

Sunday, August 12, 2007

Welcome to the nation's capital. You're unlawfully arrested.

Bill of Rights. (From the public domain.) Ever since I defended some anti-globalization demonstrators in Washington, DC, in 2000, I have become more aware of repeated unconstitutional arrests, harassment, and suppression of peaceful demonstrators exercising their Constitutional right to demonstrate against globalization, war, and Bush II's coronations. The problem pre-dates 2000 and extends throughout the United States, including during presidential primary conventions. The August 2, 2007, Washington Post reports how the District of Columbia government has paid substantial taxpayer money for police shredding of the Constitution during the September 2002 anti-war and anti-globalization demonstrations. As the Washington Post reports, plaintiff "Sofiya Goldshteyn, then a George Washington University student from Ukraine, never made it to her work-study job that day. Instead, she said, she endured plastic handcuffs that were too tight, hunger, filthy water, cold concrete floors, strip-searches and fear that she would be deported." Sadly, it appears to be all too common for arrestees in the District of Columbia -- even for very petty criminal charges -- to languish in the Superior Courthouse lockup overnight, at the very least, to go before a magistrate judge the next morning or afternoon to determine pretrial release conditions. Such hearings are held Monday through Saturday; however, if such hearings still are not always held on Sundays, then people arrested Saturday night can languish in the lockup until Monday. I have been to the courthouse lockup, and it is a depressing old place, as is the D.C. jail. Like plaintiff Sofiya Goldshteyn, some of my April 2000 World Bank/IMF protest clients reported that they were kept overnight in the lockup without being fed, even though some did not have their pretrial release hearings until later the next afternoon. Everyone needs to speak out everywhere for protection of everyone's Constitutional rights, including their First Amendment rights; for fair treatment of detained people, and for the renovation and replacement of decrepit lockups, jails and prisons. As the Washington Post article confirms, even plenty of non-demonstrating bystanders were swept into the unlawful arrests that have resulted in this recent million-dollar settlement. Hopefully that is enough to convince you that unlawful arrests and detentions can happen to you and those close to you, and do not only happen to "other people". Please speak up now. Jon Katz.

Posted by Jon Katz in Constitutional Law at 01:00