

**Diane Gerth  
909 Bayard Avenue  
Saint Paul, Minnesota 55102**

September 24, 2008

City Council Member David Thune  
Ward 2  
15 West Kellogg Boulevard  
Saint Paul, MN 55102

Dear Council Member Thune:

When I heard that you were to be conducting the "Listening Session" scheduled for today, my first thought was that communication about the events that took place during the week of the RNC convention needed to go both ways. As citizens who tried to work, conduct business, and entertain all sorts of out-of-town visitors during that week, many of us came away with questions that we feel need to be answered. This is my attempt to put together such a list based on feedback from neighbors and others who were downtown during the first week of September.

Emotions have run high during the week and since that time. I have tried to phrase the following questions in a manner that invites honest answers, not defensive responses. Some of the questions will obviously reflect my own ignorance of the facts, and I apologize in advance for this. I don't presume to know all that took place (or even a fraction) over the week. But I know that an understanding of what happened and why will help us all clarify the events for those of us who watched.

I know that a number of these questions do involve the actions of the Ramsey County Sheriff's Office and officers from law enforcement outside of the Saint Paul Police Department. But as the SPPD is the "Lead Local Agency" under Section 5.4(a) of the City Service Agreement that governs the relationship between the City and the Host Committee, these questions need to go to the Lead Agency.

### **Advance Communications and Public Meetings**

The City is to be lauded for its attempts at advance communication with citizens through community meetings and press briefings. But it turned out that a number of the promises and assurances made at those meetings never came to be, and this raises questions.

For example, Matt Bostrom told community meetings that there would be no infiltration of protest groups when in fact Sheriff Fletcher at that point (December 2007) had been infiltrating groups almost since the announcement of the organization of the RNC

Welcoming Committee.” We know this from the Affidavits in support of the search warrants that have been made public.

Whose decision was it to infiltrate groups?

Was this ever communicated to the SPPD, ostensibly the Lead Local Agency?

Was Mr. Bostrom and the others who spoke at the meeting misleading the public or were they kept out of the loop?

What other groups beyond the RNC Welcoming Committee were infiltrated? Are these activities ongoing or have they been discontinued?

What parameters or limits were ever placed on those infiltrations? How much were the informants and infiltrators paid?

Why were citizens told at a number of public meetings that police would be “wearing uniforms, smiling and riding bicycles” when in fact citizens and protestors were met with fully armed riot officers on day one? When did the public face of acceptance and welcomeness we were assured of change into what we saw all week?

Whatever happened to Mr. Bostrom? No one’s seen him since August. Has he resigned or been removed from his position?

### **Police Actions on Management and Individual Levels**

There are many questions about the actions of police that need to be examined on a number of levels. There were police actions that were clearly undertaken on the part of individual officers that on the surface appear to be problems relating to that individual’s behavior. But there were just as clearly organizational and official plans that need to be scrutinized and explained. Clarifying what was occurring on a “macro” as well as a “micro” level will go a great way toward reestablishing the trust the public has in the SPPD.

What were the “Rules of Engagement” that the officers were working under? By this, we are asking what the proper policy was when confronted with a particular situation? The policies and procedures for such a unique event that went so wrong for so many deserve examination and need to see the light of day.

To many onlookers, they saw what appeared to be a policy of law enforcement always taking the most aggressive stance when confronted with a situation. For example, video shows individuals who were restrained and posing no threat to the police, but were nonetheless still subjected to direct blasts of pepper spray in the face.

Was this part of some official decision or were these individual officers choosing to do this? Is it against any policy for an officer to do this? What purpose is served in doing this to fully restrained individuals?

We saw encounters between individual protesters and lines of law enforcement that need not have been escalated. Why couldn't an officer step out in front of his group and escort an individual off to the side for arrest or simply to diffuse a situation?

People were under the impression that if they sat down on the ground and raised their hands, they would be arrested. This did not occur, and people who were trying to surrender appear to have been forced up, only to be knocked down again by bicycle tires or directly by officers. What was the policy for this circumstance and what purpose is served by forcing people who wish to surrender to get up?

Why did it appear that there had been massive training for what to do when things escalated, but no training on what to do to de-escalate or to change approaches when a simple act (such as one officer breaking ranks and carefully leading a flower-toting girl aside) could have calmed down a situation?

Why were badge numbers obscured? Wasn't a promise of transparency part of the advance work? Given the level of video of individual officers' actions, will a complete listing of helmet numbers matched to officers or agencies be compiled or preserved? If not, why not?

Were any private security contractors utilized on the streets of the City (not private security associated with a business site)? Whose authority and/or control were they under? Did they coordinate efforts with the SPPD?

In some instances, residents of downtown tried to ask riot gear equipped officers questions about the current situation. For example, people who live around Mears Park were met with a very heavy police presence on Wednesday evening, tried to ask officers if there was a safety issue, but even when politely and directly asking, they were ignored. Many found this stone faced response to direct questions intimidating and were left with the conclusion that their safety might not be a concern or a priority.

The evening before (Tuesday), officers from Minneapolis and Tucson told these same residents who were in the park with their dogs that they were to "clear the park, the march is over." These people had waited until the march was over before they took their dogs out, were clearly not part of any organized march, and there appeared to be no reason to bother them other than to intimidate them unnecessarily.

