Buffalo police officers who assaulted 75-year-old during 2020 George Floyd protest reinstated

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On Friday, an arbitrator ruled that the two Buffalo police officers who violently assaulted a 75-year-old protester in June 2020, during the wave of protests sparked by the police murder of George Floyd, did not use excessive force and are to be reinstated on the force. During the attack, Martin Gugino was pushed to the ground, cracking his skull and causing brain damage.

In his decision, arbitrator Jeffrey Selchick wrote: “Upon review, there is no evidence to sustain any claim that respondents (the two officers Robert McCabe and Aaron Torgalski) had any other viable options other than to move Gugino out of the way of their forward movement.”

In justifying the two police officers, Selchick wrote: “The use of force employed by respondents reflected no intent on their part to do more than to move Gugino away from them.”

The ruling will mean McCabe and Torgalski, who were arrested and fired within days of the attack, will be fully reinstated to the Buffalo Police Department, and receive back pay and missed overtime.

Video of the assault shows Gugino along with other protesters peacefully standing on the sidewalk in front of Buffalo City Hall holding signs and chanting slogans, when a wall of police stretching across the sidewalk and street dressed in riot gear holding battens and some with their guns drawn begin marching to clear the street.

One video published by the *Guardian* shows Gugino trying to explain to the officers that they had a right to protest before he was shoved. So violently was Gugino pushed that he stumbled backwards for 6 or 7 feet before falling over backwards to the ground, cracking his head.

Further photos show police walking past Gugino’s prone body as blood pooled under his head on the sidewalk. Gugino spent about a month in a hospital with a fractured skull and brain damage. More than 300,000 people signed petitions demanding the two officers be fired.

The arbitrator’s ruling and the city government’s decision should come as no surprise. It is the last in a series of steps taken to whitewash the police assault on Gugino. In February 2021, the District Attorney announced that no charges would be brought against the two officers, following the convening of a grand jury.

An attorney for Gugino, who is suing the city, told the *Buffalo News* that the ruling has no bearing on the suit, and was expected, since the police union and the city hired, selected and paid the arbitrator.

'We are not aware of any case where this arbitrator has ruled against on-duty police officers, so his ruling here on behalf of the police was not only expected by us, but was certainly expected by the union and city who selected and paid him,' Melissa Wischerath told the newspaper.

Gugino was one of millions of people of all races and nationalities who took part in a massive wave of protests following the police murder of George Floyd on May 25, 2020 by a Minneapolis, Minnesota police officer who suffocated Floyd as by kneeling on his neck for over eight minutes.

The protests, among the largest in United States history, reflected the broad hatred within the population for the treatment meted out by the police to minorities, the working class and the poor.

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The attack on Gugino was part of an assault by police and fascist forces throughout the country encouraged by then-President Donald Trump. More than 11,000 protesters were arrested throughout the country for such crimes as disorderly conduct or violating curfews. In dozens of cases, protesters such as Gugino, as well as journalists, were violently assaulted.

In response to the assault on Gugino, Trump backed the actions of police and falsely tweeted that Gugino staged the attack himself. The decision of the District Attorney to drop charges, and now the arbitrator's decision to clear McCabe and Torgalski of all wrongdoing, underscores that all levels of the government back the police.

The police assault on protesters also corresponded to and was coordinated with the growth of extra-military and fascist forces that were also mobilized. In August 2020 17-year-old Kyle Rittenhouse was permitted to walk past a police line while carrying his military-style semi-automatic rifle into a protest that erupted in Wisconsin after police shot Jacob Blake seven times in the back. Rittenhouse shot three protesters, killing two of them.

The buildup of fascist forces at the highest levels of the state led to the plot to kidnap and murder Michigan Governor Whitmer and culminated in the January 6, 2021 coup attempt directed by Trump to overturn the results of the 2020 election.

However, in addition to police, courts and the growing fascist movement, the ruling class has also relied on a host of pseudo-left organizations to divert the mass movement of the working class behind the Democratic Party through the promotion identity politics, which presents race as the fundamental division in society and promotes illusions in reforming the police.

The massive protests that swept the nation in the summer of 2020 were largely diverted in this way by the Black Lives Matter movement and pseudo-left organizations who claimed that the election of Democrats in general and the elevation of more African Americans into public office in particular would lead to the reform of the police. In addition to the election of former Vice President Joe Biden, who as president has pushed for even more funding for police departments, a number of African Americans were elected mayors of major US cities, including Eric Adams in New York, Lori Lightfoot in Chicago and Edward Gainey in Pittsburgh.

In Buffalo, Byron Brown was re-elected for his fifth term. Brown, who is black, was defeated in the Democratic primary by India Walton, who is also African American, and is a member of the Democratic Socialists of America.

Walton herself grew up in Buffalo's impoverished East Side. She later lived just south of the city of Buffalo in Lackawanna, the former site of a sprawling Bethlehem Steel factory that once employed thousands of steel workers. In her election, Walton used her background and her socialist label to claim that she represented the interests of Buffalo's working class and poor.

However, Walton's political program posted on her website made no mention of capitalism or socialism. If one were to read her program, one would have no idea that the problems of Buffalo—extreme poverty, low wages, a poor education system, police violence and political corruption—are endemic across America and the entire world and are the product of the capitalist system.

Responding to his defeat in the primary, Brown launched a successful independent write-in campaign, with the backing of major Democratic party officials and the unions—including the Buffalo Police Benevolent Association—as well as many Republican officials and backers.

Brown's rehiring of the two police officers further underscores the need for the working class to organize independently of the two big business parties, into its own party which will fight for a socialist transformation.

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