Black Lives Matter suit called a 'huge threat'

Activists, experts fear consequences of suing organizer over officer attack

By Marissa J. Lang
WASHINGTON POST

Civil rights lawyers have asked the Supreme Court to intervene in a lawsuit that activists and legal scholars fear could have wide-reaching consequences for protest organizers across the country.

A police officer, who was hit in the head by a rock thrown at a 2016 demonstration in Louisiana, sued prominent Black Lives Matter organizer DeRay Mckesson on the premise that Mckesson should have foreseen the possibility of violence at the protest and be held accountable for it. Mckesson didn't throw the rock or tell anyone else to throw it.

The case initially was tossed by a federal judge, citing a Supreme Court decision widely interpreted as a shield against protesters sued for damages they didn't directly cause. But a three-judge panel with the U.S. Court of Appeals for the Fifth Circuit ruled in August that a jury should be allowed to hear the case and issue a verdict on Mckesson's alleged negligence.

Legal scholars and lawyers with the American Civil Liberties Union balked at the decision. They said allowing the case to proceed in the face of civil rights protections long guaranteed to protesters could pave the way for similar lawsuits and have a chilling effect on protest organizers nationwide.

Even if the officer doesn't prevail in the case, experts said damage might already be done.

"If this is allowed to stand, anybody can show up and throw a rock at a protest to bankrupt a movement they disagree with," said Ben Wizner, director of the ACLU's Speech, Privacy and Technology Project. "People know when they step into the street that they might have to spend some hours in jail or pay a fine. But if they might have to pay a multi-million-dollar civil judgment - that's something they're not prepared for, and can't possibly be expected to prepare for."

The ACLU earlier this month asked the Supreme Court to hear Mckesson's appeal and urged justices to consider the potential ramifications on protesters' rights.

Organizations that coordinate protests, such as the Women's March, said the Fifth Circuit's ruling could have ramifications beyond its jurisdiction of Louisiana, Mississippi and Texas.

For starters, activists said, it raises the risks and monetary costs associated with organizing a demonstration. In addition to applying for permits and providing medics, amenities and toilets, organizers said, activists might also have to anticipate a possible lawsuit if someone in the crowd commits a violent act. That could mean legal counsel on standby and resources to cover the costs of a lawsuit.

Most activists, experts said, don't have that kind of cash.

"To me, this is scary," said Carmen Perez, who sits on the board of the Women's March and is the chief executive of the criminal justice reform group The Gathering For Justice. "This is a huge threat to the right to protest."

As the Women's March solidifies plans for the group's 2020 march on Washington, scheduled for Jan. 18, Perez said the case will be on organizers' minds.

"We've always told people at our protests that this is a nonviolent direct action, and we can do as much training and support for new activists as we can, but at the end of the day, we can't control who shows up and what they decide to do," Perez said.

Mckesson, a Black Lives Matter activist best known for leading marches in his signature blue vest, was sued by a Baton Rouge police officer who blamed the activist for injuries he suffered at a 2016 protest over the police killing of Alton B. Sterling, a black man whose shooting by two police officers was captured on video.

Sterling's was one in a series of shootings that prompted nationwide protests in 2016.

In July of that year, Mckesson led hundreds onto a busy Louisiana highway in protest. They were met by police, who arrested several demonstrators, including Mckesson, in an effort to clear the road.

The wounded officer, identified in court documents as John Doe, suffered injuries to his teeth, jaw and brain after a demonstrator threw a rock and hit the officer in the head, court documents state.

Edmund D. Fountain / New York Times

During a 2016 demonstration in Baton Rouge, La., after the fatal shooting of Alton Sterling, a protester threw a rock at an officer.

The rock-thrower was never identified. Instead, the officer sued Mckesson, who had become a recognizable face in the Black Lives Matter movement.

Mckesson, according to the lawsuit, knew there was a chance someone in the crowd could become violent at the demonstration. The suit doesn't allege Mckesson encouraged someone to throw a rock or commit a violent act, but says Mckesson led a protest that gave someone else the opportunity to attack the officer.

