



*Via email, facsimile, and regular mail*

June 19, 2020

Byron W. Brown, Mayor, City of Buffalo  
65 Niagara Square, Room 201  
Buffalo, NY 14202  
mayor@city-buffalo.com

Darius G. Pridgen, President,  
Buffalo Common Council  
65 Niagara Square, Room 1413  
Buffalo, NY 14202  
dpridgen@city-buffalo.com

Byron Lockwood, Buffalo Police Commissioner  
68 Court Street  
Buffalo, NY 14202  
716-851-4081

Gentlemen:

We, the Buffalo Chapter of the National Lawyers Guild, and the Western Regional Office of the New York Civil Liberties Union, write to express our outrage at the unjustified detention of Drew Friedfertig, which occurred on June 17, 2020 in downtown Buffalo while Drew was engaging in the observation of police activities as a Legal Observer with the National Lawyers Guild. Drew was stopped and frisked. Drew's phone and work product (notes of Drew's observations) were confiscated, and the work product was read by officers. Drew was held inside a police car, and the information from Drew's driver's license and attorney registration card was written down. Drew was then released with an order to not return to that particular sidewalk for the rest of the day. At no point did Lieutenant J. Breyer answer Drew's repeated question: "What is it that you believe I have done that is illegal?"

The role of Legal Observer and Protest Monitor is well-established in our Nation and in our local community. They do not engage in protest activities themselves, although political protest, of course, is protected by the First Amendment to the Constitution. Instead, their function is to monitor police activity that might impermissibly interfere with the lawful exercise of the constitutionally protected rights of other persons engaging in protest. Additionally, the right of all persons to be free from unreasonable searches and seizures is guaranteed by the Fourth Amendment to the Constitution. Thus, not only did the police interfere with Drew's lawful

support of the protestors' exercise of their First Amendment rights, Drew's own right to be free from unreasonable search and seizure was violated.

We can only surmise that the actions of Buffalo police officers in detaining and searching Drew Friedfertig were calculated to chill the constitutionally-protected activities of both Drew and of those persons engaging in protest against abusive and racist police conduct in our city.

As members of the Buffalo Chapter of the National Lawyers Guild and the Western Regional Office of the New York Civil Liberties Union, we demand that Mayor Brown and the Common Council condemn this unconstitutional police action and gross abuse of police power, and further direct an immediate halt to further harassment by law enforcement of Legal Observers working with the National Lawyers Guild and Protest Monitors working with the New York Civil Liberties Union. We further demand that Police Commissioner Lockwood issue an Order to the entire Buffalo Police Department that NLG Legal Observers and NYCLU Protest Monitors shall not be interrogated, detained or otherwise interfered with, unless there is probable cause for arrest. We further demand that Lieutenant Breyer be disciplined for his violation of Drew's Fourth Amendment rights. Finally, we request the Buffalo Police Department to release the video footage of the incident to the NLG and NYCLU.

Thank you for your attention to this matter.

Very truly yours,

Marshall Bertram  
Drew Friedfertig  
Nan L. Haynes  
Heidi I. Jones  
John N. Lipsitz  
Anna Marie Richmond

Jane Cameron  
Miles Gresham  
Daire Brian Irwin  
Joseph Kelemen  
James Milles

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On behalf of the Buffalo Chapter of the National Lawyers Guild