

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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 ALLIANCE FOR GLOBAL JUSTICE, :
 et al., :
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 Plaintiffs, :
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 v. : Civil Action No.
 : 01-0811
 : (PLF/JMF)
 DISTRICT OF COLUMBIA, :
 et al., :
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 Defendants. :
 :
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Washington, D.C.
Tuesday, October 19, 2004

The deposition of ELIZABETH BUTLER, called for examination by counsel for Defendants in the above-entitled matter, pursuant to notice, in the Office of the Attorney General, 441 4th Street, N.W., One Judiciary Square, Sixth Floor, Washington, D.C., convened at 1:30 p.m., before David A. Kasdan, RDR-CRR, a notary public in and for the District of Columbia, when were present on behalf of the parties:

1 A. Supervising the field staff across the
2 country and working on particular important forest
3 issues like protecting wilderness areas in the
4 national forest in the United States.

5 Q. What was the name of the organization?

6 A. American Lands Alliance.

7 Q. You came--where did you reside as of April
8 2000?

9 A. 134 F Street, Southeast, Washington, D.C.

10 Q. How long had you resided there prior to
11 April of 2000?

12 A. That particular address, or in the
13 District of Columbia?

14 Q. In the District.

15 A. Since 1997.

16 Q. You were arrested, were you not, at the
17 Convergence Center in April of 2000?

18 A. The building on Florida, yes.

19 Q. How did you come to be there?

20 A. I was there since earlier that week. We
21 opened a training center, and we were also doing
22 art making at the center, and I was there on a

1 daily basis for the preceding, I guess, five days,
2 helping to coordinate the trainings that we were
3 doing for individuals that were coming in to
4 participate in the events for April 16th and 17th.

5 Q. When you say "we," who do you speak of?

6 A. I was part of an organization called "The
7 Mobilization for Global Justice," which was a host
8 committee for literally dozens, if not hundreds, of
9 organizations that were involved in the events for
10 April 16th and 17th, and a lot of the role that we
11 were playing was more of an umbrella group on the
12 ground for people who were coming in.

13 Q. Did you have a title or hold a position
14 with Mobilization for Global Justice?

15 A. Mobilization for Global Justice wasn't
16 structured in such a way that people were given
17 titles. We were organized through a
18 nonhierarchical system of working groups and made
19 decisions through a spokes council, so I was part
20 of a number of different working groups, but I
21 didn't hold that title.

22 MR. WOLFE: We note for the record that

1 the deponent is not here as a 30(b)(6)
2 representative of any entity. She's here on her
3 own behalf.

4 MR. KOGER: Understood.

5 BY MR. KOGER:

6 Q. How did you come to be informed that there
7 would be operations to be accomplished at the
8 Convergence Center on behalf of the Mobilization
9 for Global Justice?

10 A. I'm not sure what you're asking me.

11 Q. You went to the Convergence Center to
12 perform certain tasks related to demonstrations of
13 April 16th and April 17th; is that right?

14 A. Yes.

15 Q. How do you know that you should be there?

16 A. I had been involved in the planning
17 process, and specifically around the events of the
18 Convergence. I had been part of the working groups
19 that had pulled together and invited the artists
20 that were helping me to train people in puppet
21 making, organizing the nonviolence trainers that
22 were coming into town, and helped set up the

1 welcome center to welcome outsiders. So, I was
2 part of the ongoing effort to coordinate all that
3 was happening there.

4 Q. When did your participation in those
5 efforts begin?

6 A. January.

7 Q. And what did you start off doing? In
8 other words, as of January, what were your tasks?

9 A. I didn't have tasks per se. I attended
10 meetings and I self-selected into any activities
11 that I chose to participate in, and volunteered to
12 facilitate meetings, gone to a couple trainings,
13 and volunteer to do different activities leading up
14 to events in April.

15 Q. At some point the Convergence Center was
16 made available by its owner for use by
17 demonstrators in 2000; is that your understanding?

18 A. I don't have personal knowledge. I never
19 had a conversation with the gentleman that owns the
20 space, but it was my understanding at the time.

21 Q. What understanding, if any, do you have as
22 to how the center came to be available?

1 Q. Are you aware that there have been
2 outstanding discovery requests in this litigation
3 calling for the production of materials, to include
4 that videotape?

5 A. I didn't realize that--I just forgot that
6 it was around, frankly.

7 (Butler Exhibit No. 1 was
8 marked for identification.)

9 (Recess.)

10 (Whereupon, the Court Reporter read back
11 the requested portion of the record as follows:

12 "QUESTION: Describe the officer or
13 officers that physically pushed you out of
14 the way?

15 "ANSWER: I believe it was an
16 African-American gentleman who I spoke
17 with throughout the entire events. I
18 don't know his name. He was--he reported
19 himself to me as being their point person
20 in charge through later conversation. At
21 that time I didn't know.")

22 Q. As we sit here today, do you have a name

1 for that officer?

2 A. It's in the documentation, but I don't
3 honestly have it in my mind. It's on--let me
4 rephrase it, that on the videotape he actually
5 introduces himself to one of the--one of the
6 videographers when asked his name.

