Ten-year-old child among the victims

American Civil Liberties Union sues DC police for attacking inauguration protests

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A civil lawsuit filed by the American Civil Liberties Union (ACLU) alleges members of the Washington, DC police department assaulted and deprived hundreds of protesters, including a 10-year-old child and his mother, of their constitutional rights as they peacefully protested during Trump's January 20 inauguration last year.

Last week the ACLU amended its case to include Gwen Frisbie-Fulton and her child, referred to by his initials "A.S.," on the list of plaintiffs. The lawsuit includes four additional plaintiffs: Shay Horse, an independent photojournalist covering the protests, legal observer Judah Ariel, as well as protesters Milo Gonzalez and Elizabeth Lagesse, all of whom were swept up in indiscriminate police raids during last January's inaugural protests.

The lawsuit names as defendants the District of Columbia, its police force, as well as 27 specific officers, including eight supervisors who oversaw the arrests.

The ACLU's filing details the brutality and repression dealt to protesters and bystanders for seeking to express their political opposition to the Trump administration or by merely being in the vicinity of those who were:

"During the [protest] and then while detaining demonstrators for hours, police fired pepper spray, stingballs, and flash-bang grenades at crowds of demonstrators, journalists, and legal observers, frequently without warning or justification. In the course of the roundup and subsequent processing of demonstrators, police held detainees for hours without food, water, or access to toilets; handcuffed detainees so tightly as to cause injury or loss of feeling; and subjected some detainees to manual rectal jabbing."

In a blog post explaining the events, Frisbie-Fulton said, "After we spent a few hours protesting, I learned that a friend was being detained. When we got to the location, people had gathered across from where a large group of protestors had been cornered by police. [My son] stood on the base of a lamp post so he could wave to the people he knew. He chanted 'Let them go!' gleefully with other protesters. We talked with friends. We shared some of the snacks I had packed in my backpack. We were there for more than half an hour without incident."

However, without warning, the police began attacking the protesters with pepper spray. "An officer pulled out pepper spray a little ways away from us. I told [my son] it was time to go," Frisbie-Fulton said, adding "as we tried to leave, the police line rushed forward, knocking [him] down. Instinctually, I jumped on top of him, rounding my back to create a pocket under my body so he wouldn't be crushed. I felt people being knocked around above us and I could hear [my son] crying under me. When I was able, I stood up with [him] in my arms and turned to leave again. I was blocked by police officers; I asked if I could go," to which an officer, with typical contempt for democratic rights, told her "You shouldn't have brought your kid."

Police officers continued to block her way, as clouds of pepper spray surrounded her and the police set off flash-bang grenades to disorient the demonstrators. In an effort to get away from the police and to safety, Frisbie-Fulton carried her son towards the protesters. Another protester assisted her, taking her son and running with him away from the dangers posed by the police. Other protesters surrounded her son in an effort

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to protect him from further harm, as “his face was red and splotchy from either crying or being exposed to pepper spray,” Frisbee-Fulton writes.

Video of the police indiscriminately using pepper spray against protesters and, at the 57-second mark, Frisbee-Fulton running with her son in her arms can be seen here.

The police are also accused of unlawfully failing to give a dispersal order before deploying pepper spray and flash-bang grenades against demonstrators. The ACLU seeks damages for violations of the constitutional rights to free expression, freedom from unreasonable searches and seizures, and due process. It also raises claims for assault and battery, false arrest and imprisonment, intentional infliction of emotional distress, and violations of the DC First Amendment Assemblies Act.

The ACLU’s amended complaint comes nearly two weeks after a jury found six protesters not guilty on all charges stemming from the inauguration day protests. An additional 188 defendants are scheduled for trial, in groups of six or seven, through 2018. While at least six of the remaining defendants have had their charges reduced to misdemeanors, most remain accused of felony charges that could land them behind bars for more than six decades, despite many of the accused having nothing to do with the limited amount of property destruction which occurred within a section of the protest.

Like the DC police physical assault of protesters, the federal government’s lawsuit is intended to intimidate and silence dissent against the right-wing policies of one of the most detested and reactionary administrations in US history.

One of the plaintiffs, journalist Shay Horse, stated in the ACLU complaint that he “felt like they were using molestation and rape as punishment” when he was subjected to aggressive rectum examinations. “It felt like they were trying to break me and the others—break us so that even if the charges didn’t stick, that night would be our punishment,” Horse said.

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