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# ACLU of Northern California Says Police's Unjustified and Unprovoked Use of Dangerous Weapons Against Demonstrators "" Will Not Be Tolerated""

Statement of Alan Schlosser, Legal Director of the ACLU of Northern  
California

## FOR IMMEDIATE RELEASE

OAKLAND, CA - The City of Oakland and its Police Department sent a message out on April 7<sup>th</sup> - that the price of participating in nonviolent protest and picketing in Oakland might include being shot and seriously injured by the police. We are here today -the plaintiffs, the ILWU, the National Lawyers Guild, the American Civil Liberties Union, the attorneys - to send a message back. Our message is that such indiscriminate and excessive use of force is illegal and unconstitutional, and that people must not be deterred by this unprecedented police overreaction from exercising vigorously their constitutional right to dissent.

The claims in this case are grounded in two important constitutional rights - the Fourth Amendment, which prohibits the police from using unreasonable and excessive force, and the First Amendment, which prevents the government from unreasonably interfering with people's rights to engage in demonstrations, picketing and other expressive activities. The pictures of Oakland police kneeling and firing at a crowd of nonviolent demonstrators were shockingly reminiscent of images from decades ago - police in Birmingham, Alabama dispersing civil rights protestors or the National Guard at the campus of Kent State using deadly force as a means of crowd control. Whether the City's

intent was to discourage future protests at the Port, or whether a bureaucratic cost-benefit analysis suggested that these weapons were an efficient and inexpensive means of crowd control, the Constitution was a victim along with the demonstrators on April 7th.

One important goal of this lawsuit is insure that such unprovoked police violence is never again inflicted on those who seek to engage in vigorous protest activities - that is why we are not only seeking damages for the 40 named plaintiffs who were injured, but are also seeking an injunction that will require Oakland to adopt policies and procedures that prevent the use of such force in connection with First Amendment activities. We are bringing this case as a class action, on behalf of a class of persons who may attend demonstrations in Oakland in the future, as we hope to dissipate the anxiety and fear that the police actions have created for anyone who might attend a demonstration in Oakland. At a time when state and national and international crises and controversies inevitably lead to demonstrations and protests in the streets, not just of Oakland, but throughout this state and country, it is important that the word go out that the unjustified and unprovoked use of such dangerous weapons against demonstrators will not be tolerated.

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