

ACLU sues police over tactics in Miami trade talks protests

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MIAMI - The American Civil Liberties Union filed three lawsuits Thursday contending that police used excessive force and arbitrarily arrested people during a demonstration in Miami to protest Western Hemisphere trade talks in 2003.

The lawsuits, which seek unspecified monetary damages, were filed on behalf of four union members who were arrested, a Massachusetts college student who was hospitalized after being struck on the head with a police baton and a reporter who spent a night in jail.

"The police used intimidation and fear to basically shut us up," said Laura Winter, 39, an administrative assistant with the United Steelworkers union in Pittsburgh. "They had complete power to suspend my rights for the sake of what they called 'security,' but in reality they were the ones causing all of the violence and problems."

Led by Miami Police Chief John Timoney, more than three dozen South Florida law enforcement agencies worked together to respond in force to protests and acts of civil disobedience during the November 2003 ministerial meetings of the Free Trade Area of the Americas. More than 300 people were arrested, most for minor infractions that were later dropped.

The lawsuits - two filed in Miami-Dade Circuit Court and one in U.S. District Court - contend that the city of Miami and Miami-Dade County police and the Broward County Sheriff's Office violated the First Amendment by interfering with people's right to protest and violated the Fourth Amendment by using excessive force.

"Police officers failed to fulfill law enforcement's two equally important duties - ensuring the safety of the community and at the same time protecting everyone's constitutional rights," said Howard Simon, ACLU of Florida executive director.

Officials with the three police departments each declined comment. A Miami police spokesman said Timoney was out of town and unavailable for comment.

The plaintiffs include Winter and three other union workers; Edward Owaki, 19, of Amherst, Mass., who spent nine days in the hospital after being struck three times with a police baton; and Celeste Fraser Delgado, 39, who was arrested and jailed overnight while covering the demonstrations for the Miami New Times.

The Free Trade Area of the Americas remains a subject of controversy throughout the hemisphere. President Bush earlier this month failed to obtain an agreement at a summit in Argentina to restart talks on the trade pact.