



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

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Police, Penal, and Judicial Brutality—But No Outrage

by

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One year ago, I wrote an article warning about the dangers of police brutality toward nonviolent protesters and the absence of much public concern. Since then, things have gotten steadily worse. Police, jails and courts are bearing down on nonviolent protesters, and every apparent victory is a practical setback for the right to protest.

Last January, in Howell Township, NJ, while arresting forty-one nonviolent Operation Rescue protesters, officers removed identification, used pain compliance, arrested two cameramen recording the incident, dragged several protesters by their feet across pavement causing neck and back injuries, and piled protesters on each other in the police van. Later, one protester was carried by nightsticks which were twisted between the man's handcuffs and his arms. In the same month in Brookline, MA, protesters were dragged by police inside an abortion clinic, placed in tight plastic cuffs, and stacked three deep. Two were knocked unconscious. One suffered a severe neck sprain, requiring surgery on both sides of her jaw. The police withheld medical attention until the area was cleared of protesters. Last June in Los Angeles, CA, the LAPD again used nunchakus, causing one woman to have a miscarriage. Last November in Youngstown, OH, police allowed a van to run over two prone protesters.

Last July in Houston, Texas, prison guards used pain compliance and brutality to transfer three limp protesters to county jail. In a jail in Valhalla, New York, prison guards use "pain compliance" to extract fingerprints from 28 Operation Rescue protesters who refuse to reveal their identities. As many as four guards at a time assaulted prisoners both physically and verbally, causing several injuries, including a dislocated shoulder.

Rescuers in Valhalla added a new wrinkle of non-cooperation in prison. They reason that, "We do not recognize the authority of police, courts and jails to treat as criminals those whose 'crime' is saving life, but rather consider them to be engaged in a criminal enterprise to insure the slaughter of the innocents. We, therefore, refuse voluntarily to comply with criminal processing. There is no authority in any government to provide for the murder of the innocent," as a John Doe prisoner has written to me.

I believe they err in this, for it seems that the time they spend protesting, and thus extending, their incarceration could more effectively be spent on their cause. In addition, should they ever succeed in their immediate quest to ban abortion, to enforce that ban they will need the legal processes they now protest.

Nevertheless, this error, if it truly is an error, does not merit corporal punishment.

In California, over 150 protesters were sentenced in 1990 to spend from two to seven months in jail, with “No early release” stamped on their jail orders, for first offenses of trespassing. Even burglars, armed robbers, and dreaded drug offenders do not receive this kind of treatment for first offenses! In January 1991, in Santa Ana, CA, eleven protesters were given a choice. They could spend from six months in jail for a first offense to a year in jail for repeat offenders, or they could pay \$1,250 in fines, accept three years probation, sign an agreement to stay two miles away from any place where abortions are performed in California, and pay \$500 “emotional” restitution to the abortionist who was subject to their protest. Repeat offenders who took the “lenient” option still got 30 days in jail. In Pittsburgh, two protesters who refused to swear off protesting were sentenced to two years in the state pen! In Washington, DC, a federal judge ordered that anyone who donated money to operation Rescue would be liable for a \$47,000 judgment against Operation Rescue.

Meanwhile, the Armstrong-Walker Amendment was passed in December, 1989 to prohibit those communities practicing police brutality from receiving community Development Block Grants from the Department of Housing and Urban Development. HUD treats the statute as a certification provision in order to avoid enforcing the law.

The U.S. Commission on Civil Rights held a briefing on police misconduct in September 1989. The USCCR then forwarded hundreds of complaints to the Department of Justice and requested an investigation. The investigation took more than a year to complete, and the DoJ has filed no charges against any police departments or officers. It is likely that they intend to do nothing.

We appear to be witnessing the execution of a deliberate policy, the intentional infliction of pain against nonviolent protesters. I do not know how the police and the justice system came to be used to inflict pretrial punishment on protesters, but such a policy is neither appropriate nor useful for those whose primary function is to maintain public safety.

I doubt the wisdom of Operation Rescue’s tactic of going limp when they are arrested. It has the unfortunate effect of changing the focus of their protests from a confrontation with abortion clinics to a confrontation with police and courts. I would prefer to see protesters cooperating with police and walking away as each protester is arrested.

Nevertheless, nonviolent protesters should be accorded fair treatment no matter what the subject of protest. To do less is to destroy the most prized achievement of the civil rights movement—the recognition of the rights of everyone.