

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELIZABETH ANN BOLGER )  
1313 Lincoln Place )  
Brooklyn, NY 11213 )

NICOLE DAVIS )  
403 West 23<sup>rd</sup> Street )  
Baltimore, MD 21211 )

**Civil Action No.: 03-906 (JDB)**

HELEN JOHNSON )  
318 Woods End Road )  
Westfield, NJ 07090 )

**Jury Trial Demanded**

JESSICA LAHOOD )  
54 E. 8<sup>th</sup> Street )  
Apartment 6-H )  
New York, NY 10003 )

NATHANIEL MEYSENBERG )  
1414 Lincoln Place )  
Brooklyn, NY 11213 )

TIMOTHY MEYSENBERG )  
403 West 23<sup>rd</sup> Street )  
Baltimore, MD 21211 )

BRIAN ROSA )  
950 Main Street )  
Worcester, MA 01610 )

FRANCIS SCHLEICHER )  
1551 N. 60<sup>th</sup> Street )  
Wauwatosa, WI 53208 )

DEBRA SMITH )  
403 West 23<sup>rd</sup> Street )  
Baltimore, MD 21211 )

TODD SPALT )  
403 West 23<sup>rd</sup> Street )  
Baltimore, MD 21211 )

and )  
)  
)  
JENNIFER ZIMMERMAN )  
403 West 23<sup>rd</sup> Street )  
Baltimore, MD 21211 )  
)  
Plaintiffs, )  
)  
)  
v. )  
)  
)  
CHIEF CHARLES H. RAMSEY )  
and in his official capacity as )  
Chief of Police )  
Metropolitan Police Department )  
300 Indiana Avenue, NW )  
Washington, DC 20020 )  
)  
DISTRICT OF COLUMBIA )  
441 4th Street, NW )  
Washington, DC 20001 )  
)  
MARK BEACH )  
Captain, Metropolitan Police Dept. )  
in his individual capacity )  
c/o 300 Indiana Ave., N.W. )  
Washington, D.C. 20001 )  
)  
ARTHUR BROWN )  
in his individual capacity )  
MPD Officer #4283 )  
Residential address uncertain )  
c/o D.C. Metropolitan Police Dept. )  
300 Indiana Ave., NW )  
Washington, D.C. 20001 )  
)  
MICHAEL CARRUTH )  
in his individual capacity )  
MPD Officer #2043 )  
510 21<sup>st</sup> Street, NW )  
Washington, D.C. 20006 )  
)

MALCOLM FORBES )  
in his individual capacity )  
MPD Officer #2093 )  
Residential address uncertain )  
c/o Metropolitan Police Department )  
300 Indiana Ave., NW )  
Washington, D.C. 20001 )

ANDREA LATSON )  
in her individual capacity )  
MPD Officer #3725 )  
Residential address uncertain )  
c/o D.C. Metropolitan Police Dept. )  
300 Indiana Ave., NW )  
Washington, D.C. 20001 )

C. MEYLA )  
in his or her individual capacity )  
Current or former MPD Officer #748 )  
address unknown )

RAYMOND MINCEY )  
in his individual capacity )  
MPD Officer #283 )  
Residential address uncertain )  
c/o D.C. Metropolitan Police Dept. )  
300 Indiana Ave., NW )  
Washington, D.C. 20001 )

WENDY PAYNE )  
in her individual capacity )  
Residential address uncertain )  
MPD Officer #524 )  
c/o Metropolitan Police Dept. )  
300 Indiana Ave., NW )  
Washington, D.C. 20001 )

ADRIAN SANDERS )  
in individual capacity )  
Residential address uncertain )  
MPD Officer #2332 )  
c/o Metropolitan Police Dept. )  
300 Indiana Ave., NW )

Washington, D.C. 20001 )  
 )  
 and )  
 )  
 ROBERT S. MUELLER, III )  
 in official capacity as Director, )  
 Federal Bureau of Investigation )  
 935 Pennsylvania Ave., N.W. )  
 Washington, D.C. 20535 )  
 )  
 Defendants. )  
 )  
 )  
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**SECOND AMENDED COMPLAINT**  
**(False arrest and imprisonment; First and Fourth Amendments and due process violations**  
**in addition the common law of the District of Columbia; conspiracy to commit said**  
**violations)**

The right to engage in political association and peaceful assembly free of government targeting or discriminatory treatment or arrest is a fundamental bedrock of democracy.