7 Q. Okay. What happened after they pushed
8 their way in. I was asking all of them if they had
9 a warrant to be on the premises. They weren't
10 answering any of the questions. They were
11 screaming that people needed to leave. Shortly
12 thereafter I actually started communicating with an
13 African-American gentleman who was dressed in a
14 sweatsuit. I personally introduced myself to him
15 and asked him what the concerns were, asked him
16 again if he had a warrant. He said that we were
17 being asked to leave for fire code violation.

18 A. We discussed that for a while. And then I
19 offered to help remove people from the premises.

20 Q. Did you understand that person, the
21 African-American in the sweat suit to be a police
22 officer?

1 A. Yes. He introduced himself to me as being
2 the officer in charge, but what rank, exactly what
3 position he held, other officers when I had asked
4 officers who was in charge, they led me to believe
5 that he was, and he also led me to believe that he
6 was. His official position, who he reports to, I
7 don't know.

8 Q. Okay. Were you ever shown a search
9 warrant?

10 A. No.

11 Q. Okay. Were you ever shown an arrest
12 warrant?

13 A. No.

14 Q. Any type of warrant?

15 A. No.

16 Q. What was your understanding at the time as
17 to why the police officers were there?

18 A. My understanding was that they were there
19 because we were there to demonstrate.

20 Q. What's the basis for that understanding?

21 A. There were things they said about why they
22 were closing down the Convergence Center, and there

1 was also things that they said periodically through
2 the time they were there that were conflicting in
3 their information. They said that they were there
4 because of fire code violations. However, the fire
5 marshal hadn't even been on the location for very
6 long, so obviously they had come with the fire
7 marshal because there was dozens of them, and
8 within such a span of time from--they couldn't have
9 gotten there, gotten out of their cars, gotten to
10 the back of there in the short period of time that
11 is my understanding that the fire marshal had
12 gotten there before I had gotten there at the time
13 I had been there, so, they said they were closing
14 us down for a fire code violation.

15 We offered to go through with them and
16 remove any concerning items. They refused that.
17 They said we will sort this out later. Everyone
18 has to leave immediately. And I offered, given
19 that they were quite clear with their dozens of
20 officers, that regardless of whether or not that
21 was a violation of the law, regardless of whether
22 or not we had every right to be there, regardless

1 of whether or not they were actually violating our
2 First Amendment rights of free speech, a right to
3 congregate and prepare for these demonstrations,
4 they were saying that if everyone didn't leave
5 immediately, that they were going to arrest them,
6 even though they did not have a warrant. Even
7 though we offered to removed any offending fire
8 code violation items, that they were saying if
9 everyone did not leave, they were going to arrest
10 them.

11 I said to the gentleman in charge, fine,
12 let us do it. They were not going to trust you,
13 given the fact that you just barged in the front
14 door with dozens of officers, and let us remove
15 people from the premises, in which case myself and
16 other people started announcing to everyone that
17 they needed to leave the building, that the police
18 were telling us that they were going to get
19 arrested if we didn't leave.

20 We had a backup space, and we sent people
21 to the backup space.

22 Q. What was the backup space?

1 Q. In the context you actually described now,
2 the person that you said directed that persons take
3 materials back into the Convergence Center?

4 A. Yes, he is on it. He appears--he's on the
5 videotape, and in my memory about halfway through
6 the raid, the gentleman in the sweatsuit who I had
7 been communicated with the whole time and in fact a
8 number of occasions when rank and file officers
9 turned to me and asked me to leave the building, he
10 said she can stay, she's helping us get people out.
11 And I never actually physically stepped out of the
12 building at that point.

13 Halfway through, this gentleman showed up
14 and everything changed. We had been instructed by
15 the officer in charge who instructed me and then I
16 explained it to the broader people in the
17 Convergence Center and by the rank and file members
18 that we could take out personal property. And then
19 when this gentleman showed up, he had a hat on, he
20 had a gold badge on, long trenchcoat, he's an
21 African-American gentleman, he started telling
22 people they cannot take anything, nothing can leave

1 this building, and he instructed people to take
2 things back into the building.

3 Q. Is that on videotape?

4 A. Yes.

5 Q. Is the conversation of the
6 African-American officer in the sweat suit
7 indicating that you are assisting in the evacuation
8 of the Convergence Center reflected on the tape?

9 A. No, but you can see the fact that we are
10 saying personal property only, this is personal
11 property, and they're standing there while we are
12 taking personal property out. They are letting
13 that happen. We at point even formed a line of
14 people who were handing personal property out the
15 door. There were multiple officers that are
16 standing there while that is occurring, letting it
17 occur and not saying anything, not stopping anyone,
18 and then the other gentleman shows up and says
19 nothing leaves the building, nothing leaves the
20 building. He told me nothing leaves the building,
21 and I said your officers have been telling us that
22 we can take personal property out, and he said

1 In future situations like that, I now
2 would come to expect that a fire marshal seems to
3 include no fire truck, no other members from the
4 Fire Department but dozens and dozens of police
5 officers, and potentially my own arrest, but at the
6 time I had no reason to expect.

