

The Public Ought to Know: Peaceful protesters should not have to fear arrest

By Corey Bearak
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An open letter to the Civilian Complaint Review Board: Since the Civilian Complaint Review Board investigates instances of police misconduct and systemic issues, it should look at those demonstrations that "threatened" to disrupt the Republican National Convention.

Remember the gimmick buttons - probably collectors' items - City Hall offered, welcoming protesters and urging they avail themselves of discounts if they respected the law.

The protests' relative tranquility failed to mask an apparent abuse of the law by city authorities.

The reports detailed questionable arrests, including those of innocent bystanders from students to tourists to folks going to work.

This raises questions of police misconduct, instigated at the highest level, perhaps intentional, perhaps not, but it requires an investigation and a public report.

The rights to speak out and peacefully assemble protect us all. Society must protect the gadfly, those who question and challenge without violence the status quo.

The threat of free speech, standing up against perceived wrongs or airing grievances against government, helps keep those in government from going too far in the wrong direction.

Demonstrations remain likely to occur in all forms as life goes on in our city. Folks might picket an employer over worker treatment or a corporation exploiting the environment or subsistence paid workers abroad.

Activists usually converge in large numbers at City Hall to protest budget and program cuts (i.e. Queens Library hours, Queens senior and youth programs). City workers often join the fray or assemble to advocate for adequate compensation. Teachers, firefighters and cops remain without contracts.

The police actions at the convention could chill some protests, lower the volume of the voices or impair the ability of assembled numbers to get a point across. We should hear the message; we need not agree. The threat of a voice getting heard helps mediate less desirable outcomes.

Our local government may have gone a bit over the top. The right to peacefully protest can inconvenience others. Violent protests get no respect or support here. I condemn the anarchists who stormed 1999's Seattle World Trade Organization conference.

I equally condemn those who would impede the access of women and employees of women's reproductive health clinics to those facilities. Violence has no place, even as a means of protest. It earns no respect and demands our abhorrence and condemnation.

At the same time, police tactics appeared to have contributed to, if not outright caused, a demonstration in Lower Manhattan to bunch up beyond two abreast, resulting in mass arrests.

These unfortunate detainees were cordoned off as police officers blocked both ends of Fulton Street.

News accounts described arrests of innocent bystanders and others. They were included among the 1,821 arrests, 1,200 in a four-hour period on the convention's second night.

A list produced in State Supreme Court Justice John Cataldo's Manhattan courtroom on Sept. 2 evidenced that 120 people were held in police custody longer than 38 hours and 440 others jailed at least 36 hours, a day and one-half, without an arraignment.

There were also individual accounts of arrestees detained two days or more. The Court of Appeals, our state's highest, ruled in 1991 that anyone arrested here not arraigned within 24 hours of their arrest must be released.

Some demonstrators and their lawyers argued police officials had sought to keep protesters off the streets during the convention's final two days, especially when the president of the same party of our town's mayor accepted renomination on the last night.

The New York Times reported that members of the National Lawyers Guild "circulated" an internal NYPD memo that "seemed to suggest that protesters be held as long as possible." The NYPD called it a forgery.

Accounts by detained protesters and others caught up in the "sweeps" complained of oily grime, chemical burns and rashes at their wire pen at the Pier 57 detention center.

This commentary implies no intentional wrongdoing by police officers or commanders. Our underpaid cops work hard to protect us.

The vast majority perform their jobs with respect for the law and people's rights. The folks who deploy our police officers and city leaders who rely on their judgment owe cops in the field, NYPD commanders and the public, a commitment to clear and unambiguous tactics that abuse no one's rights.

The Civilian Complaint Review Board produced good reports on pepper spray - including one following the tragic killing of Gidone Busch in Borough Park - "street stops" and "profiling." To make a difference and ensure accountability, this report must get done, authoritatively, before next fall. The 1993 Crown Heights report came out before Election Day.

Start with NYPD videotapes of convention arrests, as well as photos and videos taken by "civil rights monitors."

Corey Bearak is an attorney and adviser on government, community and public affairs. He is also active in Queens civic and political circles. He can be reached via e-mail at Bearak@aol.com. Visit his Web site at CoreyBearak.com.