The District of Columbia and federal law enforcement agencies, however, have singled out and targeted persons who are, or are perceived to be, adherents or advocates of Anarchy<sup>1</sup> in the absence of probable cause. In this current period of increased political activism and a growing social justice movement, there is time and again the presence in concerted political action of persons who either self-identify as Anarchists or are perceived (and therefore, targeted) as Anarchists because they dress in black. Current D.C. Metropolitan Police Department training

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<sup>1</sup> There is no suggestion here that there is a singular ideology or stream of thought that is Anarchy, which has a long history of activism, political association as well as ideological expression through writings. Current day anarchist Noam Chomsky writes that “Anarchism, in my view, is an expression of the idea that the burden of proof is always on those who argue that authority and domination are necessary. They have to demonstrate, with powerful argument, that that conclusion is correct. If they cannot, then the institutions they defend should be considered illegitimate.”

materials on mass demonstrations candidly describe how “law enforcement would target anybody dressed in black.”

On April 20, 2002, plaintiffs engaged in mass demonstration activity, as part of a demonstration that drew tens of thousands to Washington, D.C. Many in plaintiffs’ group were dressed in black, and perceived by law enforcement to be Anarchists. At the end of the day, they were in a parking garage for which a member of their group possessed a swipe card (for weekend access), where a vehicle they were using was parked. They had paused after a day of outdoor demonstration to eat some food.

Plaintiffs were targeted by law enforcement, who approached with guns drawn. Protestors were ordered to sit against a wall, and to place their possessions in front of them. The police searched their possessions and persons and reviewed their political material. The protestors had committed no crime. There was no probable cause to arrest them.

Law enforcement used this false arrest for intelligence gathering. They demanded to know about the protestors’ political activities, their associations, what demonstrations they had been to in the past, and with whom they were staying. Two agents from the Federal Bureau of Investigation selected protestors and one-by-one questioned them on video. Officers took images of political patches and slogans on the protestors’ clothing. They reviewed their flyers and political material. Law enforcement arrested the protestors and, in the process, took even more information including fingerprints.

Keenly aware of the political nature of these arrests, one officer harassed the activists by telling them that he did not believe they were informed about the issues they were protesting, that they probably did not even know what the International Monetary Fund or World Bank did.

When a female arrestee spoke in substantive response, the officer told her to shut up, and explained that women are beaten by their boyfriends because “women run their mouths and then their boyfriends have to shut them up.” He let a male protestor respond.

The protestors were handcuffed, taken away and put in jail. After detaining the plaintiffs in jail for a period of hours, and having collected identity, associational, and political activity information, the District of Columbia then released them, charging each with unlawful entry into the garage within which their vehicle was parked and for which they possessed an electronic swipe card. The prosecutor declined to pursue these charges and the plaintiffs were no-papered. The D.C. Superior Court has since ruled that there is clear and convincing evidence that each did not commit the crime for which he/she was arrested, and has expunged the arrests.

Plaintiffs now seek to hold accountable the District of Columbia and federal law enforcement authorities and each of the individual officers who committed these unlawful and unconstitutional warrantless arrests in the absence of probable cause. Plaintiffs seek compensation and related relief for these false arrests, made in violation of the U.S. Constitution and the common law of the District of Columbia.

#### **PARTIES**

1. Plaintiff ELIZABETH BOLGER, a resident of New York State, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 22, 2002, Ms. BOLGER’s case was “no papered.” On or about December 11, 2002, the D.C. Superior Court found that there is clear and convincing evidence that BOLGER did not commit the offense for which she was

