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Lawsuit challenges FTAA protest arrest ordinances

MIAMI - Anti-free trade activists went to federal court Thursday with their challenge to police tactics during November's Free Trade Area of the Americas, questioning the constitutionality of the city's new restrictions on public protest.

U.S. District Judge Donald Graham gave the city 30 days to respond to the issues raised. The hearing came hours before a civilian panel was to hear a report from Police Chief John Timoney on what he called the department's "overall success" handling the street demonstrations.

Timoney issued a 66-page report Wednesday saying, "Those who came to commit violence faced an intelligent, measured police plan determined to minimize the effects of their criminal tactics."

The city's civilian police review panel was created by voters in 2002 in response to repeated allegations of police excessive force and brutality.

Protesters maintained police went overboard with heavy-handed tactics that included a Miami Beach police officer's use of tear gas and other officers firing rubber bullets and beanbags and hitting demonstrators with batons without provocation.

The lawsuit against the city by Lake Worth for Global Justice seeks an injunction against the city's protest permit and insurance requirements and an ordinance banning gatherings by more than seven people for longer than 30 minutes.

Police arrested 146 people during FTAA demonstrations, including up to 28 felony arrests. Police have said all the arrests were made under laws and ordinances existing before the FTAA security planning.

Kris Hermes, spokesman for protest groups, said only three of the 146 still face felony charges.

"Given those statistics, I don't see how they have the gall to say mobs of violent protesters were attacking. Certainly, that's not been borne out," said Hermes.