

Legal Observer and Demonstrator Rights Training Transcript

[Slide 1, Know Your Rights, 00:00]



[recording begins in progress] ...community engagement for the ACLU of Wisconsin, and this evening we are sharing with you a very special online training called "Know your Rights for [sic] Legal Observers and Demonstrators' Rights." And it's gonna be a broad training and I thank all of you for your commitment to our democracy; it's very important that we learn what our rights are, especially now during a time when it is so apparent in so many cities that law enforcement is acting outside of the boundaries of law. And it's vital that we know what our rights are and how to exercise them and how to hold power accountable when it abuses.

[Slide 2, Mission and Vision; 0:41]

ACLU of Wisconsin
Mission and Vision

The ACLU of Wisconsin protects and promotes the **civil liberties** and **civil rights** of all the people of Wisconsin in a non-partisan manner.

The ACLU of Wisconsin envisions a diverse society that better understands, values, and protects civil liberties and civil rights.

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2

So we'll give you a brief overview; we'll talk about what this training is and what it isn't, and then we'll jump right down into it. As I said, my name is [REDACTED]. I've been with the ACLU of Wisconsin for almost 15 years. I've had the opportunity to — I've legal observed so many times I couldn't even begin to count it, all over the place in numerous cities and in a variety of states.

The mission of the ACLU of Wisconsin is to protect and promote the civil liberties and civil rights of all people in Wisconsin in a nonpartisan manner; our mission for this state affiliate is very similar to the missions of the other ACLU affiliates...

[Slide 3, Bill of Rights, 1:16]



... and everything we do is based on Bill of Rights and the Constitution, as well as our own state constitution, which enumerates and inhibits other rights.

[Slide 4, Legal-Type Disclaimer, 1:25]

Legal-Type Disclaimer

I'm not a lawyer.

This is info you can find in your pocket Constitution. However, this is NOT a lawyer's advice.

If you personally have a legal situation or if you have a specific legal question, let us know and we can let you know about ways you can file a legal complaint or find a litigator.

Questions are welcome, but we don't have an attorney-client privilege. Please speak hypothetically. For example, "What if..."



ACLU 4

So let's take it from the top, friends. First off, I'm not a lawyer. I am somebody who wrangles and works with lawyers. The information I'm about to share, you — you can find online, you can find in your pocket constitution, and anything I'm giving you is not lawyer's advice, so please don't base a lawsuit or a claim on the information I'm giving you. Consult an attorney. If you need an attorney, if you have a specific legal situation, or if you have a specific complaint, contact us and perhaps we can help you find a — file a legal complaint or find an attorney.

Questions are welcome throughout this; we have many friends and colleagues who are on Facebook — this is being simulcast in a variety of areas — and I encourage you to simulcast our Facebook feed on your own personal Facebook accounts and other places, and please feel free to ask questions in those areas.

What I do entice [sic] you to do as well is to ask questions hypothetically, because I have no idea who's watching. I mean, if you're following social media right now, FBI and law enforcement are asking people all sorts of questions. And

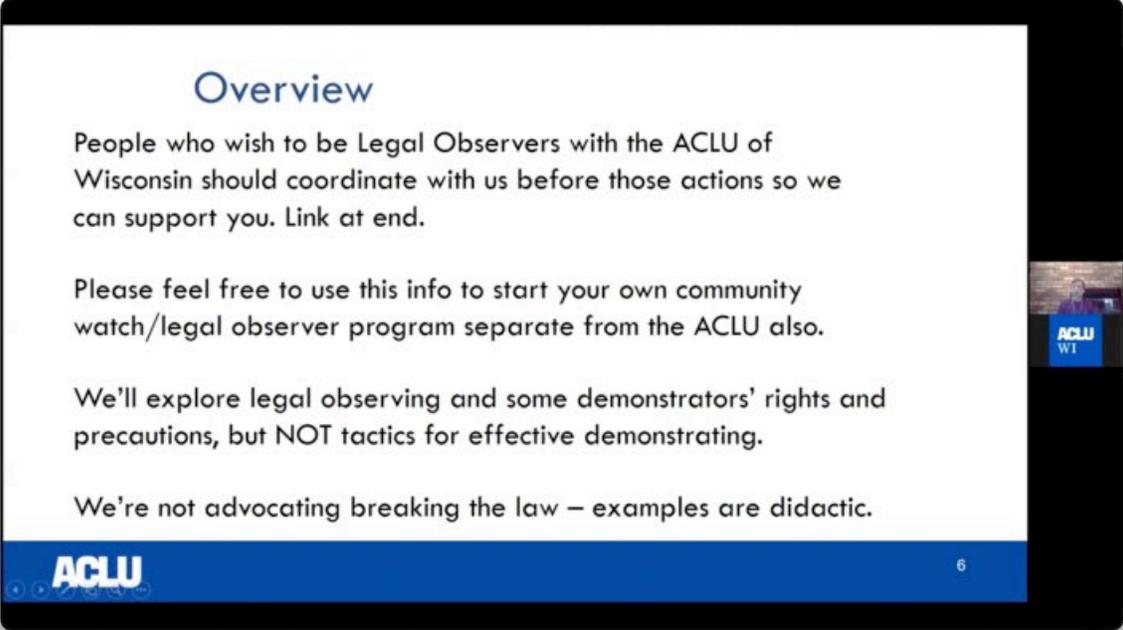
so it's important that you don't put your personal business out there. As much as it may seem that you invited this friendly Spanish guy into your living room, it's you, me, and thousands of other people. And if this is anything like our other videos, some six or seven thousand people may see this inside of five days.

[SLIDE 5: Basics, 02:47]



So let's talk about the basics. I'm gonna try to share a lot of different photos with you, so that you can see illustrations of what this is. I have revised this with my colleagues. I know that [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], and many other colleagues are on right now sharing this. They'll be fielding questions in Facebook and sharing them back with me here, so that we know. Here's a picture actually of my my friend [NAME REDACTED] legal observing the other day, and you'll see the blue vests that we wear here for the ACLU of Wisconsin.

[Slide 6: Overview 03:17]



Overview

People who wish to be Legal Observers with the ACLU of Wisconsin should coordinate with us before those actions so we can support you. Link at end.

Please feel free to use this info to start your own community watch/legal observer program separate from the ACLU also.

We'll explore legal observing and some demonstrators' rights and precautions, but NOT tactics for effective demonstrating.

We're not advocating breaking the law – examples are didactic.

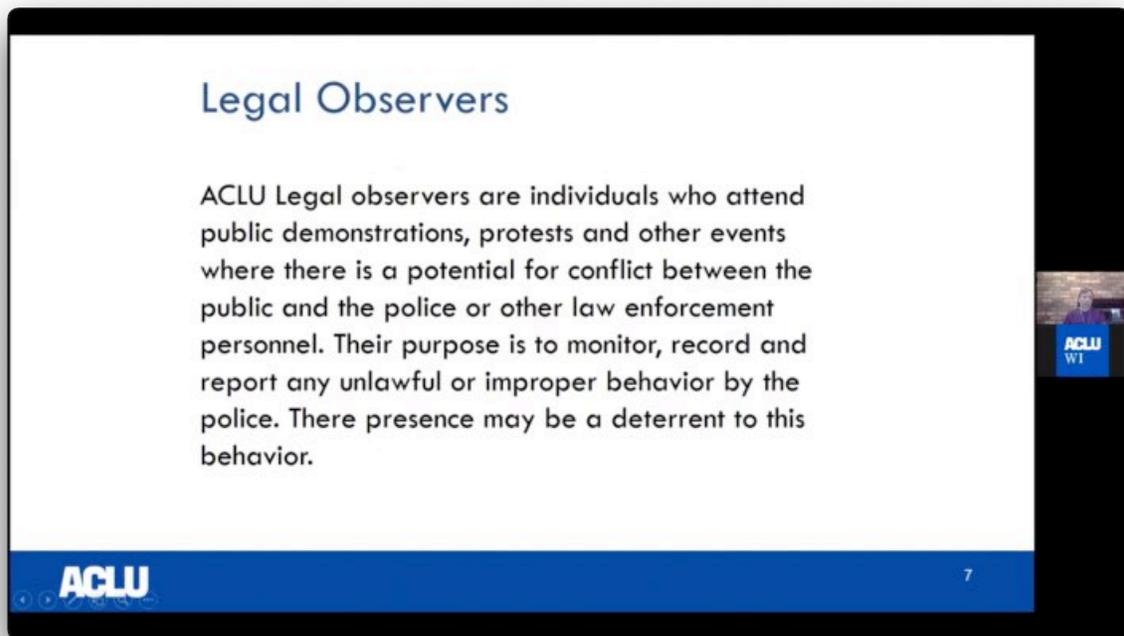
ACLU 6

For an overview, people that wish to be legal observers with the ACLU of Wisconsin need to coordinate us — need to coordinate with us before the actions so we can support you. You can't just go out and say you're a legal observer if you're involved in some stuff. It's not a magic pass. Nobody legal observing is above or exempt from the law. It just helps us to coordinate with you so that we know and are aware of where there might be a potential violation of civil rights and civil liberties and also to support you if something goes poorly.

You can feel free to use all the information I'm sharing now to also start your own community watcher or legal observer program that's separate from the ACLU, and I encourage you to do so. If you feel that your community, wherever that may be in Wisconsin, or another state or city, would benefit from having a community watch program that's a legal observer program, please feel free to do that. I'm happy to share any advice or lessons learned that I have received over the course of the years.

During this training we're going to explore legal observing and some demonstrators rights and precautions, but I'm not going to go over tactics for effective demonstrating. I leave that to you. Those are for you and other folks to determine what is most meaningful for the people you're with, the message you're trying to deliver, and how to effect change with the people who should be receiving your message. And nowhere during this training will I advocate breaking the law. Any examples I give are merely didactic. I'm lifting them up saying this happened or this has happened or this could happen, I'm not telling you to do something. Click!

[Slide 7: Legal Observers 04:50]



Legal Observers

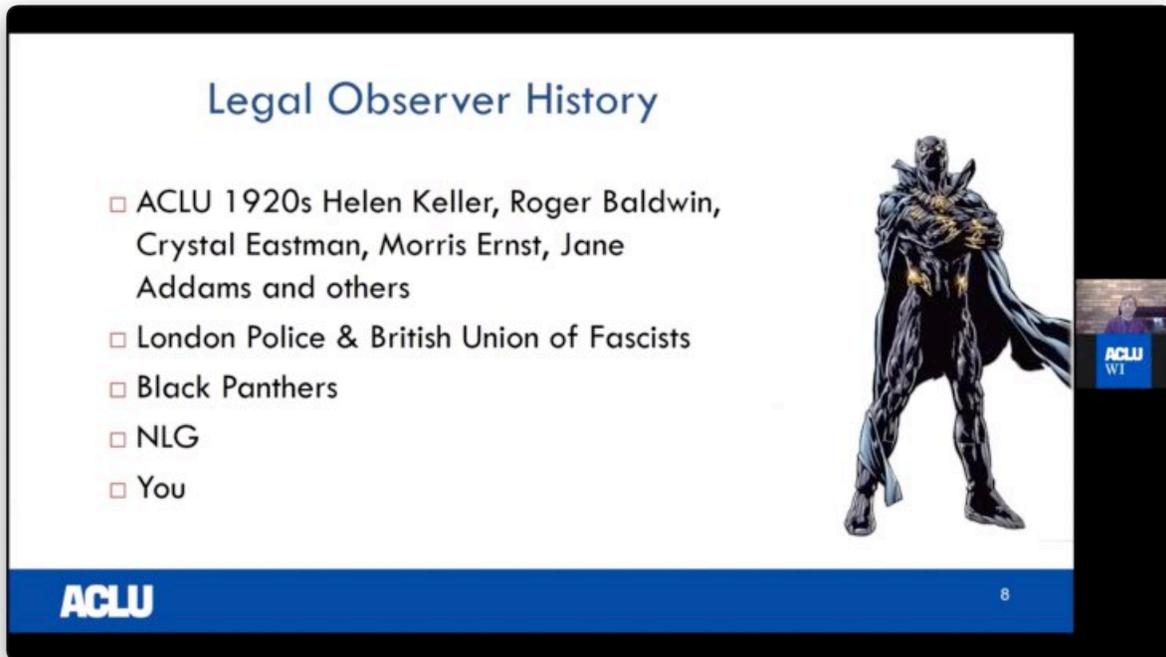
ACLU Legal observers are individuals who attend public demonstrations, protests and other events where there is a potential for conflict between the public and the police or other law enforcement personnel. Their purpose is to monitor, record and report any unlawful or improper behavior by the police. Their presence may be a deterrent to this behavior.

ACLU 7

So, legal observers: what are they? Legal observers are people who attend public demonstrations and protests or other events. They're usually members of nongovernmental organizations. And we're there to document and observe a place where we feel like there is a high potential for conflict between civilians and the police or other law enforcement personnel. Our purpose, at least through the ACLU lens, is to monitor, record, and report any unlawful or improper

behavior by law enforcement, and our very presence may be a deterrent, as we have seen in the past.

[Slide 8: Legal Observer History 05:23]



The slide features a white background with a blue header and footer. The title 'Legal Observer History' is centered at the top in blue. Below it is a bulleted list of names and organizations. To the right of the list is a full-body image of Iron Man in his suit. The bottom left corner has the 'ACLU' logo in white on a blue background, and the bottom right corner has the number '8' in white on a blue background. A small video player interface is visible on the right edge of the slide, showing a person's face and the text 'ACLU W1'.

Legal Observer History

- ACLU 1920s Helen Keller, Roger Baldwin, Crystal Eastman, Morris Ernst, Jane Addams and others
- London Police & British Union of Fascists
- Black Panthers
- NLG
- You

ACLU 8

Hopefully, you all know who this Marvel paragon of virtue is in this slide. And there's a reason why I've put the Black Panther here. Briefly, legal observers started, at least with the ACLU, in the 1920s. Some of our founders I've listed here: Helen Keller, Roger Baldwin, Crystal Eastman, Morris Ernst, Jane Addams and others were called upon as as known members of society to come and monitor demonstrations and strikes, and at that time anti-war protests and raids, when law enforcement raided plays claiming folks were, you know, anarchists with anti-us affiliations. And they would document this, and serve sometimes as attorneys for the folks, represent them, and also make sure that there was an eye monitoring people in the population who might not have had the same recourse to protection under the law.

In Europe, and in England especially, legal observers started because there was a strong relationship between the London Police and the British Union of Fascists. And so the police were not expected to behave and uphold the law, because they were cracking heads on behalf of fascists. During the 60s and early 70s, the Black Panthers also had a rich history of providing legal observers, as their own members were being framed for things or assaulted. They had their own rules; you can find famous pictures on the internet where they are actually bearing arms and reading from the Constitution aloud. And NLG, the National Lawyers Guild, our partners across the country in a lot of legal observer activities, also field their own legal observers, and they predominantly use attorneys, whereas the ACLU will use many different types of volunteers from — I mean currently, as I'm speaking to you, we have librarians, students, nuns, and ministers, rabbis, imams, ACLU staffers, all sorts of folks are out there in the field working as legal observers. It's something for us to be proud of, and I'm hoping at the end of this training you too will be a legal observer.

[Slide 9, What do they do?, 07:30]

What do they do?

- Witnesses at protests, demonstrations, strikes, counter-protests, elections
- The First Amendment
- Observe, Educate, and Document, Deter
- Impartial
- Why?



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9

So what do they do? Essentially, we're witnesses at protests, strikes, demonstrations, counter-demonstrations, and also elections — there's a very robust election protection coalition, whereby people monitor elections to make sure that those are safe, free, and easy.

I apologize, too; I'm going to be speaking quickly — you can tell from my accent, I grew up in New York City and not in Wisconsin — but we have so much to cover. And generally I do this workshop walking around. I speak a lot with my hands, and I feel slightly stifled in the Zoom atmosphere.

The photo you see on your screen is from a friend of mine, and these are the shirts we used prior to the blue vests we wear. Shirts were first come first served, so if you took a 3X and I only had an XS by the time you got there, you were in trouble. Also, in wintertime you're wearing your triple fat goose coat and I'm giving you a tiny shirt and you look like the Stay Puft Person — not good. The vests were a lot better. Those were prototyped by [NAME REDACTED], who actually hand-sewed, and our students screen-printed, them and now the rest of the ACLU across the United States follows our model.

We are there to uphold and monitor the First Amendment. We'll get into that a little later on. And we're there to observe, educate, document, and deter. Those four things. We're not there to advocate on behalf of folks. We'll talk about what we're not going to do and what we do do, but at the cornerstone of this we try to maintain impartiality so that we can document interactions between law enforcement and demonstrations.

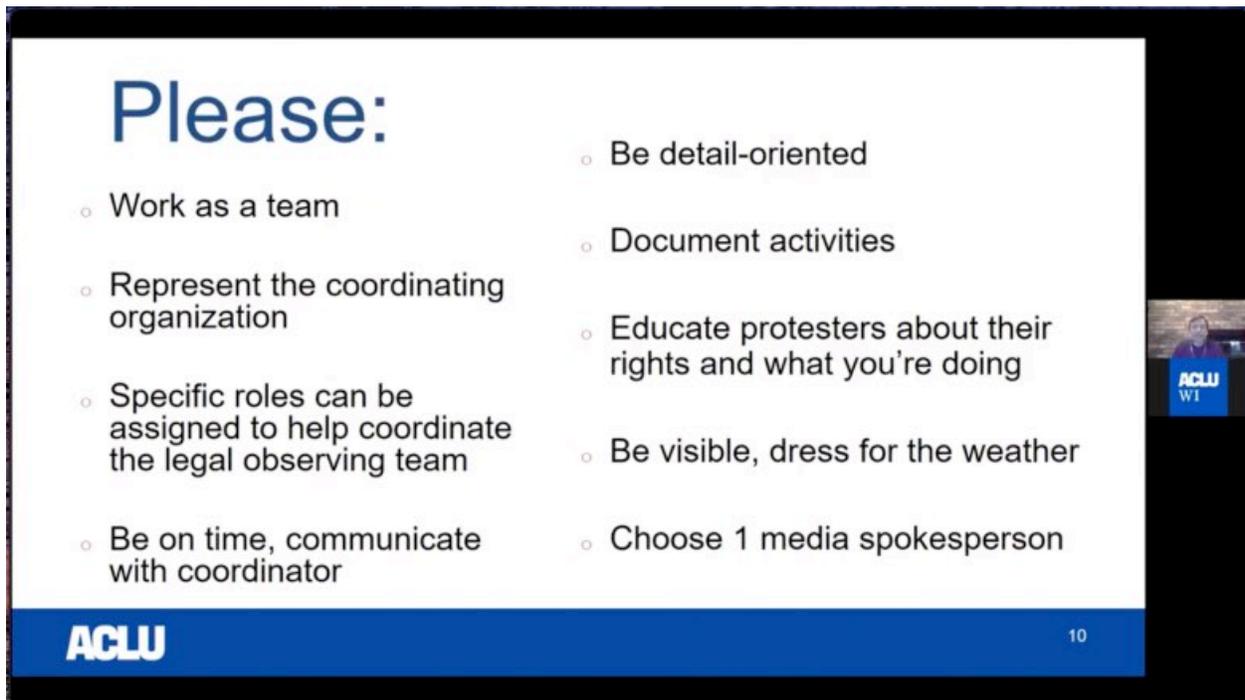
If we are — and this depends on your positioning — if you're in the middle of a demonstration and you're, you know, five foot eight in heels like I am, you're not going to see over the heads of the people in front of you. If you are in a huge crowd where things are happening, tear gas is being thrown, there's loud noise, it's very distracting, there's a lot of external stimulation, you're gonna be a horrible witness and your video footage is gonna pick up just smoke and the

back of somebody else's head. It's as annoying as when you go watch live footage of a March or protest and the person is just speaking into the livestream the whole time and you just see them and their musings and interpretation of what's going on and not the actual things themselves that are happening.

