

“This is not America”

In Miami, police unleashed unprecedented fury on demonstrators -- most of them seniors and union members. Is this how Bush's war on terror will be fought at home?

Editor's Note: This is the first installment of "Lost Liberties," a series of stories that will be published in the months ahead exploring the erosion of civil rights and personal freedom in the United States since the terrorist attacks of Sept. 11, 2001.

By Michelle Goldberg
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Dec. 16, 2003 | On Saturday, Nov. 22, a few dozen police on bicycles rode by the warehouse that activists protesting Miami's Free Trade of the Americas summit were using as a welcome center. The big protest had taken place on Thursday, Nov. 20, and most demonstrators had already dispersed. Some were in jail, others were nursing their injuries. But the cops wanted to deliver a final message to those still around. "Bye! Don't come back here!" shouted one. A pudgy officer gave the finger to an activist with a video camera. "Put that on your Web site," he said. "Fuck you."

It was the end of two days of what many observers called unprecedented police vindictiveness and violence toward activists. Certainly, complaints about the police have become a standard ritual after each major globalization protest. But what happened in Miami, say protesters, lawyers, journalists and union leaders, was anything but routine.

Armed with millions of dollars of new equipment and inflamed by weeks of warnings about anarchists out to destroy their city, police in Miami donned riot gear, assembled by the thousand, put the city on lockdown and unleashed an arsenal of crowd control weaponry on overwhelmingly peaceful gatherings.

Videos taken at the scene show protesters being beaten with wooden clubs, shocked with Taser guns, shot in the back with rubber bullets and beanbags, and pepper-sprayed in the face. Retirees were held handcuffed and refused water for hours. Medics and legal observers, arrested in large numbers, say they were targeted. A female journalist, arrested during a mass roundup, was made to strip in front of a male policeman. A woman's entire breast turned purple-black after she was shot there, point-blank, with a rubber bullet.

Afterward, many observers said the same thing: "This is not America." Civil libertarians, though, worry that -- in an era when legitimate homeland security fears have begun to edge over into hysterical paranoia about "anarchists" -- it might offer a glimpse of where America's response to protest is headed.

"There is a pattern developing cross-country with regards to the interaction between police and protesters," says Lida Rodriguez-Taseff, president of the Miami chapter of the American Civil Liberties Union (ACLU). "That pattern sadly involves the police viewing protesters as terrorists and treating protest situations as crisis situations akin to war or combat."

Protesters descended on Miami because they object to plans to create a free trade zone stretching from Alaska to Argentina, which they say will hurt poor workers, put downward pressure on wages and weaken environmental regulations. Police in Miami were determined not to permit a repeat of the chaos that has marked other trade summits worldwide. They were bolstered by an \$8.5 million appropriation that President Bush tacked onto the \$87 billion Iraq reconstruction bill to pay for FTAA security.

As a result, they fielded about 2,500 battle-ready police to face off against around 10,000 demonstrators, most of them union members and retirees. City officials have since congratulated themselves on the small amount of property damage in Miami. But protesters say that in making sure no Starbucks windows were shattered, police trampled their constitutional rights.

The scale of civil liberties abuses in Miami is just starting to reverberate outside the city and the activist community that flocked there. On Tuesday, Dec. 16, the AFL-CIO and the Florida Alliance for Retired Americans are holding a public hearing in Miami on "police repression of FTAA protesters." The ACLU has received 134 reports of protester

injuries, including 19 confirmed head injuries, and plans to file at least three and possibly as many as 12 lawsuits against the city.

The United Steelworkers of America is calling for a congressional investigation into how police turned Miami into "a massive police state." Amnesty International and the Sierra Club are also demanding government probes. The Sierra Club issued an open letter to President Bush saying, "The fundamental constitutional rights of all Americans are in jeopardy if the intimidating tactics used by the Miami police become the model for dealing with future public demonstrations."

And they could become exactly that. Miami Mayor Manny Diaz called the cops' performance "a model for homeland security." Officials from across the country, including members of the Department of Homeland Security and the FBI, showed up to observe how Miami handled the demonstrators.

