

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-00887-RAJ

DECLARATION OF RICHARD SMITH IN
SUPPORT OF PLAINTIFFS' MOTION FOR
CONTEMPT

I, Richard Smith, declare and state as follows:

1. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. I am a Seattle resident, and have lived here for the better part of the last nine years. **I work as a journalist for *The Stranger*.**

3. On July 25, 2020, I was reporting on the anti-police brutality protests taking place in Capitol Hill. I arrived at the protest at approximately 2 p.m., when a march was scheduled to begin from Seattle Central College, and observed from various vantage points for the rest of the afternoon.

1 4. The situation was peaceful for approximately the first two-and-a-half hours,
2 during which the protesters left and then returned to Capitol Hill on a march through the city.

3 5. By around 4:30 p.m., we had returned to Capitol Hill. I was with a crowd of
4 protesters on 12th street, between Pine and Pike. **Law enforcement emerged from the nearby**
5 **East Precinct and began deploying blast balls with some kind of gas or other chemical**
6 **agent—I don't know what it was, but it stung my eyes, caused them to water, and irritated**
7 **my airways.** Later, on 12th Ave., 11th Ave., and Pine St., I found spent blast balls that release
8 OC gas, which stings eye sand irritates airways.

9 6. The escalation seemed unprovoked; I did not see anything that caused me to think
10 that an aggressive police response was imminent or necessary. I also did not hear any warning
11 from law enforcement.

12 7. A brief video clip capturing the immediate aftermath of this initial assault is on
13 my Twitter page. *See* Tweet by Rich Smith, July 25, 2020 at 4:28 p.m.,
14 <https://twitter.com/richssmith/status/1287167791569620992>.

15 8. The protesters fell back to Pine and 11th, just below The Stranger's office
16 buildings. I moved inside and continued reporting from the third floor, where I had a clear aerial
17 view of the situation outside. A police line was at 11th, holding the protesters west of the
18 intersection on Pine along the side of Cal Anderson park. The crowd seemed content to hold its
19 position in the street. Protesters with umbrellas had moved to the front, shielding the others from
20 potential pepper spray and gas.

21 9. I did not see any protesters throwing projectiles or otherwise behaving in a way
22 that seemed to warrant a violent response. Nonetheless, one officer rolled a blast ball towards
23 the crowd. A protester kicked it back towards the police line before it could detonate, and the
24 officer diffused it with a blast of pepper spray as it began to smoke. You can see this in the top
25 left corner of a video clip I posted to my Twitter page. *See* Tweet by Rich Smith, July 25, 2020
26 at 4:36 p.m., <https://twitter.com/richssmith/status/1287169805456257024>.

1 10. The officer's unprovoked use of the blast ball seemed to frustrate some
2 individuals in the crowd. A few protesters threw objects towards the police line and began
3 moving garbage bins in what seemed possibly like an effort to form a barricade. *See* Tweet by
4 Rich Smith, July 25, 2020, at 4:39 p.m.,
5 <https://twitter.com/richssmith/status/1287170621747560448>.

6 11. Then things really began to escalate. **The police forced the crowd back further**
7 **and began indiscriminately pepper spraying protesters who were trying to shelter behind**
8 **an umbrella off to the side of the road. These were *not* the individuals who had thrown**
9 **projectiles at the police line.** From my view, they seemed completely nonthreatening, but law
10 enforcement still repeatedly doused them in copious amounts of pepper spray as they tried to
11 shield themselves. **I have reviewed my footage of this confrontation and still have no idea**
12 **why these protesters were targeted. The amount of pepper spray and the OC gas from the**
13 **blast balls was significant enough that I could feel its effects on the third floor of my office**
14 **building across the street.** *See* Tweet by Rich Smith, July 25, 2020, at 4:47 p.m.,
15 <https://twitter.com/richssmith/status/1287172691540115456>.

16 12. Only a few minutes later, I watched as a woman was tackled to the ground,
17 restrained, and ultimately held down and arrested by four officers who yanked back her arms,
18 held down her head, and knelt on her shoulders and neck. I may have missed something, but I
19 did not see any indication that this woman posed a threat or did anything to warrant arrest.
20 Certainly, once she was on the pavement it did not seem at all necessary for four officers to pile
21 onto her and restrain her. The amount of force used to detain her struck me as alarming and
22 wholly disproportionate. *See* Tweet by Rich Smith, July 25, 2020, at 5:01 p.m.,
23 <https://twitter.com/richssmith/status/1287176053073408000>.

24 13. The clashes between police and protesters continued from 5:00 to 5:30 p.m.,
25 approximately. Law enforcement was surging forward in a major assault on the crowd, which
26 attempted to hold its position but continued to be forced further west down Pine, and eventually

1 seemed to disperse. **Police deployed enough chemical agents that I began coughing and had**
2 **to step away from the windows to recover.**

3 14. Shortly after 5:30 p.m., I left *The Stranger*'s offices and went back outside to
4 track the crowd and continue reporting. I followed one group of protesters to Harvard and East
5 Olive, where they met a line of police at approximately 6:00 p.m. Officers were pointing guns—
6 what I believe were rubber bullet guns—at protesters. Tensions were high, but the situation did
7 not escalate into a confrontation. I heard protesters saying, “It’s not worth it,” as they backed
8 away.

9 15. After that, I continued reporting but did not observe any further major clashes,
10 although I did see a few more arrests that made me feel uneasy—unnecessarily forceful, and for
11 no apparent reason.

12 16. My experiences on July 25th were upsetting, but would have been much more
13 disturbing at any other time. After the events of the past few months, I am no longer shocked by
14 local law enforcement’s aggressive tactics; it just seems par for the course. But while I am not
15 shocked at what happened, it is shocking in a broader sense. **It is shocking that I am no longer**
16 **surprised by the Seattle Police Department indiscriminately attacking nonviolent**
17 **protesters with mace as they try to shelter behind a rainbow umbrella; it is shocking that I**
18 **have become so accustomed to seeing police march through our streets in riot gear, as**
19 **smoke and gas clouds the air.**

20 17. In June, when we experienced night after night of violence, I began to feel myself
21 cracking. At one point, I cried from sheer exhaustion. I’m not at that point yet, but I can see
22 myself burning out again—it strains my emotional and physical capacity to function in this
23 environment for extended periods of time. And what I find most disheartening is the cyclical
24 nature of law enforcement’s aggression. **As long as the police continue to brutalize**
25 **Seattleites, the people of this City will protest. And as long as they continue to protest, it**
26 **seems that they will be brutalized.**