Observing means we're observing — the documenting, obviously documenting — what we do sometimes is we hand out information, so we may hand out what's popularly referred to as our bust cards, which let you know what your rights are during a law enforcement encounter, and we'll cover some of those briefly, and we may pass out nonpartisan information which instructs the public on their constitutional rights or their right, say, to engage in a demonstration. At that time we're not accepting partisan information we may be receiving from other people.

Sometimes it's weird. If you're like me, you like to hug people hello, shake hands. Hopefully you've accommodated due to COVID, but in the meantime we're also — I'm not encouraging you to not greet people in the way you do; I'm encouraging you to keep the distance, acknowledge them, and say, "I'm so sorry, I'm volunteering as a legal observer right now; I'll catch up with you later." That also means not engaging in odd debates with people who may either espouse or would be opposed to your viewpoint on any given topic. This is very important. In case you are called upon to be a witness in a subsequent lawsuit, we don't want to see you chanting on a video camera "fuck the police" while you're trying to give impartial observations of police interaction, or their lack of recognition of the rights of demonstrators. It's going to be easy to discredit you that way.

[Slide 10: Please. 11:04]



Please:

- Work as a team
- Represent the coordinating organization
- Specific roles can be assigned to help coordinate the legal observing team
- Be on time, communicate with coordinator
- Be detail-oriented
- Document activities
- Educate protesters about their rights and what you're doing
- Be visible, dress for the weather
- Choose 1 media spokesperson

ACLU 10

So what would we like you to do?

It's incredibly important that we work as a team. Folks come together. We will have a set of different instructions for each event, depending on what that is. Is that a stationary demonstration we're watching? Is it a vigil we're watching? Is it a march we're watching? It's really important that we work together as a team: we communicate who's going where, who is whose partner, who's got what resources, who's got the water, who's got that PPE to share, and to know what time we're all arriving and leaving so that we don't worry somebody's been left behind in the mess or chaos.

We are all, at the time we are legal observing, representing the coordinating organization. If you're working with me, then you're representing the ACLU of Wisconsin. You may wear many other hats, and indeed most of us do, but at the time of that demonstration we're not doing that.

So we're not going to give interviews about what we think we see during that time. We're gonna have probably one or two media spokespersons during the event who will share our statement as to what we're doing and why. At the time, otherwise, we just say, "Hi, my name is so-and-so, I'm a nonpartisan legal observer volunteering with the ACLU of Wisconsin." And if people keep pressing you for more questions, meaning the media, you say, "Hold on a second, I'm gonna go get [NAME REDACTED]" — or [NAME REDACTED], or [NAME REDACTED], or [NAME REDACTED], or [NAME REDACTED], or whomever else is there — "and they're gonna come and answer some questions."

Specific roles are assigned to different people. Sometimes we have folks who may have a mobility concern and they can't walk for a five hour march, but what they can do is they may be able to drop off a car, or sit with the car, or have water waiting for us at the end of a march, or be able to monitor our conversations or data on social media, which is important too.

Being on time and communicating with the coordinator is essential. If you have to leave early to to get involved in life, like you do — as I indicated before, I have children, I have pets, a lot of folks have a lot of different things going on. "Oh my gosh, babysitter bailed on me, my kid just burned themselves, whatever happened — I have to go home now!" Just tell the people in your team, so we don't worry that you've been snatched up there or lost or fell down a manhole, and we can look for you later.

When we record, we want people to be detail-oriented, and we'll talk about this a little later on and how we record, and that includes how we document activities that we see. We want to educate protesters about who we are and what we're doing. We don't want to look like some sort of creepy militant group that's come from out of town to just observe some stuff. People may not speak English, and when they see an ACLU legal observer, they don't know what that is, they want to know why all these people are wearing blue vests. "Are you, you know, the UN? Is this like — was there a chemical spill? Who are you?"

We just say the same thing: we're nonpartisan legal observers volunteering with the ACLU to monitor the interactions of demonstrators with law enforcement. And you want to be visible and dressed for the weather. We wear our incredibly sexy blue vests so that people can see us apart from other folks. We've experimented with other colors, but those same wonderful high visibility yellow vests we get at Home Depot — every parade marshal and construction worker from Superior to Kenosha is also dressed in the same garb and so it gets a little confusing. So we've selected this so that we're visible. You'll see National Lawyers Guild, for example, wearing their incredibly bright safety green hats, you know, snapback with a fishnet trucker style, very chic. And that's their thing. So everybody's got their things, you can identify the different pieces on the chessboard.

And of course we choose one media spokesperson. ACLU does separate workshops on how to speak to media, and we're happy if you're interested in that. Follow up with us afterwards, and we'll tell you when we have the next one of those.

[Slide 11, Don'ts, 14:45]

Don'ts

- Negotiate
- Be the "Royal Advisor"
- Public urination
- Verbal or physical violence
- Destroy property
- Bring drugs, alcohol, or weapons
- Break your impartiality



ACLU 11

Don't: legal observer don'ts. And I put here the icon of doing everything wrong, Peter Griffin, standing by the no loitering sign.

Legal observers are not there to negotiate. We're not there to negotiate between demonstrators and law enforcement. We're not there to broker peace. We're not there to advise legal obs— other demonstrators on how to make more creative signs, or how to have a better chant which is in iambic pentameter, or to chant for justice in haiku fashion. Those are all things you can do before or after the demonstration, when you're on your own time. We're not there to advise people. We're not there to advise law enforcement on how to, um, subdue any potential flashpoint, or, you know, who do we think are troublemakers. That's not what our role is. There, we're monitors.

Please don't pee in public. Sounds like a no-brainer, right? Speaking as a guy, that's not always so clear with guys. Folks are always peeing when they have a quiet moment by a tree or a dumpster. If any of you have children, you know

that this is a common activity. As somebody who was a teacher and worked for the Boys & Girls Clubs, folks are always trying to pee in public because they can't make it from point A to point B. Control yourself or ask a local business if they're open. I have not yet had a problem with a business not allowing me to go inside and use their facilities briefly.

We do not engage in verbal or physical violence during the demonstration. You know in the comfort of our homes sitting on our laptops and computers or phones, it may seem like this is an easy thing to do, but it's not always in a high-stress situation. I mean, if you think about law enforcement, you take a look at all the video that is circulating recently — and I'll share some of those photos in little while — here are people, men and women, who've been trained for hours on de-escalation tactics and how not to, you know, to get engaged, who get goaded into things and it's almost like they can't help it. In seconds there's like fistfights, smack, and people getting hurt, and we don't want that to happen. We don't want you to get into a shouting match with the Westboro Baptist people because they're saying some ridiculous crap. We don't want you to get into physical altercation with counter protesters who are protesting against other demonstrators. These are all things that come up, and people can easily say things, as they have to me, which hurt your feelings. Like, you know, [redneck voice] 'I heard I should hate the ACLU, they're a bunch of you know atheists and communists, lead united bla, bla, bla,' — it doesn't matter. Too bad you feel that way. Just ignore it.

Don't destroy property. Don't break stuff. Don't smash stuff. Some of it may seem like a no-brainer, but you may want to rip off that bank pen to write because you need somebody's contact information where people are busy writing the phone numbers of lawyers down on their skin. But if I don't like the fact that you're there, and I'm a law enforcement officer, and it's irritating me that you're video-recording me, and annoy me, and I see you run into a bank and snatch your pen, hey! This guy — how's the press gonna spin that? ACLU legal observer robs bank, right? And I have to read three columns in in another

Gannett publication to find out 'oh yeah, they took a pen — it probably didn't work — off one of those janky chains that banks are notorious for.' Don't destroy property. Don't rip an old concert poster off to write stuff. None of that.

Don't bring drugs, alcohol, or weapons. I don't care what you do in your free time. I don't care what you have the right to do or what you feel you have the right to do while we're legal observing. Many people have different comfort levels with other— with many different issues. And we just don't bring drugs alcohol weapons.

If you have a prescription for some sort of prescription medication you need, that's great, then of course bring that, you need that. But don't — you know, you'll see people get arrested or detained during demonstrations all over the place, and frequently they'll be let go. This happened at at UWM a few years ago when 16 students, the ACLU felt, were unlawfully detained. And the only folks that got tickets that carried water were the two people that had weed, and one had weed and some like super lengthy pocketknife. So avoid problems, and leave that stuff at home, and try not to break your impartiality. I feel like we talked about that enough.

[Slide 12, Documenting, 19:02]

Documenting

We must objectively and independently describe events. Our job is to document police violence, misbehavior, compile reports, and serve as witnesses if needed.



ACLU

12

Documenting! There is the image for the National Lawyers Guild — you can get that bib for your baby and say your baby's an attorney work product.

I believe we talked about this, but sometimes your documentation and your video — and I love video, you want to contemporaneously record as much as possible — may serve as evidence in a potential lawsuit.

How to Document

- ❑ Notepad, plastic bags, ball point pen, Sharpie©
- ❑ Smart Phone = contemporaneous reporting
- ❑ Time stamp
- ❑ List of media/attorney contacts
- ❑ Record to Server, livestream or post
- ❑ Share footage afterwards
- ❑ Social media postings/hashtags
- ❑ Use Signal, Telegram, etc..



So: how to document. And here's the beginning of some of our juicy pictures. So one of our legal observers — ... I want to say thank you to the many legal observers and volunteers over the past few days that have given me permission to use their photos. A lot of people have requested to remain anonymous, especially as it seems that there are more and more reports of Milwaukee Police Department and Madison Police Department parking in front of people's homes, FBI paying visits to folks — FBI for example visited [NAME REDACTED] today, he was very open about that; the county supervisor who was detained the other day by the police. So thank you in advance and here is a photo.

So how to document: these are some things you might want to bring. You want to bring a notepad in case your battery runs dead, an extra battery pack, you want to bring a plastic bag in case it's raining — you know how hard it is to type on a screen sometimes when it's raining, so if you can keep your thing, your smartphone and plastic bag, duck into the corner if you want to put some text there. Ballpoint pens are great because they — thanks for raising your hand,

my friend; [NAME REDACTED] and the other folks are gonna handle all those questions, and we'll get to questions at the end, there'll be at least half an hour for questions at the end of the training, promise. A lot of folks are raising their hands, so maybe [NAME REDACTED] will field those questions.

Sharpie markers are great too, because a Sharpie marker — you can write on your skin if you don't have paper nearby and that's not going to run off. Sometimes people are worried they're gonna be detained by law enforcement so they write the phone number of the attorney that they want to call. Remember, if you are arrested then your conversation with your attorney may not be listened to by law enforcement. But if you're calling Joe Schmo or your buddy or your friend who watched a lot of CSI and might know some stuff, law enforcement can invariably listen in to that. So if you want to bring a phone number, bring that phone number and and lock into that.

Let's see what some of these questions are real quick. I'm going to pause.

I don't hear clicking sound in the background, URLs will be shared —

[WOMAN'S VOICE] “[NAME REDACTED], you don't need to worry about any questions at this time.”

Okay, I wasn't sure. Thank you.

You want to make sure that your phone has the correct time. Most of you can sync to a satellite, but if you're looking at video footage you want to make sure that there is something that says the date and the time — that's really important, especially if we're trying to sync different video angles of an incident at the same time. Now it's so much easier than 15 years ago to get to capture video of a circumstance occurring because so many people have video. You can see it. So in case the police officer or sheriff or deputy or a state trooper or somebody moves their horse or their body to block a situation, folks on other sides can still capture

that situation so that the public can provide accountability because there is increased transparency of the action.

A list of media and attorney contacts — that's generally for for the coordinator for the legal observer activities, but certainly somebody coordinating a demonstration would want to consider that ahead of time. You may wish to record to a server so that if your phone is confiscated the video is still recorded somewhere, or you may wish to livestream on Facebook or Instagram somewhere, that's great.

You may want to not necessarily capture the facial images of folks because that could also be evidence against them if they do something. Or maybe they've taken off from work because they know their boss is hostile to them participating in the Black Lives Matter action because their boss is a racist, and you don't want to get them fired either lawfully or — I mean unlawfully fired because they've been captured on that video and you've accidentally posted it to the public where their boss can see this and then be a jerk.

Live stream and post, that's very important too. You know what sucks? Snapchat video, like these ten-second videos and people have filters. Nobody wants to see like five and ten second increments of people with like kitty filters over their face, because you can't tell what's going on and it ends too quickly for anybody to see anything meaningfully.

You want to have a video that covers as much as you can of a circumstance to the aftermath of the circumstance. I understand that you may turn off your livestream because you're running out of space, you may turn off your recorder because your phone's overheating or you don't have a lot of juice in it, an event may pop and then you may turn it on. It's okay that you missed the beginning of that. Run over and try to video record a little more, and then get the information of people that saw or video recorded.

This is the pro tip dating tactic my friends: don't give somebody your card and tell them to call you ask them for their number and information so that you can follow up with them later. They may still — 'cause they may change their mind, right? Like, they may really want to share the information or the video that they have, and then they speak to their their friend's uncle's niece's buddy that works on the car who heard a story about how the cops are gonna track them down for being a smart mouth and snitch on them, and hurt them, and they they don't ever share that information. And that's what consistently hampers our democracy, is because people don't get engaged in the long term process that is our democracy, or are frightened from volunteering, or don't know how to act on democracy, or are threatened or intimidated or potentially retarded from practicing in our democracy, and one of the whole reasons we're having these demonstrations is because we're lacking transparency. Law enforcement in many parts of the United States have exhibited untoward racist violence against black and melanated peoples and indigenous peoples in the country and now folks have just had enough and have taken to the streets. People should figure out how to work this into a functioning active process afterwards. Being bold and brave is a part of it.

Share footage later on, talk about it with the team so that we can go over and debrief on what we felt was important to share or not, and then we consolidate all of that. We talked about social media postings and hashtags; we don't want to share things that are shaming folks or share things that are potentially gonna get somebody in trouble for no good reason, and also we want to use the hashtags of the event so that folks chronologically or chronicling or following the stream are using that same thing. If the hashtag is offensive or you're legal observing some sort of you know like the Westboro Baptist Church or some white supremacist group comes here and you're monitoring law enforcement activities with them or you're monitoring the counter demonstration at the same time, I would not adopt or use the hateful harmful hashtags that they're using and think of something else.

We also use, and here's the first of several important teachable moments, Signal or Telegram. You want to use always an encrypted end-to-end communication service with your friends or family. Why is that? Because the Milwaukee Police Department uses a device called a Stingray, which is technically an IMSI catchment device which allows them to read and record your text messages and your phone calls. If you google Milwaukee Police Department Stingray, you'll see that the BBC first opened that article where Milwaukee Police Department had used it close to 500 times before the judge even knew that they were writing warrants giving them permission to use a stingray, because the feds as well as the private contractors who sold them this gave them all of these non-disclosure agreements to sign, gave them pre-written boilerplates, to hide the fact that they were using Stingrays. But Stingrays, at least the kind they have here, can pick up communications within a mile and a half radius. So if we have almost 600,000 people in Milwaukee, and I take the stingray and I'm using it in a very concentrated area of Milwaukee, think of the tens of thousands of cell phones I can pick up in that radius. They may say that they don't — they're not recording it. I'm not necessarily gonna take them on their word at that. But if you use a Signal or Telegram we're allowed to have end-to-end encrypted phone conversations. Also know that these types of devices have been used by foreign governments like Turkey, Great Britain, North Korea, Israel, Ukraine, Russia, China, to punish demonstrators. So they may not necessarily have a physical crackdown during the demonstration, but they can use a device like a Stingray to find out who all is there and then show up later to ticket or punish them, or surveil them later.

You probably, if you've read know that the federal government just gave the DEA and ICE permission to monitor these these demonstrations that are happening as a result of the murder of another unarmed black man by our law enforcement. And so now you've got — I mean, we just heard that Eau Claire was listed just today as some sort of like high drug traffic hub, and I suspect that's so that the DEA can now go begin monitoring law enforcement in that area. Also the feds certainly have stingrays and catchment devices, but this is

another training I'm not going to get into. If you legal observe with us, or if you legal observe with your own group, use encrypted end-to-end technology, such as Firechat, Telegram, Signal. Listen, if they outlaw it in Russia and Turkey [GARBLED].

[SLIDE 14: Day of Action 29:05]

DAY OF THE ACTION

- Check the weather, dress for it
- Use L.O. vests, shirts, badges, caps, etc.
- Comfy shoes for walking, standing
- Meet up in the pre-specified location
- Enter team #'s into your **locked & encrypted** phone
- Install apps
- Be on time
- Get instructions and expectations
- Get materials to distribute
- Water or other needs

Turn off TouchID & facial recognition

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14

Day of action! Turn off your facial and thumb IDs on your phones. They are crap. Law enforcement will put your hand on it or hold it up to your face. I'm just saying, lots of folks have been zip-tied and their phone is held up and now everything can be read. I'm glad it's convenient when you're trying to text messages as you drive. Don't text messages as you drive. Please don't make phone calls while you're driving. Be very safe. I value my life and the lives of my friends. I value your life.

You turn this off and use an alphanumeric passcode. What does that mean? It means something like, you know, pick a date that has significance to you and some letters, or a word that has significance to you, six digits at a minimum.

Might be a bit of a pain in the ass to open, but you'll be happy when it's a pain in the ass to open and somebody else hasn't gotten it and realized how easy it is and stolen your Google Play account and your iTunes money and your Amazon accounts or downloaded all of your information.

Also, if your phone laptop or computer is not encrypted, unless it's a newer Apple, anyone can read that stuff. I can go over to your laptop and unplug your SATA or ESATA drive and read that as an external drive for my laptop. How great is that? So all those private photos you have of bae and your emails and your private information — I don't even get to this, I don't even get to the screen where it asked me if your password, but just read it as an external drive. If you don't want people doing that stuff, you want to encrypt your phones, encrypt the SD card, and encrypt your laptop. The instructions are online, it's easy enough to Google. Take a look on how to do it your specific phone, and if you have an Android it's usually under system settings security. Make sure your phone is charged enough.

Day of the action, you want to dress for the weather. Wisconsin's got some very disturbing weather. Sometimes it's 90 degrees, sometimes it's 40 degrees. Take a look ahead as best you can and dress comfy. Dress in layers you can take off, layers to accommodate for the heat. Well, you see the photo — here is an old photo, this is my dear friend [NAME REDACTED] who's the executive director of [ORGANIZATION REDACTED] here in Milwaukee, back when she was probably a freshman or a sophomore in college helping us all legal observe outside of the district here in Milwaukee.

We're gonna use whatever vests we're using to legal observe. You want to wear sneakers or comfy shoes that you can put some miles on, because you don't know. Demonstrations change a lot, sometimes it's supposed to be stationary and then the next thing you know you've marched five miles. We want to meet up in a pre-specified location; sometimes we'll drop cars off at different intervals. We've been using cars a lot more due to COVID so that we can practice social

distancing and not expose ourselves unnecessarily to the transmission of this potentially fatal virus.

We want to enter our team's phone numbers into our locked and encrypted phone — see what I did there? — so that we can call them quickly back and forth. Telegram allows us to contemporaneously share information, especially photos and video, with everybody there at the same time, so if we spread out at different points during a march, or we're in different areas at a stationary demonstration, we can all see what you're seeing at the same time and help you to decipher or process what you're seeing. We'll get there to support you if you're feeling frightened or threatened or want some additional support, or just want some company because it's getting a little hairy and there's a bunch of assholes chanting something mean near you and you feel threatened. That could happen.

You want to install the apps ahead of time. There's nothing worse than having folks who have been told 50 times to install Signal and Telegram, and then they come to some bizarre beach in Racine to help legal observe and they don't have reception. Or they're in a dead zone like Madison. Our state capital is a horrible horrible place for internet receptivity, you can't even make phone calls very well there. That's why I like Signal so much; it's very robust. It can take you out into communications way out into the lake, which is nice. You want to make sure your apps are installed ahead of time. You want to show up on time so that we don't have to wait for you, because we will leave you. And you want to get instructions and expectations for the day that time. They may change, and folks communicating on Signal, some of whom will be remote, may add new information based on some things we're observing, but still it's very dynamic.

