

# With support of Biden, federal court backs Trump's police-state assault on peaceful protests in Lafayette Square

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On Monday, a federal judge dismissed lawsuits alleging former president Donald Trump directed police to violate the constitutional rights of peaceful protesters who, along with media members, were violently attacked in Lafayette Square on June 1, 2020.

The lawsuits filed by the American Civil Liberties Union, the Black Lives Matter movement and other plaintiffs argued that Trump, former Attorney General William Barr and others in police and federal agencies violated the First Amendment rights of protesters. The Trump administration, they charged, conspired to use violent force to remove protesters from Lafayette Square in Washington D.C. prior to a 7 p.m. curfew so that Trump could pass through for a photo-op in front of St. John's Episcopal church.

The Biden administration sided with the former Trump officials, arguing that the case should be thrown out.

In her 51-page ruling, Judge Dabney Friedrich of the US District Court for the District of Columbia dismissed the plaintiffs' claims. She wrote that without actual recordings or written statements demonstrating unequivocally that a conspiracy was planned and carried out by the defendants, it was "simply too speculative" for the court to rule if the police state assault against peaceful protesters was justified. Friedrich also ruled that the federal officials, such as Barr and Trump, are immune from any civil litigation.

In ruling on the "speculative" nature of the claims of the plaintiffs, Friedrich wrote: "At this preliminary stage, without a factual record, the Court's rulings are based solely on the allegations in the complaints. Before either party has had an opportunity for discovery, it would be premature for the Court to draw

any conclusions about why Lafayette Square was cleared on June 1 or whether the law enforcement officers' actions were justified."

Friedrich claimed that there were "obvious alternative explanation[s]" for why Lafayette Square was cleared by police, including possible violence from demonstrators. As a result, she ruled, the lawsuits could not proceed.

In response to the ruling, Scott Michelman, legal director of the ACLU of the District of Columbia, stated: "Today's ruling essentially gives the federal government a green light to use violence, including lethal force against demonstrators, as long as federal officials claim to be protecting national security."

Friedrich is no neutral arbiter. She served for three years as associate counsel for the George W. Bush administration, during which time she put forward the position that the government has a "clear" right to detain American citizens as enemy combatants. She also described the conditions for detainees in the "war on terror" as "among the best ever provided by a country to individuals who have taken up arms against it." She was appointed to the Sentencing Commission by President Obama and then nominated to a position on the DC District Court by Trump in 2017.

The truthfulness of the "allegations" brought forward by the plaintiffs is clear to everyone who has seen the video of the event. No one can dispute the fact that, unprovoked, riot police and federal agents violently assaulted peaceful protesters. Images were broadcast around the world of demonstrators fleeing and gasping for air as police bludgeoned and gassed them.

The clearing of Lafayette Square took place as Trump was delivering a speech at the Rose Garden announcing

that he was mobilizing troops in Washington D.C. Proclaiming himself the “president of law and order,” Trump threatened to invoke the Insurrection Act to deploy the military in cities throughout the United States. He called the mass protests against police violence that followed the murder of George Floyd “domestic terrorism.”

That is, not only did Trump administration officials conspire to violate the democratic rights of the protesters in Lafayette Park, they conspired to overturn the Constitution, establish a presidential dictatorship and abolish democratic rights for all Americans.

On the morning of the action in Lafayette Park, Trump held a conference call with governors in which he warned that the police violence protests were “a movement, and if you don’t put it down it will get worse and worse. You have to dominate.” Trump was joined on the call by Barr, who told the governors, “we have to control streets,” which would require “a strong presence.”

The brutal action in Washington D.C. only hours later, broadcast live on national television, was intended as a demonstration of what the administration planned to do throughout the country.

It was later revealed that the only reason Trump did not invoke the Insurrection Act at that time was reluctance on the part of a section of the military brass, who were concerned that such an open abrogation of democratic rights was premature and risked sparking a social explosion.

As significant as the decision of judge Friedrich is the position of the Biden administration. Ahead of the ruling, President Joe Biden’s Department of Justice argued on behalf of the defendants, that is, Trump, that the plaintiff’s case be dismissed. The administration argued that because Trump was no longer in office, the lawsuit was moot. Administration lawyers also argued that the clearing of the park was justified for presidential security reasons, essentially claiming that nonexistent threats to the safety of the president override the constitutional rights of everyone else.

As for the media, it has largely ignored the judge’s ruling. The *New York Times* posted a perfunctory nine-paragraph article that said nothing about the political context of Trump’s action, including the Rose Garden speech and the threat to invoke the Insurrection Act. The *Washington Post* published a more detailed

analysis that also did not refer to the Rose Garden speech. As for the television news stations, the decision was not even reported.

The role of the Democrats throughout the Trump administration and after has been to cover up the far-reaching assault on democratic rights. This included the fascistic plot to kidnap the Democratic governors of Michigan and Virginia, encouraged by Trump’s calls to “Liberate Michigan!” and other states from all restraints on the spread of the pandemic.

The anti-democratic conspiracy culminated in the January 6 fascistic coup attempt, aimed at blocking the certification of the 2020 election results and stopping the transfer of power. The Democrats and the media are suppressing ongoing revelations of military and police complicity in the January 6 coup attempt, while the line of Biden has been the need to “move on” in the name of “unity” and “bipartisanship” with Trump’s Republican co-conspirators.

The Biden administration’s intervention in the Lafayette Square case is further confirmation that there exists no constituency within the ruling class for the defense of democratic rights, with both reactionary factions of the ruling class arguing in court for the right to use state violence against domestic political opposition.



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