



Maine

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June 4, 2020

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Re: Civil Liberties and Presidential Visit to Piscataquis County

Dear District Attorney Lynch, Commissioner Sauschuck and Sheriff Young:

On Monday, June 1, Governor Mills informed President Trump that his planned visit to Piscataquis County on Friday, June 5, “may cause security problems for our state.”<sup>1</sup> Governor Mills reiterated those concerns at a news conference at the Blaine House on Monday afternoon: “Words have power, and none are more powerful than the words of the President of the United States. Instead of hearing the cries for justice from concerned Americans. . . the President instead lashed out in anger at everybody, with no empathy, for those who are calling out injustice.”<sup>2</sup>

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<sup>1</sup> <https://www.cnn.com/2020/06/01/politics/wh-governors-call-protests/index.html>

<sup>2</sup> <https://www.wmtw.com/article/reports-president-trump-planning-visit-to-maine-swab-manufacturer-this-week/32732475#>

We share Governor Mills's concern about the safety threats posed by the President's planned visit. Wherever the President travels, many dozens of staff and secret service agents accompany him, potentially introducing SARS-CoV2 into parts of our state that have already sacrificed so much in order to try to prevent an COVID-19 outbreak. People traveling into our state are required to quarantine for 14 days, but we do not expect the President (who refuses even to wear a mask in public) or his staff or his security detail to observe this law.

But more importantly, wherever the President travels, he brings with him his hateful and dangerous rhetoric about Americans who do not share his views or his background. On his call with all the Governors on Monday, he urged Governors to arrest and lock up people for exercising their fundamental freedoms.<sup>3</sup> He has urged his followers to take violent actions against political opponents.<sup>4</sup> He has ordered his security forces to fire tear gas at protesters and members of the press, in order to clear a path for him to pose in front of a church.<sup>5</sup> His presence in Maine presents both a threat to our physical safety and to the safety of the fundamental values that hold us together as a state and as a country. As you are already aware, the President's visit is likely to draw crowds of protestors who understandably wish to speak out against his hateful rhetoric. We urge you to provide clear leadership to those in your departments concerning their obligation to protect these protestors and their right to protest, and to offer as guidance not the President's tweets and threats but the United States Constitution. As the highest-ranking elected law enforcement officials in Piscataquis County and the Commissioner of Public Safety, it falls to you to ensure that the people of Maine are not needlessly endangered by the President's visit; yours is an unenviable task.

As a civil rights and civil liberties organization, we have concerns about two categories of risk in particular. We know that time is of the essence, and that the President has not given your

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<sup>3</sup> <https://www.nytimes.com/2020/06/01/us/politics/trump-governors.html>

<sup>4</sup> <https://www.nytimes.com/2019/03/17/opinion/trump-violence.html>

<sup>5</sup> <https://www.npr.org/2020/06/01/867532070/trumps-unannounced-church-visit-angers-church-officials>

offices or the state adequate time to prepare for a visit of this nature (which, even when we are not in the middle of a global pandemic, presents substantial logistical challenges). But we wanted to raise these concerns with you so that you are able to incorporate them appropriately into your response planning:

**1) Protection of protesters.**

Individuals are entitled to exercise their fundamental rights to freedom of assembly and freedom of expression. Exercise of those rights are complicated by the COVID-19 crisis and by the unplanned visit of the President and his entourage, but those rights may not be extinguished. During the current state of emergency, Maine law enforcement officers have often shown admirable restraint in arresting people who are congregating in large groups while exercising First Amendment rights, presumably out of respect for those rights and out of recognition of the public health danger posed by any custodial arrest. We hope and expect that law enforcement officers in Piscataquis County will continue to preserve those practices.

Likewise, while the First Amendment tolerates some content-neutral restrictions on when and where people may gather to protest, it brooks no support for restrictions based on the viewpoint of the speaker. In practice, that means that people who gather in and around Guilford to protest the President's visit and his policies are entitled to do so on equal footing as those who gather to welcome the President.

We were very encouraged by Sheriff Young's public recognition that the organizers of planned protests in Guilford have good motives and good intent and that they "want to speak for social change and are heartbroken by what they see happening to their country."<sup>6</sup> This empathy is admirable and worthy of elevation. Unfortunately, it stands in stark contrast to the words of the

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<sup>6</sup> <https://www.pressherald.com/2020/06/02/piscataquis-county-sheriff-urges-protesters-trump-supporters-to-keep-it-peaceful/>

President himself, who characterized protesters as “the radical left,” “anarchists,” and “looters,” while urging our nation’s governors to “dominate or you’re going to look like a bunch of jerks.”<sup>7</sup>

The President urged law enforcement to arrest protesters and urged prosecutors to seek ten-year sentences for whatever crimes he imagined people were committing. We favor the empathetic approach that is embodied in Sheriff Young’s remarks and hope that it will guide law enforcement’s responses on Friday.

But it is not enough to ensure that protesters are not subject to unjust treatment from government officials; there is the additional need to protect protesters from the President’s supporters, many of whom are likely to be heavily armed. The President’s rhetoric characterizing lawful protesters as anarchists and looters could lead to supporters of the President believing that they have license to take matters into their own hands. Indeed, some have already suggested on social media that they will do so.<sup>8</sup>

## **2. Protection of the press.**

Many Americans reacted in horror at the sight of CNN reporters being taken into custody while reporting on the protests in Minneapolis last week. The reporters were released soon after, and the incident was described as a mistake.<sup>9</sup> Since then, video has surfaced of reporters being arrested, assaulted, and shot at by police in other U.S. cities. Physically attacking the press is unacceptable anywhere, and we hope and expect that the press will be fully protected in Maine as they carry out their necessary public responsibility. The need for leadership from your offices is important here as

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<sup>7</sup> [https://www.washingtonpost.com/politics/trump-governors-george-floyd-protests/2020/06/01/430a6226-a421-11ea-b619-3f9133bbb482\\_story.html](https://www.washingtonpost.com/politics/trump-governors-george-floyd-protests/2020/06/01/430a6226-a421-11ea-b619-3f9133bbb482_story.html)

<sup>8</sup> <https://twitter.com/aobrien2010/status/1268311770697011206?s=21>

<sup>9</sup> <https://www.cnn.com/2020/05/29/us/minneapolis-cnn-crew-arrested/index.html>

well, as the President has repeatedly demonized the press and characterized reporters as enemies of the people.<sup>10</sup>

The First Amendment guarantees all of us the right to record the police and other government officials in public performing their work, and it is especially important that reporters have the freedom to exercise that right, so that the public is informed about how the government is carrying out their public role. We hope that your offices will do whatever is necessary to protect the press from radicalized supporters of the President and from law enforcement interference in their work.

It is difficult to imagine a worse time for this President to visit our state, and we recognize the extra challenges his visit presents to the people of Piscataquis County and the public officials who serve them. If we can be of assistance in any way, or if you would like to discuss any of the issues raised in this letter, please do not hesitate to contact us at [abeyea@aclumaine.org](mailto:abeyea@aclumaine.org) or [zheiden@aclumaine.org](mailto:zheiden@aclumaine.org), or call (207) 619-6224.

Very truly yours,

Alison Beyea, Executive Director  
Zachary L. Heiden, Legal Director

cc: Governor Janet Mills  
Attorney General Aaron Frey

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<sup>10</sup> <https://www.washingtonpost.com/opinions/2020/03/20/trump-called-media-enemy-people-he-means-it/>