And if we're distributing materials — we're not now because of COVID but if we were — like normally, Juneteenth is coming up; it's one of my favorite holidays. Commemorating the end of slavery in the United States. It's a great day to celebrate all the many incredible and robust contributions our black brothers and sisters have given to the United States since then. It's also one of my favorite

eating holidays; I eat up and down Reverend Dr. Martin Luther King Jr. Boulevard. It's great. I usually fast the day before so I can do that. And we distribute tons of "know your rights during law enforcement encounter" cards. Sometimes we do it in the fun way, like we ride these funky blinged out tricycles, and other times we just have a table. And make sure you're bringing water or other needs. And in this instance, now we're going to talk about specific COVID prep. That would be your own bottled water as well as, if you want, gloves, but definitely face masks.

[Slide 15, During the Action, 34:17]

DURING THE ACTION

- Teamwork, location
- Take notes, video, and stills
- Pass out KYR cards
- Give team periodic location and updates
- Law enforcement should not confiscate camera, notes, etc. May not destroy.
- Drink water/ Hydrate often
- Be objective:
 - while interacting with police
 - while educating protesters
- Social media, Tweet using action's #hashtags or @'s



ACLU 15

So let's take a look at during the action. Look at these grinning faces here. Here are some of our beloved legal observers. It was cold and we happen to get some really cool ACLU hats to share. If you don't have one, aw, you missed out, man; you gotta volunteer with us. Now, teamwork and location are key. We leave no one behind; everybody works in a pair. I try to have veteran legal observers partnered off with newbies. I try to have people who have older technology partnered off with newer technology. I try to have people who, if we're observing

a demonstration where there are many people who speak a different language, I'll try to have people that speak that language partnered off with people that don't speak that language.

You want to take notes, videos, and stills. Pass out the know your rights cards. We give periodic team locations and updates. It might be like, "I don't see anything," or "Front of the march is on Locust and Fourth Street," and somebody responds, "back of the march is at such-and-such and so forth street." That's really important, because it lets us know how many folks are there as we try to do a crowd estimate. And crowd estimates vary; sometimes you want to — you may be crap at telling how many people are in a room. That's not a problem. We just won't rely on you for the crowd estimates. There's many different ways to do it. When I was a summer camp director I could feel a hundred and fifty five children, I knew one hundred and fifty, I knew if there were a hundred and fifty four children. I could feel it genetically, and my heart would stop for a second. Sometimes you want to count the number of humans passing based on how many you estimate, so I would get an approximate. If I was X feet from a stationary demonstration, I would count how many human heads fit on my thumb and I would keep counting my thumb spaces. So if I knew I had about 25 humans, and I'd count ba-ba-ba-ba 200 humans in that space. It's an approximation. Sometimes I'll ask law enforcement how many humans they approximate in that space.

Law enforcement should not confiscate any camera or notes from you. They may not destroy these things. It's bad. Tell us if they do. Like, why are they trying to open people's phones by holding up to the face or fingers or asking for the passcode? That's really shady, they shouldn't do that, they need a warrant. So tell us when you see that stuff happening.

Drink water and hydrate often, especially now. Like, it's only warm for the first time in too long. I am a Sun worshipper. I love the heat. But, um, you need to hydrate. you need to hydrate in the winter. You're walking, you're perspiring —

you may not realize it because your face is cold, but the rest of your body is in eight hundred CHRISTMAS STORY layers of stuff. Make sure that you are drinking water so you don't faint, so that you don't feel dizzy, so that you're alert.

Be objective while interacting with the police. Don't — if you are contemporaneously reporting, be respectful. Because we need you to be level-headed, and by being respectful it encourages the process of being level-headed. So you're looking at it, you say there are — as much as you can given that you're like me, cortisol comes and adrenaline comes quickly — you say there are approximately three sheriff's deputies over here, there are about 25, I believe, the Milwaukee Police Department folks over here, and some of them I see you're wearing a badge that says MIRT, M-I-R-T, I don't know what that means but it's got these lightning bolts and they're wearing this armor stuff." Say that, because it's more useful. Don't say, "oh my god the fuckin' pigs and the goddamn activists and the hippies and bla bla bla!" That does nobody any good, and gets you worked up. Please try to, like you're a sportscaster, describe what you're seeing so that we can follow that. Or you're like — I can't remember the British guy who narrates all of those penguin videos, but you can be him. And then use the social media and hashtags that we discussed before.

Let's see, next slide.

Guidelines for Legal Observing During COVID

If there are any high risk factors for COVID exposure that apply to you, please don't feel like you must observe. **It is especially ok to sit this one out:**

- a. If you, anyone in your household or that you have had contact with in the past two weeks has displayed any COVID symptoms (fever, tiredness, dry cough, aches and pains, runny nose, sore throat, nasal congestion, diarrhea).
- b. If you or anyone in your household is 65 or older.
- c. If you or anyone in your household has any underlying health issues, past or present, that may increase risk of COVID: asthma, COPD, diabetes, cardiovascular conditions, or immunocompromised health considerations.

All right, we're gonna race through some guidelines for legal observing during COVID. Here's when you sit this out: if you or anybody in your house has had contact with somebody that's displayed COVID symptoms, such as fever, tiredness, dry cough, aches, pains, runny nose, sore throat, nasal congestion, diarrhea — I know, I sound like the warning label on medicine — don't get us sick and don't aggravate your condition. Stay home. We have so many legal observers trained across the state. We'll find somebody. If you or anyone in your house is 65 or older, you're fitting into a very dangerous bracket for exposure to COVID. Maybe you want to legal observe from a car, if that works for you, and that's fine. And we always do that with two people we have the driver, and we have the person documenting and recording. You won't be paired up with a stranger for that. If you two folks are living together — your roommates, your family, whatever you are, I don't care — then you guys can be partnered. But I'm not taking stranger one and stranger two and sticking you in a COVID incubator, especially if you're in a high-risk category and if you or anyone your household has underlying health issues past or present that may

increase the risk of COVID. You got COPD, you have asthma, diabetes, you know, multiple sclerosis, some immunocompromised health consideration of any sort, please, I appreciate that you want to help us. Monitor social media and share links with us instead. Please don't jeopardize yourself for this.

[Slide 17, Extra Covid Related Gear to Bring, 39:34]

Extra Covid Related Gear to Bring:

Disposable exam gloves (we have some if you don't).

Hand sanitizer or soap and water (carry some with you during your shift and wash up right away whenever you touch anything during your shift that you didn't bring with you).

Face mask.

Layer of removable exterior clothing + a plastic bag: please wear a layer of exterior clothing that you can remove after the action and put in the plastic bag before you re-enter your household or another public place.



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17

Extra COVID gear to bring: here is a picture of my buddy Sean rocking the COVID gear. He's got his face mask on and he's in a car. It doesn't get any — he's got his ACLU vest — this is a fresh photo, new, crispy. Very few people have seen this. Disposable exam gloves: you may want those; you may be talking to somebody, maybe outside, on foot, on a bicycle. Some stuff may be popping and you want to wear those.

One of my cats has come over to watch. My dogs are locked up upstairs; this guy has broken free. I don't know where his buddy is.

Hand sanitizer or soap. When I'm out in public. I always make sure I have a pocket hand sanitizer. Carry something with you during your legal observer shift. If you touch anything that you didn't bring, carry that with you too.

[Holds up cat] I gotta hold him, or he's gonna play on the keyboard. Say hello to [CAT'S NAME REDACTED].

Facemask: I don't want you legal observing if you don't have a face mask. It's that simple. You can believe whatever you want, that's great. If I'm wearing a face mask and you're wearing a face mask, we have minimised our ability to infect one another. I'm gonna feel like a cad if you don't have a face mask.

Because you tell me, "Oh, I'm gonna stay 20 feet away from everybody." And then law enforcement shoot some flash bangs, everybody comes running by you, and they're touching you and coughing on you, or you get swept up and detained and you put in the pen. I mean, it's another one of the reasons why we keep advocating for law enforcement to practice de-escalation and stop on bringing people to holding pens to ticket them, because now all these folks are quarantining themselves separate from their family because they've been crammed in a van for a few hours while MPD drives them to district 2 or district 3, thrown in a holding pen with all sorts of folks who have all sorts of who knows what cooties going on because of COVID, and then exposed to officers that you see who are not wearing PPE. I mean, look at Chief Morales. This photo op today, he's not wearing PPE. All these folks are walking around. I don't want to bring this home to my children. I don't want to infect the people I care about. I may not have any of these symptoms, but God knows I know tons of folks who do and I personally know for people who I cared about who have died from COVID. It is completely unacceptable for us to endanger other demonstrators or other people with this. And if you feel healthy, great; I don't want you endangering other folks.

Layer of removable exterior clothing and plastic bag. Depending on how your experience is, you may want to bring extra clothes that you change. I like to wear a hoodie and loose pants over some other gear when I'm in public, so that when I come home I can take off my hoodie and crap and throw it in the washing machine so that I don't expose the people I care about who have different things that would make COVID far more worse for them.

To that possibility: if you don't have that, I don't know — cover yourself with Lysol, do whatever is best for you and other folks, but please don't spend the whole day in demonstration, people, and then go to Cermak [a Wisconsin supermarket chain] and be in close quarters with other folks who are touching grapes.

[Slide 18, Social Distancing, 42:26]

Social Distancing

Stay at least 6 feet away from other people unless you it's impossible to avoid it. That includes demonstrators, law enforcement and bystanders.

Ask for consent before approaching to speak.

With consent, approach slightly to the side. Stay 6 feet away if possible. If you have to move closer, asking for additional consent.

If you need to be closer than 6 feet away for private communication, move to the person's side and speak towards the person's ear, not to their face.

Speak as briefly as possible. Confirm they heard you and step back to 6 feet away.

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18

Social distancing: you know these basics. Stay six feet away from everybody — demonstrators, law enforcement, everybody. Ask for consent if approaching to speak. I think that that's a very respectful thing now. And I'm not saying this is easy — I'm a big hugger; I have no personal space. I was raised that it's rude not to touch. You'll be near somebody when you're communicating with them. But you want to make these modifications.

Try to stay side to side people so that you're not spraying on them if you don't have a mask — or spraying through them, or maybe they're spraying on you — and speak and try to make it as quick, clear as possible, and then step back. Maybe they're exchanging the phone number; you want to get closer, because they don't want to shout that shit out. That's fine.

Covid and Communications with LEOs

Only get closer than 6 feet if you must. Try not to get face to face.

If law enforcement gives any order or request for people participating in the action (or LEOs) to disperse, question law enforcement (from a distance) about the legal justification for the order or request. Get names, badge numbers, car numbers, and any specific statutes or other provisions cited by the officers. [Video](#)

Stay six feet away from all officers unless it's impossible to observe an encounter otherwise.

Document if law enforcement is equipped with its own personal protective equipment and what it is (mask, face shield, gloves, moustache, etc.).

Covid and communication with law enforcement. try not to take a —same thing, don't get too close. Here's an important rule: if law enforcement is in the middle of arresting somebody, and you're recording this stuff, and they tell you to back up? Say, "Officer, I'm backing up, but I am a legal observer with the ACLU, and I'm recording this; I'm not involved." Now, they can tell you to back up, to, you know, to move out of their sphere of influence, so they don't feel threatened by you. I mean, if everybody's shouting offensive stuff at them and throwing crap at them and you're right behind their back, you understand it's fight or flight, they're gonna feel a little threatened. That's completely normal. If they tell you to back up, they anticipate you're gonna back up what they call the lunge distance, which is supposed to be about 16 to 22 feet. Now that seems wild, right? Like, you have to be the Black Panther to jump 22 feet or Spider-Man or somebody, but back up that far. If they keep pushing you back or trying to tell you to go back because they don't want you to video record this stuff, or maybe they're comfortable with you not going that far back, um, you know, keep documenting, back up, and try to get the names, the badge numbers, the car numbers.

If you ask why they're detaining that person, you can ask in a loud voice if that person has anybody you want them to contact. Since you're recording it, that may help you. Like, "Hey, is there somebody you want me to call? You want me to call your attorney? Your mom? Is there a number you want me to call? Do you have a first name? Ask for that stuff. And remember, video is priceless. Switch to video as soon as you can. And then also document if law enforcement is using their own PPE. You know, do they have a regulation PPE mustache? I have no idea what they're using or what passes for PPE. Judging from what I've seen the past few days, not so much.

[Slide 20, Location, Location, Location!, 44:54]

Location, Location, Location!



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20

Let's take a look at location, location, location. I'm going to talk to you about where you stand during a demonstration, but I'm going to pause for this dramatic sip first while you observe this photo. [sips water] I'm glad I'm not standing now, since I poured water in my lap. It would be embarrassing.

So here you see two of our fantastic legal observers during a demonstration — I believe that's Dia Sin Latinos, for a May Day demonstration — and they are across from the demonstration. They're there because now they can monitor law enforcement's interaction and position in relation to the demonstration. We have legal observers and pairs going up and down the whole way. I believe, actually, that this is our advocacy director Molly Collins and attorney Jehan [unclear], a dear friend of ours, in this photo. And this is good positioning where they're at. They were able to observe different things. So, for example, during this demonstration a very large drone was being flown about, and people thought — they were worried about what this drone was, who was video recording, all these rumors were popping back and forth. And so I ran the full length demonstration asking people what this drone was, who had seen it, who could share footage, and then somebody all the way up the end said it flew and it landed down the side. And people worried it was ICE, it was — the sheriff was gonna do some sort of roundup and visit these people at home for exercising their First Amendment rights, punish them because he was angry — this is back during the Sheriff Clark era. And when I ran down it was one of the media stations testing out their new drone; they were just happy to have a new toy. So I scolded them; I said, "Don't you realize you've instilled all these folks with fear? This drone isn't labeled, nobody knows what the hell this, is you're flying around over folks! It's really creepy looking!"

And they weren't sure what to do. And I explained that since this was gonna end up on the courthouse lawn, that they should bring the drone there and let folks see their new device so that they knew what it was and didn't create this ripple and rumor of fear. Because one thing you're gonna see a lot of as a legal observers is rumors of fear. They're gonna see — demonstrators are gonna see law enforcement on rooftops or on buildings, and they're gonna say they have snipers up there. They're gonna see riot gear and they're gonna say there's gonna be this riot. They're gonna read nonsense on Discord or Reddit or Twitter or Facebook, and start passing rumors of, like, hand-to-hand clashes between, you

know, rival groups, and it's important to not pass this on and spread this, and to defuse that where possible.

[Slide 21, During the Action, 47:31]

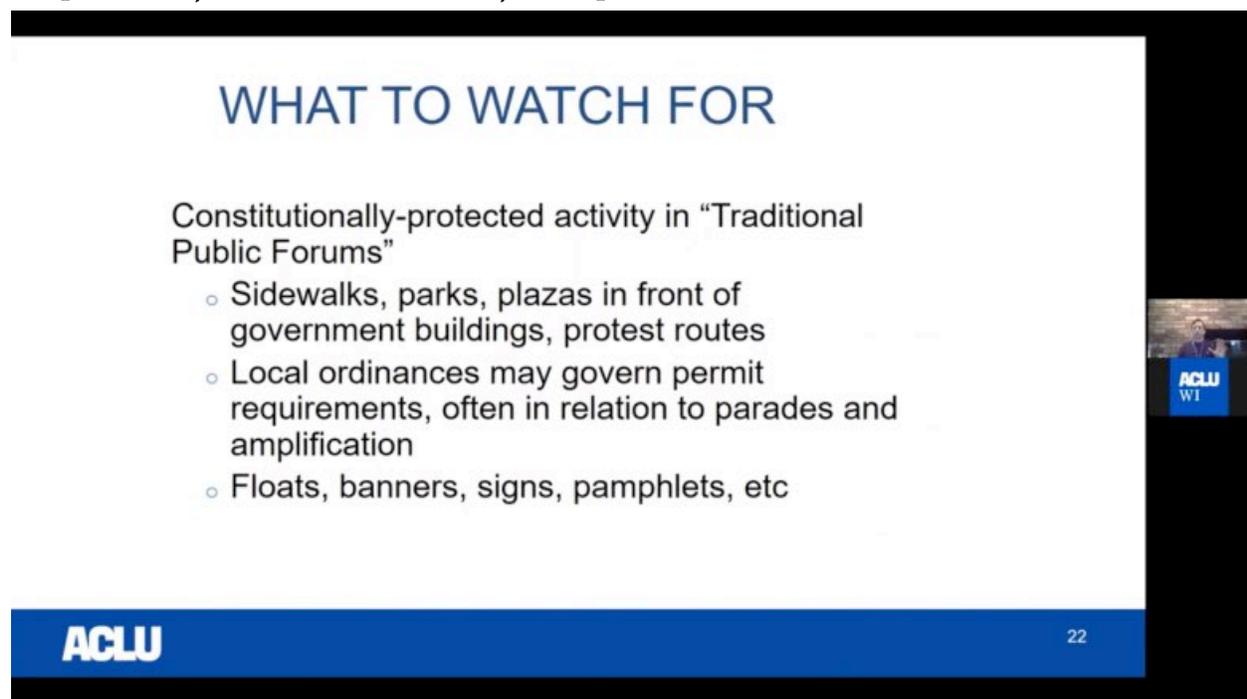


Here's another good positioning during the action: you see my friend [NAME REDACTED] and somebody else monitoring what was the first joint police and sheriff's event I had seen in a long time. It came after the the horrible brutal murder of Dallas law enforcement, and so they were doing this joint operation here. And so you don't know where these folks are going there in the street or in the sidewalk, it's hard to keep a distance, but what they did is they kept the best distance they could.

So for the most part the marchers were in the street. You'll see on the bicycle police there on the sidewalk. And they stood to the side of that, and they're there to observe the those interactions. It's gonna be difficult, right? Like, if you're like me, you're a softie. It's like a little child in a pram chanting, "si se puede," you see like five generations of activists walking. I've seen so many wonderful things

here, and experienced so many wonderful marches, both as a participant, and a legal observer. You know, being with the the original NAACP Youth Commandos singing those important songs. Like, I'm crying! And so it's hard to be objective while you're doing these things, but try the best you can to remain objective and take a step back. Nobody's telling you to be an impassive and movable Vulcan. We're just saying, remember why we're there and try to honor that.

[Slide 22, What to Watch For, 48:55]



The slide features a white background with a blue header and footer. The title 'WHAT TO WATCH FOR' is centered in blue. Below it, the text 'Constitutionally-protected activity in "Traditional Public Forums"' is followed by a bulleted list of three items. The ACLU logo is in the bottom left, and a small video thumbnail with the ACLU WI logo is on the right side.

WHAT TO WATCH FOR

Constitutionally-protected activity in "Traditional Public Forums"

- Sidewalks, parks, plazas in front of government buildings, protest routes
- Local ordinances may govern permit requirements, often in relation to parades and amplification
- Floats, banners, signs, pamphlets, etc

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FEMALE VOICE: "Emilio, this is probably like a good moment to ask a question that's been coming up, which is about navigating protecting protesters identities and collecting viable video evidence."

That's great, that's an incredible question. Comes up all the time. And we wrestle with this, too.

So there are two ways to look at this. One is, if you're worried you're sharing video which is going to jeopardize the physical well-being of somebody else, like you're gonna — by putting their face on social media they're gonna be doxed by,

you know, the alt-right or some hate group or law enforcement or somebody, then don't do that. If you are worried that somebody's gonna get fired from a job because you've got these close ups, no, don't do that. We're not there to take those lovely still photos. Like, although there's no expectation of privacy in public, we want to try to be as respectful as possible in this new normal of hypersurveillance, both the hypersurveillance we are creating as well as the business surveillance, the facial recognition data, the law enforcement surveillance — it's terrible and disgusting, and this is a new battleground for our individual and collective rights. Don't share stuff via social media if you're concerned about this.

