



DETROIT AND MICHIGAN CHAPTER
NATIONAL LAWYERS GUILD
ESTABLISHED 1937



January 25, 2021

Sent via email

Detroit City Council
Hon. Brenda Jones, President
Hon. Mary Sheffield, President Pro Tem
Hon. Janeé Ayers, Member at Large
Hon. James Tate, Member, District 1
Hon. Roy McCalister, Jr., Member, District 2
Hon. Scott Benson, Member, District 3
Hon. André L. Spivey, Member, District 4
Hon. Raquel Casteñeda-López, Member, District 6
Hon. Gabe Leland, Member, District 7

Re: Funding for Litigation of Detroit's Counterclaim in *Detroit Will Breathe et al. v. City of Detroit et al.*, 20-12363.

Dear President Jones and Members of the Detroit City Council:

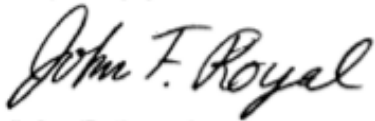
It is our understanding that at your Tuesday, January 26, 2021 meeting, the City Council will vote on whether to approve the expenditure of \$200,000 to support the continued litigation of the City's counterclaim in the federal lawsuit brought by Detroit Will Breathe and several individual protesters. The Plaintiffs in this lawsuit have filed this lawsuit in opposition to the repressive tactics used by the Detroit Police Department (DPD) against the Black Lives Matter protests in Detroit, which followed the murder of George Floyd by Minneapolis police officers. The Detroit and Michigan Chapter of the National Lawyers Guild writes to express its firm position that this expenditure of \$200,000 is not in the best interests of the residents of Detroit, and represents unsound public policy.

The underlying lawsuit, *Detroit Will Breathe et al. v. City of Detroit et al.*, seeks relief for the unconstitutional police tactics that were deployed against protesters last summer. During these protests, the DPD employed repeated and vastly excessive use of rubber bullets, batons, huge amounts of tear gas and other chemicals, chokeholds, confinement of arrestees in overheated and unventilated buses, and excessively tight application of wire handcuffs. With this counterclaim, Chief Craig, Mayor Duggan and the DPD attempt to extort these protesters by suing them for damages in an attempt to thwart the multi-racial movement led by progressive youth that has been attempting to bring humane law enforcement to our community. Thus the police, the Chief, and the Mayor are attempting to reinforce the racist and abusive practices that prevail within the DPD and have so prevailed for the better part of the past century. This cannot be permitted.

The City's counterclaim is one of many examples of a national trend by units of government and corporations to intimidate grassroots activists from suing them by seeking to tie up their time and waste their financial resources with frivolous counter-lawsuits. This tactic has become so pronounced that it has been given a name: SLAPP (Strategic Lawsuit Against Public Participation). The City of Detroit should not use this repressive tactic against the progressive youth of southeast Michigan who are seeking redress for legitimate grievances against the DPD. This counterclaim is an unjustified attempt to intimidate young people who are speaking out in support of basic human rights. It is also a waste of the taxpayers' money and represents a shameful public policy.

For these reasons, the Detroit and Michigan Chapter of the National Lawyers Guild strongly urges the Detroit City Council to reject the requested allocation of \$200,000 to pay the legal fees to pursue this frivolous, unjustified and reactionary counterclaim.

Very truly yours,



John F. Royal
President
Detroit and Michigan Chapter
National Lawyers Guild

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