

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 CASEY MARTIN

I, Casey Martin, 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 copywriter, pursuing my master's degree in education. I want to teach elementary school.

3. I was at the protests on July 25, 2020 and September 7, 2020 (Labor Day) when SPD used less-lethal weapons without warning to aggressively and indiscriminately push peaceful protesters back.

1 **July 25, 2020 Protest**

2 4. I was at the large protest on July 25, 2020. I felt really safe in the march at the
3 outset; there was not much of a police presence. I don't remember seeing a single officer until we
4 turned left onto Pine Street as we passed the East Precinct on 12th Avenue.

5 5. Suddenly, I saw people further up the street at the intersection running, followed
6 by a lot of police, including bike police and patrol cars. **In an instant, police were firing less-**
7 **lethal weapons at us. There was no warning, no unlawful assembly announcement, just a**
8 **sudden onslaught of police violence, and chaos.**

9 6. My partner and I were further in the back, and caught the first wave of explosives.
10 **Police threw flashbangs at us that exploded at our heels.**

11 7. At 11th Avenue and Pine, we saw police pushing a group of protesters about 100
12 feet away from us, macing people and throwing flash bangs. We cut across Cal Anderson to try
13 to move further back in the protest, and ended up on Broadway and Pine. For about an hour,
14 police would hit us hard with less-lethal weapons to back the crowd up, then back off, and the
15 protest would eventually move forward again, only to be violently pushed back again.

16 8. People started spilling onto the lawn on the Seattle College campus.

17 9. **We saw a guy crumpled face down, not moving, covered in orange mace, his**
18 **shirt soaked. I thought he was dead.** When we came closer, we saw that he was alive, and snot
19 was dripping from his mouth and nose, and his leg was bleeding. We called for a medic but no
20 one came running so my partner and I and another woman pulled him onto his feet and walked
21 him over to a ledge to sit on, away from the police action. Flashbangs exploded in the
22 background. I kept whipping my head around to see if we were going to be kettled. I ran to the
23 hill behind us, making sure we had an exit.

24 10. The injured person kept asking for water to drink and water to flush out his eyes,
25 which were squeezed tight. Eventually a medic showed up with saline. I watched the medic peel
26

1 open his eyes, listening to him curse in agony as saline was sprayed into his eyes. My partner
2 rubbed his back as he fumbled for the water bottle again to take a drink.

3 11. **He told us that the police had pulled his goggles off as they maced him in the**
4 **face. This news chilled me to the bone.**

5 12. **The medic then fixed up his leg, which he said had been hit with a flash bang.**
6 The medic eventually had to leave to help someone else who we were told was lying on their
7 back, bleeding.

8 13. The injured person said the pepper spray was burning his hair. My partner pulled
9 out a hair tie to fix his hair. He dumped more water onto his face, and said his eyes were still
10 burning. After he took a moment to breathe and mentally prepare for the painful experience of
11 having his eyes open, I peeled his eyes open, while the other woman squirted saline into his eyes
12 out of syringes she carried with her.

13 14. I noticed his collar was orange. The chemicals were no doubt burning his chest, so
14 my partner and the other woman helped me take off his mace-soaked shirt and put my flannel on
15 him. He was wobbling and fumbling while on his feet.

16 15. As we treated him, we heard flashbangs exploding again and again in the
17 background. As soon as the flannel was on, we saw the crowd pushing back towards us, in a
18 panic, pouring further down Pine and onto the campus. The flashbangs seemed closer and louder
19 now. We had to move. We all feared the cops would not spare us; it was widely reported among
20 protesters that SPD targeted medics, helpers, and injured people.

21 16. We quickly gathered our things and raced out of there, fleeing. After touching his
22 clothes, my partner said her hands had started to burn. I helped him down the steep hill and I felt
23 my hands burn too.

24 17. As we walked down the hill, he cried out in pain and asked for more water, which
25 he poured down his pants to wash the pepper spray off of his burning genitals; it had soaked
26 through his pants and underwear.

1 18. At the bottom of the hill, we ran into people who recognized him, who took
2 charge of getting him home. As we said goodbye, he poured more water down his pants. I
3 dumped water onto my partner's burning hands. She did the same for me.

4 19. When he left and I was no longer in emergency mode, I was hit by an intense
5 wave of nausea, worse than I'd ever felt before. My hands started shaking, and I couldn't stop
6 dry heaving. I felt like I couldn't breathe.