And the footage you're sharing with us, we're not going to share pell-mell. We've got years of experience; our lawyers may evaluate this for possible use, and then we will, um, do due diligence to identify the people that are in these videos and reach out to them before we begin to engage.

So I like to, if I'm sharing something — you'll see my shots — I like to run up to the tops of parking garages and other places that are open to the public and take some aerial shots. Sometimes I'll take shots in the back, I'll take some shots of police or other legal observers in relation to the demonstration. I try not to get the faces of the demonstrators that much, unless I know that they don't care, that they're there and they're there publicly. Like they're intentionally “I'm committing an act of civil disobedience to get arrested to make a point” or they are — they are the spokesperson of that movement right? Like, there's no way in hell they're anonymous. That's something very different from, you know, grandma and grandpa felt moved to do this because this is the same goddamn thing they demonstrated against in 1968 and here it is in 2020. I'm gonna respect abuelo, right? Because they're O.G.s. I'm also — children, I try to respect children too. We have to be respectful of young folks. A lot of young folks will say, “Oh, I don't mind, that's cool.” They may not understand the repercussions of being out there in that same way. So try to use your discretion. Try not to share other people's business, but still share the event as well you can.

What are we watching for? Well, um, there are these things called traditional public forums, where your rights are greater. You know, there's greater expectation to be able to demonstrate, congregate, chant, shout, wave signs, balloons, puppets — I'm a big fan of puppets. Not the governmental kind, but the 3d kind you make out of papier-mâché. On sidewalks, parks, plazas, different government buildings. Sometimes there might be permit requirements; usually that's if you want to set up, you know, Black Sabbath's original Marshalls stack to amplify your sound or you've got like eight thousand people on PAs. Like, there might be something governing that, especially around hospitals and schools, elder facilities, like, you want to be respectful to some of those too, and also know that you could get tickets for some of these things. Maybe there's some sort of permit process. We'll talk about that in a second.

Um, be creative. Bring some cool stuff, watch to see if law enforcement is confiscating this cool stuff. This has happened before, and this was, um, and this was an action — joint action between the National Lawyers Guild and the ACLU, right before I came, where demonstrate — where law enforcement, Milwaukee Police Department, was confiscating signs and banners that demonstrators were using to protest, I don't remember if it was Iraq War One, Two, or Three. Who knows? But protesting war. And they confiscated, these officers confiscated it, even though they didn't have a right to and they weren't allowed to, and they were questioned by legal observers, who were then detained behind this.

And as a result of that, Milwaukee Police Department is now trained on what demonstrators rights should be, and they're recruited a lot to help with large crowd control in areas like West Allis, when when that lady ran for mayor on the Nazi ticket in West Allis — true story, look it up! — they had some sort of neo-nazi rally that occurred there. And there were these, like, I don't know, fifteen folks dressed in their granddaddy's ill-fitting cosplay nazi outfits behind a fence, and there was, like, 5000 counter-demonstrators. People that had been in in concentration camps — you know, black, white, Muslim, Jewish, Christian,

atheist, folks that did not want Nazis to be in the United States, because their granddaddies and them had fought against them in World War two. And West Allis had no idea how to handle this, right? They had all sorts of reservists wearing like, you know, uniforms they probably didn't wear so much.

And MPD came in because they had more experience in coordinating those types of large events, and they helped to — that was the incident commander on site who helped to coordinate with the West Allis police and whoever else showed up. And it was a day for a sticky mess because they weren't allowed weapons in this fenced-off zone for the neo-nazis, so — coincided with his big harley-davidson anniversary, so when all these racist bikers showed up with weapons and they wanted to go demonstrate with the neo-Nazis, police turned them away. So instead they released all of these, like, super angry racist guys with weapons into the crowd of, like, grannies and other folks who were protesting the Nazis. And then all of these other bikers that were ex-military, who also hated Nazis, who — black biker gangs, Latino biker gangs, folks that understand fascism doesn't really have a place here — showed up to go crack their heads. And they weren't allowed in there, but they were all now in the swirling congregation of the counter demonstration. And we had sent a bunch of our legal observers to the back. It began to rain.

Every circumstance was primed for stuff to go south quickly, and you know what? It didn't. Cooler heads prevailed. Nothing happened. And it was incredibly memorable, an adrenaline-filled day, because there's a lot of shouting, and it was extremely hectic.

That being said, there was a lot to watch for. He had this weird free speech zone, not dissimilar from what they have in Spaight's Plaza, UWM. You had these different areas where people were being told to stand and not stand. It was raining. You had caution tape. The only person that got arrested, come to think of it, was somebody who seemed to need medication, and was shouting, and they had wrapped themselves up in caution tape and they had spat on the police

officers and they were shouting obscenities. And when they got detained, everybody was kind of happy.

[Slide 23, What to Watch For, 56:01]

What to Watch For.. (cont'd)

Law Enforcement

- Types of Law Enforcement
- Presence of unusual weapons – tasers, tear gas, etc
- Names, ranks, license plates of law enforcement
 - involved in altercations or arrests – photos
- Locations, numbers, unusual activities
- Times and locations
- Witness Contact info
- Videos are priceless
- Commands given and how?
- Use of Force



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23

So let's take a look at what to watch for, because what we're seeing now and what law enforcement should be doing, what they know not to do, seems to have been thrown out the window. You see in the picture here — you'll see this is in the the state capital during the the big Madison demonstrations. And you'll see here all sorts of law enforcement have deposited riot shields and riot gear. If they're bringing those toys out to play, it's because they anticipate using those toys. Our legal observers at that time — and it was a round the clock scenario; we weren't quite prepared for it; I think it was the only demonstration of its kind like this in the United States at that date, where we had 24/7 demonstrating because of act 10 [then-Governor Scott Walker's bill eliminating unions for most public employees in Wisconsin].

We were less worried about what the Madison Police Department the Capitol Police were going to do to demonstrators, and more worried about all of these smaller municipalities that had probably never seen people of color, had never been in large crowds like this, had all these weapons that they purchased from the 1033 Agreement [ie, military equipment obtained from the Department of Defense], and might have filled the trunks of their cars up with because they were just looking to use these things, because they have to; they have a use or lose them clause on a lot of these things, like the MRAPs and the the giant tank looking vehicles people use.

So we're watching for what types of law enforcement at an event. You don't have to memorize them all. Take a photo if you don't know. Taking pictures of law enforcement or other people without their consent can seem weird, so practice that.

The presence of unusual weapons: I don't know if you saw, but Milwaukee Police Department was hoping to get, like, sonic cannons, because the DNC was coming to town, and also other bullcrap. Tasers, teargas, beanbag guns. You'll see law enforcement carrying what looks like orange stock shotguns and rifles, um, I'm gonna share some photos later; God knows what those things are.

The photo I showed earlier — let's scroll up to that photo I showed still earlier [returns to Slide 13]. You'll see this officer here is holding something. Like, what is that? He's got zip ties that look like they're for arresting centaurs, not humans. He's got some sort of futuristic gun with a hopper, probably pepper spray balls, or maybe beanbags. I don't know, one of those two things. And he's got this huge duffel bag hanging off the side, and I'm gonna assume that there's gas masks in that. And he's got like tear gas or pepper spray balls he's gonna shoot. But you don't have to know what that is, you just take a picture of that so we can decipher that later on, and ask why they're bringing these things out. [Returns to Slide 23]

You want to get the names, ranks, and license plates of law enforcement that are involved in altercations or arrests. You definitely want to get photos and videos of possible locations and numbers of unusual activities. We're reporting these, hopefully contemporaneously, in Signal or Telegram, the times and locations of these occurrences. You're gonna be a live broadcaster; you're gonna be saying things like, "hey I'm here right now and the police have begun beating their batons on their shields." And remember, when you read a report — you can see this in Christopher Manney's report after he murdered Dontre Hamilton — whenever Dontre had the nightstick in his hand it was called a deadly weapon, but whenever the nightstick was in Officer Manney's hand it was referred to as a baton. So language itself is a weapon, right? But if they're beating these things on their shields like they did, the other night document what time that is, mention that while you're doing the narrative. If you're scared there's arrest coming, try to get to contact information of other people.

Unusual activities. Sometimes law enforcement will use Morse Code to tell folks what to do and how to do that.

Witness contact info.

And — commands, given how, and use of force. So if there's an order to disperse — "I want you to break up this demonstration; this is an unlawful demonstration; everybody go home." Who gave that order? What time was that order given? Were they using amplified sound? Because if there was like five hundred people there chanting, and some little old man came out and just vaguely announced this from a car, that's completely inadequate, and that's important that you document that.

Was force exerted, and how? I mean, read the Journal-Sentinel article about the bicyclist that was being beaten and subdued just the other day, June 2nd. Ten seconds, knelt on his neck, the guy is hitting him with his knee. There's all sorts of multiple video about that; MPD is allegedly looking into that. Document that

stuff! They're doing this in front of hundreds of people in broad daylight!
Document that!

[Slide 24, Law Enforcement Orders, 1:00:17]

Law Enforcement Orders

Shutting down a protest through a dispersal order must be law enforcement's last resort. Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.

If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path.

Individuals must receive clear and detailed notice of a dispersal order, including how much time they have to disperse, the consequences of failing to disperse, and what clear exit route they can follow, before they may be arrested or charged with any crime.

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Law enforcement orders:. Shutting down a protest through dispersal should be law enforcement's last resort. They should only break up the gathering if there's clear and present danger of a riot. If, you know, they're blocking all sorts of traffic, like going on the highway, it's not your constitutionally protected right to go on 794 or 43. Like, I get that people do that to make a demonstration, and I'm not begrudging them of that, but there are consequences to that and we'll talk about that in a little, in a few more slides. I believe I gave the other points, except also know that if officers — and I'll say LEOs, Law Enforcement Officers, because that encompasses sheriff, police, whomever, SWAT — you should always call an officer "Officer." Not sir or ma'am or police, because those, depending on where you come from or how you grew up, those are just weird titles, but everybody is an officer, so you can call them all officers.

They should also have a path to escape by. They should be making sure that folks being told to disperse may disperse, and they're not being corralled or herded, and that's an important thing to observe. And I already explained the last bit: they should tell you where that dispersal route is.

[Slide 25, Law Enforcement Behavior and Specifics to Document, 1:01:28]

**LAW ENFORCEMENT BEHAVIOR
& SPECIFICS TO DOCUMENT**

- Position in relation to the protest
- What agencies or groups are present (Local? DHS? ICE? SWAT? MIRT? Jurisdictions? Police? Sheriff? State Patrol? Undercover? Secret Service?)
- Warnings given, what they said, when
- Officers' conduct and force used
- ID information AND physical description

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Document where law enforcement is in relation to the protest. What groups are there? I listed some few local. You know, “we saw that people are saying there's a tank from Waukesha on River West, that's either a Bearcat or an MRAP, “and we'll explain what those are a little later on. SWAT. MIRT is a major incident response team. It's a Milwaukee thing. What jurisdictions are there? The police, the sheriff — when you saw the tear gas being used on the overpass, generally the Sheriff's Department and deputies are on those big roads; when you saw tear gas being used over by MATC and Turner Hall, that's the police, generally, on those local roads. Sheriffs get most of the parks, police get some of the more local small ones. I think the sheriffs get the county owned ones; the police get the city owned ones, and it changes. I don't know where you're watching this — if you're in Madison, it's a similar agreement — but I don't know who owns what park.

Again, what warnings were given? Who said them? What are they saying when? — what was the officers' conduct and force used? And try to get ID information and video and photos of images.

[Slide 26, De-escalation, 01:02:35]



Now let's talk about the big "what is not happening:" de-escalation is so important. I did an interview with Fox 6 the other day, and I couldn't emphasize de-escalation enough. Having a background in doing many different things, whether it is being summer camp, doing gang intervention, working as a circle-keeper, understanding and having monitored law enforcement interactions for close to 20 years, de-escalation is a science that has been explored for hundreds of years. And in certainly in the post-Ferguson policing era of a large United States crowd control, it is the emphasized response to use, the tactic to use, and the tactic with the greatest response.

[Slide 27, Data proves that together these eight policies can decrease police violence by 72%, 1:03:17]

Data proves that together these eight policies can decrease police violence by 72%.

- BAN CHOKEHOLDS & STRANGLEHOLDS
- REQUIRE DE-ESCALATION
- REQUIRE WARNING BEFORE SHOOTING
- EXHAUST ALL OTHER MEANS BEFORE SHOOTING
- DUTY TO INTERVENE
- BAN SHOOTING AT MOVING VEHICLES
- REQUIRE USE OF FORCE CONTINUUM
- REQUIRE COMPREHENSIVE REPORTING

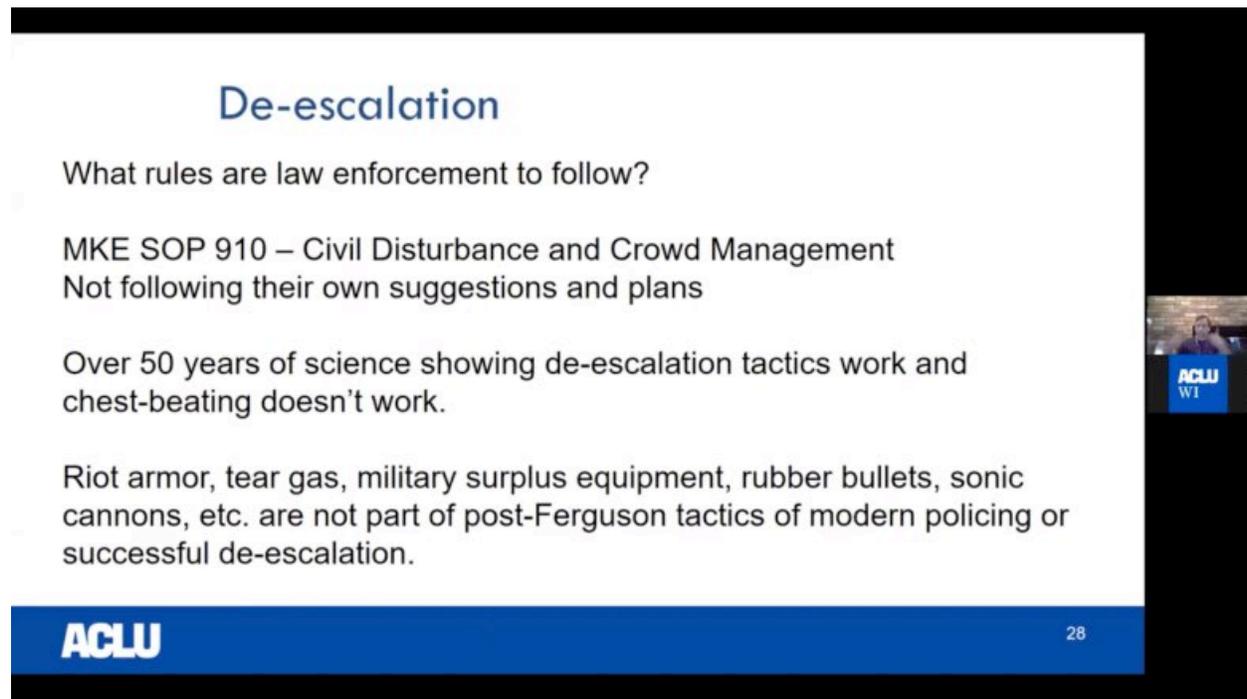
ACLU
8cantwait.org
27

If you want to, and I hope you do, advocate past this, I implore you to reach out to your mayor, your Chiefs of Police in whatever community you are, your 72 elected county sheriffs, and ask them to incorporate the eight can't wait — here's the URL: eightcantwait.org — data proves that these eight policies can decrease police violence by 72%.

Violence is bad. Police violence is bad. Because all those folks have all sorts of weapons, right? If they do these eight things: ban chokeholds and strangleholds, require de-escalation, require warning before shooting, exhaust all other means before shooting, duty to intervene, ban shooting at moving vehicles, require use of force continuum, and require comprehensive reporting, all of these things are there, and a lot of these things are tied up in — I guess the word isn't consent, to create, but the agreement that the Milwaukee Police Department, for example, is supposed to comply with the settlement of our ACLU lawsuit.

We, the people, need to hold our elected officials and those hired by them with our tax dollars accountable for their behaviors.

[Slide 28, De-escalation, 1:04:28]



De-escalation

What rules are law enforcement to follow?

MKE SOP 910 – Civil Disturbance and Crowd Management
Not following their own suggestions and plans

Over 50 years of science showing de-escalation tactics work and chest-beating doesn't work.

Riot armor, tear gas, military surplus equipment, rubber bullets, sonic cannons, etc. are not part of post-Ferguson tactics of modern policing or successful de-escalation.

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[FEMALE VOICE] “[NAME REDACTED], you have a lot of questions. About, like, protest dispersal and what constitutes a clear and present danger of riot and et cetera. So you may want to address that a little more deeply, but also let me just flag for you that it is 7:05.”

Okay, 7:05.

I will get to those questions. A little bit on demonstrators rights: this is a long one, and I want to give you — we have spent weeks curating the responses and questions people have been asking us. [NAME REDACTED], [NAME REDACTED], [NAME REDACTED] and I have had a lot of people reach out to us and we want to get this info out.

SOP 910, standardized operating procedure, just describes what law enforcement here in Milwaukee is supposed to use for civil disturbance and crowd management. You can find Milwaukee SOP 910 and it outlines what the Milwaukee Police Department is supposed to do, how it's supposed to do that, and what constitutes those things. It is overly vague, and probably overly vague intentionally. Study that; that should answer some of those questions.

Over 50 years, science talks about de-escalation tactics, but what we've seen these past few days in Milwaukee and Madison are not de-escalation. The use of riot armor, teargas, military surplus equipment, rubber bullets, sonic cannons, none of these are post-Ferguson tactics for modern policing or successful de-escalation. When you show up to an event dressed like you're gonna fight and you're gonna use tear gas, that is the exact message you're sending other people. If you want to de-escalate you do what the Chief Morales did today, which is show up dressed in your uniform and communicate with the people that are in the street.

I've heard the term copaganda — it's like propaganda but with police. You show up in the afternoon for a couple of nice pictures, and then you disappear — the press is there. In the night time, your officers do whatever it was they were doing that they shouldn't have done in the first place. You want to de-escalate a fight, not amp up a fight; it's not about beating chests. Trained professionals with weapons should follow the tactics needed to be that trained professional with a weapon — they should not be goading people that are upset about racist murder at the hands of people that looked like those trained professionals in other cities or this setting. Remember Ernie Lacy [a 22-year-old man who was injured in a struggle with Milwaukee Police at the time of his arrest in 1981 and subsequently died after police failed to give him medical aid].

[Slide 29; Tiny URLs, 1:06:46]

De-escalation Keeps Protesters And Police Safer. Departments Respond With Force Anyway (FiveThirtyEight)

tinyurl.com/ya6ppeuz

St Louis University Public Law Review: The Thin Blue Line – Policing Post Ferguson

tinyurl.com/yadq7c2q

Saint Louis University Public Law Review: Directions in Protest Policing 2015

tinyurl.com/y792sjr4

Police Use of Force: An Examination of Modern Policing Practices Briefing Before The US Commission on Civil Rights Held in Washington, DC

tinyurl.com/ya7yskl4

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De-Escalation Studies & Scholarly Work

29

I made these tiny URLs; take a picture of this. These are all recent scholarly works about police use of force and de-escalation tactics. I want you to familiarize yourself with these, because you need to hold your own local law enforcement, your own mayor, your own common counsel accountable. Look this stuff up, because they obviously aren't. Because they don't hear the complaining about the use of force abuses that they've seen.

This will be shared; obviously it's also on Facebook. This article by 538 came out two days ago. These St. Louis University public law reviews came out recently. This 'Police Use of Force: An Examination of Modern Policing Practices,' a brief thing, came out during the Trump administration, finding many of the things I just said and underscoring them. So this is all incredibly recent.

