

Statement of Gustavo Martinez

The First Amendment Under Attack: Examining Government Violence Against Peaceful Civil Rights Protestors and the Journalists Covering Them

United States House of Representatives
Committee on Oversight and Reform
Subcommittee on Civil Rights and Civil Liberties

June 29, 2020

Statement of Gustavo Martinez

Good morning, Chairman Raskin, Congressman Jordan, and members of the subcommittee. Thank you for this opportunity to speak before you today.

My name is Gustavo Martinez, and I am a reporter for the Asbury Park Press. I have been a journalist for 16 years and have covered political protests and similar events across three countries for more than a decade. Until June 1st, when I was arrested while covering a protest in Asbury Park, New Jersey, I had never been arrested or detained for reporting on a political protest. I speak up today because the silencing of journalists by law enforcement is a fundamental threat to American democracy. A press badge should not be a bullseye.

On the morning of June 1, 2020, I was assigned to cover the Black Lives Matter protest in Asbury Park. That day, I gathered protective gear to take with me that evening, including a safety helmet, protective eyewear, reflective bracelets, and a yellow bandana. I also planned to carry my usual equipment: my iPhone, to document action in real time, and my press passes from the New Jersey Police Press Credential program and from the Asbury Park Press. I wear these badges on a lanyard around my neck.

Around 7 p.m. that evening, I put on my press badge and headed over to the protest. For about two and a half hours, everything was fine. During that time, I spoke with several police officers, who asked why I was there. I explained that I was a reporter. Then, around 9:30 p.m., there was a sudden shift in the atmosphere. First, law enforcement began using a bullhorn to tell people to go home. Next, a police officer approached me, said it was past the curfew and asked me why I was still there. I faced the officer, and with my press badge around my neck, I told him that I was a reporter with the Asbury Park Press and was there to report on the protest. I also explained that reporters were exempt from the Asbury Park curfew. He just looked at me and said: "So you want a taste of the action? You'll get a taste of the action then."

Soon after, I saw officers in riot gear arrive at the area. I double-checked that my press badge was clearly visible and immediately put on my helmet and protective eyewear. I continued livestreaming the events around me.

Around 10:00 p.m., I stood with other members of the press. We suddenly found ourselves in a group of protesters who were being forcibly pushed out of the area by Asbury Park police. I stood to the side with other members of the media who were documenting what was happening. As I stood there, I heard screams. I, along with other journalists, turned and headed in the direction they came from. I saw people being pepper sprayed by the police. I headed towards

Statement of Gustavo Martinez

them to document what was happening. I heard another scream. I turned again and saw Asbury Park police pushing two young protesters, a man and a woman. I heard the young woman say that they were leaving when suddenly the young man was tackled to the ground and handcuffed by several police officers. The young woman, who I later learned was his sister, tried to intervene on his behalf, but a police officer grabbed her and slammed her onto the ground. I was livestreaming on my phone as this happened.

Then, I heard, “F---him! He’s the problem!” And from the corner of my eye, I saw a large police officer launching towards me. A moment later, I found myself tackled to the ground. My iPhone was still recording as I was knocked to the ground, but the livestream went dark just as the police officer who tackled me screamed: “You’re under arrest! Put your f---ing hands behind your back!” No sooner had I hit the ground than another officer yelled: “Take down his f---ing phone.” The phone was slapped out of my hand. My press badge was around my neck the entire time and I even verbally identified myself to one of the arresting officers as a reporter.

I was handcuffed and handed over to another officer to be loaded onto a van with other individuals under arrest. That officer saw my badge and asked what it was. I said it was a press badge and that I was a reporter. He and other officers then stripped off my helmet, reflective bracelets, protective eyewear, bandana and backpack. My press badge was still around my neck when they loaded me into the van to police headquarters.

More than five hours later, I was released from jail. The next morning, I learned that all pending charges against me had been dropped when New Jersey Attorney General Gurbir Grewal issued a public apology, and tweeted that “in America, we don’t lock up reporters for doing their job.” I also received a personal call from him, where he once again apologized.

My experience on the night of June 1 at the Asbury Park protest continues to haunt me. There is no question in my mind that I was targeted, tackled and arrested because I was reporting on the events around me even though the First Amendment protects my right to do so. I hope that by speaking out today, it helps to ensure that countless other journalists are able to freely report the news without censorship by law enforcement. Thank you.

Enclosures:

- Ex. A – June 1, 2020 Proclamation of State of Emergency to All Citizens and Persons within the City of Asbury Park and to All Departments, Divisions and Bureaus of the Municipal Government of the City of Asbury Park
- Ex. B – Asbury Park Press pass
- Ex. C – New Jersey Police Press Credential pass
- Ex. D – Video of moments prior to arrest of Gustavo Martinez