Judge Grady Jolly, of the U.S. Court of Appeals for the Fifth Circuit, wrote in the court's decision allowing the case to proceed to a trial that "Mckesson is liable in negligence for organizing and leading the Baton Rouge demonstration to illegally occupy a highway and that the lower court had "erred in dismissing the suit on First Amendment grounds."

The federal judge who originally had dismissed the case cited the landmark 1982 Supreme Court decision NAACP v. Claiborne Hardware Co., which created a precedent for blocking lawsuits against protesters because, the Supreme Court ruled, lawsuits could be wielded by the government as a weapon against protesters that would effectively suppress free-speech rights.

HOW TEXAS VOTED

Washington – How the Texas congressional delegation voted on major issues last week:

Senate

1. Confirming John Sullivan as Ambassador to Russia: Confirmed, 70-22, Deputy Secretary of State John J. Sullivan, 60, as U.S. ambassador to Russia, replacing Jon Huntsman, who resigned in October.

A yes vote was to confirm the nominee.

2. Confirming Stephen Hahn as Food and Drug Commissioner: Voting 72-18, the Senate on Dec. 12 confirmed Dr. Stephen Hahn, 59, an oncologist and cancer researcher, as commissioner of the Food and Drug Administration, replacing Dr. Scott Gottlieb, 45, who resigned in March. An active clinical physician and medical administrator, Hahn leaves the post of chief medical executive of the MD Anderson Cancer Center in Houston to take charge of the FDA.

A yes vote was to confirm the nominee.

	1	2
Cornyn(R)San Antonio	Y	Y
Cruz(R)Houston	Y	Y

House

1. Requiring Negotiation of Medicare Drug Prices: Passed, 230-192, a bill (HR 3) that would require pharmaceutical companies to negotiate with the federal government the prices of approximately 250 top-selling prescription drugs offered in Medicare Part D and employer health plans.

A yes vote was to pass the bill.

2. Defeating GOP Plan for Drug Prices: Defeated, 201-223, a Republican version of HR 3 (above) that omitted the requirement for manufacturers to negotiate drug prices with the Department of Health and Human Services.

A yes vote was to adopt the Republican alternative.

3. Ensuring Innovation in Drug Research: Defeated, 196-226, a Republican motion that sought to prevent core provisions of HR 3 (above) from taking effect until after the secretary of Health and Human Services has certified that the law would not reduce the number of applications from innovators seeking to put new drugs on the market.

A yes vote was to adopt the motion.

4. Overhauling Visas for Farm Workers: Passed, 266-165, a bill (HR 5038) that would overhaul the H-2A visa program that admits undocumented migrant workers for temporary U.S. agricultural jobs the domestic workforce is unable or unwilling to fill.

A yes vote was to pass the bill.

5. Approving $738 Billion for Military in 2020: Adopted, 377-48, the conference report on a $738 billion military policy budget (S 1790) for fiscal 2020, including $69 billion for combat operations and more than $57 billion for active-duty and retiree health care. The bill sets a 3.1 percent pay raise for uniformed personnel; confronts global warming as a national-security threat; requires Pentagon strategies for countering Russian interference in 2020 U.S. elections; and funds programs for military victims of sexual assault. In addition, the bill creates the U.S. Space Force as the sixth branch of the military; ends the "widow's tax" on Pentagon death benefits received by an estimated 65,000 survivors who also receive veterans' survivor benefits; and establishes 12 weeks' paid family and medical leave for the federal civilian workforce to accommodate childbirth, adoptions, foster care and serious illnesses.

A yes vote was to approve the fiscal 2020 military budget.

6. Approving Measures to Address Climate Change: Approved, 262-151, a 10-bill legislative package (HR 729) that would authorize $1.4 billion over five years for programs to help Atlantic, Pacific and Great Lakes coastal communities and certain inland areas deal with the harmful effects of climate change.

A yes vote was to pass the bill.