[Slide 30, Policing tactics we are seeing, 1:07:35]

Policing tactics we are seeing:

- Wearing riot gear and armor
- Using tear gas
- Using flashbangs
- Driving up in "tanks" (MRAPS, Bearcats, etc.)
- Pointing weapons
- Refusing conversation
- Covering badges or nametags
- Calling people out of name
- Using racist or violent symbols
- Taking aggressive tactics like shieldbanging

..... are not de-escalation.



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30

So here's some police tactics we're seeing. See the picture of the guy on the right? He's not de-escalating. There was so much incredible live footage of this. These folks weren't being violent. There's drone footage of this; you can see officers shooting tear gas into oncoming commuter cars or dropping smoke bombs or whatever the hell they are at the protesters who are next to the commuter cars in the overpass. This was a total mess, and it was video recorded by about 50 people. All these things we just said, these are aggressive tactics; this is not de-escalation. If you want to avoid a flashpoint so that we don't get incredible damage like we just saw in Minneapolis, don't challenge the people who are upset to a fight. It's ridiculous.

[Slide 31, I encourage people, 1:08:14]

I encourage people to contact the **Mayor and Common Counsel** and ask why Milwaukee Police haven't been complying with the ACLU's Racial profiling stop and frisk settlement? The NAACP, AART, Southside Organizing Committee have all asked this recently on TV and social media.

Why are law enforcement USING RESPIRATORY WEAPONS during a time when we are also undergoing a BRUTAL and oft times fatal pandemic that directly affects people's respiratory systems. Who allows this continued practice. Pick up the phone. Send an email.



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31

Here's a picture of one of my favorite legal observers, [NAME REDACTED], one of our incredible volunteers, who leads volunteer teams out all the time; we have a lot of great folks out there doing this, working many many late unpaid hours.

I'm encouraging you to contact the mayor and Common Council. The NAACP, the African-American Roundtable, the Southside Organizing Committee, have all been in media broadcasts or on the news this week, asking why the Milwaukee Police Department hasn't been complying with the ACLU's racial profiling stop and frisk settlements — and if they're not doing that in the basic dealings with the public, how are they going to be expected to do that during these large mass gatherings? And why is law enforcement using respiratory weapons during a time when we are in a respiratory illness pandemic? If COVID-19 is affecting our lungs, we should all be wearing PPE, and they should be taking other alternatives instead of attacking something which may risk us to fatality.

[Slide 32, ID Information & Physical Description, 1:09:10]

ID Information & Physical Description

- ❑ Badge number
- ❑ Officer name and rank
- ❑ License plates
- ❑ Types of vehicles
- ❑ Times
- ❑ Witness contact info
- ❑ Use video as contemporaneous reporting device



We talked about this, we'll skip that.

[Slide 33, Let's see some pictures, 1:09:11]

Let's see some pictures



MPD with electrical tape over the names in 2012

Here's some important pictures: what you're looking for as a legal observer. Here are two pictures of Milwaukee police officers with their nametags covered up with electrical tape. These were taken in 2012. See the guy on the left? Above his right breast pocket his name has been covered with electrical tape. The guy on the right, the white guy in the foreground, his thing was covered with electrical tape. That's something that a volunteer took a photo of, we took those stills off video.

Let me click to the next slide.

[Slide 34, 6.2.20, 1:09:40]



6.2.2020

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34

These pictures were taken the other day, by another concerned citizen. Here is the Sheriff's Department marching. Now, you'll see here they're marching into the sun. You'll see the guy in the foreground in the picture to the right can't see; his eyes were closed in every photo. He's wearing what appears to be too small a bulletproof vest over his nametag, so you can't see anything. It's another trick. To see the guy on the right, he's got his body cam but he's conveniently wearing a vest that has no name tag. Many of these deputies did not have identifying markers on them. They are holding their weapons in an aggressive brandishing stance. They are not in their baton holsters at their side.

[Slide 35, photos, 1:10:24]



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35

Here's another close up. This is the same front line. You can see what those folks look like. You can take a look. The photo on the right of the guy holding, you know, what appears to the demonstrators is a shotgun, right? All sorts of zip ties. I think they're all wearing their kids' hockey goalie gear or something. I don't know what that is.

Now let's take a look at the photo on the far left, and I'm gonna blow that up a little bit.

[Slide 36, Photo, 1:10:47]



I want you to see what a legal observer would see. This guy's helmet's falling off, but he's got sunglasses on. He's brandishing or holding a baton, which appears to be, by the paint loss in the tip, a metal one. His hand is reaching for his taser. His nametag is obscured. He shoved a phone in his pocket there. The guy on the right is not looking — he's got some trouble with something. He's looking at a backpack which seems to be too tight on him. It's also covering a nametag. There's a lot of interesting things going on you need to see.

[Slide 37, MRAPs & Tigers & Bearcats, Oh My!, 1:11:21]

6.1.2020
MKE

MRAPS & Tigers & Bearcats, Oh My!

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The Waukesha Freeman
May 20, 2015

The Waukesha Police Department got approval Tuesday to purchase a Mine-Resistant Ambush Protected vehicle from the federal government to replace its current aging vehicle. The approval came one day after President Barack Obama ordered the federal government to stop distributing a limited inventory of military equipment to local law enforcement agencies. What are your thoughts?

26 84 Comments 7 Shares

Like Comment Share

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Here are some photos that folks took of the Waukesha sheriff's MRAP, by — I think those are by Gordon Park. And here's a Facebook posting when the Waukesha Freeman announced this purchase through the 1033 program years before. Take pictures of that. Why is their tank in my backyard?

[Slide 38, Looking for a Tactical Vehicle?, 1:11:39]

WARFIGHTER FOCUSED, GLOBALLY RESPONSIVE SUPPLY CHAIN LEADERSHIP

Looking for a Tactical Vehicle?

- Armored Vehicles
- Highly Mobile Multi-Wheeled Vehicles (HMMWV)



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ACLU Slide from the [Defense Logistics Agency](#)'s brochure, describing the 1033 Program's transfer of military equipment to American police forces. 38

Here is a screenshot from a 1033 program from Defense Logistics Agency. They sell surplus military equipment to local law enforcement across the country at a greatly reduced price. Yes fans, most of your communities are buying surplus military weapons to be used on our citizens.

[Slide 39: Helicopter, 1:12:00]



6.3.2020
MKE

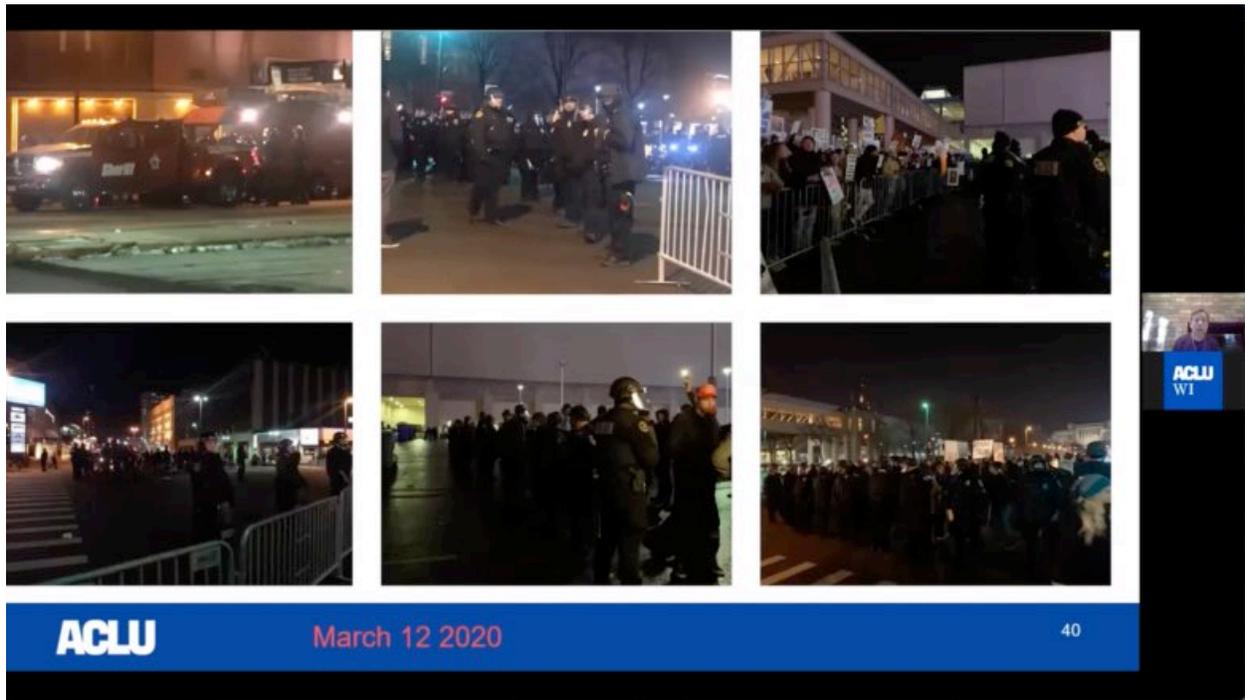


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39

Here's a picture of God knows what kind of military helicopter that was flying around last night in Milwaukee. Many of you heard this by the lakefront, I'm sure. There's a close-up that one of our friends took out of a an apartment window.

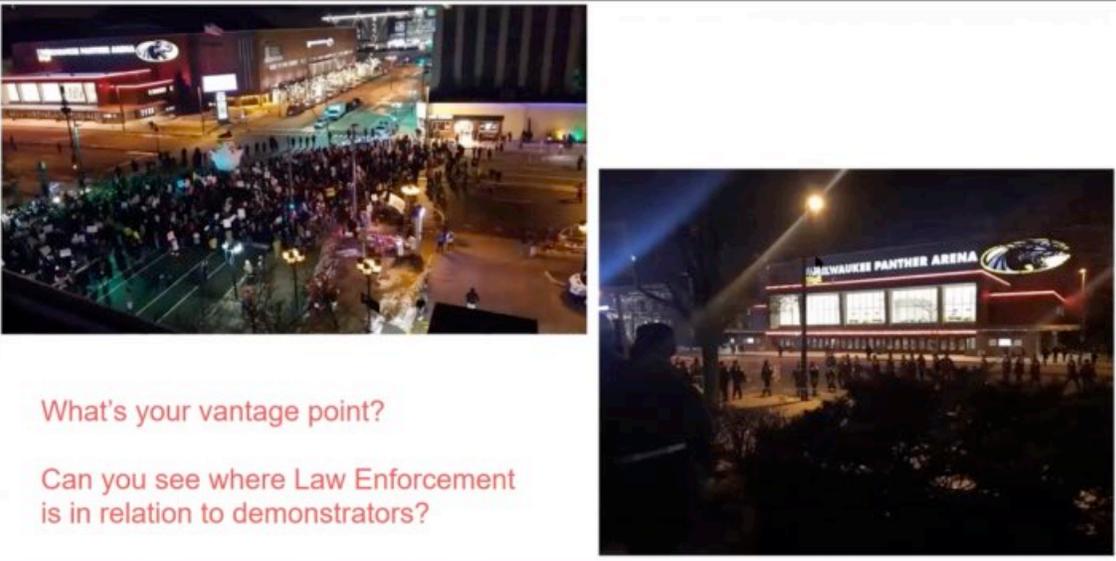
[Slide 40: March 12 2020, 1:12:14]



Here are pictures of the Trump rally in March — and these are great legal observer photos. They're observing what type of law enforcement there is.

You know, the deputies, the Sheriff's Department in Milwaukee, the police department, working in a tandem as a practice for when we thought we were gonna have an DNC here, and you'll see we're taking pictures of the relations of the demonstrators — to the demonstrators and counter demonstrators, and pro-trump and anti-trump folks, in relation to law enforcement.

[Slide 41, Vantage Point, 1:12:44]



What's your vantage point?

Can you see where Law Enforcement is in relation to demonstrators?

ACLU March 12 2020 41

What kind of gear do they have? Where were they? There's a puppet; there's a giant inflatable Trump chicken. Here you'll see in the right-hand photo the rows of police in front of the Panther arena. Good vantage points are really important for getting perspective of number.

[Slide 42, Arrest shots, 1:12:58]



Here are close-up shots that either famed photographer [NAME REDACTED] or legal observers took of arrests. These are — some of them were the Raging Grannies, or the folks that sing at the Capitol. Some of these were folks arrested at Juneteenth day. You'll see handcuffs and zip ties being used in a variety of instances, and then you'll see some of these photos are fantastic because they also let you know which jurisdiction was doing the arresting.

[Slide 43, Municipal Court, 1:13:26]



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43

Here's a picture from a couple of days ago. This is right here, the City of Milwaukee Municipal Court. And take a look at this and this game is called, "what is wrong?"

[Slide 44, What's wrong, 1:13:34]



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44

And here's a close-up. Here's what's wrong. Why are all these — like, they appear to be army troops — here in Milwaukee? And what the hell is that GI Joe vehicle in the parking lot? Who knows? We can look at that later.

[Slide 45, Video still, 1:13:47]



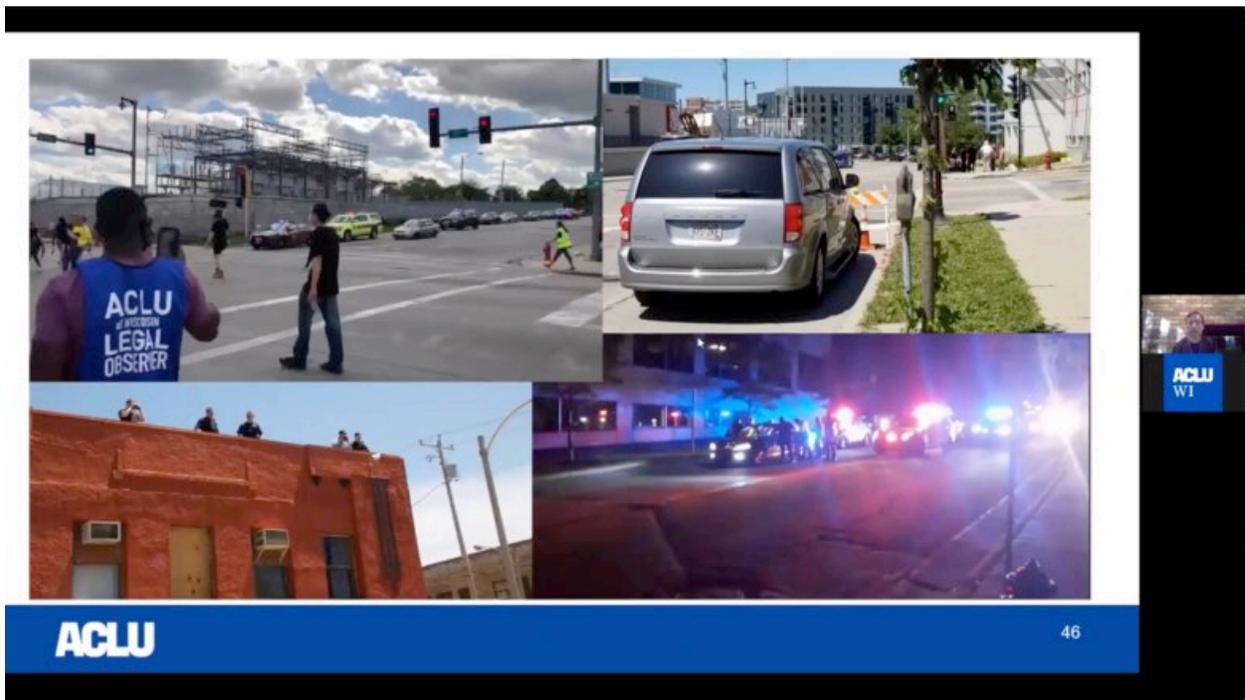
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Video still by Nate Vomhof from Twitter feed <https://gallery.twitter.com/>

45

Here's some drone footage. Now, I don't have permission to use this; this was taken from a photographer [NAME REDACTED]; he posted it publicly on Twitter. It's a great time-lapse drone video. It's all over the place. I encourage you to take a look at it. He's an excellent photographer, and there's a link to his gallery. But you'll see here when the tear gas and smoke bomb canisters were being fired I took a few stills off the video just to kind of give you an example of what you can do. VLC is free software that you can install pretty much on anything. It's fantastic for video and audio.

[Slide 46, Photos, 1:14:21]

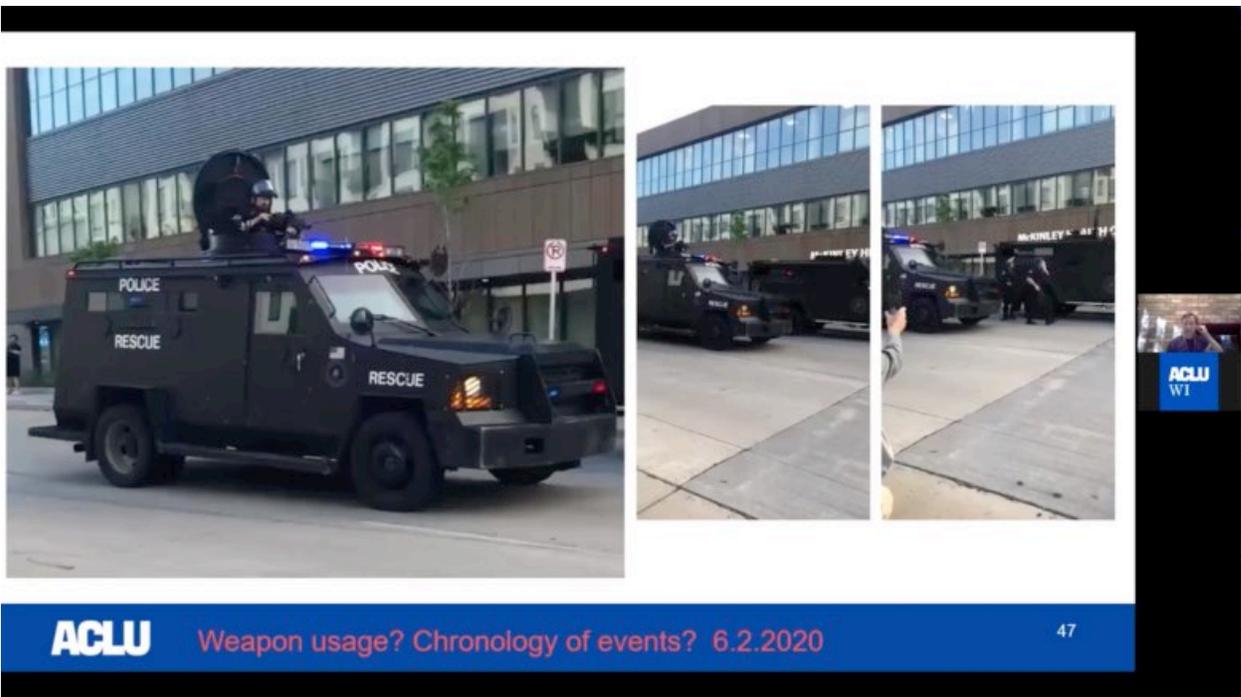


Here again, legal observers: you see some weird stuff, take a picture of it. Here's a legal observer monitoring sheriffs and where they are. On the right: people observe this like super duper attempted Cheech and Chong looking van that they thought was an undercover vehicle. I mean, that window is so black it's absorbing the sunlight and turning it into a different form of energy. I've never seen a window tinted that black.

Down on the bottom right you'll see, I don't know, I guess they needed 30 squad cars to make a traffic stop. On the other side, you'll see law enforcement all over the roofs of — one of my dogs is visiting me now, hold on a second.

