

April 17, 2021

**VIA ECF**

The Honorable Wilhelmina M. Wright  
United States District Court  
316 N. Robert Street Room 7A  
St. Paul, MN 55101

Re: *Goyette, et al. v. City of Minneapolis, et al.*, 0:20-cv-01302 (WMW/DTS)

Dear Judge Wright:

We write as Plaintiffs' counsel to call your attention to unfortunate developments that have arisen in this case since the Court issued the temporary restraining order ("TRO") yesterday. Last night, hours after the TRO took effect, the State Defendants escalated the level of assault and harassment of journalists to an intolerable degree, as the below photo of Agency France-Presse photographer Eleonore Sens and another journalist shows:



The State Defendants, in their opposition to Plaintiffs' Motion for a Temporary Restraining Order, referenced without specificity cases in which they claimed they could have difficulty differentiating members of the press from the protesters. The reality is that these fringe cases, to the

extent they exist, are rare. No documented instances of such cases have been brought to the attention of Plaintiffs' counsel. Far more common is what is depicted in the image above—members of the press, clearly identifiable as such through their distinctive and visible clothing with “PRESS” written across it, and toting substantial equipment, being intentionally targeted by law enforcement.

The experience of the press captured in this image is not unique. In a live broadcast, now available on YouTube, WCCO reporter Reg Chapman and his video crew were detained, made to get on their knees, despite their obvious status as media and for no specified reason, and forced to submit to an ID check and photographs. (Video *available at* <https://www.youtube.com/watch?v=YxH-2u7i-6w>.) Photojournalists Chris Tuite and Chris Juhn suffered similar experiences at the hands of Minnesota State Patrol. Both were covering the Daunte Wright protests last night, and wearing readily-visible, conspicuous press credentials and carrying multiple professional-style cameras. (Tuite Decl., ¶¶ 2-3; Juhn Decl., ¶¶ 2-3.) Both were then ordered to leave the area where law enforcement was conducting mass arrests. (Tuite Decl., ¶ 4; Juhn Decl., ¶¶ 4-5.)

When they reached the designated media point, the Pump n' Munch gas station, both were lined up with other members of the press, and had their faces, driver's licenses, and press credentials photographed before they were permitted to leave the area. (Tuite Decl., ¶ 7; Juhn Decl., ¶ 6.) During this incident, Minnesota State Patrol threatened Chris Tuite with arrest multiple times, thrust a can of pepper spray in his face, and grabbed him with such force that it ripped his clothes. (Tuite Decl., ¶¶ 5-6.) A USA Today videographer reported being subjected to this same harassment, line up, and processing procedure: “After quickly dispersing protesters in #BrooklynCenterMN tonight, police surrounded members of the media and made us lie flat on our stomachs. They then photographed our faces, credentials, and identification before allowing us to leave the perimeter.” (Tweet *available at* <https://twitter.com/jaspercolt/status/1383285891104342023>.) *See also* <https://www.usatoday.com/story/news/nation/2021/04/17/brooklyn-center-protests-police-round-up-journalists/7268057002/>.

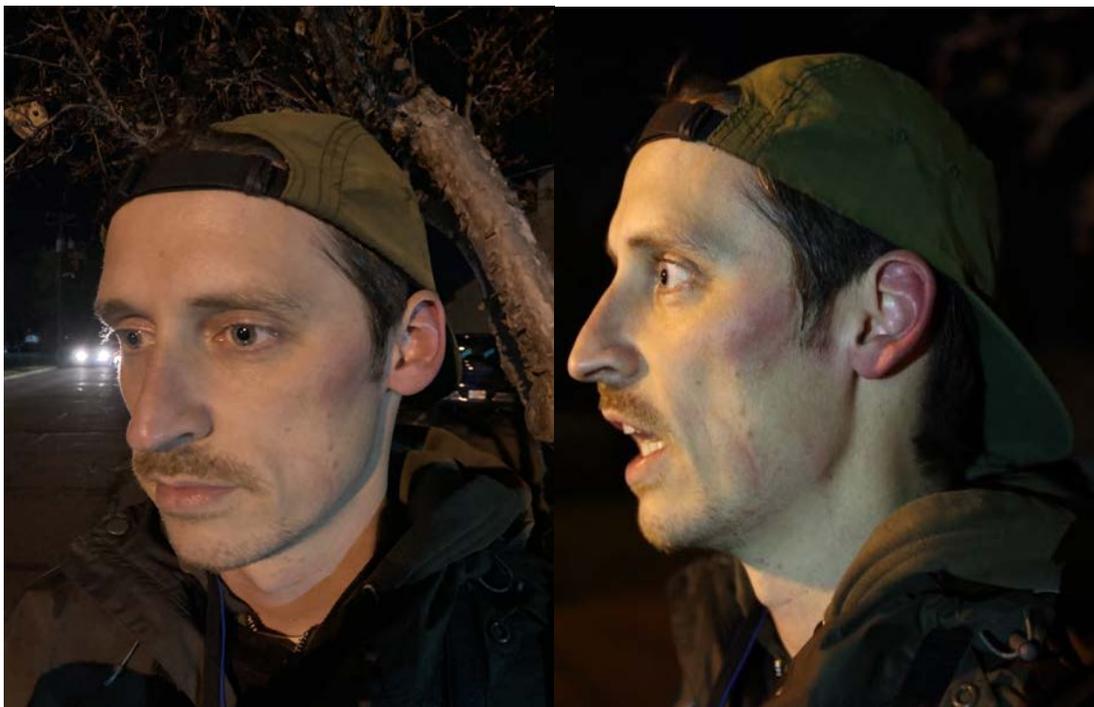
The State Defendants have yet to explain why journalists are being photographed and catalogued, or what is being done with this information. The conduct clearly violates Minnesota law, which requires that law enforcement possess probable cause or at least reasonable suspicion of illegal activity before demanding presentation of identification, as well as the First Amendment and this Court's Order.