- arrested, and ordered the expungement and/or sealing of the related arrest records.
2. Plaintiff NICOLE DAVIS, a resident of Maryland, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 22, 2002, Ms. DAVIS' case was "no papered." On or about November 21, 2002, the D.C. Superior Court found that there is clear and convincing evidence that DAVIS did not commit the offense for which she was arrested, and ordered the expungement and/or sealing of the related arrest records.
  3. Plaintiff HELEN JOHNSON, a resident of New Jersey, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about May 6, 2002, Ms. JOHNSON'S case was "no papered." On or about November 13, 2002, the D.C. Superior Court found that there is clear and convincing evidence that JOHNSON did not commit the offense for which she was arrested, and ordered the expungement and/or sealing of the related arrest records.
  4. Plaintiff JESSICA LAHOOD, a resident of New York State was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 23, 2002, Ms. LAHOOD's case was "no papered." On or about December 4, 2002, the D.C. Superior Court found that there is clear and convincing evidence that LAHOOD did not commit the offense for which she was arrested, and ordered the expungement and/or sealing of the related arrest records.
  5. Plaintiff NATHANIEL MEYSENBERG, a resident of New York was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 22, 2002, Mr. MEYSENBERG's case was "no

papered.” On or about November 25, 2002, the D.C. Superior Court found that there is clear and convincing evidence that MEYSENBURG did not commit the offense for which he was arrested, and ordered the expungement and/or sealing of the related arrest records.

6. Plaintiff TIMOTHY MEYSENBURG, a resident of Maryland, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 23, 2002, Mr. MEYSENBURG’s case was “no papered.” On or about November 14, 2002, the D.C. Superior Court found that there is clear and convincing evidence that MEYSENBURG did not commit the offense for which he was arrested, and ordered the expungement and/or sealing of the related arrest records.
7. Plaintiff BRIAN ROSA, a resident of Massachusetts was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about May 2, 2002, Mr. ROSA’s case was “no papered.” On or about November 14, 2002, the D.C. Superior Court found that there is clear and convincing evidence that ROSA did not commit the offense for which he was arrested, and ordered the expungement and/or sealing of the related arrest records.
8. Plaintiff FRANCIS SCHLEICHER, a resident of Wisconsin, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about May 2, 2002, SCHLEICHER’s case was “no papered.” On or about November 21, 2002, the D.C. Superior Court found that there is clear and convincing evidence that SCHLEICHER did not commit the offense for which he was



arrested, and ordered the expungement and/or sealing of the related arrest records.

9. Plaintiff DEBRA SMITH, a resident of Maryland, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 23, 2002, SMITH's case was "no papered." On or about November 25, 2002, the D.C. Superior Court found that there is clear and convincing evidence that SMITH did not commit the offense for which she was arrested, and ordered the expungement and/or sealing of the related arrest records.
10. Plaintiff TODD SPALT, a resident of Maryland, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 23, 2002, SPALT's case was "no papered." On or about November 14, 2002, the D.C. Superior Court found that there is clear and convincing evidence that SPALT did not commit the offense for which he was arrested, and ordered the expungement and/or sealing of the related arrest records.
11. Plaintiff JENNIFER ZIMMERMAN, a resident of Maryland, was arrested on April 20, 2002 by the District of Columbia Metropolitan Police Department for unlawful entry upon property. On or about April 22, 2002, ZIMMERMAN's case was "no papered." On or about November 25, 2002, the D.C. Superior Court found that there is clear and convincing evidence that ZIMMERMAN did not commit the offense for which she was arrested, and ordered the expungement and/or sealing of the related arrest records.
12. Defendant CHARLES H. RAMSEY is Chief of the District of Columbia Metropolitan Police Department. He is a policy maker for the District of Columbia and the D.C. Metropolitan Police Department. He is sued in his official capacity.