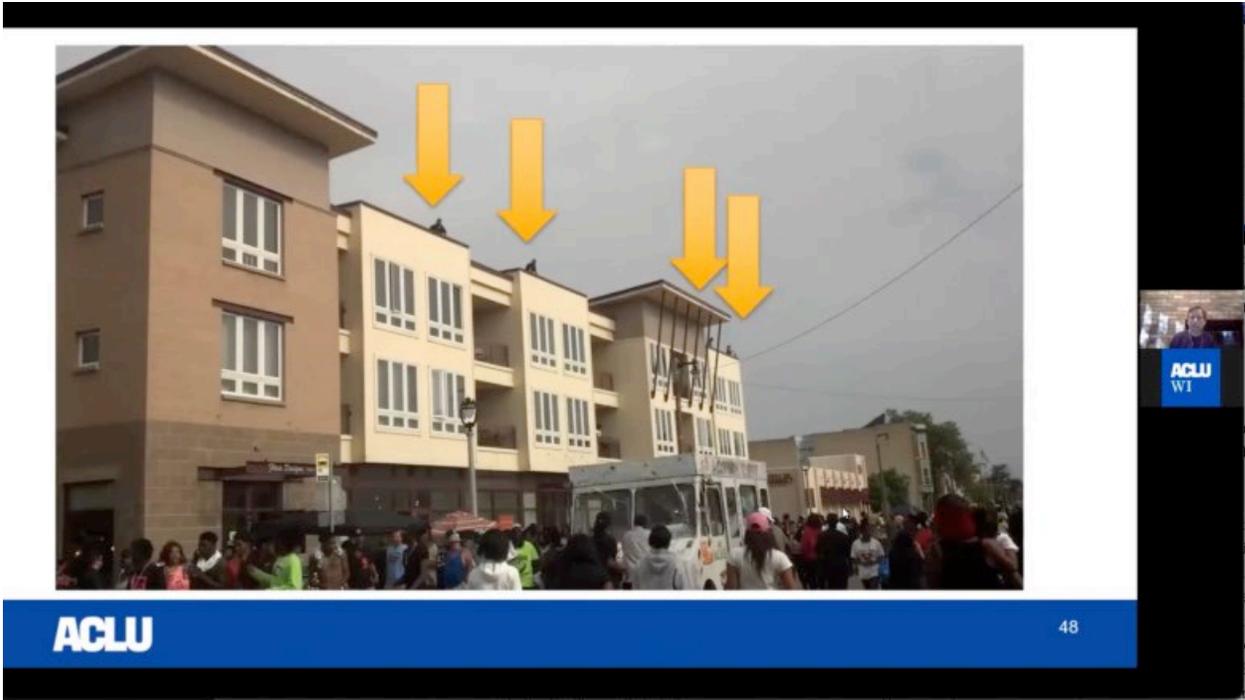
I had to shout for somebody to come give the dog a bathroom break, pardon me.

[Slide 47, Weapon usage? Chronology of events? 6.2.2020 1:15:09]



Uh, here you'll see weapon usage. Now take a look at this fella. He is in the police rescue vehicle, which is another MRAP, and he's pointing some sort of, I don't know, Attack of the Clones weapon out the window at folks. I believe it shoots tear gas canisters. And that's a blow-up of the shots off to the side, you can see that. And that's moments before all the tear gas began to be fired over there by MATC and Turner Hall the other day.

[Slide 48, Photo, 1:15:38]



Here again, Juneteenth celebration, law enforcement on all the rooftops and everywhere, so they're blocking off streets, they're making circles, there's a gazillion police officers at this block party. Take a look at that.

[Slide 49, Riot Gear for Juneteenth, 1:15:50]



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Riot Gear for Juneteenth 2017

49

Here, if it's a block party, why are you bringing riot gear? Why are all of these helmets here? And that's the thing that you want to keep your eye peeled for.

[Slide 50, Riot Gear 6.1.2020 Milwaukee, 1:15:59]



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Riot Gear 6.1.2020 Milwaukee

50

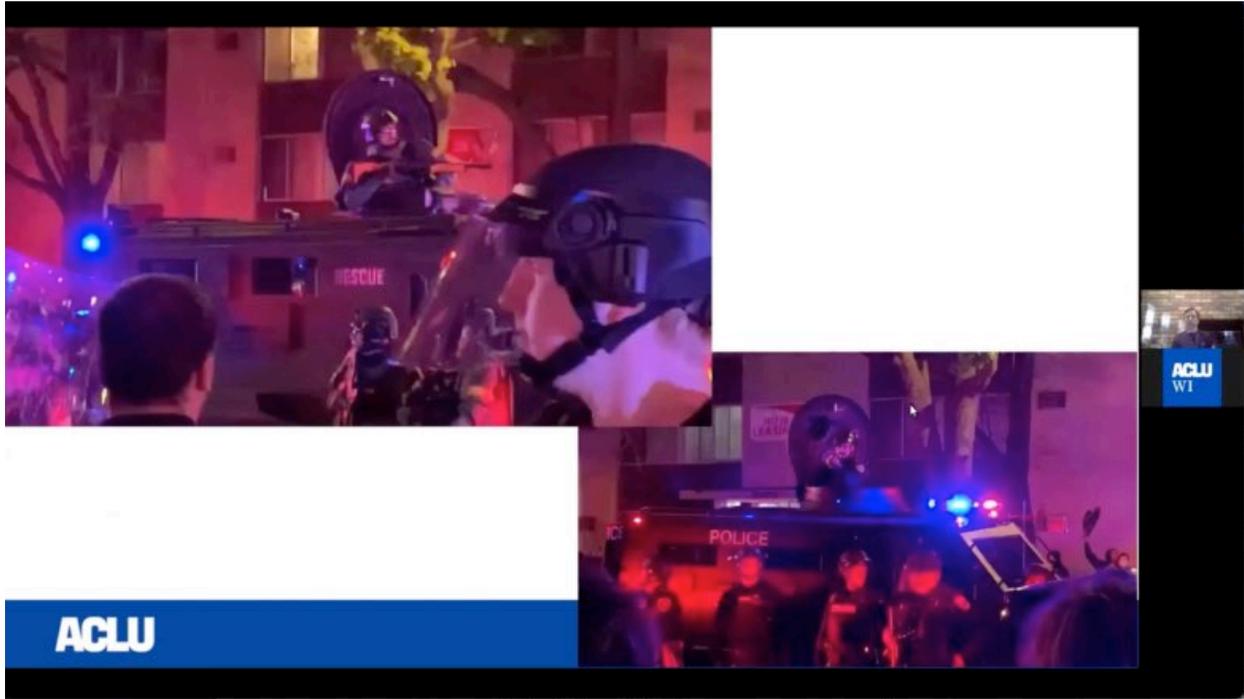
Here again — this was June 1st, the other day — it's Milwaukee, these are the sheriff's deputies, pardon me, and they're all wearing — they have a fascinating like samurai-style feudal helmet to prevent them from getting hit in the neck. That's it. A smart design. But why are they all wearing all this riot gear over here by the Municipal Court? And here they're blocking that road.

[Slide 51: We get to watch everybody! 1:16:31]



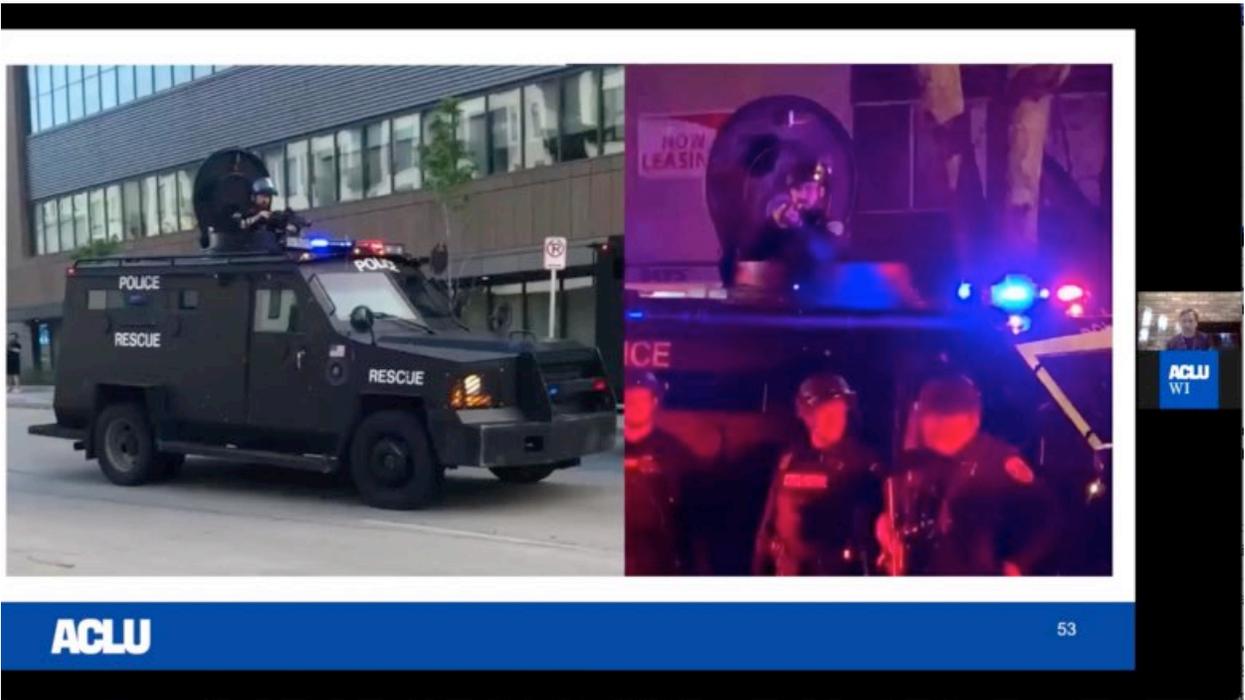
This is from the other night. Here you'll see — that's funny, [goes to previous slide and back again] this officer here looks like the same officer here, at least in general shape. Here they are over by the Shorewood/Milwaukee boundary. You'll see Milwaukee Police with their riot shields. The Sheriff's Department over here. And here you see some more volunteers. So remember, when you're a legal observer at that event there, we had, you know, tens of thousands of demonstrators, you know, a thousand law enforcement, and there's like ten of you to watch everybody.

[Slide 52: Redacted pic, 1:17:00]



Here is just the other night again, and here you'll see again, ironically, the vehicle says rescue, but here are officers pointing weapons at demonstrators. Look at that lower right-hand corner. That officer is pointing his rifle — maybe it's a rubber bullet rifle, I don't know — directly at our photographer.

[Slide 53: Photos, 1:17:17]



And I took a look at that, because his pose struck me. I found that chilling, that he's like rolling up before orders are given, just pointing his weapon at people. And lo and behold, it seems to be the same guy who was in the rescue unit picture from the other day. Really likes pointing guns at folks.

[Slide 54, Document if People Are, 1:17:33]

Document if people are...



- Arrested
- Herded, obstructed or corralled (including legal observers)
- Intimidated or subject to force

Again, documenting if people arrested, hurt, and obstructed, intimidated, use of force.

[Slide 55: Demonstrators' Basics, 1:17:36]



Demonstrators' basics!

[Slide 56: First Amendment Rights 1:17:38]

First Amendment Rights

- RAPS – Religion, Assembly, Press, Speech – redress of grievances
- Demonstrators' Rights
- Counterprotesters also have free speech rights. Police must treat protesters and counterprotesters equally. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.

PUBLIC SERVICE ANNOUNCEMENT:
THE RIGHT TO FREE SPEECH
MEANS THE GOVERNMENT CAN'T
ARREST YOU FOR WHAT YOU SAY.



IT DOESN'T MEAN
THAT ANYONE ELSE
HAS TO LISTEN TO
YOUR BULLSHIT,
OR HOST YOU WHILE
YOU SHARE IT.



THE 1ST AMENDMENT
DOESN'T SHIELD
YOU FROM CRITICISM
OR CONSEQUENCES.



IF YOU'RE YELLED AT, BOYCOTTED,
HAVE YOUR SHOW CANCELED, OR
GET BANNED FROM AN INTERNET
COMMUNITY, YOUR FREE SPEECH
RIGHTS AREN'T BEING VIOLATED.



IT'S JUST THAT THE
PEOPLE LISTENING
THINK YOU'RE AN
ASSHOLE.



AND THEY'RE
SHOWING YOU
THE DOOR.



 <https://xkcd.com/1357/>

XKCD! This is a great one. Just because you have the right to free speech doesn't mean people have to like what you're saying. Um, if — I don't know who said this; I'm stealing from them. But they said if your bottom line is, you know, about your argument the best thing you can come up with is, “You know, I have a constitutional right to say this or to be here and say this,” then it doesn't say that much for your argument if you can't — if it doesn't stand on the merits of its own point. You just can say, “My argument: my point of view is so damn bad, but at least it's not illegal to say that.”

That poor representation of the joke aside, you have first amendment rights as demonstrators, and counter protesters also have First Amendment rights. Police are required to treat both equally and to keep potentially antagonistic groups separated, but allow them to be within sight of one another. That's a difficult job. I'm not saying that's easy. That's tricky. Anybody who's been a referee in intramural sports or even high school sports knows how tricky that is, and that's not even quite as heated as what half this stuff is happening.

[Slide 57, What are your rights?, 1:18:33]

What are your rights?

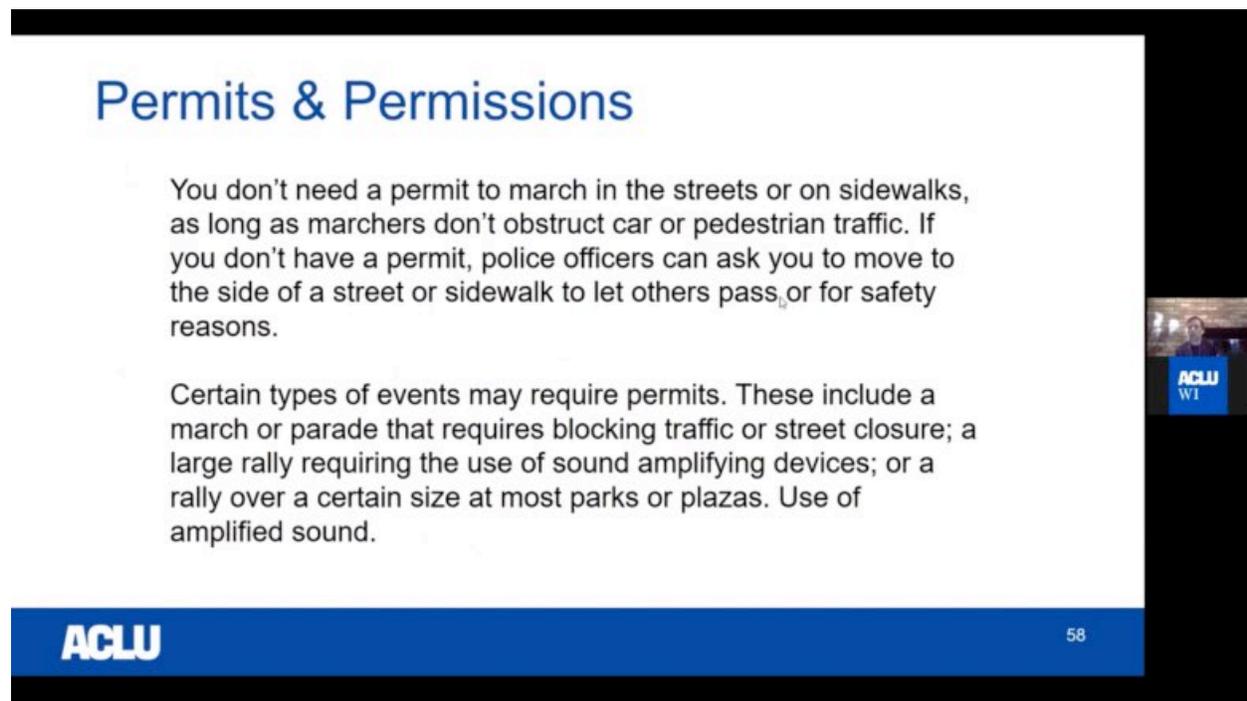
Your rights are strongest in what are known as “**traditional public forums**,” such as streets, sidewalks, and parks. You usually have the right to speak out on other public property, like plazas by government buildings, as long as you are not blocking access to the government building or interfering with other purposes the property was designed for.

Private property owners can set rules for speech on their property. The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.

Video and photograph anything on public including law enforcement.
Private property owners may set some rules.

Again, you have rights in traditional public fora, use those. Private property owners can set rights, they may say, "I don't want you in my private property," and then you can't be there. They may say, "You can be on my private property but I don't want you taking photos inside my facility because it's a museum or whatever," whatever. A private property owner can create some sort of rules about that. But if you're in public, now, video away. Video law enforcement. You're allowed to video law enforcement. Video one another. Video and shout and chant and sing to your heart's content.

[Slide 58, Permits & Permissions, 1:19:16]



Permits & Permissions

You don't need a permit to march in the streets or on sidewalks, as long as marchers don't obstruct car or pedestrian traffic. If you don't have a permit, police officers can ask you to move to the side of a street or sidewalk to let others pass, or for safety reasons.

Certain types of events may require permits. These include a march or parade that requires blocking traffic or street closure; a large rally requiring the use of sound amplifying devices; or a rally over a certain size at most parks or plazas. Use of amplified sound.

ACLU 58

You don't need a permit to march in streets or sidewalks, as long as marches don't obstruct a car or pedestrian traffic. If you don't have a permit, law enforcement can ask you to move to the side of the street or a sidewalk, or let others pass on, for safety reasons. You're not allowed to march on the sides of highways; you can march on the sides of streets.

Certain types of events might require permits. I've been in parades and events where we've had to — we've had to block traffic for extended periods of time, or deal with cables and lights and other things, and sometimes you need a permit for that. Or we've had a lot of amplified sound that might disrupt business. We had to pick a route that didn't necessarily go by a hospital. Or other things. There's a lot of different things. It's good to plan frequently. And you know, I'm not talking about responding spontaneously to something that occurred, that's also protected, but if you're planning something ahead of time — a big event like a Juneteenth Day celebration, or May Day celebrations, events that have gone on for years, then generally tell law enforcement so that they're there and they can direct traffic, keep people from driving through or being wacky, as opposed to cracking the heads of the people that are there.

[Slide 59, Some permit procedures, 1:20:21]

Some permit procedures require submitting an application well in advance of the planned event, **police can't use those procedures to prevent a protest in response to breaking news events.**

Restrictions on the route of a march or sound equipment might violate the First Amendment if they are unnecessary for traffic control or public safety, or if they interfere significantly with effective communication to the intended audience.

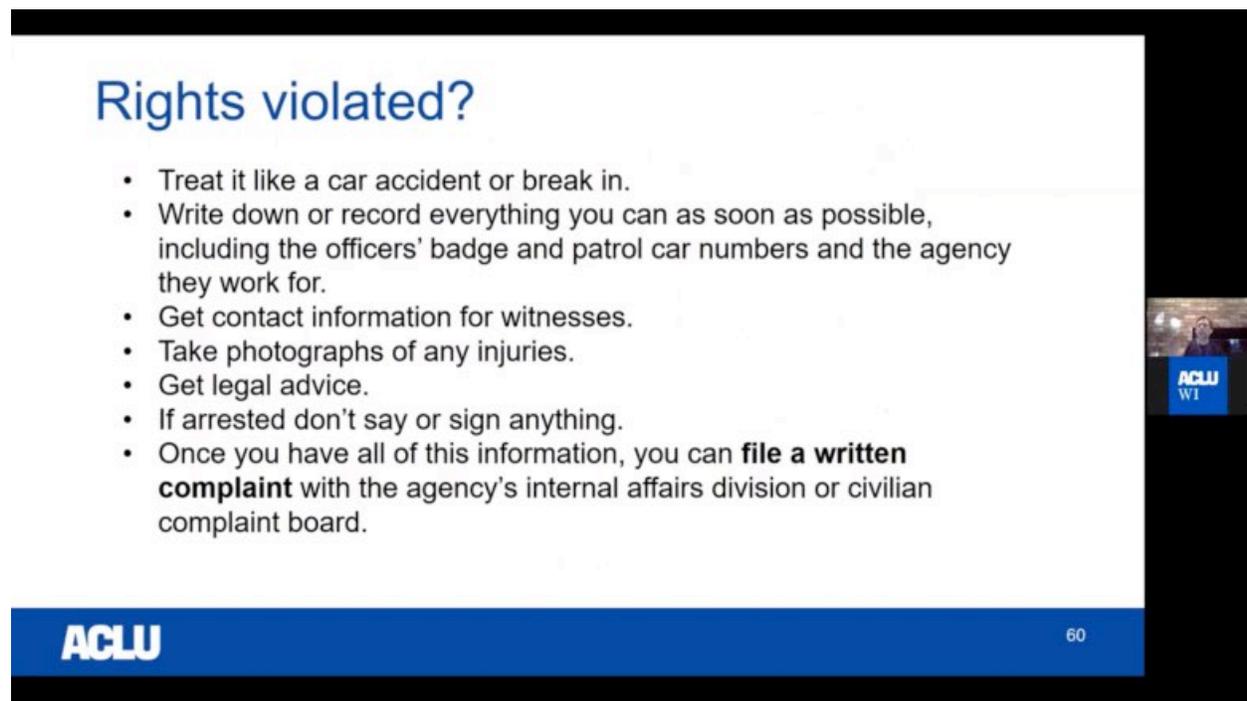
A permit cannot be denied because the event is controversial or will express unpopular views.

