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August 21, 2020

The Honorable Keisha Lance Bottoms
Atlanta City Hall
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kbottoms@atlantaga.gov

The Honorable Paul Howard
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Third Floor
Atlanta, Georgia 30303
paul.howard@fultoncountyga.gov

The Honorable Raines Carter
150 Garnett Street, Third Floor
Atlanta, Georgia 30303
rfcarter@atlantaga.gov

Re: Call to Dismiss Charges Against Protesters

Dear Mayor Bottoms, District Attorney Howard, and Solicitor Carter:

As you are aware, Atlanta Police Department officers arrested hundreds of peaceful protesters beginning in late May following the killings of Ahmaud Arbery, George Floyd, and Breonna Taylor and continuing to this day. Citizens protested aggressive policing and were too often met with aggressive policing. As mayors and prosecutors around the country have realized, these arrests fail to respect the free speech rights of citizens motivated, and sometimes awakened, to protest white supremacy in policing and in society. Those mayors and prosecutors dropped the charges, and we ask that you do the same now. We request that you join those government officials across the country by requesting that charges be dropped for all criminal cases at the protests, or at the very least, those that do not involve alleged physical violence or destruction of property.

The three Mayoral Executive Orders target political speech in a traditional public forum both by their terms and in their application. They treat protesters in public spaces differently than others in those same spaces. While the Orders belatedly allowed some exceptions, no exception was provided for peaceful protest and even reporters who were arrested while covering the events. The Orders were also over-broad by covering the entire city when the

*Please be aware that our office has moved, and our address is now:
60 Walton St. NW / Atlanta, GA 30303.*

protests were limited to certain small areas, and many protests had not a single incident or arrest. We are currently documenting that the Orders were selectively enforced against protesters and were not enforced against Atlanta citizens in other parts of Atlanta not near protests.

Over one hundred attorneys, from solo practitioners to the largest firms in Atlanta, have signed on to represent these protesters on a pro bono basis. Each of these protesters face jail time, long lasting impact on their employment, sometimes immigration consequences, and in a time of great collective strife of a pandemic, another burden on their shoulders where the weight is already too much to bear. If these cases are litigated, the courts will be swamped with cases involving peaceful protesters in a time where all courts are concerned about devastating impacts of the pandemic on their operations and the safety of citizens and staff.

Mayors and prosecutors from Los Angeles to Manhattan, Chicago to Dallas, Denver, and beyond have recognized a better way. All these government officials have dropped all charges against peaceful protesters arrested for merely violating a curfew, blocking a roadway, or being “disorderly” where no violence was done and no property was allegedly damaged by the accused. When doing so, these Mayors and prosecutors have made statements about the importance of the First Amendment and responsible community policing. They have recognized the opportunity to focus on the future and a better community and police force rather than prosecuting the peaceful protesters, clogging the courts in the time of COVID-19, and increasing the health risks for all involved.

The time is now to make this announcement. The opportunity to move forward, and not backward, is in your hands.

Sincerely,

Gerald Weber, Southern Center for Human Rights
Mawuli Davis, Davis Bozeman Law Firm
Mark Loudon-Brown, Southern Center for Human Rights
Andrea Young, ACLU of Georgia
Rachel Holmes, Georgia Justice Project
Isabel Otero, Southern Poverty Law Center Action Fund
Carey Jenkins, Working Families Party
Francys Johnson, Attorney
Marilynn B. Winn, Women on the Rise GA
Billy Michael Honor, Truth on the Loose Inc.
Coco Papy, Deep Center
Amy Ard, Motherhood Beyond Bars
Natsu Taylor Saitu, Attorney and Law Professor
Russell Covey, Professor, Georgia State University College of Law
Anne Tucker, Georgia State University College of Law

Lawrence Zimmerman, Georgia Association of Criminal Defense Lawyers
Roberta Meyers Douglas, Legal Action Center
Rev. Dr. Anika A Jones, Alpha & Omega Society Inc.
Karuna Ramachandran, Asian Americans Advancing Justice
Pamela Perkins Carn, End Mass Incarceration Georgia Network
Xochitl Bervera, Racial Justice Action Center
Lauren M. Jones, The Foundation for Housing Equity
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Rev. Darci Jaret, Park Avenue Baptist Church
Rev. Henra Chennault, Park Avenue Baptist Church
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Edget Betru, Attorney