13. Defendant DISTRICT OF COLUMBIA is a municipal corporation and constitutes the local government of Washington, D.C.
14. D.C. Metropolitan Police Department Officer #4283, defendant ARTHUR BROWN, was the arresting officer of plaintiffs DAVIS and ZIMMERMAN.
15. D.C. Metropolitan Police Department Officer #2043, defendant MICHAEL CARRUTH, was the arresting officer of plaintiff TIMOTHY MEYSENBURG.
16. D.C. Metropolitan Police Department Officer #748, defendant C. MEYLA, was the arresting officer of plaintiffs SPALT and SCHLEICHER.
17. D.C. Metropolitan Police Department Officer #2093, defendant MALCOLM FORBES, was the arresting officer of plaintiff NATHANIEL MEYSENBURG.
18. D.C. Metropolitan Police Department Officer #3725, defendant ANDREA LATSON, was the arresting officer of plaintiff BOLGER.
19. D.C. Metropolitan Police Department Officer #283, defendant RAYMOND MINCEY, was the arresting officer of plaintiff ROSA.
20. D.C. Metropolitan Police Department Officer #524, defendant WENDY PAYNE, was the arresting officer of plaintiff LAHOOD.
21. D.C. Metropolitan Police Department Officer #2332, defendant ADRIAN SANDERS, was the arresting officer of plaintiff JOHNSON.
22. Defendant Mark BEACH was a Commander of the D.C. Metropolitan Police Department. BEACH directed and authorized the arrests of plaintiffs.
23. Two unknown individuals, federal officers, JANE and JOHN DOE participated in the arrest of plaintiffs and used those false arrests to gather intelligence for maintenance, use

and dissemination by Federal Bureau of Investigation.

24. ROBERT S. MUELLER, III is the Director of the Federal Bureau of Investigation, an agency of the United States Government headquartered in Washington, D.C.

#### **JURISDICTION AND VENUE**

25. This Court has jurisdiction to hear this complaint pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343(a)(3) and (4) (civil rights jurisdiction), and 28 U.S.C. § 1367 (supplemental jurisdiction).
26. Venue is appropriately vested in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the acts or omissions giving rise to the claims herein occurred in the District of Columbia, including each of the false arrests.

#### **FACTS**

27. On April 20, 2002, BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBERG, T. MEYSENBERG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN participated in, and attended, a political demonstration in Washington, D.C.
28. After the demonstration, at approximately 4:00 p.m., BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBERG, T. MEYSENBERG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN along with other protestors went to an indoor garage located at or near 1725 K Street, N.W., within which a van they were using was parked.
29. BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBERG, T. MEYSENBERG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN and the others had permission to enter the garage, as an associate worked in the attached building and had lawful possession of an electronic “swipe” card that opens the gate to the garage.

30. The gate was opened with the swipe card, as it had been earlier in the day opened for the purpose of parking the van inside.
31. BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN and the others, who had spent the day outside, had pre-prepared food and fruit and spent a few minutes in the garage eating those items.
32. At no time did any person, including but not limited to any person in charge of the premises or in charge of the garage, demand that BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN or any member of their group leave the garage.
33. At no time did BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN or any member of their group refuse to quit the same or refuse to leave the garage.
34. Law enforcement targeted plaintiffs for adverse treatment because many of them were dressed in black; and/or were perceived to support an Anarchist political ideology or affiliation; and/or had engaged in First Amendment protected activity.
35. Law enforcement made contact with BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN and the others with them. Officers approached the group inside the garage with their police weapons drawn.
36. Outside, law enforcement directed arrestees to sit up against a wall and to put their bags in front of them.

37. Law enforcement searched BOLGER's, DAVIS', JOHNSON's, LAHOOD's, N. MEYSENBURG's, T. MEYSENBURG's, ROSA's, SCHLEICHER's, SMITH's, SPALT's, ZIMMERMAN's person and possessions. They searched the parked van they were using, without consent.
38. Officers recorded images of political patches and slogans on the protestors' clothing. They reviewed their flyers and political material.
39. Law enforcement posed questions about plaintiffs' political activities, including asking whether this was their first protest and, if not, for disclosure of the other political protests in which they had participated.
40. Law enforcement was evidently prepared to conduct political intelligence gathering.
41. Two agents from the Federal Bureau of Investigation, pulled out selected detained protestors for the purpose of conducting on-camera video taped interviews.
42. Among the questions posed, were disclosure of the identities of persons with whom they had associated over the protest weekend, with whom they stayed, and with whom they drove to Washington, D.C.
43. During the time-consuming video interview process, although not free to go, some arrestees were allowed to sit and drink water. Some of the officers indicated that the group was going to be "let go," that everything was "O.K." and that the group would be free to leave eventually. Nevertheless, BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN and others were thereafter handcuffed and charged with unlawful entry.
44. Officers made frequent comments and criticisms regarding plaintiffs' manner of dress and

clothes.