According to Lt. Bill Schwartz, spokesman for the Miami Police Department, law enforcement officials traveled to Miami from Georgia and New York to learn tactics to deal with upcoming protests in their cities. In June, President Bush will host the G-8 summit -- which brings together the leaders of Britain, Canada, France, Germany, Italy, Japan and Russia -- on Georgia's Sea Island. Then, on Aug. 30, the Republican convention begins in New York, bringing tens of thousands of protesters and "the highest levels of security this city has ever seen," as a New York police spokesman told the Village Voice.

Upon his return from Miami on Thursday, Nov. 20, Bill Hitchens, director of Georgia's Department of Homeland Security, told the Atlanta Journal-Constitution: "I certainly think this is a precursor for what we could see" at the G-8 summit. Speaking of the Miami police, he said, "We need to do much the same as they did."

Meanwhile, John Timoney, the Miami police chief known for calling demonstrators "punks" and "knuckleheads," is handling security for the Democratic National Convention in Boston. Timoney is already infamous among activists for his handling of the 2000 Republican convention in Philadelphia, where protesters complained of indiscriminate arrests and police violence.

How did such a small demonstration become such a bloody melee? And how did so many law-abiding people suddenly find themselves in a place that didn't look anything like the America they thought they knew?

"I no longer consider Dade county to be part of the United States," says Bentley Killmon, a 71-year-old retiree who was held handcuffed for 11 hours after he was swept up by the police as he wandered around downtown looking for his bus home.

The tensions in Miami began well before the first protester arrived. Unlike other American cities that have hosted large protests, Miami had a clear stake in the demonstration's central issue: It is competing with Panama City, Cancun and other cities to become home to the FTAA's secretariat. Thus, when Western Hemisphere trade ministers gathered at Miami's Intercontinental for the November trade talks, police had to show they could handle the kind of anti-globalization activists who have often trashed cities hosting economic summits.

On Sept. 5, Lida Rodriguez-Taseff of the ACLU attended a briefing that the police held for local business leaders at the Intercontinental Hotel. Rodriguez-Taseff was shocked that Asst. Police Chief Frank Fernandez's PowerPoint presentation openly endorsed the controversial trade agreement, telling the audience that it would bring 89,000 new jobs to the area and add \$13.5 billion annually to Florida's Gross State Product.

"In situations where the police don't like the protesters' message, they definitely treat protesters as the enemy," says Rodriguez-Taseff.

"Essentially what happened," she adds, "is that the police went from being the neutral protector of liberty and property and safety, which is what their job is supposed to be, to being the enforcer of a political goal of the political and business communities."

The week of the protests, John Timoney, the Miami chief of police, socialized with the trade ministers and publicly taunted demonstrators. On Wednesday, Nov. 19, the day before the main protest march, Miami Herald reporter

Oscar Corral followed Timoney onto a boat taking ministers to Miami's Vizcaya park. After the ride, Timoney said, "If they [anarchists] don't do anything by tomorrow night, pardon the expression, but they look like pussies." (Or, "p-----," as the Herald reported it.)

Taking a page from the Iraq war's media strategists, Timoney had reporters covering the demonstrations "embed" with the police. Reporting for the Guardian newspaper, journalist and "No Logo" author Naomi Klein wrote, "As in Iraq, most reporters embraced their role as pseudo soldiers with zeal, suiting up in combat helmets and flak jackets." Several reporters who didn't embed were hauled off to jail in mass roundups during the protests.

Anger and fear about anarchists had been building up in the city all autumn. Al Crespo, a 61-year-old Miami photojournalist who specializes in covering demonstrations -- he recently published a book of photographs called "Protest in the Land of Plenty" -- says he first realized something was awry when his 87-year-old mother called him in hysterics weeks before activists began arriving in Miami.

"I'm Cuban, and my mother listens to a lot of these Cuban radio stations," he says. "She knows what I do, and she called me up one day in a real panic, with the belief that I was going to be killed on the streets of Miami. She was hearing that it was communists coming, and these people were going to blow up the city."