But last night's misconduct went beyond unlawful detention to include outright retaliatory assault. Photojournalist Timothy Evans' experience is especially demonstrative and horrific. Mr. Evans was covering the Daunte Wright protests outside of the Brooklyn Center Police Department last night. (Evans Decl., ¶ 2.) He was wearing press credentials attached to a lanyard hanging from his neck, had a large “PRESS” sticker attached to his backpack, and was carrying two cameras, one on his arm and the other hanging from his neck.

Around 9:45 p.m., law enforcement announced an unlawful assembly and ordered the protesters to disperse. State troopers and other law enforcement rushed the crowd, and Mr. Evans moved back, yelling “PRESS! PRESS!” in an attempt to get out of the way of law enforcement. A trooper ran to Mr. Evans and immediately bear-sprayed him. (Evans Decl., ¶ 4.) Mr. Evans fell to his knees. He was then

tackled. When Mr. Evans repeatedly told the trooper, “I’m press! I’m press!,” the trooper responded, “I don’t care.” (Evans Decl., ¶ 5.) He spun Mr. Evans onto his stomach, at which point Mr. Evans held up his lanyard with the attached press credentials. The trooper punched Mr. Evans in the face, told him to shut up, ripped the lanyard from around Mr. Evans’ neck, and threw the credentials in the dirt. Mr. Evans continued pleading with the trooper that he was press, and the trooper responded, “[T]oo bad, you should have gone when you had the chance, shut the fuck up.” (Evans Decl., ¶ 5.) Another trooper saw Mr. Evans and approached him. Hoping this trooper would help him, Mr. Evans said, “I’m press.” The second trooper told Mr. Evans to “shut up,” hit Evans in the back of his helmet, and smashed the left side of his face into the ground. (Evans Decl., ¶ 6.) Mr. Evans was then zip-tied, and left sitting on the curb. Eventually, a third trooper released Mr. Evans from the zip-ties and told him, “I can escort you out but you have to leave.” (Evans Decl., ¶ 8.)

Before Mr. Evans even made it home for the night, the injuries to his face from the troopers’ abuse were visible:



As soon as Plaintiffs’ counsel learned of these events, we contacted counsel for the State Defendants to raise concerns of their clients’ non-compliance with the Court’s order. The parties spoke early this morning, in a meeting both parties agreed was covered by Federal Rule of Evidence 408. Plaintiffs appreciated the opportunity for a dialogue with the State Defendants, especially given last night’s events. What was apparent from the meeting, though, is that the State Defendants remain fixated on “grey area” and/or hypothetical cases, whereas Plaintiffs are merely asking the State Defendants to comply with this Court’s Order and stop the targeted, methodical harassment of members of the press who are clearly identifiable through their clothes, credentials and/or equipment, as the examples above illustrate.

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Finally, Plaintiffs appreciate that the Court permitted the State Defendants twenty-four hours to provide copies of the Court's order to all of their employees. Plaintiffs grow increasingly concerned, however, that the State Defendants do not intend to comply with the TRO without further intervention from the Court; indeed, the State Defendants' use of the "chaotic environment" and strawman protesters-posing-as-press arguments raise significant red flags for Plaintiffs and we wish to advise the Court of our ongoing concerns.

We appreciate the Court's time and attention to this urgent, evolving matter of great public importance.

Sincerely,

/s/ Teresa Nelson

Teresa Nelson  
Legal Director, ACLU

Enclosures

cc: All counsel of record (via ECF)