45. Questions were posed, and comments made, about plaintiffs' political activities. Officers verbally abused the arrestees. One officer told them that he did not believe they were informed about the issues they were protesting, that they probably did not even know what the IMF or World Bank did. A male arrestee provided a substantive response about international trade policies. When a female arrestee spoke in response, the officer told her to shut up, that no one had asked *her* to talk, and that is why he had to respond to so many domestic violence calls, because "the women run their mouths and then their boyfriends have to shut them up." One officer warned that none of the protestors should admit to being gay, because he hated homosexuals. Protestors were called "faggots."
46. At no time did BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN without lawful authority, enter, or attempt to enter any public or private dwelling, building, or other property against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein or thereon, without lawful authority to remain therein or thereon refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof.
47. There was no warrant for the arrest of BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN.
48. There was no probable cause for the arrest of BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT,

ZIMMERMAN.

49. The arrests of BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT and ZIMMERMAN were directed by and authorized by Commander Mark BEACH.
50. The actions of the above-referenced defendants violated the following clearly established and well settled federal constitutional rights:
  - a. Freedom from unreasonable arrest, search and seizure under the Fourth Amendment; and to due process of law;
  - b. Freedom of speech, including the freedom from government disruption of, interference with, or retaliation for, engagement in lawful free speech, assembly, association and petition activities;
  - c. Freedom of association, including the freedom from government deterrence or punishment of lawful political association based on perceived political ideology or group association.
51. The District of Columbia developed and maintains policies or customs exhibiting deliberate indifference to the constitutional rights of protestors, and also of Anarchists or persons perceived to be Anarchists, which caused the violations of plaintiffs' rights.
52. The District of Columbia targets certain political activists, including: those who are perceived as advocating Anarchism or associating with Anarchists; and political activists who are dressed in black, on the presumption or perception that such manner of dress signals advocacy of Anarchism or association with Anarchism.
53. The District of Columbia maintains an unconstitutional policy, practice, and custom of

toleration and approval of false arrest and imprisonment of targeted political activists engaged in demonstration or political associational activity, including mass manifestations of this on April 15, 2000 when 600+ targeted individuals were falsely arrested, and on September 27, 2002 when 400+ targeted individuals were falsely arrested.

54. As a result of the above-referenced policies, practices and customs, police officers of the District of Columbia, including the defendant officers, believed that their actions would not be properly monitored by supervisory officers and that false arrests of targeted political activists would not be investigated or sanctioned, but would be tolerated.
55. As a consequence of defendants' wrongful conduct, BOLGER, DAVIS, JOHNSON, LAHOOD, N. MEYSENBURG, T. MEYSENBURG, ROSA, SCHLEICHER, SMITH, SPALT, ZIMMERMAN suffered injury, including the loss of physical liberty during the period of detention and imprisonment, a loss of constitutional rights to be free from unconstitutional search and seizure and interference with First Amendment protected rights, and related pain and suffering.

**Allegations Related to the FBI Collection and Maintenance of Records**

56. The FBI agents engaged in extensive video interrogations and interviews of certain plaintiffs, as referenced above, and on information and belief collected information and created records relating to all plaintiffs.
57. The subject of the interrogations and interviews, and the collection of information, was wholly unrelated to any legitimate activities of law enforcement and consisted of the questioning of persons in police custody about their First Amendment protected political



associations and activities. The FBI used the coercive environment of an arrest interrogation, in the absence of any legal counsel, to obtain this information. This is an established practice of the FBI.

58. These information and records were collected and are maintained and used by the FBI and disseminated outside the FBI.
59. The maintenance, use and dissemination of the collected information and records falsely cast and stigmatize plaintiffs as actual or potential lawbreakers.
60. The information and records in this particular case also associate arrestees with anarchism, which is an adverse association within law enforcement and is inaccurately considered by the FBI and others in law enforcement as an indicia of criminality.
61. The information and records also constitute an unlawful and unconstitutional collection and cataloging of private citizens' protected political activities, beliefs and associations.
62. The use and dissemination of such (false) arrest and derivative records, secured solely through mass civil rights violations, subjects those arrested to risk of personal, professional, educational, financial, reputational and other forms of irreparable and concrete harms.
63. The injury is both current as well as future, as the existence of the records may also at a later time be a detriment to plaintiffs.