7. Reducing Marine Mammal Protections: Defeated, 160-259, an amendment to HR 729 (above) that sought to scale back the 1972 Marine Mammal Protection Act in order to speed federal approval of applications for oil and gas drilling in the Gulf of Mexico and coastal-restoration projects on shorelines including Louisiana's.

A yes vote was to adopt the amendment.

	1	2	3	4	5	6	7
Gohmert(R)Tyler	N	Y	Y	N	N	N	Y
Crenshaw(R)Spring	N	Y	Y	N	Y	N	Y
Taylor(R)Plano	N	Y	Y	N	Y	N	Y
Ratcliffe(R)Heath	N	Y	Y	N	Y	N	Y
Gooden(R)Terrell	N	Y	Y	N	Y	A	A
Wright(R)Arlington	N	Y	Y	N	Y	N	Y
Fletcher(D)Houston	Y	N	N	Y	Y	Y	N
Brady(R)The Woodlands	N	Y	Y	N	Y	N	Y
Green(D)Houston	Y	N	N	Y	Y	Y	N
McCaul(R)Austin	N	Y	Y	N	Y	N	N
Conaway(R)Midland	N	Y	Y	N	Y	N	Y
Granger(R)Fort Worth	N	Y	Y	N	Y	N	Y
Thornberry(R)Clarendon	N	Y	Y	N	Y	N	Y
Weber(R)Alvin	N	Y	Y	N	Y	N	Y
Gonzalez(D)McAllen	Y	N	N	Y	Y	Y	N
Escobar(D)El Paso	Y	N	N	Y	Y	Y	N
Flores(R)Bryan	N	Y	Y	N	Y	N	Y
Jackson-Lee(D)Houston	Y	N	N	Y	Y	Y	N
Arrington(R)Lubbock	N	Y	Y	N	Y	N	Y
Castro(D)San Antonio	Y	N	N	Y	Y	Y	N
Roy(R)Austin	N	Y	Y	N	Y	X	Y
Olson(R)Sugar Land	N	Y	Y	N	Y	N	Y
Hurd(R)Helotes	N	Y	Y	Y	Y	Y	Y
Marchant(R)Coppell	N	Y	Y	N	Y	N	Y
Williams(R)Austin	N	Y	Y	N	Y	N	Y
Burgess(R)Flower Mound	N	Y	Y	N	Y	N	Y
Cloud(R)Corpus Christi	N	Y	Y	N	Y	N	Y
Cuellar(D)Laredo	Y	N	N	Y	Y	Y	N
Garcia(D)Houston	Y	N	N	Y	Y	Y	N
Johnson(D)Dallas	Y	N	N	Y	Y	Y	N
Carter(R)Round Rock	N	Y	Y	N	Y	N	Y
Allred(D)Dallas	Y	N	N	Y	Y	Y	N
Veasey(D)Fort Worth	Y	N	N	Y	Y	Y	N
Vela Jr.(D)Brownsville	Y	N	N	Y	Y	Y	N
Doggett(D)Austin	Y	N	N	Y	Y	Y	N
Babin(R)Woodville	N	Y	Y	N	Y	N	Y

Y = Yea, N = Nay, A = Not voting, P = Answered "Present"

Thomas Voting Reports

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*$1.92 per line over 36 lines

BIDS & PROPOSALS | **BIDS & PROPOSALS**

Sealed Proposal Solicitation #EC07-20
Houston-Galveston Area Council
Cooperative Purchasing Program
911 Equipment & Emergency Notification Software and Services
Pre-Proposal Conference: 1/16/20 @ 9am
Response Deadline: 3/10/2020 @ 1pm
Public Opening: 3/10/2020 @ 2pm
3555 Timmons Lane, Houston, TX.
Per ADA, reasonable accommodation provided with 24 hour prior notice.
832-681-2592 or www.hgacbuy.org for info.

