



Written by [Steven Neill](#) on October 20, 2020

Seattle Faces Consequences for “Summer of Love” Protests

On October 18, a District Court justice upheld businesses’ and citizens’ rights to [sue](#) the City of Seattle for allowing [violent](#) protesters to [occupy](#) part of the city from June 8 to July 1.

Representing more than 20 area businesses, Seattle attorney [Angelo Calfo](#) said:

The lawsuit isn’t seeking to interfere with the message that is trying to be sent by protesters. Our clients want public order. They want public safety. They want access to their streets and the properties.

The City has [acknowledged](#) the serious safety issues it has created, in particular noting that there are ‘dangerous conditions’ at night. Still, the City has chosen to provide resources and support to the CHOP occupiers. The City’s conduct has enabled the widespread destruction and vandalism of private property. Graffiti is pervasive throughout CHOP — it is not only on barriers, streets, sidewalks, but also on nearly every private building within CHOP. Graffiti that is painted over almost immediately returns and property owners have been told by CHOP participants that if they dare to paint over graffiti, their buildings will be more severely vandalized or even burned to the ground.

This [lawsuit](#) is about the constitutional and other legal rights of Plaintiffs — businesses, employees, and residents in and around CHOP — which have been overrun by the City of Seattle’s unprecedented decision to abandon



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and close off an entire city neighborhood, leaving it unchecked by the police, unserved by fire and emergency health services, and inaccessible to the public at large. The City's decision has subjected businesses, employees, and residents of that neighborhood to extensive property damage, public safety dangers, and an inability to use and access their properties.

The lawsuit made the following four claims:

1. The city violated the plaintiff's constitutional rights to equal protection and access to police protection and public services, including trash, medical, and fire services.
2. The city unlawfully took their private property for public use with no compensation.
3. The city restricted their ability to use their property to conduct business fully
4. The city failed to protect the businesses from the danger of the city's own making.

Dubbed the "Capitol Hill Occupied/Organized Protest," or CHOP, by the George Floyd protestors, it became one of the largest of many urban protests over alleged police brutality and systemic racism that generally resulted in widespread violence, looting, and arson. Even as the anarchy reigned, Seattle Mayor Jenny Durkan praised and encouraged the protestors by stating in an interview on [CNN](#) that the six occupied blocks of CHOP were "more like a block party atmosphere" and that "we could have the summer of love." Mayor Durkan may not be right about the residents and businesses loving CHOP, but the lawyers will be calling this a lovefest for years.

In response to the [city's](#) attempt to have the lawsuit thrown out, District Court Justice Thomas S. [Zilly](#) upheld three of the four claims made by the plaintiffs:

Plaintiffs plausibly allege that the City's actions — encouraging CHOP participants to wall off the area and agreeing to a 'no response' zone within and near CHOP's borders — foreseeably placed Plaintiffs in a worse position than they would have been in absent any City intervention whatsoever. Their allegations are also sufficient to show that the City acted with deliberate indifference to that danger.

Rather, Plaintiffs plausibly assert that the City's endorsement of, and the provision of material support to, CHOP set in motion a series of acts by certain CHOP participants, who the City knew or reasonably should have known would deprive Plaintiffs of protected property interests.

[Zilly](#) dismissed the "equal protection" violation citing the "Plaintiffs did not plead sufficient facts to support their equal protection claim. The claim is dismissed without prejudice." His actions opened this case to the possibility of a class-action lawsuit, unlocking the door to a much larger plaintiffs pool against the city.



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Upon hearing Zilly's decision, attorney Angelo Calfo stated:

It remains hard to believe that the city abandoned this neighborhood, left it without police or emergency services, and yielded control of it to some segments of protesters who defaced, damaged, and destroyed it.

This diverse and culturally and economically rich neighborhood continues to feel the effects of the city's endorsement of the CHOP. The Court's thoughtful decision allows our lawsuit to proceed, and we aim to require the city to make this neighborhood and its citizens whole again.

With this lawsuit being one of [several](#) that [Seattle](#) faces, the repercussions of Mayor Durkan's embrace of lawless anarchists may haunt city residents for years to come.



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