If protest regulations require a fee for a permit, they should allow a waiver for those who cannot afford the charge.

Police can't use an overly expensive application process as an attempt to prevent the demonstration from occurring. There should be some sort of waiver

for expensive fees. You can't use procedures to prevent a protest from occurring in response to breaking news events. You can't deny a permit because the event is controversial, or will express unpopular views, and that frequently happens. I mean, think about why Stonewall happened; it's because people were constantly arresting trans gay and lesbian folks.

[Slide 60, Rights violated, 1:21:00]



Rights violated?

- Treat it like a car accident or break in.
- Write down or record everything you can as soon as possible, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take photographs of any injuries.
- Get legal advice.
- If arrested don't say or sign anything.
- Once you have all of this information, you can **file a written complaint** with the agency's internal affairs division or civilian complaint board.

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If your rights are violated, treat it like a car accident or break-in. Write down and record everything you can as soon as possible. Your body is gonna be full of adrenaline, cortisol, all sorts of chemicals it's not ordinarily full of. You want to, you know, write down everything while you remember, before you crash, because you will crash. Get contact information from witnesses and video. Ask them to share stuff. We've done this before. If you have a level-headed person and a team, have them do the gathering and consolidation of that.

Take photographs of injuries that you may have received at the hands of other folks. In the event it was a riot, or a fight, or law enforcement hurt you, get legal advice. Don't talk to law enforcement. Don't sign anything without a lawyer. You don't have to talk to law enforcement or sign anything without a lawyer. It's your right not to say anything, and not sign anything. You should speak to them if you're driving a car. You need a license to drive a car and you need insurance in this state, obviously. Driving your car on a sidewalk is dangerous and stupid thing to do; please don't do that.

Get legal advice, really, for any interactions, and you can file a complaint with the Fire and Police Commission. I have here "agency's Internal Affairs Division," and I don't advocate that. I advocate you first go file with your Fire and Police Commission, so that it's subject to open records requests, and your complaint is processed there. And then do an IAD if you have to, or whoever your civilian complaint board is. And try to save a copy of that. We do separate trainings on your rights during law enforcement encounters, and I won't get into that here.

[Slide 61, Nonviolent civil disobedience, 1:22:30]

NONVIOLENT CIVIL DISOBEDIENCE



Nonviolent civil disobedience. Great picture of occupied the hood when they had a prayer circle in the street.

[Slide 62, Nonviolent civil disobedience, 1:22:37]

NONVIOLENT CIVIL
DISOBEDIENCE

Civil disobedience is the active, professed refusal to obey certain laws, demands, and commands of a government, or of an occupying international power in a non-violent manner.

Resistance to Civil Government (Civil Disobedience) – Henry David Thoreau 1849 re. Slavery and the Mexican American War. Abolitionists.

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Civil disobedience is the active professed refusal to obey certain laws, demands, or commands of the government or of an occupying international power in a non-violent fashion. So many famous folks doing this for so long. Many of you had to read Thoreau on Walden Pond, Frederick Douglass; these are great bold men who talked about ways to incorporate civil disobedience. These were some great mid-century 1800 radicals.

[Slide 63, Nonviolent civil disobedience, 1:23:04]

NONVIOLENT CIVIL DISOBEDIENCE



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Young Gifted and Black and Tony Robinson Demonstrations

63

Here are the Young, Gifted, and Black and Tony Robinson demonstrations. I do not believe they had a permit for this. That's when our legal observers had our bootleg phase of yellow construction vests with magic markers. And here you'll see the legal observers filling up all this wonderful area outside — I mean the demonstrators filling up this area outside of the Capitol.

NONVIOLENT CIVIL DISOBEDIENCE

Intentional actions in protest, can be subject to arrest or citation

- Blocking street traffic
- Sit-ins or remaining on property after orders to disperse (grey area)
- Resisting arrest (grey area)
- Check for related ordinances like loitering; Cursing is NOT disorderly conduct

These are intentional actions in a protest and they can be subject to citation, or arrest, and that's the difference between walking on a sidewalk or a street. You're blocking street traffic, you're having a sit-in, you're remaining on a property after orders to disperse, and that can be a gray area. Resisting arrest, like what constitutes resisting arrest, is a gray area. You always think fighting and shoving. Like, if you play dead and an officer's trying to pick you up, they can give you a ticket for resisting arrest, because you're not complying and in fact you're inhibiting them from carrying you by making yourself dead weight.

If somebody has, like Racine, tried to create or an ordinance for cursing, that's bogus. You're allowed to curse. I don't advise you to curse at other people, necessarily; I wouldn't curse in front of other folks necessarily, my abuela says it's a bad idea. Obviously I curse all the time, but —

FEMALE VOICE. "You've cursed several time in this thing!"

During this thing! That's the irony of my saying, "don't curse the cops." But it's not disorderly conduct and you can't get a ticket for it. You may curse because you're angry, you may curse because you want to bait somebody. But, I mean, you cannot get a ticket for a curse. You can get a ticket for putting your hands on somebody, and you can get a ticket for resisting arrest. You can get a ticket for blocking traffic.

[Slide 65, Historic Occurrences, 1:24:37]

Historic Occurrences

- Voter registration drives in the south – Jim Crow protests, registering or escorting people to vote
- Civil Rights Movement
- Vietnam war protests – marches, sit-ins, draft card burnings
- Conscientious Objectors and "Draft Dodgers"
- Occupy Movement
- Wisconsin Uprising
- Black Lives Matter, YGB
- Anonymous
- Dakota Pipeline Protests
- Dia Sin Latinos
- Overpass Light Brigade Actions

MANY MORE!



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65

FEMALE VOICE. "[NAME REDACTED], this sort of has a callback to our earlier legal observer training, and folks wanna know: if people are walking on the freeway do we legal observe people, if that means breaking the law?"

Good question. No. No. So I should have mentioned that before: again, I'm not used to giving this training sitting down in front of these rocks here, but the legal observers? We're super law-abiding. So I will wait for the light to change before I cross the street during a demonstration, and as my friends can tell you,

this is not like me. I grew up in New York, where jaywalking was an Olympic sport. We train for it at a very early age. We do not break the law, so if the demonstration is down on the highway, then stand above and watch from across the highway on one side or the other side.

You'll find lots of times when people are taking civil action on civil disobedience like that, they'll be live-streaming too. People commit acts of civil disobedience to get a point across, to elevate their point to the media, or to non-traditional audiences who need to be made aware of their point, whatever that is. You'll see a lot of the points here on historic occurrences of civil action. And so they anticipate generally being arrested, saying ticketed, and so they may nowadays also have a live stream for this. But please, no. Legal observers aren't doing that.

And take a look at how on the wrong side of history a lot of these things were. I mean registering people to vote down South could get you a bullet in your head. Vietnam protests — Milwaukee has a long history of that. Berrigan brothers and other folks burning draft cards. A lot of contemporary leaders got their start, and the older leaders, during Vietnam, and the civil rights movements here, conscientious objectors, the Occupy movement, the Wisconsin uprising, on Black Lives Matter, Anonymous, the Dakota Pipeline protest, Dia Sin Latinos, the Overpass Light Brigade actions — Overpass Light Brigade is great; they're on the forefront of a lot of science, like using lights and projectors and lasers and very clever ways to get their message out. Lane Hall, one of my heroes — all the people that volunteer with him are great.

Civil Disobedience Tactics

- Chalking
- Building Occupations
- Flag burning
- Walk Outs and Strikes
- Non-cooperation
- Chaining to doors and gates
- Guerilla Theatre
- Flying Flags upside down
- Intentionally breaking offending law
- Seeking imprisonment
- Chanting, interrupting meetings and events
- Blocking Traffic
- Overloading administrative systems (paying in pennies, crowding, DNS)
- Refusal to pay fees or taxes
- Marching
- Sit-Ins, Love-Ins, Pray-Ins, Smoke-Ins
- Postering, graffiti, stickers, light projection, puppets, balloons
- Hacking & DNS attacks



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66

Here's a list of different civil disobedience tactics that other people have used. Like chalking. Depending on what municipality you're in, you could get a ticket for chalking. Chalking in Milwaukee can get you a ticket. The thing is, how are they giving that ticket? Are they ticketing all the folks writing "Go Bucks?" Or they only get ticketing the people that write "Black Lives Matter?" Are they ticketing children playing hopscotch, or they ticketing people writing a political opinion on the sidewalk? You know, you can take a look at those things and study them.

There — you know what they are: sit-ins. Love-ins, praying, smoking, some more digital ones. Some people have some really creative things. Like, you know, when folks — and here you see photos on the side of folks marching or protesting in ways that exhibit civil disobedience — you are allowed to hang signs off overpasses, so you are allowed to do that, that is not civil disobedience. That is constitutionally protected behavior.

However, there's fun ways to slow down and bog down a system, too, right? Like, you get this unpopular tax and you have to pay it; folks have historically gotten 300 people to come with pennies to pay that tax, and so you stand there at the DMV and you pay one, two, three, six hundred and fifty pennies for my six dollars and fifty cents, and I've got all my friends behind me doing the same.

[Slide 67, Potential Penalties, 1:28:05]

Potential Penalties

December 20, 2014 – Dontre Hamilton Protests responding to DA not charging former Police Officer Chris Manney for murdering Mr. Hamilton. People on MKE Highway – 76 people received one or two tickets. Pedestrian on a Highway & Disorderly Conduct. Original citations were about \$176 and \$300 each.

All of the protestors spent the night in jail. After volunteer attorneys were secured, most tickets dismissed or reduced to a nominal fee. \$0 about 10 folks, \$10, \$15, \$60 depending on judge.

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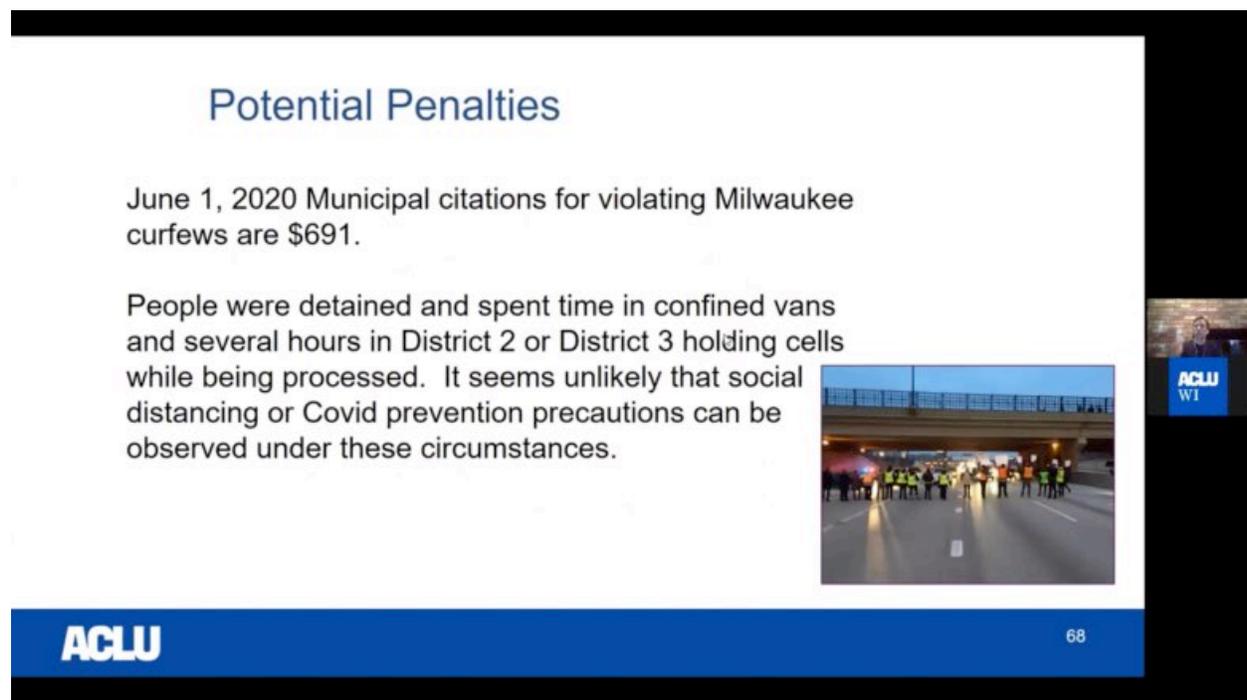
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Potential penalties!

From December 2014, Dontre Hamilton protests, responding to the district attorney not charging former police officer Chris Manny for murdering Mr. Hamilton. Marched, and 76 people received one or two tickets. A pedestrian on a highway ticket and a disorderly conduct ticket. The original citations were mostly \$176 dollars and \$300 a piece. All of the protesters spent the night in jail. The ACLU helped to secure pro bono attorneys for these folks, and after that

most tickets were dismissed or reduced to a nominal fee: \$0 for ten folks; \$10, \$15, or \$60, depending on the judge and what folks decided to do with their attorneys.

[Slide 68, Potential Penalties, 1:28:49]



Potential Penalties

June 1, 2020 Municipal citations for violating Milwaukee curfews are \$691.

People were detained and spent time in confined vans and several hours in District 2 or District 3 holding cells while being processed. It seems unlikely that social distancing or Covid prevention precautions can be observed under these circumstances.



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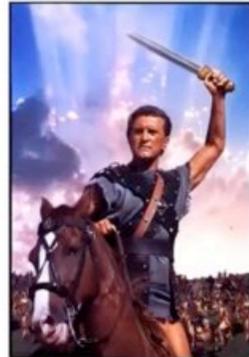
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Potential penalties for the curfew now, June 1st: this is a \$691 fee. And this is not saying, like, you didn't get a disorderly conduct, or, you know, pedestrian on highway, or any of those other tickets on top of it. So this can factor. And just, you know, past few days people were detained and spent time and confined in vans during this COVID outbreak, several hours in district two or three. I hear the women were being taken to district two, men to district three, holding cells were being processed, and it seems highly unlikely that social distancing the COVID prevention precautions could be observed under these circumstances. And this is exactly one of the calls to arms for Smart Justice Campaign that is coupled with our work in decarcerating our prisons and jails right now. If you're interested in that, please also reach out to me, or my friend [NAME REDACTED], or [NAME REDACTED], or [NAME REDACTED], who are all working on this as well.

[Slide 69, Criminal Behavior Subject to Arrest]

CRIMINAL BEHAVIOR SUBJECT TO ARREST

- Inciting a crowd to imminent violence, property damage or other illegal activity
- Carrying weapons, bats, brass knuckles, light-sabers, etc.
- Harassing or accosting passers-by
- Destruction of property
- Engaging in violence



Criminal behavior subject to arrest: if you're doing these things you can expect to be arrested. And there's a picture of Spartacus.

Inciting a crowd to imminent violence, property damage, or other illegal activity will invariably land you in jail. Carrying weapons — bats, brass knuckles, light sabers — to demonstrations will frequently land you in jail. I know we saw last night that there were groups of armed white people, coming up from St. Francis or someplace to allegedly march in solidarity, or whatever their mission was, I don't know. We'll get to that in a second.

Destruction of property will land you in jail. Harassing or accosting passers-by or preventing people from getting in and out of buildings will get you in jail. And engaging in violence will get you in jail.

[Slide 70, Insurrection & Rebellion: Historic Occurrences, 1:30:28]

Insurrection & Rebellion: Historic Occurrences

Stone Rebellion, 1739 – Predominantly Angolan veterans killed white slavers, and marched toward St. Augustine where they would be free per Spanish law.

Boston Tea Party, 1773 – 60 colonists boarded a bunch of British business ships and stole or dumped their cargos into the ocean.

Nat Turner's Rebellion, 1831 – 70 enslaved Black people arose and killed their subjugators and their families.

The US Civil War, 1861 – White people who lived in the southern United States wanted to keep other humans as slaves. They attacked a US Fort starting a 4 year war.

Stonewall Uprising, 1969 – Trans, Gay and Lesbian people tired of being beaten & arrested by NYC Police fought back during a raid.

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70

Here are examples. I'm not going to talk about too much, or really at all, of insurrection, rebellion — you can google those, but you'll see the Stone Rebellion, where Angolan veterans killed white slavers and marched towards St. Augustine, where they'd be free under Spanish law. The Boston Tea Party, it was insurrection. Rebellion: Nat Turner's Rebellion, where 70 enslaved black people arose and killed their subjugators. In the U.S. Civil War, white folks who lived in the South U.S. wanted to keep other humans as slaves so they attacked the U.S. for it, so they could maintain slavery. And others; Stonewall Uprising, we talked about that briefly earlier.

[Slide 71, After the Action, 1:31:03]

After The Action

- Check in with your team before you leave. Come with friends, leave with friends.
- Return notes, materials and vests and get questions answered.
- Determine if media or legal representation needs to be contacted.
- Possibility to be a witness in a future lawsuit.

After your demonstration action, it's very similar to what folks do in legal observing, so I'm gonna repeat it twice because it's the same. You check in with the team before you leave. If you came with friends, you leave with friends. Return any gear, vests, stuff that you borrowed. Get your questions answered. Determine if you need media or legal representation. A lot of demonstrators write their lawyers' phone number on their arm. Like I said before, I'm not a lawyer; don't write my phone number on your arm. And there may be a possibility of witness in a future lawsuit.

[Slide 72, After the Action COVID Edition, 01:31:33]

After the Action COVID Edition ...

After the action is over.

Remove your exterior layer of extra clothing and place it in your plastic bag before returning home or entering any other place with other people around (like a supermarket). Otherwise change your clothes immediately. Wash your hands.

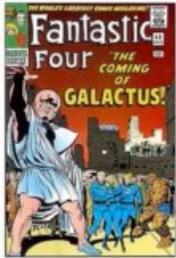
If you develop any COVID symptoms, such as a fever, contact me and the other LOs at the action right away to let them know.

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72

Again, follow COVID protections after the action is over, and if you develop COVID symptoms and you're legal observing with me or other folks — symptoms like a fever or something — please contact us so that we know, in case we have to quarantine ourselves from our loved ones. It's very important to be respectful.