**COUNT I**  
**False Arrest and Imprisonment**  
**In Violation of the U.S. Constitution and Common Law**

64. Paragraphs 1 through 63 are incorporated by reference herein.

65. The conduct complained of herein deprived plaintiffs of their constitutional rights pursuant to the First and Fourth Amendments and to due process under the law; as well as violated the common law of the District of Columbia.
66. Pursuant to 42 U.S.C. § 1983, each plaintiff claims compensatory and punitive damages from his or her arresting officer, and jointly and severally from all other officers or individuals who acted jointly in the group arrest; and compensatory damages from the District of Columbia for violation of his or her constitutional rights under color of law.
67. Each plaintiff claims damages from his or her false arrest for compensatory and punitive damages from the individual defendants except for Defendant BEACH pursuant to the common law of the District of Columbia respecting false arrest and imprisonment, and from the District of Columbia via *respondeat superior*.

**COUNT II**  
**Civil Conspiracy**

68. Paragraphs 1 through 63 are incorporated by reference herein.
69. The individual defendants tacitly or explicitly agreed to unlawfully and unconstitutionally arrest plaintiffs in the absence of probable cause, and in violation of the U.S. Constitution and common law, and to thereby collect identity and other information about plaintiffs.
70. Each plaintiff claims damages against the individual defendants jointly and severally for civil conspiracy for the harms caused by this conspiracy and its execution.

**COUNT III**  
**Collection, Maintenance, Use and Dissemination of Information**

71. Paragraphs 1 through 63 are incorporated by reference herein.
72. The FBI collected, maintained, used and disseminated records, including the videotaped

interviews of arrestees, that are derived solely and exclusively through the unconstitutional mass false arrest of plaintiffs, who were falsely arrested because they were perceived to be associated with First Amendment protected activity.

73. The FBI collected, maintained, used and disseminated records, including specifically videotaped interviews of arrestees, that described how an individual, or individuals, exercised their rights guaranteed by the First Amendment. The collection of these records was not authorized by statute or by the individual(s) about whom the record is maintained. The conduct of video interviews consisting of questioning about First Amendment protected activity was not within the scope of an authorized law enforcement activity.
74. Each plaintiff seeks injunctive, declaratory and equitable relief for this conduct in violation of the First Amendment, Fourth Amendment and the Privacy Act. 5 U.S.C. § 552a.

WHEREFORE, Plaintiffs request the following relief:

- a. Compensatory damages against the District of Columbia for violations of federal rights pursuant to 42 U.S.C. § 1983, and for violation of common law rights pursuant to *respondeat superior*, in an amount appropriate to the proof adduced at trial;
- b. Compensatory damages and punitive damages against the MPD officers (including Defendant BEACH) sued in their individual capacities, jointly and severally, for violations of federal rights, pursuant to 42 U.S.C. § 1983, in an amount appropriate to the proof adduced at trial;
- c. Compensatory damages and punitive damages against the arresting officers (excluding Defendant BEACH) for violations of the common law, in an amount appropriate to the proof adduced at trial;
- d. Declaratory judgment that these arrests were in violation of the U.S. Constitution

and common law;

- e. Declaratory judgment that the collection, maintenance, use and dissemination of records describing each plaintiff's exercise of rights guaranteed by the First Amendment was in violation of the U.S. Constitution and the Privacy Act.
- f. Injunctive relief against all ongoing unconstitutional and unlawful policies, practices and customs that caused the harm complained of herein; mandatory injunctive relief compelling the collection, provision to plaintiffs and expungement of all records that are derived from the unconstitutional false arrests; mandatory injunctive relief compelling the collection, provision to plaintiffs and expungement of records describing the First Amendment protected activities of plaintiffs.
- g. An award of plaintiff's reasonable attorneys' fees, costs and expenses; and
- h. Such other and further relief, including all appropriate equitable relief, as to the Court may seem proper.

**PLAINTIFFS DEMAND A TRIAL BY JURY OF ALL ISSUES SO TRIABLE**

Respectfully submitted,

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