Sealed Proposal Solicitation #SP07-20
Houston-Galveston Area Council
Cooperative Purchasing Program
Solar Panels and Associated Equipment
Pre-Proposal Conference: 1/8/20 @ 9am
Response Deadline: 3/5/2020 @ 1pm
Public Opening: 3/5/2020 @ 2pm
3555 Timmons Lane, Houston, TX.
Per ADA, reasonable accommodation provided with 24 hour prior notice.
832-681-2604 or www.hgacbuy.org for info.

Sealed Bid Solicitation #FS12-19A
Houston-Galveston Area Council
Cooperative Purchasing Program
Fire Service Apparatus (All Types)
Response Deadline: 1/23/20 @ 1pm
Public Opening: 1/23/20 @ 2pm
3555 Timmons Lane, Houston, TX.
Per ADA, reasonable accommodation provided with 24 hour prior notice.
713-993-2466 or www.hgacbuy.org for info.

LEGAL NOTICES | **LEGAL NOTICES**

Effective January 15, 2020, Talia N. Crawford, M.D. will no longer be affiliated with OBGYN Medical Center Associates at 7900 Fannin St., Suite 4000, Houston, TX 77054. Patient medical records will remain at OBGYN Medical Center Associates. Records may be requested at (713) 512-7095.

NOTICE TO BIDDERS

The Texas Department of Criminal Justice (TDCJ) invites bids to **"Replace Switch Panel – Stainless Steel Plant Service Entrance"** at the **Luther Unit** located in **Navasota, Texas.** A Pre-Bid Conference will be held at 10:00 A.M. on **December 19,** 2019 at the project site. Please contact the Contract Administrator, Michelle Chesnut, for additional information.

Bid Documents can be purchased at a cost of $60.00 (Sixty Dollars, non-refundable) per set, inclusive of mailing/delivery costs, or they may be viewed at various plan rooms. Payment checks for documents should be made payable to the Texas Department of Criminal Justice:

TDCJ Contracts & Procurement
Attn: Michelle Chesnut
Two Financial Plaza, Suite 525
Huntsville, Texas 77340
Phone: (936) 437-7114
Email: michelle.chesnut@tdcj.texas.gov

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BIDS & PROPOSALS | **BIDS & PROPOSALS** | **BIDS & PROPOSALS**

COMPETITIVE SEALED BIDS WILL BE RECEIVED BY PROCUREMENT SERVICES, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, ATTN: BID/PROPOSAL RECEIPT DEPARTMENT, 111 EAST LOOP NORTH HOUSTON, TEXAS 77029 UNTIL 11:00 A.M., ON JANUARY 15, 2020 FOR THE FOLLOWING:

ENTRY GATE LANE MODIFICATIONS AT BAYPORT (CSB-1365).

A PRE-BID CONFERENCE WILL BE HELD AT PORT AUTHORITY BAYPORT ADMIN BUILDING WHEELHOUSE CONFERENCE ROOM, 12619 PORT ROAD, SEABROOK, TEXAS 77586 ON DECEMBER 17, 2019 AT 2:00 PM SO THAT THE PROSPECTIVE PROPOSERS MAY ASK QUESTIONS CONCERNING THIS PROJECT.

SPECIFICATIONS MAY BE OBTAINED FROM THE PORT OF HOUSTON WEBSITE WWW.PORTHOUSTON.COM, AT THAT SITE CLICK THE INSIDE THE PORT AUTHORITY LINK, THEN THE BIDS AND PROPOSAL NOTICES LINK, THEN THE BUYSPEED LINK. **A BID SECURITY EQUAL TO FIVE PERCENT OF THE BID AMOUNT IS REQUIRED.**

BIDS WILL BE OPENED AT 11:30 A.M. OF THE DAY DUE IN THE PROCUREMENT SERVICES OF THE EXECUTIVE OFFICE BUILDING, 111 EAST LOOP NORTH, HOUSTON, TEXAS. THE PORT AUTHORITY RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS OR RESPONSES.

