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LDF and Co-Counsel File Lawsuit on Behalf of Black Residents in West Philadelphia Who Endured Militaristic Police Violence During Protests

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF), the Abolitionist Law Center, and the law firm of Kairys, Rudovsky, Messing, Feinberg & Lin LLP filed a lawsuit on behalf of residents in a predominantly Black neighborhood in West Philadelphia, challenging the Philadelphia Police Department's (PPD) excessive and unwarranted use of militaristic force during a peaceful protest.

On May 31, 2020, amid nationwide protests against police violence and other abuses against Black people, the PPD repeatedly attacked protestors of police brutality, residents, and bystanders who congregated in West Philadelphia's 52nd Street area of the city. PPD officers used military-style weapons – including rubber bullets, tear gas, and pepper spray – against these individuals as they either peacefully protested against police abuse or simply engaged in daily activities in or near their homes.

The complaint establishes that this use of force directed against a predominately Black community was unconstitutional, violating the plaintiffs' Fourth Amendment right to be free from excessive force, First Amendment right to peaceably assemble and express their views, and Fourteenth Amendment right to be free from racially discriminatory policing under the Equal Protection Clause.

In what many witnesses described as a war zone in an otherwise peaceful, residential community, police officers in tanks traveled away from West Philadelphia's business corridor and down residential side streets for hours, chasing residents into their homes and indiscriminately firing canisters of tear gas at them — all under the guise of responding to incidents of looting. As a result, families, including those with small children, were injured while inside and outside of their homes and, in some cases, forced to temporarily evacuate their homes and seek treatment for tear gas exposure.

"I realized police had fired tear gas at our family's home after my three-year-old son began crying and my six-year-old son complained that something was in his eyes," said **plaintiff Shahidah Mubarak-Hadi**. "Our family's home is supposed to be our safe space amid the COVID-19 pandemic and the ongoing civil unrest in this country. Yet, PPD officers violated the sanctity of our home, without forethought, senselessly firing tear gas around our residence while we were inside. Because of this incident, my children and I no longer feel safe in our own house – and we demand that police are held accountable for the lasting damage they have caused."

“The events of May 31 represent yet another act of city-sanctioned violence endured by the Black community in West Philadelphia. Law enforcement has a long history of engaging in overly harsh tactics and racist violence against residents of West Philadelphia — most notably, the police bombing of the homes of MOVE members and their neighbors in 1985,” said **Cara McClellan, Assistant Counsel at LDF**. “City officials must be held accountable for these militaristic police actions, which are discriminatory, illegal, and completely unacceptable. Our clients deserve safety and security in their own neighborhood and to be free of fear of discrimination and police terror.”

“The Philadelphia Police Department deployed violence against West Philadelphia's Black communities in retaliation for protests that sprang up in response to police violence. Such blatant disregard for First Amendment freedoms and targeted attacks against Black communities in West Philadelphia are rooted in a long history of police violence,” said **Jamelia N. Morgan, Of Counsel at the Abolitionist Law Center**. “At a time when some Philadelphians celebrated the removal of the Frank Rizzo statue, it is now time for the city to break with this legacy of violence and racial discrimination and remedy the wrongs done to these communities.”

“The excessive and unreasonable use of tear gas and rubber bullets by police in military gear against non-violent protesters, residents, and bystanders in West Philadelphia on May 31 was the latest episode in a long line of racially biased policing that this City has tolerated for far too long,” said **Susan M. Lin, partner at Kairys, Rudovsky, Messing, Feinberg & Lin LLP**. “Our clients have brought today's lawsuit to hold the city accountable and demand that the city's leadership make changes.”

“While the mayor has apologized for the treatment of protesters on Interstate 676, he continues to ignore and dismiss the horrifying police attacks against Black protesters and residents in West Philadelphia, further demonstrating how underlying racial discrimination often dictates whether police are held accountable for their actions.” said **Anthony Smith, a plaintiff in the lawsuit and an organizer with Philly REAL Justice**. “The irony is that PPD has responded to protests of police brutality, racial discrimination, and excessive force, with further brutality, discrimination, and excessive force.”

Like countless communities around the country, residents of West Philadelphia engaged in protests advocating for systemic reforms to eliminate racist and violent policing following the May 25 death of George Floyd. Notably, while the city of Philadelphia apologized for using tear gas on another, more racially-diverse group of protesters gathered on Interstate 676 on June 1 – and subsequently put a moratorium on the use of tear gas – the city has hardly acknowledged the police violence against West Philadelphia’s Black residents on May 31.

During the same weekend that PPD terrorized residents in West Philadelphia, PPD officers declined to use any force in other predominately white neighborhoods where looting and rioting occurred. This disparate treatment of Philadelphia residents by PPD epitomizes the very racial discrimination that motivated the protests in the first place.

Read a copy of our complaint [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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