



ATTORNEYS AT LAW

- ❖ DAN SIEGEL
- ❖ ALAN S. YEE
- ❖ JANE BRUNNER
- ❖ JOSE LUIS FUENTES
- ❖ DEAN ROYER
- ❖ PETER HABERFELD
- ❖ MICHAEL SIEGEL
- ❖ KEVIN BRUNNER
- ❖ VYLMA L. ORTIZ

OF COUNSEL

- ❖ ANNE BUTTERFIELD WEILLS

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*****FOR IMMEDIATE RELEASE*****

Contact: Michael Siegel, Siegel & Yee, 510-289-3318

FEDERAL JUDGE RULES THAT JOURNALIST CAN SUE BART POLICE FOR RETALIATORY ARREST

- Journalist Reported on Issues Related to BART PD Killings of Oscar Grant and Charles Hill**
- Journalist Was Targeted by BART PD Prior to and Arrested at Powell Street Station Protest**
- Judge Rules Claim of First Amendment Retaliation May Proceed to Trial**

San Francisco, California: On Tuesday, February 11, United States Magistrate Judge Jacqueline Scott Corley ruled that independent journalist David Morse—who suffered arrest while covering a “No Justice No BART” protest on September 8, 2011—would be able to take his civil rights lawsuit against BART police to trial.

David Morse is a veteran journalist and long-time member of the San Francisco Bay Area Independent Media Center (Indybay). After the January 1st, 2009, shooting death of Oscar Grant at the Fruitvale BART Station in Oakland, Morse became intensely involved in documenting the many responses to the killing, publishing hundreds of articles about demonstrations, public meetings, courtroom proceedings, BART board meetings, and state legislative hearings. Morse’s reporting continued through 2011 with the BART police killing of Charles Hill, BART’s





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deliberate shutdown of mobile phone service in San Francisco stations, and related protests.

On September 8, 2011, BART Deputy Police Chief Dan Hartwig selected David Morse for arrest during a protest at the Powell Street BART Station, a culminating act in BART's response to a series of escalating demonstrations which publicly embarrassed the agency. As Morse's Indybay postings successively described the public furor around the actions of BART and its police force, BART police commanders commissioned an intelligence officer to profile Morse, publish his photograph, and prepare officers to make his arrest. At the Powell Street Station demonstration itself, Morse continued his usual journalistic activities, only to find himself singled out for arrest, handcuffed, held in a police substation, and ultimately transported to San Francisco County Jail. Every other credentialed journalist was released from the police encirclement that day.

Magistrate Judge Jacqueline Scott Corley has now ruled that Morse has sufficient evidence to continue to pursue his First Amendment claim against Deputy Chief Hartwig for arresting him in retaliation for Morse's extensive and critical reporting on their police department. Additionally, Judge Scott Corley has ordered that evidence in the case previously under seal be made available for public review. A trial has been scheduled for September of this year.