7 20. The air tasted spicy, and my eyes were watering, and I wanted to scream and cry.
8 I took a moment to sit and take off my mask and just breathe. But then we had to keep moving
9 away from the approaching flashbangs.

10 21. I looked back to see a flashbang explode right where we had parted ways with the
11 injured person a few moments ago. The explosion was the brightest, sharpest light I had ever
12 seen.

13 22. We rejoined the protest again on Harvard, west of Seattle College and then got
14 back into the intersection of Broadway and Pine with the crowd for a while before the Police
15 again pushed us around with flash bangs and canisters of gas. The crowd moved back onto
16 Harvard.

17 23. We passed a medic van, where medics were treating people for minor injuries,
18 washing out eyes, and offering people food and water. But as police aggressively pushed the
19 protest backwards onto Harvard, the medics had to make a mad dash to put all their supplies in
20 the van and quickly leave.

21 24. We kept moving back until eventually there was a clear decision to just evacuate.
22 We ended up in Volunteer Park, where my partner and I were able to leave by a residential side
23 street.

24 25. As a white, cisgender man, this was the first time I had personally seen police
25 violence up close and personal. I understand that making it this far in life without fearing police
26

1 will hurt me is a massive privilege. I have been out protesting in order to use that privilege to
2 stand up for Black lives.

3 **September 7, 2020 - Labor Day SPOG Protest**

4 26. I was also at the Labor Day march to the Seattle Police Officers' Guild (SPOG).
5 My partner and I gathered with other protesters at the ID light rail station before the march to
6 SPOG. The organizers made a point to say that we were not going to do anything on the way
7 there that could give police any reason to engage with us; we were not to throw things, break
8 things, or spray paint.

9 27. It probably took us an hour to walk to SPOG. On the way there, we picked up
10 trash. Everyone I saw was peaceful and heeding the organizers' instructions not to start anything.
11 Our group included kids—I saw at least a couple kids under 10. And it included people with
12 disabilities, including one guy using a knee scooter.

13 28. We arrived at SPOG a little after 6pm. My partner and I were south of the SPOG
14 building, a little bit behind the front-line protesters with shields and umbrellas who were
15 standing in a line ready to defend the group from police weapons.

16 29. There didn't seem to be any police officers in the SPOG building. It was boarded
17 up, with a chain link fence around it. It had kind of an eerie vibe to it.

18 30. As people settled in, we suddenly heard "Save a Horse, Ride a Cowboy" playing
19 very loudly from the building that I had thought was empty. We were all really confused by the
20 music—where exactly it was coming from, who was playing it, and why.

21 31. Suddenly, while the song was still playing, a ton of bike police exploded from the
22 alley, riding towards our group. When the police attack came, my partner was bent down, writing
23 a message in chalk. I pulled her up and told her we had to get the hell out of there right now. It
24 was an ambush.

25 32. **As they rushed us, SPD tossed gas canisters at us. I started choking on a**
26 **billowing cloud of stinging gas.**

1 33. This protest felt different from some others I had attended because we hadn't
2 done anything other than just arrive at SPOG when police came at us with weapons, driving us
3 away. It happened so fast. **We came with sidewalk chalk, and they gassed us immediately.**

4 34. Officers went around the wall of shields and moved into the middle of the group.
5 As we started to move back, I saw an officer point at someone near me and yell "YOU" and then
6 lunge at that person and try to wrestle them to the ground. Protesters tried to de-escalate the
7 situation and get people out of harm's way, but more gas rolled in, and incessant flashbangs.

8 35. I felt someone pull on my backpack and move me out of the way as an officer
9 rushed towards us holding a can of bear mace. I have bought bear mace before for camping; this
10 looked like a can of bear mace. I ducked my head down, preparing to be maced.

11 36. I had not done anything at all to provoke this police attention, and I was not
12 dressed for this level of engagement with police weapons. I was wearing a COVID mask, not a
13 respirator. And I didn't have a helmet.

14 37. **SPD sprayed us with chemicals. My eyes burned, and I started coughing. It**
15 **felt like my body was rejecting the space it was in, and I knew I wasn't safe, and wanted to**
16 **get out, but there was nowhere to go to escape, and we just kept getting gassed.**

17 38. SPD pushed us back and split our group. I was with about 20 people in the south
18 group. We were totally isolated. Four lanes of traffic separated us from the rest of the group, and
19 we were penned in on several sides by a wall of bike cops.

20 39. Eventually we managed to run across the street to a parking lot to join up with a
21 concentration of protesters there.