7 Q. What did you observe and do in the five
8 minutes immediately preceding your arrest?

9 A. I had been through the entire time
10 cooperating with the police, irony of the entire
11 situation. I had been one of the main people
12 asking people to comply with the police order to
13 remove themselves from the premises. So, the
14 entire time I had been communicating with people
15 and helping aid the evacuation of the building.

16 Once I established that regardless of
17 whether or not we had a right to be there, the
18 police were intent on either leaving by our own
19 feet or in paddy wagons, and once I had clearly
20 established there was no way to address the clear
21 violations of our civil liberties at that moment,
22 then it was more important to me to make sure that

1 the people who had come to the demonstration
2 against the IMF and the World Bank had a chance to
3 do that, than sat in a jail cell for days, which
4 was clearly in my opinion at the time the reason
5 that the dozens of officers had shown up with the
6 paddy wagons was to prevent the demonstrations the
7 next day.

8 So, I was aiding an evacuation, not
9 because I believe that they had a right to actually
10 evacuate the building, but because I wanted to make
11 sure that the people who had come in from around
12 the country had the ability the following day to be
13 on the streets and to demonstrate against the IMF
14 and the World Bank, and so I was aiding in helping
15 them get up to the Wilson Center so that they could
16 continue forward.

17 Q. When did you first observe the paddy
18 wagons?

19 A. I observed them from the car that I was
20 handcuffed in.

21 Q. When was that?

22 A. When I was arrested.

1 Convergence Center, so even while the event was
2 happening, I would have no way of knowing there
3 were paddy wagons in front of the Convergence
4 Center because the physical location of the
5 Convergence Center is behind the building that
6 actually borders the street.

7 Q. You didn't--as you sit here today, you
8 can't testify that you saw paddy wagons on the
9 street in the vicinity of the Convergence Center
10 before you entered that morning; is that correct?

11 A. No, I can't. I saw police officers and I
12 saw heavy presence of police officers, as I had
13 through the entire week.

14 Q. I asked you earlier, and it wasn't clear
15 what your--what the facts are in response to the
16 question. What did you do for five minutes before
17 you got arrested? Not in general terms,
18 specifically what actions did you take?

19 A. I was being specific when I answered the
20 question. Therefore, I was aiding in the
21 evacuation of the Convergence Center, once I
22 established that they were not going to listen to

1 reason around the fact we have every right to be
2 there. So, I wasn't agreeing with them that we
3 needed to leave. I was asking people to leave. I
4 was walking in the location towards the exit. I
5 never stopped walking in the location towards the
6 exit. At one point in time I was walking backwards
7 but I was always moving in the general location of
8 leaving it for five minutes beforehand. Most of
9 the time prior to that I had been in the
10 Convergence Center, but at this point I was one of
11 the last people to leave, and I was walking with
12 the whole line of officers, and at one point I was
13 walking backwards.

14 Q. Is that depicted on the videotape which
15 you provided to counsel yesterday morning?

16 A. Yes.

17 Q. So, I could rely on the videotape?

18 A. No, I mean, you can rely on my testimony.
19 I am testifying that I was moving the entire time.

20 Q. Is your testimony that I cannot rely on
21 that videotape?

22 A. I wasn't testifying about the videotape.

1 Q. Who placed you under arrest?

2 A. I don't know the officer's name.

3 Q. Can you describe the officer?

4 A. Well, the officer who handcuffed me is not
5 actually the officer who placed me under arrest.
6 The gentleman with the long black coat and the hat
7 on looked at me and the woman I was arrested with,
8 Nisha Anand, and said "I am sick of these two,
9 arrest them." At which point, an African-American
10 officer proceeded to arrest me. I kept asking him
11 why I was being arrested. He said you need to ask
12 him.

13 Q. Meaning the officer in the trenchcoat?

14 A. Yes.

15 Q. Did you ask the officer in the trenchcoat?

16 A. Yes.

17 Q. Did the officer in the trenchcoat respond
18 to your inquiry?

19 A. No. I was not told why I was arrested
20 until I was arraigned. I repeatedly asked. I
21 asked every officer that I encountered, other
22 people who were around me asked. I was never given

1 any kind of order to stop doing something. I was
2 never told I was going to be arrested, and, in
3 fact, the way I was arrested was I was told that
4 someone was sick of me and to arrest me.

5 Q. What were you charged with?

6 A. Failure to obey an officer in an emergency
7 situation. However, conveniently, when we went to
8 court, the government seemed to have lost my file.

9 So, on the day in court, the government
10 never produced a file and this was after hours and
11 hours of asking what I was being charged with, what
12 were we being booked for, no one could tell me. At
13 one point in time in the jail an officer told me
14 they are still trying to figure that out. And then
15 when I walked into the courtroom I was told that I
16 was being charged with failure to obey.

17 I was also told that my attorneys weren't
18 present except for when I walked out of the court
19 door they were sitting on either side of the
20 courtroom door and saying there you are. We have
21 been looking for you for hours.

22 Q. Who are your attorneys?