

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

AMNESTY INTERNATIONAL, USA, a
New York non-profit corporation,

CASE NO.

Plaintiff,

vs.

Louis Battle, individually, and Thomas Cannon,
individually,

Defendants.

COMPLAINT

The Plaintiff, Amnesty International, USA, a New York non-profit corporation, sues the Defendants, Louis Battle, individually, and Thomas Cannon, individually, for violation of its First and Fourteenth Amendment rights.

JURISDICTION AND VENUE

1. This action arises under the First and Fourteenth Amendments to the Constitution of the United States.
2. The Plaintiff brings this action under 42 U.S.C. 1983 and 42 U.S.C. 1988.
3. The Plaintiff invokes the jurisdiction of this court under 28 U.S.C. 1331 and 1343.
4. All events occurred in this district and this division.

PARTIES

5. The Plaintiff is involved in securing the release of political prisoners throughout the world. It is a recipient of the Nobel Peace Prize.
6. Louis Battle, at all pertinent times, was a major in the Miami-Dade Police Department.
7. Thomas Cannon, at all pertinent times, was a captain in the City of Miami Police

Department.

8. At all material times, the Defendants acted jointly under color of state law and violated the Plaintiff's constitutional rights guaranteed by the First and Fourteenth Amendments.

FACTS

9. The Plaintiff, through its Miami Chapter, obtained a permit from the City of Miami Police Department to conduct a demonstration on November 20, 2003 from 10:00 o'clock a.m. until 2:00 o'clock p.m. The demonstration was to be held at the Torch of Friendship on the east sidewalk area of Biscayne Boulevard between N. E. 3rd Street and N.E. 4th Street in the City of Miami, Florida. The purpose of the demonstration was to call attention to human rights. A copy of the permit is attached hereto as Exhibit "1".

10. The top level meeting of the Free Trade Area of the Americas (FTAA) was held in Miami, Florida during the week of November 17th through the 21st, 2003. The FTAA meeting was comprised of trade ministers and business leaders from thirty four countries in the Western Hemisphere who met to work out the details of a new international trade association.

11. The conference sessions, host venues, and housing for the FTAA participants were located in downtown Miami, Florida, at the InterContinental Hotel, which is located at the southern tip of Biscayne Boulevard.

12. The City of Miami anticipated that the meeting would attract protesters, representing a broad range of political perspectives, who would converge in the Downtown area of the City of Miami during the meetings.

13. The Plaintiff announced its intention to demonstrate peacefully at the Torch of Friendship on November 20, 2003.

14. The City of Miami Police Department formulated a security plan for the FTAA Conference and the anticipated demonstrations.

15. The City of Miami Police Department's security plan involved assembling and leading a multi-agency law enforcement force. The City of Miami recruited Federal, State, County, and municipal police departments from throughout South Florida to provide assistance. It drew together a multi-agency security force of forty different law enforcement agencies. Each of these municipal and county law enforcement agencies signed a contract with the City of Miami which permitted each department to exercise police powers outside its jurisdiction and within the City of Miami. The law enforcement agencies designed a plan to present a massive, omnipresent, and overwhelming show of police force and discourage people from coming to the Downtown area of Miami to demonstrate. The central premise of the policy was that by limiting lawful protest, difficulties would be minimized.

16. The Miami-Dade Police Department was a member of the multi-agency security force led by the City of Miami Police Department.

17. The security plan of the City of Miami Police Department required the various agencies to submit to a single plan with the Miami Police assuming the leadership role among the forty agencies.

18. The City of Miami Police Department assigned each of the forty agencies a specific

role or function and/or a geographic area of responsibility.

19. The Defendants are supervisory police officers who supervised police officers in the downtown area of Miami on November 20, 2003.

20. On November 19, 2003, the Defendants planned and agreed to prevent the Plaintiff's demonstration.

21. On November 20, 2003, at approximately 10:15 o'clock A.M., the Plaintiff attempted to commence its demonstration in accordance with its permit.

22. On November 20, 2003, the Defendants directed police officers whom they supervised to prevent the Plaintiff's demonstration and to permit no one to gather for the demonstration. The Defendants destroyed the Plaintiff's demonstration and its First and Fourteenth Amendment rights.

23. The Defendants knew of the Plaintiff's First and Fourteenth Amendment rights, knew that these rights were clearly established, and knew that their actions would destroy these rights. The Defendants acted with the intention of destroying the Plaintiff's First and Fourteenth Amendment rights.

WHEREFORE, the Plaintiff prays that the Court will:

- A. Grant a trial by jury.
- B. Award compensatory damages against each Defendant.
- C. Award punitive damages against each Defendant.

- D. Award the Plaintiff reasonable attorney's fees.
- E. Enter a declaratory judgment declaring that the Defendant's actions violated the Plaintiff's First and Fourteenth Amendment rights.
- F. Award the Plaintiff costs.
- G. Grant such further additional relief to the Plaintiff as the Court deems just and proper.

RICHARD K. HOULIHAN, ESQ.
300 Aragon Avenue, Suite 300
Coral Gables, Florida 33134
Tele.: 305-442-1522

JEPEWAY AND JEPEWAY, P.A.
19 West Flagler Street, Suite 407
Miami, Florida 33130
Tele.: (305)377-2356

By: Richard K. Houlihan
Richard K. Houlihan, Esq.
Florida Bar No: 238139
Cooperating Attorney for
The American Civil Liberties
Union Foundation of Florida, Inc.-
Greater Miami Chapter

By: Louis M. Jepeway, Jr.
Louis M. Jepeway, Jr.
Fla. Bar No. 113699
Cooperating Attorney for
The American Civil Liberties
Union Foundation of Florida, Inc.-
Greater Miami Chapter