Meanwhile, the police were preparing to face off against a violent enemy. Asst. Chief Fernandez's PowerPoint presentation listed three groups of protesters headed to Miami: "The Green Group (non violent, union based)"; "The Yellow Group (mostly non violent, fringe elements)" and "The Red Group (anti-government, anti-establishment)." The slides also identified the lime-green baseball caps donned by the legal observers who accompany most major protests. According to Rodriguez-Taseff, when the slide appeared, Fernandez said, "These are their lawyers. They're there to antagonize police."

Marc Steier, a New Jersey lawyer who works for the National Lawyers Guild -- a kind of radical ACLU -- arrived in Miami in mid-November to open a temporary office for Miami Activist Defense, a legal collective formed to represent demonstrators. He and a colleague were setting up their computers on Nov. 15 when they got their first phone call: Police, a woman activist reported, were hassling a kid walking down the street.

Just then, Steier says, a volunteer named Henry whom he knew from previous protests arrived, and Steier dispatched him to the scene with a camera, a tape recorder and a lime green hat. When Henry arrived, cops on bicycles were questioning a kid dressed all in black. He turned out to be a local goth who knew nothing of the FTAA.

Then the police crossed the street to where three men, part of a pagan group in town for the demonstrations, were watching. They were friends of the woman who called Steier's office, and one of them was holding her backpack while she used the phone down the street.

"There was nothing about them that would give a casual observer any indication that they were anything but tourists," says Steier, who later interviewed all of them after they were released from jail.

The police asked one man for I.D., which he gave them, and then demanded to search the backpack he was holding. He refused to consent, because it didn't belong to him. At that point, a police vehicle pulled up. According to Steier, the uncooperative pagan was arrested and put in the patrol car, and his backpack was dumped out on the police car's hood.

"The second male sees what's going down, and he starts to be a little more compliant," says Steier. The cops, Steier said, asked for "your name, where you're from, how you got down to Miami, whether you're an anarchist, whether you're here to cause trouble and break things." Finally, the second pagan asked if he was free to go. "'Actually, you're under arrest,' said the police."

The police proceeded to arrest the third man and the woman when she returned from the phone. All were charged with obstructing a sidewalk.

Throughout it all, Henry had been on his cellphone with Steier. Suddenly, he lost contact: Henry had been arrested, too -- charged with obstruction of justice.

Between the 15th and the 20th, the day of the major protest, Miami Activist Defense received dozens of reports of people being arbitrarily detained, searched, photographed and questioned about their backgrounds and their connections to anarchism.

The most authoritative first-person story about such random seizures came from Celeste Fraser Delgado, a reporter for Miami New Times, who was arrested Thursday evening on Miami Avenue as she walked toward the protest's welcome center with a group of protesters she was profiling.

"Throughout the day I'd witnessed police provoke protesters," she wrote. "I'd seen young people cuffed and lined up along the street, but I thought they must have done something bad to be detained. Surely the police would see that we were doing nothing wrong and let us go. Surely they would recognize my role as a working member of the press."

Instead, Delgado's hands were cuffed behind her back. Her pleas to the police to check her credentials were ignored, though they took her black leather backpack with her press pass and notebook inside. She was told they would be returned to her. Instead, they were dumped out and left on the street.

She knows that, because John de Leon, an ACLU lawyer, happened to be in the area after her arrest. He was on the phone with Rodriguez-Taseff when he noticed that the street was littered with backpacks, cellphones and wallets. He was collecting the protesters' things when he found Delgado's press credentials.

Delgado was released Friday afternoon, after the charges against her were dropped. Of the more than 90 arrests made at the protests on Thursday, the Miami prosecutors threw out 20 due to lack of evidence. Rodriguez-Taseff says it's "unheard of" for so many cases to be dismissed as groundless.

The total number of arrests in Miami wasn't particularly large -- according to Lt. Schwartz, 231 people were taken in on FTAA-related charges the week of the summit, compared to 631 arrested at the Seattle anti-globalization protests in 1999. Then again, there were nearly five times as many protesters in Seattle as there were in Miami. There was also rampant vandalism during the 1999 demonstrations, and almost none during the FTAA. Indeed, since the protests, Miami officials have crowed about the lack of damage done to their city. That leaves the arrests looking like some sort of extralegal "preventive" or "preemptive" action.

