

Trial starts Monday for grandmother arrested outside Trump rally for wearing 'I can't breathe' shirt on public street

Trump campaign staff ordered removal of Sheila Buck from a public street at Trump's ill-fated Tulsa rally. She refused and police charged her with obstruction.

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Dan Smolen

Tulsa mayor ordered to appear at trial, which starts Monday

More than four years after the Trump campaign [directed the removal](#) of a grandmother for wearing an “I Can’t Breathe” T-shirt on a public street hours before Trump’s ill-fated rally, Tulsa County officials are continuing to prosecute her in a trial that begins Monday.

The arrest and prosecution of Sheila Buck, a retired public school art teacher in her late 60s, raises serious First Amendment questions. It also comes in the wake of a Trump campaign staffer’s physical confrontation with a worker at Arlington National Cemetery.

A Tulsa judge has cleared the way for Buck’s attorney, [Dan Smolen](#), to call Tulsa Mayor G.T. Bynum to the stand to question Bynum about events leading up to Buck’s arrest on a public street. Witnesses also include a member of the Secret Service and the former chief of the Tulsa Police Department.

“In case after case, states have sought to prosecute peaceful protestors for refusing to leave a public forum after police instructed them to do so,” Smolen said. “Again and again, the courts of this nation – from the United States Supreme Court to the states’ Supreme Courts to the Oklahoma Court of Criminal Appeals – have repeatedly held that the defendants in these actions can invoke the First Amendment as a defense. They have consistently held that a state court cannot convict a criminal defendant if that conviction would violate the

defendant's First Amendment rights.”

The Trump campaign's plan to hold the public rally after a three-month pause as COVID-19 infections raged across the nation and spiked in Oklahoma drew stark warnings from health officials.

Buck wore the “I Can't Breathe” shirt to show support for the Black Lives Matter movement in the wake of George Floyd's death. She knelt down to pray in a public street blocks from the arena, hours before the rally began.

A Trump campaign worker saw her shirt and directed a private security officer to remove her. The security officer told her if she did not turn her shirt inside out – silencing its message – she would be removed from the city street. When Buck refused, a Tulsa police officer approached and told her that the blocks around the city-owned arena are “like a private home, and if you've been asked to leave, you have to leave.”

Buck continued to pray and refused to leave the public street. She was handcuffed and her arrest was broadcast live on national TV. At the time, a Tulsa Police Department spokesman told news media that Trump campaign staffers had the right to arrest Buck because “not unlike any other private company, they reserved this area. The campaign being the event holders, so to speak, they requested that she leave. She refused to do so.”

However the Trump campaign did not seek or receive a permit to close the city streets surrounding the arena. The arresting officers have since admitted in depositions that Trump campaign staffers directed her removal because of her T-shirt's political message. Under both the United States Constitution and the Oklahoma Constitution, as a matter of law Ms. Buck cannot be convicted of obstruction for peacefully protesting on a public street.

Yet Tulsa County prosecutors and city officials have spent four years and untold taxpayer dollars pressing this baseless charge against Ms. Buck for obvious political motivations.

Members of the media are welcome and encouraged to attend the trial, which begins Monday at the Tulsa County Courthouse, 500 S. Denver Ave.

WHAT: State of Oklahoma V. Buck, Sheila CM-2020-2635 Tulsa County District Court

WHEN: 9 a.m. Monday Sept. 9

WHERE: Judge Kasey Baldwin, Tulsa County Courthouse, 500 S. Denver Ave.

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