

# That Night in September

Three men recall the nightmarish treatment they experienced at the hands of police during a raid on the Atlanta Eagle bar.

By Christopher de la Torre



Tom Hayes, left, and Mark Danak were both forced to lie on the floor while police ran background checks.

What happened on the night of September 10, 2009 at the Atlanta Eagle was like a harrowing dream. The Atlanta Police Department (APD) dispatched dozens of officers to the bar, a popular midtown hangout since it opened its doors more than 22 years ago.

The APD's "Red Dog Unit" dressed in SWAT team gear burst into the bar before midnight. During the raid, patrons and staff were forced to lie face-down on the floor amid spilled beer and broken glass while background checks were run.

In the end, the APD found no

public sex, drugs or illegal weapons in the bar and not a single patron was charged with any crime. But they left a community shaken and traumatized.

On November 24, 2009, Lambda Legal and co-counsel filed suit against the city of Atlanta, its chief of police and 48 individual officers of the APD on behalf of 19 individuals who were forcibly searched and detained that night. Here, three men who are plaintiffs in the case, *Calhoun v. Pennington*, speak out about the wrongful police actions they experienced that night.

"People are scared to go back. I'm scared that the Atlanta PD will start targeting me"

**Mark Danak, 38, IT Specialist**  
*Western Michigan University alumnus and self-proclaimed computer geek Mark Danak often hits the gym after work for about an hour, grabs dinner at his place, then goes for a drink or game night with friends. Mark says before the raid, the Eagle had the reputation of being very welcoming, unpretentious and fun.*



Since the raid, Iraq War veteran Chris Daniels says he's "fearful of retribution from the Atlanta PD."

The Eagle was the very first bar in Atlanta I went to when I arrived in the city from Toledo. I've been in the Atlanta Gay Men's Chorus for six or seven years. We rehearse on Thursday nights and for six or seven years, I'd end up at the Eagle for a drink to unwind after rehearsal.

This was the first time anything like this ever happened to me. Someone yelled, "Hit the floor!" I didn't really know what was going on until I was laying face-down for about 10 minutes. I remember being very scared. And I was trying very hard to concentrate, so I could remember everything that was going on. It made me feel dehumanized.

I went back that very next weekend to show support, but a lot of people are scared to go back. It's probably the safest place in town. But the Eagle isn't as busy now.

I'm scared that the Atlanta PD will start targeting me with traffic tickets and things like that. I haven't had a

**"It was wrong for it to happen the way it did."**

ticket since I've been in Atlanta. We are all citizens. We all pay taxes, we all vote, we all go to work every morning. To have them come in and humiliate us like that for no reason was just wrong. It made us all feel like second-class citizens. I've lost all trust in them.

### **Chris Daniels, 30, Iraq War veteran**

*When asked if he feels safer as a gay man in Atlanta than in his hometown in South Carolina, this six-year army veteran says yes, because Atlanta has a larger LGBT community. But Daniels, who went to the Eagle that night to watch the Clemson vs. Georgia Tech football game, encountered the opposite of a friendly welcome.*

I was surprised about the way the cops reacted, surprised by what they did. I was at a bar, just having a drink with a friend. As I was standing there, I saw the flashlights and was ordered to get on the floor. I was confused at first. I didn't know if they were real cops or gay bashers, taking over the bar. They took everyone's ID, and made derogatory comments, including comments about military personnel. It felt odd for me to have my civil rights violated, because I did my military service. When I left, there were people standing in the parking lot. I was in a daze, and went to my car and drove straight home. I didn't want to be around the Eagle because I still had no clue what was going on. It was wrong for it to happen the way it did.

I feel the Eagle is a safe place. I've been back a few times. My friends still go there and I go to see them. But business is slow now. Not many people are showing up.

I am currently in the process of moving to another state, because I am fearful of retribution from the Atlanta PD.

### **Tom Hayes, 67, retired**

*Tom Hayes has worn many hats throughout his professional career, including film producer and set designer. The 67-year-old Atlanta native grew up not far from the Eagle, in an area now called the Virginia Highlands. He took care of his mother for some years outside of the city, then returned. A church-going man, all that Tom wants from the case is a sincere apology from every person involved in ordering and carrying out the raid.*

The more I talk about what happened that night, the angrier I get. The minute they came in and told us to get on the floor, I knew it was wrong. I always consider my sexuality very secondary to my personality. I'm not ashamed of it, but I want people to know who I am and what I stand for, not who I go to bed with or don't go to bed with.

I have a ruptured disk, so it was hard to get on the floor. I have bad shoulders, too. I was disgusted, but I had to endure it. I thought, I've seen enough police brutality tapes to know they might throw me to the floor or step on my back or kick me if I don't comply fast enough. I was afraid my back would be crushed to the floor by some damn 12- or 13-size triple E boot, you know? It was frightening. It was like I was observing a television show and I couldn't possibly be a part of this. I could not possibly be in a position to be insulted and degraded and dehumanized by the Atlanta Police Department.

I was doing nothing wrong. Nobody I saw in that building was doing anything wrong. We were caught with our pants up. Our rights were trampled that night. **L**



For more information on the case and its current status, visit [www.lambdalegal.org](http://www.lambdalegal.org) and search for *Calhoun v. Pennington*.