Responses to SBISD's RFP for natural gas, addressed to Spring Branch Independent School District, will be received in the SBISD Purchasing Office at 1031 Witte RD, BLDG T-1A, Houston, TX 77055-6016 until:
January 23, 2020 @ 2:00 PM FOR:
PROCUREMENT OF NATURAL GAS
REQUEST FOR PROPOSALS (RFP #14108). This is the "Due Date."
For information contact the SBISD Purchasing Department at (713) 251-1100
Proposers should register on Ion Wave website at:
https://springbranchisd.ionwave.net/Login.aspx
Proposals must conform with the requirements set forth in the Request for Proposal packets and in the other forms posted on Ion Wave website, except as otherwise noted in such packets or on such website. Request for Proposal packets may also be obtained from SBISD's Purchasing Department at Purchasing@springbranchisd.com or Mr. Chad Price, AEG Affiliated Energy Group, Retail Energy Division, fax (214) 292-8514, or via an email request to SpringBranchISD@affiliatedenergy.com. Interested parties must request the Request for Proposal Packets at least 24 hours prior to the above Due Date. SBISD reserves the right to accept, reject or postpone any or all proposals, and to waive irregularities in proposals to the fullest extent permitted by law.

REQUEST FOR COMPETITIVE SEALED PROPOSALS
2019 KEITH ES, LOWERY ES, McFEE ES, POPE ES, RENNELL ES ADDITIONS AND RENOVATIONS
CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT
Cypress-Fairbanks ISD Proposal No. 19-03-5437R-RFP
The Cypress-Fairbanks Independent School District will accept Base Competitive Sealed Proposals until 2:00 P.M. on Thursday, January 16, 2019 at the Cypress-Fairbanks Independent School District Facilities, Windfern Administration Annex and Distribution Center, 12510 Windfern, Houston, Texas 77064 for 2019 Keith ES, Lowery ES, McFee ES, Pope ES, Rennell ES Additions and Renovations. A Pre-Proposal Conference will be held on Thursday, December 19, 2019, at 10:00 A.M. at the above Windfern Administration Annex and Distribution Center. Proposal Evaluation Criteria are published in the "Instructions to Offerors" section of the proposal documents. Plans and specifications will be released on Tuesday, December 17, 2019 and are available to general contractors from the following address upon deposit of $350.00 per set: Joiner Architects, Inc., 700 Rockmead, Suite 265, Houston, Texas 77339, 281-359-6401. The Owner reserves the right to waive any informalities and to reject any or all proposals.

Galena Park Independent School District (GPISD) is requesting **Competitive Sealed Proposals (CSP 20-202)** for **Galena Park Middle School - HVAC Upgrades at 400 Keene Street, Galena Park, TX 77547 (Project #L060).** Proposals are due on **Wednesday, January 22, 2020** at 10:00 am CST in the main lobby of the GPISD Administration Building, 14705 Woodforest Blvd., Houston, TX 77015, at which time and place the Proposals will be opened publicly and read aloud. A Proposal Security in the amount of ten percent (10%) of the proposal amount is required.
The scope of work includes replacing 11 air handling units, replacing chilled water pumps, new DDC controls, and refurbishment of existing cooling tower.
A pre-proposal conference will be held at Galena Park ISD Administration Building, on Wednesday, January 8, 2020 at 10:00 am CST. Attendance is highly recommended.
Contract Documents will be available on December 18, 2019 at isqft.com and virtualbx.com. Proposers may also obtain additional documents, at their cost, from ABC Imaging, 4902 Richmond Avenue, Suite C, Houston, TX 77027.

Request for Proposals
RFP #19-08
Financial Audit Services
Harris County Housing Authority is requesting proposals from independent public accounting firms to perform an audit of various programs for fiscal years ending March 31, 2020, and March 31, 2021, with a possibility for two additional years. This RFP contains submission requirements, the scope of services, periods of services, terms and conditions, and other pertinent information for submitting a proper and responsive proposal. Interested Proposer(s) can download the RFP from the HCHA website (www.hchatexas.org). Prospective Proposer(s) desiring any explanation of interpretation of the solicitation must submit the request in writing no later than 2:00 PM (CST), January 16, 2020, to Harris County Housing Authority, ATTN: Paul Curry, Finance Director, Paul.Curry@hchatexas.org. Proposals must be received by the HCHA no later than 5:00 PM (CST) on January 24, 2020. HCHA anticipates announcing an award by February 18, 2020.

