

# Legal attack on Minnesota protest against police murders

Jonas Boquist  
7 January 2015

In a further drive to punish and criminalize dissent, the city attorney of Bloomington, Minnesota is seeking charges against organizers of a recent protest at the landmark Mall of America over the spate of police killings last year that have triggered demonstrations nationwide.

The charges relate to 26 arrests at a peaceful demonstration by around 3,000 protesters at the world's largest mall located in a suburb outside Minneapolis and St. Paul. City attorney Sandra Johnson announced that organizers would be targeted for restitution, saying, "It's important to make an example out of these organizers so that this never happens again."

The city mobilized more than 150 police officers and state troopers, many outfitted in riot gear and drawn from cities as far away as 50 miles. As the protesters gathered, mall officials forced some 80 stores to shut down while police cleared the mall's rotunda and cordoned off other areas where both protesters and shoppers were either locked in or out of the mall for two hours or more.

No injuries or property damage occurred as a result of the rally. "We came to sing carols and raise awareness," said Lena Gardner of Black Lives Matter Minneapolis, which called the protest.

Mall of America management became aware of the protest through Facebook postings and went into action, sending a letter by courier to several organizers warning, "Any attempt by your group to conduct a protest is a violation of our policies and would subject your group to removal from the property and potential arrest..."

In another statement, mall management declared, "While we respect the rights of free speech and peaceful assembly, those rights do not trump our right

as private property owners to prohibit that behavior on our property."

The city attorney followed suit, saying, "This is not a public forum for free speech. This is private property and there's absolutely no right for private demonstrations and protests in the Mall of America. There have never been. They have never allowed it."

That is not exactly true. Last year, the mall allowed a demonstration by more than 5,000 people who came to sing and demonstrate on behalf of a young man who died of cancer. Those attending the recent December 20 rally challenged the mall to explain why they cannot sing and demonstrate on behalf of black men and boys who died as a result of police brutality.

The right to protest at the mall has been a bone of contention ever since it's construction in 1992. A 1997 case argued that the use of \$189 million in public money to construct the mall meant it should be considered a public space that permitted free speech. But in 1999 the Minnesota State Supreme Court ruled that the mall is private property and therefore the constitutional right to free speech does not apply.

Those taking part in the December 20 rally were most likely encouraged by another peaceful protest the preceding week where demonstrators were allowed by the Minnesota State Patrol to conduct a die-in on Interstate 35W.

In the lead-up to the demonstration city attorney Johnson said that protesters would be asked to leave and only organizers listed on a press release would be sited for trespassing. But that attitude changed.

Police are reviewing mall security's video and still photographs, Facebook pages and Twitter feeds in an effort to widen their case. Of those arrested at the rally and released, Johnson said they will "look at the evidence and if additional charges are possible, we'll

replace the citations with criminal complaints.” At present, charges include trespassing, disorderly conduct, unlawful assembly, obstructing the legal process and obstructing with force. Johnson said she may also charge some with inciting a riot.

But there is more. Mall officials are trying to determine how much money was lost by retailers as a result of the rally. And Johnson is calculating the cost for the police action and will attempt to make the organizers pay restitution—an amount she has characterized as “staggering.”

“You want to get at the ringleaders ... to deter any future demonstrations ... ,” said Johnson.

There are indications that sections of the elite in Minneapolis-St. Paul are nervous over the declarations by the Bloomington city attorney. A blog on the Minnesota Public Radio web site accused mall officials of a “bunker mentality.” It pointed to the earlier reaction by the Minnesota State Patrol during the Interstate 35W protest that permitted the protest to “burn itself out.” “Had the Black Lives Matter group been allowed to protest at the mall without drama and then gone off to do its Christmas shopping, we’d already have moved on to other distractions.”

But the nationwide protests against the murders of Michael Brown, Eric Garner and others are viewed with the deepest hostility by sections of the ruling elite who recognize that these protests could possibly ignite greater upheavals due to the vast social inequality in the United States.

City attorney Johnson attested to this fear when she said that the Mall of America rally was “a powder keg just waiting for a match,” and, “The energy in there, talking to some of the officers, when they told them to leave, the crowd would roar to the point where the whole place shook. All it would have taken [sic] was for a couple of people to start hitting each other or hitting police and this would have gone way out of control.”



To contact the WSWWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**