As mentioned, numerous questions have arisen out of Sheriff Fletcher's actions. Again, questions are directed at the SPPD as the Lead Local Agency.

Why was Ramsey County Sheriff Fletcher carrying out raids in Minneapolis?

Why was Sheriff Fletcher allowed to claim "City Code Violations" as a justification for the Friday evening raid and closure of the RNC Convergence space on Smith Avenue? Was the City aware of or did it approve this raid? Why were all participants - clearly not doing anything to justify arrest - nevertheless photographed and their names taken down? As this was something that could only be viewed as an intimidation tactic, why was it done? Didn't anyone think about the inflammatory message this sent to protesters who might not have otherwise taken unlawful steps?

Why, now three weeks after the convention has ended, do we continue to hear stories of Ramsey County Sheriff members visiting the homes of those thought to be associated with the RNC Welcoming Committee?

### **Security Cameras on Street Corners**

Why are the cameras that were installed for this single event still in place?

What is the future of the surveillance cameras? Why has there been no chance for a public debate about whether the City will be keeping them up? What policies are there for the tapes and who made the policy? What costs are the taxpayers bearing to support their own surveillance?

We were told that there would be public feeds of all cameras during the convention. What ever happened to that promise? Was there ever a plan to do this and what steps were taken to fulfill it? Was it ever seriously contemplated?

Have ALL tapes/recordings from the week been preserved? What provisions are being made so that they can be used by those trying to defend themselves?

### **Thursday Events**

The events of Thursday, September 4 are particularly troubling. By some accounts, the events seemed aimed at taking whatever steps were needed to raise the arrest levels to those predicted by Sheriff Fletcher.

Why was the High Bridge closed the morning that RNC Welcoming Committee wanted to hold a press conference? It appears that this was done simply to prevent the press from getting to their site - what justification was there for closing this vital link? Moreover, why was the bridge kept closed all day long, making life very difficult for those who use the bridge daily?

When there was a march scheduled for the period between 3:00 and 5:00 p.m., why weren't those people sent marching on their assigned route? By not starting the march, the situation seemed destined to become problematic when the time limit ran out at 5:00 p.m. and their chance to conduct a march was over. Why was this done? Again, it seemed overly provocative.

With rumors circulating among downtown workers all day Thursday and the early closings of some large businesses, it appears as though fear of “what might happen” was used to clear downtown of people in advance of the overwhelming show of force and street closings that took place that afternoon. Were there any real reasons for the whisper campaign that led to early closings? Did those reasons turn out to be accurate? Were downtown workers ever in any sort of danger?

The command decisions for what happened that afternoon and evening need to be examined. By most accounts, the vast majority of people who had been gathered at the Capitol were simply trying to get home after the march was aborted. Was there a master plan for what occurred? Why were people herded first into the Sears parking lot and then later onto the Marion Street bridge?

Medics, yellow-hatted peacekeepers, green-hatted legal observers and credentialed journalists appear to have had their special status turned on them. What were the provisions in place for dealing with those who were obviously not part of the protests?

Why was the radio of the team of medics, the Northstar Health Collective taken?

Why was there no attempt to make distinctions between shoppers, people trying to get home, and any real troublemakers that evening?

I’ve heard stories of people caught up in this mess being charged with crimes that are exaggerated. For example, a man recycling the empty 5 gallon buckets that had previously held floor cleaning material (taken from the Sears dumpster) was arrested, his car impounded for two weeks, and now faces charges for possession of “hazardous materials” because of the residue in the buckets he was recycling. This is, in a word, ridiculous and a waste of time and resources. Is his story typical?

### **Content-based Decision Making**

There also appear to have been some content-based decisions made as to who was allowed to remain in an area and who was pushed out or arrested.

Not letting the members of Rage Against The Machine performers onstage during the Ripple Effect concert on Tuesday seems based only on the content of their music. Why couldn’t the situation have been allowed to diffuse simply by letting them take the stage? We have since learned of efforts by the RNC Host Committee to successfully prevent these musicians from performing at the Harriet Island Labor Day Picnic and their unsuccessful efforts to insist on the cancellation of the Minneapolis concert. Given this, what evidence is there that Tuesday’s decision was not content based?

On Labor Day, there were a large number of individuals present on West 7<sup>th</sup> who were part of a pro-troops unpermitted gathering. They had been permitted for a rally at Triangle Park earlier that day, but then the group marched down to the area around St.

Peter Street and West 7<sup>th</sup>. Why were these people – clearly not a permitted gathering – allowed to remain, when some permitted gatherings later in the week were disrupted?

Miscellaneous

This was the first week of school for most Saint Paul schoolchildren. Given that the first week of school is already stressful for many families, why were so many helicopters deployed during the late evening hours into the early morning?

I personally experienced what appeared to be phone jamming that took place during the first day of the convention (I was at Fourth & Cedar at about 1:00 p.m. on Labor Day at about the time the windows of the First Bank Building were being smashed). Was law enforcement responsible for this? Where there other high-tech surveillance/phone jamming/computer disruption tactics were employed? What guidelines are there for such tactics?

Thank you for the opportunity to raise these questions. I appreciate your efforts to help citizens sort through the events of that week. While I know that Saint Paul shone on the national stage in ways we can be proud of, but our City is strong enough to shine without the militaristic show of force those of us living here saw.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Gerth". The signature is written in a cursive, flowing style.

Diane Gerth