

Dorsey Seattle Successfully Defends Activist

Our client, a political activist, was falsely arrested and charged with a DUI while he was traveling to an anti-war demonstration in May 2007. Several days earlier, federal, state and local law enforcement agencies began monitoring the movements of our client and others because of suspected anarchist ties. On May 6, 2007, our client met other anti-war activists and car-pooled to a peaceful demonstration to protest the military's use of local ports to mobilize troops for the war in Iraq. Based on the prior surveillance, law enforcement put out an "attempt to locate" alert for our client's car. When the State Patrol located our client's car, they began to follow him for several miles before pulling him over under the pretext of "erratic braking" and driving under the speed limit. They conducted a field sobriety test, which showed that our client was not under the influence of any drugs or alcohol. Nevertheless, he was placed under arrest and subjected to a blood test, which confirmed that he was not under the influence of drugs or alcohol. Law enforcement continued to hold our client until the demonstration was over before letting him go. The county prosecutor charged our client with a DUI, and refused to dismiss the case until he discovered that the "attempt to locate" on our client was based on his suspected political affiliations.

Our client, with the help of his criminal defense lawyer, sued the State Patrol officers involved, the County of Grays Harbor and the City of Aberdeen in federal court, alleging violations of his civil rights under the U.S. and Washington Constitutions, among other claims. The ACLU immediately became involved and sought Dorsey's help. The case involved a difficult and contentious discovery process in which the United States government intervened in an attempt to prevent disclosure of its spying program on suspected political dissidents.

The \$169,000 settlement amount is unusually large for this kind of case, particularly in light of the challenges in proving damages to our client. In awarding fees and costs, the Court stated, "This case was far more than a wrongful arrest case. Besides ordinary damages, it was an attempt to vindicate the plaintiff's civil rights, and involved issues of whether governmental agencies were unconstitutionally targeting and arresting

protesters without probable cause.” The Court further observed that, “... the willingness of the defendants to make the offers of judgment could be viewed by the plaintiff and the public as some vindication of the plaintiff’s position.” Pursuant to its cooperating attorney agreement, Dorsey donated its share of the attorneys fee award to the ACLU of Washington Foundation.

Since the Seattle Times broke the story, a number of local and national news outlets have picked up the story as well. The Seattle Times articles can be found at the following links:

Read Activist spied on? Man wins settlement here.

Read \$250K for attorneys of activist arrested on way to protest here.