It was Thursday afternoon that madness broke loose in Miami. There had been a scuffle that morning between demonstrators and police near the fence police had erected around the Intercontinental Hotel, and the city had been locked down since around 10 a.m. But things didn't get really bad until about 4 p.m., when a few hundred people left the officially sanctioned union march to confront the police lined up along Biscayne Boulevard.

It's not clear what made the police charge forward, rhythmically beating their big wooden clubs against their shields. Predictably, many protesters say there was no provocation, but Lt. Schwartz maintains that the police were pelted with "rocks, feces in plastic bags and bottles of urine." Three officers were admitted to a nearby hospital for injuries sustained during the protests, and the Miami Police Department reports that a total of 18 were injured.

Al Crespo, the photojournalist, admits that some protesters "acted out," but says that, in covering over 100 protests over the last six years, he's never seen a police reaction as ferocious and disproportionate as what he saw in Miami.

"There's a real parallel between these kind of events and the events in major American cities after championship football and basketball games," he says. "A large number of people come out in the streets, and there's always young people who, for whatever reason, just have a need to get in a cop's face. Whether you're rooting for the Chicago Bulls or you're in Miami supposedly protesting against free trade, these kind of events always attract people who have a real need to act out some internal psychodrama, and oftentimes that's what sets something off."

Once the police were set off, though, it's hard to justify what they did based on protester provocation. Several hundred policemen, armed with the latest crowd-control weaponry, were arrayed against a sparse lot of scraggly kids on the broad boulevard. Instead of batons, the police carried wooden sticks the length of baseball bats, and as they marched forward, they swung them at whoever couldn't get out of the way in time. Video taken at the scene

shows a boy in shorts being knocked down, and when his friends try to pick him up, they're beaten back with the wooden sticks.

At one point, a young man kneels down a few feet in front of the phalanx, his hands in prayer position. Five or six police charge him with their shields, then shoot rubber bullets at him as he runs away.

That, says Crespo, is what was most unusual: the police firing on people as they retreated.

Before Miami, one of the more violent protests Crespo had seen was at the 2000 Democratic convention in Los Angeles. "What happened in Los Angeles, which had not happened in any other city up until then, is that the police came out, took a position and just opened up fire. It looked like reenactment of a Civil War battle," he says.

"In Miami they did that, but then they proceeded to march down the street and chase these people, chase them for blocks," he said. "These were people trying to get away, and they kept marching and shooting."

Witnesses say that all protesters were targeted, not just those that were causing trouble.

When the violence started and the air grew thick with tear gas, Stewart Acuff, the AFL-CIO's organizing director, organized a line of union peacekeepers to take everyone who wanted to avoid a confrontation with police up a hill toward the amphitheater where the march had begun.

"We had hundreds of people we were trying to move up near the amphitheater. There were seniors, unions members, young people, environmentalists. Every one of them made a conscious decision not to be in the stuff happening in the street." But the police followed them. "The cops came up the hill, tear-gassed us and shot people with rubber bullets. They pepper-sprayed a senior citizen in his 70s who was sitting in a chair completely away from any kind of problem, without provocation."

It was, says Acuff, "a police riot."

"They had trained for six months and they were prepared for a fight and they wanted a fight," he says. "They were hopped up and wanted to go."

The ACLU is still working to tabulate all the injuries caused on Thursday and on Friday morning, when violence again broke out at a jail solidarity rally for those arrested on Thursday. (At that event, Crespo photographed a family being forced onto their bellies by a riot cop as they exited a nearby cancer center.)

Thirteen protesters were admitted to a local hospital, but many more sought treatment from the medics working at the protest. In an e-mail, Dr. Ron Rosen, a veteran street medic, reports, "On Nov. 20, I treated numerous patients including several with head wounds caused by pepper balls and rubber bullets, and several with wounds to the areas over the spleen, liver and kidneys also caused by rubber bullets and baton blows."

Seventy-one-year-old Bentley Killmon was unaware that Miami was becoming a war zone when he boarded a bus Thursday morning. Killmon's father was a police officer, and he didn't bear any grudge against cops. "I respected the badge until that morning," he says.

A former flight navigator and engineer for Pan Am who retired after 36 years on the job, Killmon opposes the FTAA because he believes globalization creates a "race to the bottom" as industries move to find cheap labor, decimating the livelihoods of workers left behind. "I was protesting what has happened to the middle class and to the poor," he says.