22 40. **I saw a lot of people lying down, in pain, getting mace flushed out of their**
23 **eyes by other protesters. This felt like a war zone.**

24 41. The air was smoky and spicy. It felt like complete chaos.

25 42. I watched SPD officers calmly walk towards protesters and then suddenly break
26 into a sprint and rush us, aggressively tackling random people and wrestling them to the ground.

1 My partner bent down to tie her shoe and I tried to pull her away, telling her she didn't have
2 time, worried she would become the next victim to be sprayed, tackled, and arrested.

3 43. Police pushed us up against a wall, then funneled us out back into the sidewalk,
4 screaming at us to stay on the sidewalk, making a wall with their bikes. Almost no police officers
5 were wearing COVID masks but they certainly weren't maintaining any kind of physical
6 distance from us.

7 44. Officers told us we had to leave, but when we tried to get back into the street to
8 leave, they would charge us again. No protester was throwing anything or doing anything
9 destructive or violent; we got gassed for just standing there.

10 45. I believed that if we stopped moving, we would be attacked, and there was
11 nothing I could do or say to stop that. That was the scariest part of the experience: realizing that
12 we could only leave if the police let us leave. They were very effective at showing their power,
13 their brute force. If they had wanted to, they could have backed us into a corner and gassed and
14 maced and beat us until we were unconscious. I saw a lot of injured people, and I really believed
15 I was going to be injured. I heard one person say "I am in so much pain right now, I feel like I
16 can't breathe" as they were being carried by two friends.

17 46. We eventually ended up back on Fourth Avenue. When we were back on Fourth,
18 that was the first time that SPD told us to disperse, that this was an unlawful assembly.

19 47. **I saw police roll a lot of canisters of stinging gas at protesters and I saw SPD**
20 **officers toss explosives overhand a few times. They didn't seem to be directed at any**
21 **particular person, just lobbed into groups of people. I saw things explode underneath**
22 **people; the canister or blast ball or flashbang would make contact with them, blow up, and**
23 **send shrapnel everywhere.**

24 48. **Over the course of the protest, I would estimate that police threw at least 20-**
25 **30 explosives at protesters.**

1 49. Police kept doing this intimidation tactic where they would be calm and casual
2 and then suddenly race towards us without warning, trying to send protesters running in fear. At
3 this point, we were just trying to leave.

4 50. We got separated from our friend, which was really scary. I was really worried
5 my friend had been taken by the police, even though I knew they hadn't done anything illegal.

6 51. Eventually we turned right onto Holgate. There I saw another cloud of chemical
7 gas.

8 52. SPD wouldn't stop following us. The vehicles following us had their lights
9 flashing and sirens wailing. Bike cops blocked off all of our possible dispersal routes. Police had
10 told us to disperse, and we were trying to leave. We had walked a really long distance from
11 SPOG and wanted to go home, but they were blocking our exit and attacking us. It felt like
12 torture. They told us to leave but then were not letting us leave.

13 53. I noticed that a ton of the bike cops who were flanking us had their hands on their
14 guns. I took this as an implied threat, a reminder that they could kill us dead in an instant if they
15 wanted to. It seemed like the fear we felt was SPD's entire goal.

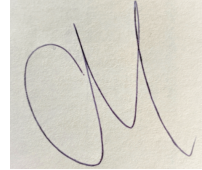
16 54. **My partner desperately wanted to leave. I also started to become very scared**
17 **that the police were trapping us. I just wanted to go home.** We've been protesting together
18 since June and were a really good team. I felt absolutely terrible as I told her that I thought we
19 had to stay with the group, because if we left the group or approached the cops at all or tried to
20 talk to them we would be targeted. I had seen so many protesters picked off by police and hurt or
21 arrested when they got separated from the group or tried to leave. The police really put the fear
22 of God into me that day.

23 55. I really believe that in Seattle right now, safe protest doesn't exist because of
24 SPD's tactics. What they did to us on Labor Day was such an excessive use of force, unchecked,
25 and completely unprovoked. I don't want to let the police scare me out of protesting with their
26

1 overwhelming show of force, but I have to assume now that at every protest, SPD may attack us,
2 and will not treat us like human beings with civil rights.

3
4 Executed this 24th day of September 2020 at SEATTLE, WASHINGTON.

5 I declare under penalty of perjury under the laws of the United States and the State of
6 Washington that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read 'CM', is written on a light-colored rectangular piece of paper.

7
8 By: _____

9 CASEY MARTIN