SEALED QUALIFICATIONS WILL BE RECEIVED BY PROCUREMENT SERVICES, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, ATTN: BID/PROPOSAL RECEIPT DEPARTMENT, 111 EAST LOOP NORTH, HOUSTON, TEXAS 77029 UNTIL 11:00 A.M., ON JANUARY 22, 2020 FOR THE FOLLOWING:

PERFORM CONSTRUCTION MATERIALS TESTING SERVICES DURING THE REHABILITATION OF WHARF 9 AT TURNING BASIN TERMINAL (RFQ-1367)

A PRE-PROPOSAL CONFERENCE WILL NOT BE HELD FOR THIS PROJECT.

FIRMS INTERESTED IN SUBMITTING QUALIFICATIONS FOR THIS PROCUREMENT MAY OBTAIN A COPY OF THE RFQ FROM THE PORT OF HOUSTON AUTHORITY'S WEBSITE, http://buyspeed.poha.com/bso, WHERE VENDOR REGISTRATION AND "PROCUREMENT PACKAGE" DOWNLOAD INSTRUCTIONS ARE AVAILABLE.

NOTICE TO BIDDERS
The Metropolitan Transit Authority of Harris County, Texas (METRO) is planning to issue the procurement documents listed in this advertisement.
IFB No. 4020000035: For Generator Preventative Maintenance. Solicitation will be available on or about 12/9/2019.
Prospective bidders/proposers can view and download these solicitations by visiting METRO's website at https://www.ridemetroapp.org/procurement/
If you are unable to download the documents or are having difficulty, please contact METRO Plan and Bid Room at (713) 739-4881.

NOTICE TO BIDDERS
The Metropolitan Transit Authority of Harris County, Texas (METRO) is planning to issue the procurement document listed in this advertisement.
REQUEST FOR PROPOSAL for Medical Benefits and Administration FY2021-FY2023.
For more information, contact Annie Bridges at annie_bridges@ajg.com.

NOTICE TO BIDDERS
The Metropolitan Transit Authority of Harris County, Texas (METRO) is planning to issue the procurement documents listed in this advertisement.
RFP No. 402000034: Retail Electricity Provider. Solicitation will be available on or about 12/16/2019.
Prospective bidders/proposers can view and download these solicitations by visiting METRO's website at https://www.ridemetroapp.org/procurement/
If you are unable to download the documents or are having difficulty, please contact METRO Plan and Bid Room at (713) 739-4881.

LEGAL NOTICES | **LEGAL NOTICES** | **LEGAL NOTICES**

Notice of Public Hearing
for
Proposed Revision of the HCHA's 2021 PHA Annual Plan and Administrative Plan
The Harris County Housing Authority (HCHA) will hold a public hearing on **Wednesday, March 18, 2020 at 1:30 pm.** The public hearing will be held at the main office of the Harris County Housing Authority, located at **1933 Hussion Street, Houston, Texas 77003.** The hearing will act as a forum for public comment relevant to the proposed revision of the HCHA's 2021 PHA Annual Plan and Administrative Plan, as required by the U.S. Department of Housing and Urban Development (HUD). The proposed revision of HCHA's 2021 PHA Annual Plan and Administrative Plan will be available for public review at the above address and on our web site (www.hchatexas.org). Public comments will receive due consideration in preparing the final HCHA 2021 PHA Annual Plan. Written comments will be received by Tuesday, March 17, 2020. Written comments must be mailed or emailed to the attention of Beverly Burroughs:
Beverly.burroughs@hchatexas.org
Mail – Harris County Housing Authority
Revision of the 2019 Annual Plan
1933 Hussion Street
Houston, Texas 77003
Attn: Beverly Burroughs
If any further information is needed, contact Beverly Burroughs at (713) 578-2100.