Killmon, who lives about 100 miles north of Miami, was on one of 24 buses chartered by the Florida Alliance of Retired Americans. The group's state organizer, 34-year-old Larry Winawer, was responsible for getting Killmon and another 1,100 or so retirees to the protest and home again, and he'd arrived in Miami Wednesday night.

Right away, it felt wrong. "As you're heading down Biscayne Boulevard" -- the street where the union march took place on Thursday, and where police faced off with protesters -- "you see swarms of police in riot gear," Winawer says. "There were armored personnel vehicles, helicopters hovering at very low altitude with searchlights sweeping the area. Right away it felt like you were not in America but in some type of occupied city."

Winawer didn't sleep much that night, and was up on Thursday at 4 a.m. to make sure that all ran smoothly with the seniors he was responsible for.

The day's official activities were centered around the Bayfront amphitheater. From 10 to 11:30 a.m., there was a seniors breakfast and rally scheduled, with speakers talking about the effects of the FTAA on American retirees and families. The official union rally and march began at noon, also at the amphitheater.

Winawer had negotiated with police beforehand to allow his buses to drop the seniors off near the escalators leading to the auditorium. Two early buses got through, but by 10 a.m., chaos had begun to engulf downtown Miami, and the area around the amphitheater had been shut down. Thus the buses had to drop their passengers off as much as a mile away. A few buses didn't make it into the city at all -- the police told them to turn around and go home.

A mile "may not seem like much," says Winawer, "but we had people who were 85, 90 years old." Then, he says, as they made their way to their rally, lines of police officers would detain them without telling them why.

Of the 1,100 seniors on his buses, Winawer says about 600 made it to their event.

When the rally was over, Winawer had to see the seniors back to their vehicles, which were all parked far away. Killmon was in the last group of people he escorted, but when they arrived, his bus had already left. So they headed toward the Holiday Inn, where Winawer was staying.

Winawer was wearing a bright orange vest and an Alliance for Retired Americans T-shirt, and had staff credentials around his neck. Yet several times, he and Killmon were turned back by police lines, and finally told to walk west along downtown Miami's railroad tracks. There were about 10 other people going the same way.

"All of a sudden, heading east is a line of police in riot gear," says Winawer. "There were at least 50 -- they had guns drawn and were yelling at people to get down."

He still sounds incredulous as he recalls it. "He's a 71-year-old man and I'm wearing my orange vest and credentials. I said, 'He's a retiree and I'm trying to help him get to his bus.' We each had three or four guns on us telling us to get down, facedown in the dirt. Ben didn't get down fast enough and he got a knee in his back."

Hands cuffed behind them, they were put on a bus and left for three hours, then driven to a parking garage where FTAA prisoners were being held in wire pens. "I've worked with livestock before, and these were like stock pens," said Killmon.

In the pen with him, says Killmon, was a steelworker named Rick who had a bad shoulder, the result of an injury he'd sustained falling off a roof. "His hands being handcuffed behind his back was extremely painful," Killmon says. "He kept asking to be released so he could bring his hands around in front of him, and they would not do it. The pain got to the point that he lost control of his bowels and urinary tract."

"He'd asked at least two dozen different officers for help," says Winawer.

After another three hours, they were taken to Miami's TGK jail, where they were processed and put in holding cells. It was after 3 a.m. before either was allowed to make phone calls. Killmon says he went at least seven hours without a sip of water.

On Friday, the charges against Killmon were dropped. Winawer was charged with disobeying a police officer. They weren't released until early evening.

Both were in handcuffs for between 11 and 12 hours. Three weeks later, Winawer's hands were still bruised and

partly numb. Killmon says he's fine as long as he doesn't try to lift his left arm higher than his shoulder.

"I believe in social justice issues, but I'm not a screaming radical," says Winawer. Since Miami, he says, "some people have asked, 'How do you feel about law enforcement?' I feel fine about law enforcement. What happened to us was not anything resembling law enforcement. I respect the job that police have to do, but I have no respect for the job that they did."

Both Winawer and Killmon are planning to join civil suits against the city.

