “not available to come up here and swear me in as president.”

The FDLE report goes to great lengths to establish that Meyer intended from the outset to cause a “disruption” at the Kerry forum, citing an angry exchange that allegedly took place between Meyer and a supporter of Rudy Giuliani, candidate for the Republican presidential nomination, during a political rally one week prior.

For example, the report stresses—with copious underlining, bold and italics—that Meyer “reportedly made a comment to an unidentified friend that if he liked what he had seen [the confrontation with the Giuliani supporter] that he should go to the Kerry Speech and he would really see a show” (emphasis removed). These accounts supposedly prove that Meyer had plans to commit a crime on the evening of the Kerry forum.

For all the emphasis the report places on these discoveries, this project amounts to nothing more than an attempt to smear Meyer. Meyer had not been indicted or convicted for any crime regarding the earlier confrontation, and the Giuliani supporters had not pressed charges. In the report, the accounts of the Giuliani supporters are cited as good coin, while Meyer’s version of the same exchange is omitted.

Meyer, of course, has a constitutionally protected right to argue with any person with whom he disagrees, and likewise a constitutional right to denounce Kerry at a public forum. Even so, Meyer’s attorney, Robert Griscti, told the *Gainesville Sun* that Meyer denies planning any “grandstanding” at the Kerry event.

Ultimately, none of this is relevant to the investigation. As the FDLE report itself acknowledges, the officers who assaulted Meyer during the forum had no knowledge of the incident involving Meyer and the Giuliani supporters. The police only became aware of it during the investigation.

According to the FDLE investigation report, extraordinary security precautions were taken on the day of Kerry’s visit. Campus police set up a checkpoint at the auditorium entrance, where they seized the backpacks, purses and bags of all entering audience members, placing them in a specially designated room where they were searched by a bomb squad with a specially trained dog. Campus police were deployed behind the stage, near the front of the stage and at the exits of the auditorium.

The report indicates that before Kerry’s speech began, campus police identified and reported two individuals in the audience as “potential security concerns.” The report does not explain on what basis the police made this determination. Did it involve an evaluation of the political views of the students? Their ethnicity or dress? Interestingly, Meyer was *not* one of the students identified as a “potential security concern” by police prior to the event.

The report concludes that the police use of the Taser against Meyer was “well within” the Florida guidelines for escalation

of use of force. The report states blandly, “The utilization of the Taser in this situation was successful in its use to attain compliance of [Meyer].” Ominously, the report goes on to insist that the Taser stun gun was the “fastest and safest” of the options legally available to the police in the situation—options that include “empty hand strikes, kicks, knee strikes, or baton,” as well as pepper spray.

This conclusion is all the more remarkable given that under the letter of Florida law, a police officer is allowed to use only force that “he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest” (2007 Florida Statutes, Justifiable Use of Force, 776.05(1)). Nobody watching the video of the assault could conclude that at the time Meyer was shocked with the Taser gun, anyone was at risk of harm other than Meyer himself.

The report finds that Meyer ought to be charged with a misdemeanor offense for “disrupting a school function,” and separately for “violently resisting arrest.” The initial charge of “inciting a riot,” introduced not long after the event, does not appear in the report. The report acknowledges that the decision whether or not to press these charges will be made by the State Attorney’s Office, which has not yet filed any so far.

The University of Florida’s wholesale endorsement of the FDLE report must be taken as a warning to students at every university. The university will not lift a finger to oppose a brazen violation of free speech and the basic democratic rights of one of its students, and instead applauds the conduct of the police officers who used Taser guns against an outspoken student at a public campus event.

The FDLE executive summary can be accessed here:
<http://www.president.ufl.edu/incident/FDLE-Executive-Summary.pdf>



To contact the WSW and the
Socialist Equality Party visit:

wsws.org/contact