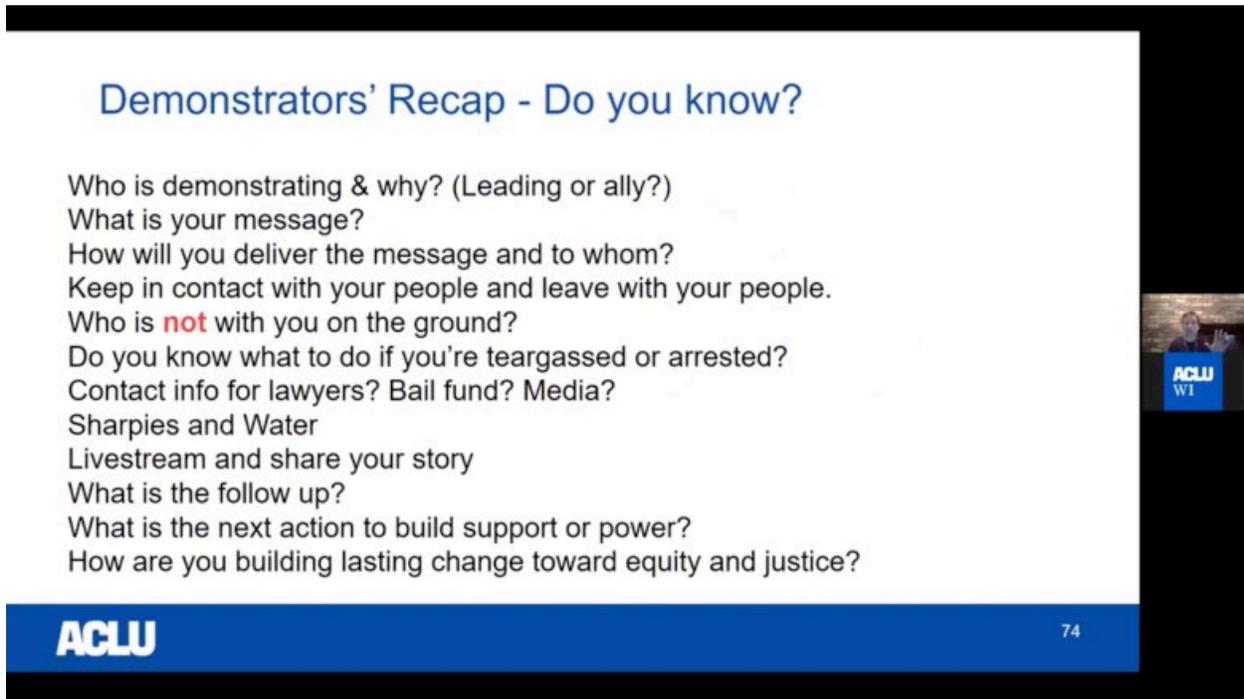
Footage & Comms



- Photos
- Video
- Livestream
- Telegram vs Signal



Share footage and comms, photos, video, live streams, make sure you know what this is. Make copies of it. If you're monitoring stuff on other people's social media streams when they're there and you're worried that it's going to be taken down, save a copy. The comic book there — if you have this comic, please give this to me, I want it, I need it, it's the first appearance of the Silver Surfer and The Watcher in Fantastic Four 48. Big comic freak. And that's Wattu, The Watcher. His job is to just watch, doesn't need to be in — and that's what legal observers do.



The image is a screenshot of a presentation slide. The slide has a white background with a blue header and footer. The title is 'Demonstrators' Recap - Do you know?' in blue. Below the title is a list of questions in black text. The questions are: 'Who is demonstrating & why? (Leading or ally?)', 'What is your message?', 'How will you deliver the message and to whom?', 'Keep in contact with your people and leave with your people.', 'Who is **not** with you on the ground?', 'Do you know what to do if you're teargassed or arrested?', 'Contact info for lawyers? Bail fund? Media?', 'Sharpies and Water', 'Livestream and share your story', 'What is the follow up?', 'What is the next action to build support or power?', and 'How are you building lasting change toward equity and justice?'. The ACLU logo is in the bottom left corner, and the number 74 is in the bottom right corner. There is a small video inset on the right side of the slide showing a person speaking.

Demonstrators' Recap - Do you know?

- Who is demonstrating & why? (Leading or ally?)
- What is your message?
- How will you deliver the message and to whom?
- Keep in contact with your people and leave with your people.
- Who is **not** with you on the ground?
- Do you know what to do if you're teargassed or arrested?
- Contact info for lawyers? Bail fund? Media?
- Sharpies and Water
- Livestream and share your story
- What is the follow up?
- What is the next action to build support or power?
- How are you building lasting change toward equity and justice?

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Demonstrators. We're gonna get to all the questions in a few seconds. I just have a few last slides. Please know these following things if you want a meaningful demonstration. Who is demonstrating and why? And are you there because you're leading that demonstration, or are you there because you're an ally to the movement of the demonstration? If the demonstration is being led by our black brothers and sisters and you're not black, then you're an ally, and so they need to lead.

What is your message? Or maybe other folks are counter demonstrators and you want to know who those folks are too. Just be aware of all this, and know your place in all of this.

What's your message? What's the message of the demonstration? How do you deliver this message? And to whom? Who is the best recipient of that message?

Keep in contact with your people and leave with your people. People get separated at all times. I've watched this happen since I was involved in demonstrations myself as a teen way back when.

Who is not with you on the ground? That means who is the COINTELPRO? The Agent Provocateur, the guy that came down there to cause some — the guy to pretend that he's a demonstrator, who's busy breaking stuff to give people a bad rap? Know who these people are. If you suspect bogus intentions, document that stuff, like those folks who found the AutoZone guy — they thought it was — in Minneapolis — they thought it was either a police officer breaking the windows to blame the demonstrators, or maybe even the owner of the Auto Zone, because he wanted people to rob it, so he can claim insurance because his business sucked. I have no idea who he was, but he did not seem like he was in the demonstration, and so they captured that behavior on video. Do that.

Know what to do if you're tear-gassed. Irrigate your eyes; you can use water, milk, milk of magnesia, that's great. It's not a jellyfish thing. Don't go peeing in people's faces, okay?

Contact info for lawyers. Is there a bail fund? Is there media? The sharpies we mentioned. The water, drink water. Livestream, share the story. Story: what is your follow up afterwards? Demonstration is not an end in and of itself. How are you building power? What's the next action to support and build power, and how are you moving all this towards equity and justice? Really important.

[Slide 75: Register to be a legal observer with the ACLU of Wisconsin here:]

Register to be a legal observer with the ACLU of Wisconsin here:

REDACTED

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ACLU 75

Boom. What you've been waiting for. If you want to be a legal observer with the ACLU of Wisconsin you register here. It's a Google Form.

We are not sharing this. People keep on saying ridiculous things, like, "Hey, can you share all the contacts of your legal observer so I can call them? We'll get them to do this thing or blah blah blah." The answer is no! If I don't know you, NO!, capital letters and exclamation — and it's in Spanish upside down exclamation and the right side exclamation. If I do know you, the answer is no. The ACLU takes the privacy of our members very seriously as well, and we will ask people to legal observe when they can, and work with them and then they do their thing.

[Slide 76, Questions, 1:35:09]



[NAME REDACTED] I know is sharing this, and the various Facebook groups that are watching all of this. And now I'd like to move on to questions.

FEMALE VOICE: "We have a lot of questions."

Ahaha!

FEMALE VOICE: "So there's there's a sort of theme of questions which are around, sort of, rules around weapons and and breaking the law. Um, one question is, if you're carrying the flag with a wooden handle, is the wooden handle a weapon?"

A great question, and — I'm sorry, I have a cat here and a dog here, so I'm trying to keep them both at bay. I know the cat wants to type in chat, and I don't know what my dog wants.

Yeah, so everything depends, right? The flag staff is called a standard, and the standard, for example, is not allowed in most areas of the capital if you go inside. And at one point police officers tried to detain and ticket people, saying that people's arms were standards for holding flags, and hence they had a weapon, right? I guess everybody is Bruce Lee to this guy. But, hold on a second —

I was being attacked by multiple animals; I had to ask for backup. So it could be a weapon. I mean, it could be a weapon. Are you using it as a weapon? If you look at the album cover as an Iron Maiden EP, where Eddy the demon is using the tip of his ripped Union Jack as a spear to fight Prussians, then yeah, it's a weapon. But generally, no, it's a flag on a stick. I encourage you to make it not look weapon-like if you don't want it to be a weapon. But certainly, if you get a ticket for it, that's the kind of thing you're going to have to fight in court. Right, um, there was a secondary question about weapons, [NAME REDACTED]?

[FEMALE VOICE] “Yes, and I'm sorry, I'm also trying to fix the bitly link; that appears to not be working exactly right. So I'm on that, too. The next question about weapons was, what if the demonstrators have weapons? Guns, etc.”

Yeah, so you have to determine what's good for you as an individual. So I ask the legal observers not to carry weapons, but people have a right to demonstrate with weapons in Wisconsin, and if they want to do that — and that's why I get back to the “who is demonstrating and why?” question. If you want to show up as an ally, and the organizers of that demonstration don't want weapons, then respect their lead in that movement — whether it's a Black Lives Matter movement, an LGBT movement, or a Second Amendment rights movement, like if they do want weapons there, that's their thing. So it really depends on the circumstances of what you're asking people for and what the message is.

I have little children. If I see people with weapons, and those people look unstable to me — they look like they're trying to pick a fight, they look like they

want some stuff to go wrong, I'm getting the hell out of there. I want to live and I want my kids to live. So use common sense in these examples. If it's a person that's you know, just a person that's got a CCW, or a weapon — where I grew up lots of people carry weapons — and you know, if you thought that they were a person that was gonna cause some mess, then you cleared out regardless of if they had a weapon. And I say apply that same common sense.

The people carrying weapons should follow the lead of the demonstrators. The people that don't feel comfortable with the weapons should move away to an area where they do feel comfortable. That also includes law enforcement. If you see a lot of law enforcement carrying weapons? Like, move away! Like, if you have little children, and a dude is rolling up in a tank, and it's the same guy I just showed you who's pointing his rifle at the faces of photographers? I don't feel comfortable with that. Back up. Police have weapons, too.

[FEMALE VOICE] “So, if we register to be a legal observer with the ACLU, and we want to basically legal observe a demonstration in our community, how do we get a blue vest?”

That's a great question, and we're still working on some of that. Generally I have legal observers who haven't really legal observed before, and have legal observers who are longtime volunteers who have been in the field before, who know what it's like to observe under emotional duress, will understand what we were looking for as legal observers. I will give what I call a volunteer leader or a team leader the vests, and they will distribute them during actions and activities, and collect them after actions and activities.

So I have many different volunteer leaders in different communities, and if you're interested in being legal observer and you're not aware of them I'm happy to put you in contact with them.

The first time generally people legal observe, I have them go out with veteran legal observers. It's getting a little weird now because of COVID, and the diminished amount of human contact we have, and what that distance looks like and how we're comfortable, but I feel like we've been doing a good job working on navigating some of that. So we'll work out those arrangements.

If you want to legal observe, if there's an event coming to a theater near you, then reach out to us and we'll try to patch you up with a network. We're pretty organized, and we have legal observers sorted out in encrypted databases through a variety of tags.

[FEMALE VOICE] "So does the rule about ACLU legal observers not breaking the law does that include not observing during a curfew?"

It's a tricky question, and the answer is yes. We've instructed our legal observers generally to not get themselves exposed and ticketed during a curfew. Now, here's a beautiful thing about legal observers. We have trained well over a thousand people to be legal observers in my 15-year duration here with the ACLU of Wisconsin, and so we'll find folks that are demonstrators who have been legal observers, and they know exactly what to photograph and film while they're demonstrating. And so they're capturing a lot of the same story and sharing that with us. So just knowing how to film and take photographs is an important tactic. We had, as you saw with a picture of the helicopters, legal observers who aren't legal observing who noticed this stuff and started legal observing out their apartment window. So you may be near that area. Maybe there are restrictions on the curfew, like being in a car, or parked car, or your SUV, or on your own private property, um, where you can legal observe. You may get permission from a property owner. You may know somebody that's near where an action's being held and get permission to hang out there on the porch and legal observe. We've had that happen as well, where the owners of the house invited their friend to legal observe from a porch recently where they spent a

couple hours having a good time and sharing COVID-safe barbecue. So, yeah, we don't encourage you to break the law.

[FEMALE VOICE] “What about if you have a bicycle? Can you use a bicycle while you’re legal observing?”

Great question. The answer is yes. Long time veteran legal observer [NAME REDACTED] showed up the other day on her bicycle to legal observe. We've had many bicycling legal observers, and that's kind of cool because some of your bicyclists are super high-tech and wear, like, those GoPro cams and are doing, you know — I was overheated and I was throwing around kettlebells, so I apologize for dressing like a slob now. But they have all this, like, futuristic space clothing they wear on their bicycles — so yeah, you make us look cooler legal observing on your bicycle. Just don't fall over and start beating civilians like we saw happen the other night.

These are good questions. Keep them coming.

[FEMALE VOICE] And is there a general protocol for helping demonstrators who might be injured or in immediate danger?

Yes, again. I apply the — be the Golden Rule to these things. Be a kind and compassionate human being. If you see somebody in immediate danger, or they're hurt, help that person the same way you would want to be helped. We had a legal observer, my good friend [NAME REDACTED] who was legal observing in Madison during the Madison Uprising, and, you know, there we had armies of legal observers, and it was a gazillion protesters. And who does he see in an altercation with a law enforcement officer that he never expected to see? His mom! So, you know, you gotta step in, it's moms!

So you know use your discretion. If you feel you see something where you need to step in, step in. If you feel you see something untoward — maybe there's

some sort of violent clash between protesters and counter protesters — and you have a moral obligation to step in, just take off your legal observer vest before you mix it up. But do what you need to do within the general parameters of the rules that we have set up. But yeah, if somebody's hurt or bleeding, may need triage, you see a little kid lost, um, any of those things, be a human being first and be whatever the hell else you need to be second.

[FEMALE VOICE] In the example of multi-day protests like the ones currently going on, is there any worry — [BARKING DOG] I'm sorry; my dog is processing — is there any worry of impartiality for people who want to be a legal observer one day and then demonstrate on another day?"

Yes. Great question, and one we receive all the time. Hold on a second — got my lovely daughter helping me, I've run out of all my liquids, both my espresso and my water.

So yeah, that's tricky. I ask that people try to not legal observe and demonstrate in the same day. But I think it's like anything else. If law enforcement officers can — thank you so much, love — um, if law enforcement officers can have their own opinions about politics and social media, or in their personal lives, and then, um, be expected to act impartially during the course of their in uniform duties, then yes, you too should be expected to do these things.

So, and the other tricky question we get is, a lot of folks — you know a lot of folks can't legal observe, because they feel so strongly about this. And while I get that, I think it's also very important for those of us who are allies in a lot of different movements where we are not being as directly affected by the injustice or the unconstitutional, the racist, or the white supremacist behavior, we need to show up in a way that supports the people leading that. And in some respects that may be standing shoulder to shoulder with them in a demonstration; other respects it may be litigating on their behalf as an attorney with the ACLU. In other respects, that may be serving as a legal observer, to ensure that law

enforcement is treating them with the same dignity that we might be afforded because of the color of our skin or we might be afforded due to or what other of the level or element of privilege we have. Because remember, too, the great intersectionality of identities that fall on these things. I mean, you know, if you have any of these identities, whether it's religion, your ethnicity, ability, et cetera, et cetera, I don't have to tell you what they all are — then there's many different layers of privilege that we get. And so use those elements of privilege to protect their rights, by documenting them while they're voicing their great concern over these injustices or perceived injustices, and also the rights of counter-demonstrators that that may very well be buttocks but are also protected under the Constitution. Because once we rob them of their ability to be buttocks and we say the government gets to say who speaks and doesn't speak, then we have screwed up the chessboard.

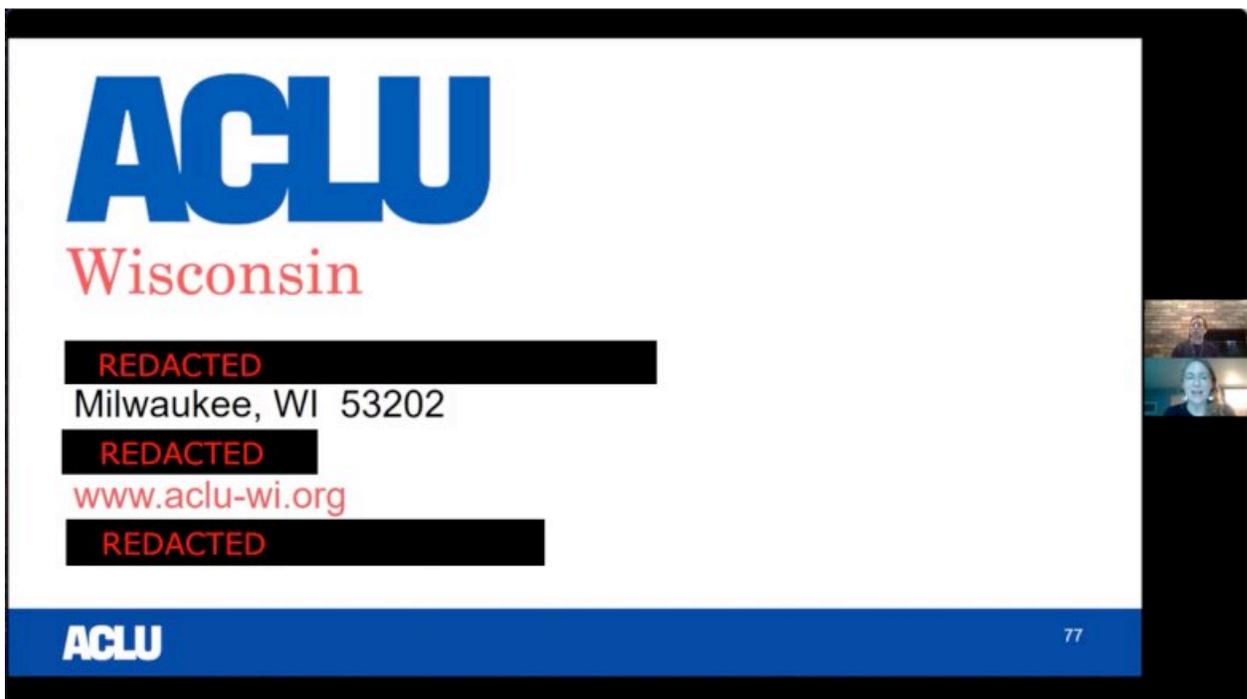
[FEMALE VOICE] Okay, this might be the last question: “if an ACLU legal observer volunteer is arrested while while observing, are they responsible for their own fines and/or legal fees, assuming that the volunteer was behaving within legal rights and laws?”

Yeah, so, a good question.

We have never ever ever turned our back on one of our people. We have waited hours for them and called and checked in, alerted their loved ones and taken care of them. So although you may when you become a legal observer sign a waiver that says we will disavow any knowledge of you and leave you there, we have not yet done that. And, in fact, the ACLU has repeatedly worked to get pro bono attorneys for demonstrators who are not legal observers who have been caught up exercising their First Amendment rights or engaged in non-destructive acts of civil disobedience that we felt that they should have our assistance in finding somebody to help them with fines and fees or navigating that. So I personally will never turn my back on you.

[FEMALE VOICE] “So thank everybody for joining us tonight; I appreciate all the engagement and the questions, both here and on Facebook. And thank you to Emilio for providing another entertaining and somewhat inappropriate at times training. We will — we've been getting questions about the PowerPoint slides; we will be happy to share those with folks who sign up using the bitly, that's the easiest way to sort of get them out in the world and open.

[Slide 77, ACLU WI business card, 1:48:42]



And [NAME REDACTED]'s gonna also share his email address, so feel free to reach out that way.”

[SLIDE 78: Follow us, Friend us, whatever! 1:48:46]

Follow us, Friend us, Whatever!

- REDACTED

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ACLU 78

So I've learned — Just two quick things. thank you all, I really hope that you do become legal observers. And if not with the ACLU of Wisconsin, create your own group in your community, and work like that. And please, even bigger than this, get involved in what's happening in your communities. Fight against racism, fight against white supremacy, and make sure that you take an active role in policy and making the world a better place. Everybody deserves to be treated with dignity and respect. Keep in contact with us this way, and we will follow up somewhat on facebook sharing this information. Thank you.