"Ben and I are living proof that civil rights are being erased in this country," Winawer says, still sounding astonished.

While Winawer and Killmon were in prison, another confrontation was unfolding outside.

Crespo, expecting it, was there with his camera. "Just like there's a morning and an afternoon, there's always a jail solidarity, so we went to the jail," he says. With him was a local public television crew who were doing a segment on him and his work.

"The protesters had gathered at the parking lot of the state attorney's office," he says, two blocks from the jail. "They're just kids. There was nothing mean-spirited about them. Their friends are locked up and they wanted to show solidarity."

There were between 150 and 200 people there, and Brenna Bell, a 28-year-old attorney from Oregon, acted as a go-between with the police. At first, she said, the commander seemed reasonable, but within 20 minutes, he told her that everyone had to disperse.

"At that time, most everyone started leaving the area," says Bell. "I stayed behind watching to make sure that everyone left OK. I never heard the police give the order to disperse that they threatened to give, but people started walking."

Yet as people left, she says, a huge line of riot police -- as many as 300 -- followed them. Then, about three blocks from the protest, seven or eight people sat down and announced they weren't going anywhere. They were arrested, and 50 or 60 people stopped to watch. Then she and others started walking east, flanked on two sides by police.

At that point, the police finally issued an order to disperse, but at the same time, they started closing in. Video from the scene shows people chanting, "We are dispersing. We are dispersing." But the police wouldn't let them. "That's when I knew it was going to be bad," says Bell. The police rushed in, shooting pepper spray and rubber bullets. "It was utter chaos," she says. She was sprayed and shot in the back of the leg, and sent off to jail. She wasn't released until 2 a.m. on Sunday.

Still, it could have been worse: "I talked to a couple of women who were strip-searched by male officers," she says. "It's such a powerless situation."

One of those women was Ana Nogueira, a producer for the radio show "Democracy Now!" Nogueira was rounded up at the same protest as Bell. Like Celeste Fraser Delgado, she kept telling the arresting officers that she was a journalist.

One cop was hesitant, she says, but then another told him, "She's not with us." He meant she wasn't embedded.

At the jail, "When I got out of the patrol wagon, I repeated that I was a journalist and that I was wrongly arrested. I asked, 'What do I do?' The officer told me to shut the fuck up."

Her clothes reeked of pepper spray, so the police made her stand under a huge cold-water outdoor shower.

Then she was taken into a tent with one female officer and one male officer. The back of the tent was open, and other male officers could see in. "They told me to take off all my clothes and put them in a trash can, and that I was not going to get them back." She asked the male officer to leave first, but all he would do was turn around. Then, when she was naked, he turned back to face her.

"Then they put me in prison garb, and that's when I was taken and processed," she says. "I was one of the lucky ones. I know other independent videographers who didn't get their cameras back."

While stories about the FTAA protests proliferate, the Miami police are showing no signs of remorse. In their view, even peaceful protesters had it coming for cavorting with anarchists.

"Peaceful protesters in some cases made friends with the devil, knowing full well they were anarchists," says Lt. Schwartz. "If someone says, 'I came down to protest peacefully but yes, I'm aware there are anarchists in my group and I welcomed them in,' they're certainly putting themselves in an awkward position. If anarchists are starting to cause problems and throw things at cops, just because I'm a peaceful protester, but I'm standing right next to this anarchist, that I couldn't be subject to police enforcement, I think that's naive."

"You'd have to be deaf, dumb and blind not to see what was going on in the street, the confrontation between anarchists and police," he says. "If you chose to stay in the midst of that and then felt your First Amendment right was hurt, you're not being honest with yourself."

Schwartz's comments just compound Winawer's outrage. "All his statements begin with 'if,'" he says. "And I might agree with him if those things happened. But there are no ifs here. There's reality. And the reality is that I and Ben Killmon were nowhere near any other individual, period. We were arrested for doing nothing except walking where the police told us to walk in an effort to find his bus."

"I've never been in trouble with the law before, and I have no ax to grind with the police, but this was just wrong," Winawer says. "And the bombast, it adds insult to injury. It's one thing to have done it. It's another thing to put your head in the sand and deny that it ever happened."

About the writer

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