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ACLU: 'In the name of maintaining order, Chief Timoney suspended the constitutional rights of law-abiding people.'

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Innocent, law-abiding, red-blooded Americans had their rights violated during the FTAA summit: schoolteachers, steelworkers, union members, retirees, war veterans, students and journalists.

These are not the people Chief John Timoney promised to hunt down and arrest. Quite the contrary, over and over again, the chief promised that he would target the "potentially violent 2 percent" while protecting the rights of the law abiding and peaceful 98 percent. He promised that his officers would help protect the vigorous exercise of free speech while protecting private property and ensuring the personal safety of police officers and participants alike.

However, as the dust settles and sensationalized media reports are replaced by eye-witness accounts of the citizens of this community, the inescapable truth that emerges is that in the name of maintaining order, Chief Timoney suspended the constitutional rights of law-abiding people.

At least four downtown business owners have confirmed that they were prohibited by police from having anti-FTAA literature in their stores and were ordered to give full descriptions of the persons who gave them the literature. The business owners were not the only ones who had their legal activities monitored. The police's own documents show that police officers tracked the educational and religious activities of local churches and even made written notes of clergy who took a position against the FTAA. These tactics are not the hallmark of our democracy. Rather, they are dark examples of a "police state."

Reports from police officers themselves make clear that officers were trained to stop, search and arrest first and ask questions later. Downtown business owners have reported that in case after case, they saw police stop people who were simply walking down the street, push them against the wall, search them and upon finding nothing, let them go. This is not only unconstitutional, it is also un-American.

What is more, the practice spread far and wide, up and down the chain of command. In fact, in at least one instance, the chief himself, entourage in tow, stopped a completely innocent middle-aged man who was leaving a restaurant on Brickell Avenue. The chief demanded to see the man's identification (which is illegal) and actually wrote down the man's driver's license number. A Herald embedded reporter told the chief that the man, who was wearing his full press credentials around his neck, was a reporter, at which point one of the chief's men looked closely at the credentials. The chief then made a brisk exit, leaving the man with an ominous, "We'll be seeing you," as he rode off on his bicycle.

MANY CASES DROPPED

Some people were not as fortunate to get off with a mere parting threat. The police made 99 misdemeanor arrests on Nov. 20. However, an unprecedented 20 of those arrests were thrown out the next day when the State Attorney's Office announced that it refused to prosecute those cases. Many more cases are likely to be dropped in the coming weeks as the flaws of the practice of arresting now and asking questions later are exposed.

The chief also broke his promise to protect private property. In fact, the costliest acts of destruction of property were all at the hands of police. In two of the incidents, police destroyed two cars after receiving unreliable tips from other police officers. Assuming that Chief Timoney's officers were acting in good faith, taxpayers are likely to be stuck with the bill because two innocent people lost their cars.

There are also countless incidents of police dumping the property of arrestees, including wallets, cell phones, purses and backpacks, in streets and gutters, leaving it behind for the not-so-innocent to cause the criminal mayhem that the chief promised to prevent.

BIKE TAKEN

And, in at least one instance, a bicycle officer was caught on tape taking a bicycle from a local disabled veteran -- telling the vet that he would not be seeing his bicycle again because it "was nicer" than the cop's. The bicycle has not turned up anywhere. The disabled vet needs it to get around. But somehow, the men whom this community entrusted to protect the innocent have now themselves turned into criminals.

The Fourth Amendment was suspended during the week the FTAA talks were held. Most people are prepared to accept this because they have been led to believe that it was suspended only for the people whom the chief describes as the violent anarchists, the thugs and the hoodlums. "They" are not "us," we are told.

They may or may not be. That debate is for another day. However, the inescapable truth is that in going after "them," the police came after "us" -- the union members, the retirees, the veterans, the steelworkers, the teachers, the students and the journalists. Who among us is next? Should we leave it to Chief Timoney to decide?