

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN BLAIR,)
)
 Plaintiff,)
)
 v.) No.
)
 CITY OF EVANSVILLE, INDIANA;)
 OFFICER WILLIAM WELCHER, in his)
 individual capacity;)
 OFFICER B. HILDEBRANDT, in his)
 individual capacity;)
 OFFICER C. JONES, in his individual)
 capacity;)
 OFFICER G. WEBER, in his individual)
 capacity.)
 Defendants.)

COMPLAINT FOR DAMAGES

Introduction

1. This is a complaint for damages arising out of an incident where plaintiff was arrested while exercising his First Amendment rights to engage in peaceful protest. The arrest violated Mr. Blair’s rights under the First and Fourth Amendments to the United States Constitution as well as Indiana law.

Jurisdiction and Cause of Action

2. This Court has jurisdiction over the federal claims in this cause pursuant to 28 U.S.C. § 1331. This Court has supplemental jurisdiction of plaintiff’s claims under Indiana law based on 28 U.S.C. § 1367 inasmuch as the state law claims are so related to the federal claims that they form part of the same case and controversy under Article III of the United States

Constitution.

3. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the United States Constitution.
4. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

Parties

5. John Blair is an adult resident of Evansville, Indiana.
6. The City of Evansville is a city located in south-west Indiana.
7. At all relevant times Officers William Welcher, B. Hilderbrandt, C. Jones and G. Weber were police officers employed by the Evansville Police Department.

Factual allegations

8. John Blair is a long time Evansville resident who is well known for his advocacy and citizenship activities in and around the Evansville area
9. On February 6, 2002, Vice-President Cheney was scheduled to appear in Evansville, Indiana at the Evansville Civic Center which is located in downtown Evansville next to Evansville and Vanderburgh County's government center which contains government offices for both the City of Evansville and Vanderburgh County.
10. John Blair traveled to the sidewalk across the street from the civic center at approximately 4:00 p.m.
11. Mr. Blair carried a 30" by 40" sign which stated "Cheney - 19th Century Energy Man".
12. Mr. Blair stood silently on the sidewalk with one other protester.
13. Although Mr. Blair had a megaphone with him it was slung over his shoulder. He merely stood silently on the sidewalk holding his sign.

14. The sidewalks were open and there were a large number of people walking back and forth to and from the government center and other areas.
15. Mr. Blair was not obstructing the sidewalk in any way. Nor was he disruptive in any way.
16. Mr. Blair was not endangering the Vice President or any other person.
17. While Mr. Blair was standing silently he was approached by Officer William Welcher who was a Captain with the Evansville Police Department. Other officers were there including Officer Hildebrandt and Officer Weber,
18. Officer Welcher approached Mr. Blair, but ignored the other protester who was standing on the sidewalk with Mr. Blair.
19. Officer Welcher informed Mr. Blair that Mr. Blair was going to have to move because Officer Welcher had created a “public safety order” prohibiting protests in that area and that Mr. Blair would have to move more than one block away if he wanted to engage in protest activity.
20. Officer Welcher made no attempt to move anyone from the area where Mr. Blair was standing other than Mr. Blair.
21. Mr. Blair pointed out to Officer Welcher that there were many other people walking on the sidewalks and they were not being required to move.
22. Officer Welcher responded by telling Mr. Blair that if he did not move he would be subject to arrest.
23. Not wanting to cause problems, Mr. Blair began to move towards the distant area where Officer Welcher indicated Mr. Blair had to go.
24. While walking away, Mr. Blair turned to ask Officer Welcher if he could perhaps go to a

- parking lot nearby where he could still be seen with his poster.
25. Officer Welcher's response was to order that Mr. Blair be arrested.
 25. He was then arrested by Officer Hildebrandt and Officer Weber.
 26. Within earshot of Mr Blair the officers discussed among themselves what he could be arrested for since he had not done anything unlawful.
 27. The officers charged Mr. Blair with disorderly conduct, although at no time was he disorderly noisy, or disruptive in any way.
 28. Mr. Blair was later charged with resisting and interfering with law enforcement, although at no time did he in any way obstruct, resist, flee from or interfere with any law enforcement officer or any other person.
 29. At no time was there probable cause or reasonable suspicion to arrest Mr. Blair for any offense.
 30. Nevertheless, Mr. Blair was arrested and eventually was transported to be booked by Officer Jones.
 31. After his arrest Mr. Blair remained handcuffed in the back of an Evansville Police Department car with its door open so that he was visible to all who passed by, including members of the media who photographed him. This caused him public humiliation.
 32. The handcuffs remained on his wrists for approximately 45 minutes. They were extremely tight and painful and caused his hands to turn blue.
 33. Eventually he was transported to the Vanderburgh County Jail where he remained for approximately two hours before he was released.
 34. On February 19, 2002, all the charges against him were dismissed.

35. His arrest has caused him damages.
36. At all times defendants acted under color of state law.
37. At all times Officer Welcher acted with malice or with callous or reckless indifference to plaintiff's rights under federal and state law.

Request for jury trial

38. Plaintiff requests that all issues in this case be tried to a jury to the extent they are so triable under the Seventh Amendment to the United States Constitution and Rule 38 of the Federal Rules of Civil Procedure.

Legal claims

39. Plaintiff's arrest was completely without cause and therefore violated his rights under the Fourth Amendment to the United States Constitution. The individual defendants are liable for this constitutional violation.
40. Plaintiff's unlawful arrest violated his right to free speech and assembly guaranteed by the First Amendment to the United States Constitution. The individual defendants are liable for this constitutional violation.
41. Plaintiff was subject to false arrest, false imprisonment, and battery. The City of Evansville is liable for this state law violation.

Request for Relief

WHEREFORE, plaintiff requests that:

1. This Court set this matter for jury trial.
2. He be awarded his damages against the defendants for the violations of law specified above.
3. Punitive damages be awarded against Officer Welcher.

4. He be awarded all other necessary and proper relief.

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