

**LEGAL OBSERVER AT ANTI-WAR PROTEST SUES
MILWAUKEE POLICE OVER FALSE ARREST**

Milwaukee Attorney Arrested after Asking for Badge Number

FOR IMMEDIATE RELEASE

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MILWAUKEE, WI -- Arthur Heitzer, a Milwaukee attorney who was arrested on March 24, 2003, during a protest against the Iraq war, today filed a lawsuit against the Milwaukee Police Department and the officer who arrested him. The complaint alleges that the officer arrested Heitzer, who was acting as a legal observer rather than participating in the protest, after Heitzer approached the officer to ask why a protestor's mock missile had been seized and to get the officer's badge number. He was then arrested and charged with incitement to riot, resisting arrest and disorderly conduct. The complaint, filed today in the Milwaukee County Circuit Court's small claims division on Heitzer's behalf by the American Civil Liberties Union of Wisconsin Foundation and cooperating attorney Peter Earle, seeks damages for false arrest and violations of Heitzer's first amendment rights.

"It seemed to me the police were overreacting to the protest activities, taking away the props for the 'street theater,'" Heitzer said. "So I approached one of the officers to ask why and to get her badge number. Instead of responding to my questions, she handcuffed me and hauled me off to jail." Heitzer explained that legal observers were organized by the Milwaukee Lawyers Guild chapter to monitor police conduct at protests. These observers usually wear hats or armbands that identify them as observers and distinguish them from demonstrators. "The main idea is that if the police know they are being watched, they are less likely to go overboard," Heitzer added. "We sometimes try to mediate disputes, but we're mostly there as witnesses. I guess this officer didn't want to be witnessed."

Heitzer's attorney, Peter Earle, emphasized the constitutional dimensions of the case. "Under our Constitution, the police cannot arrest someone for asking them questions," he said. "It's part of the right to 'petition' the government. If we can't question what the police are doing, we are taking a step away from democracy and toward a police state."

ACLU of Wisconsin Executive Director Chris Ahmuty noted the value of legal observers in securing the right to protest. "The first amendment guarantees the right to assemble and demonstrate publicly," Ahmuty said. "Protest, like democracy itself, can be raucous. While some police officers may have an aversion to protest, they are supposed to be there to serve and protect our rights, not to silence and intimidate. We sometimes need citizen observers to keep them honest."

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