



Arresting Protest

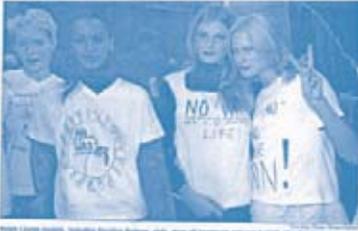
A special report of the New York Civil Liberties Union on New York City's
Protest Policies at the February 15, 2003 Antiwar Demonstration in New York City



FROM PAGE 1

Protesters Appeal City's Ban on March

Protesters in New York City and other cities are appealing a city ban on a massive anti-war demonstration...



Protesters in New York City, including Melissa Berman, right, wear 'NO WAR' shirts at a Feb. 11 rally.

March Backers: Yes, Then No

Confederating America's opposition to war, dozens of cheering, placard-waving demonstrators participated in New York and scores of cities across the United States...



Thousands of protesters gathered in New York City for a Feb. 11 rally against the war in Iraq.

Judge calls a halt to protest march

A federal judge ruled yesterday that the city can block 100,000 anti-war demonstrators from staging a mass rally and march past the United Nations on Saturday.



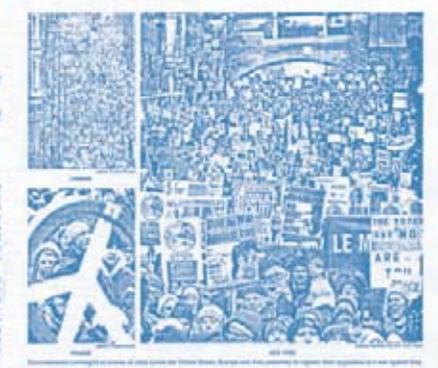
Desmond Tutu

She backed the city's plan to restrict an expected 100,000 demonstrators to an area south of First Ave. and E. 49th St.



Police Behavior During Rally Irks Anti-War Demonstrators

Thousands of anti-war protesters gathered in New York City for a Feb. 11 rally against the war in Iraq. The police behavior during the rally irked anti-war demonstrators.



Thousands of protesters gathered in New York City for a Feb. 11 rally against the war in Iraq.

THE CASE AGAINST SADDAM In Defense of a UN Protest

Group sues to get permit. The case against Saddam Hussein is a complex one, and the UN protest is a key part of the anti-war movement.



A group of people at a press conference in New York City.

Mixed Reviews for Powell

As a prosecutor, he made a wonderful case for the prosecution. I don't think there's any doubt that the Iraqi are playing games and have no intention of giving up weapons.

Police arrested 257 at anti-war protest

By ACE MARSHALL and PHILIP J. RAY. Only six more serious charges, involvement in injuring a...



No Peace After Rally

Organizers, police in dispute over protest treatment, figures. The rally was a success, but the police treatment of the protesters was a source of concern.

Anti-War Protesters Lose Bid to Parade Past U.N.

City Denial of Permit Based on Content-Neutral Policy. The protesters lost their bid to parade past the United Nations.



A group of protesters at a rally in New York City.

Sweeping Away Street Marches

Without announcement or explanation, the Police Department since the fall of 2002 has been denying all parade permits to the anti-war protesters.

A group of protesters at a rally in New York City.

The New York Sun advertisement with logo and contact information.

Anti-War Protesters File Appeal as Judge Backs City's Ban on March

Anti-war protesters filed an appeal with the Second Circuit Court of Appeals as a federal judge backed the city's ban on a massive anti-war demonstration.

Appeals Court Upholds Ban on Anti-War March

The Second Circuit Court of Appeals has upheld the city's ban on a massive anti-war demonstration.

United for Peace

United for Peace is a coalition of anti-war groups sponsoring rallies around the world.



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Arresting Protest

**A special report of the New York Civil Liberties Union on New York City's
Protest Policies at the February 15, 2003 Antiwar Demonstration in New York City**

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Published by the New York Civil Liberties Union
125 Broad Street, New York, NY
212-344-3005
www.nyclu.org
April, 2003

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Front cover: top photo by Diane Green Lent; bottom photo by Andrew Stern; back cover photo
by Dustin Ross.

In this country, when there is strong disagreement with the actions of the government . . . the people protest. Today, our president and his advisors seem intent upon going to war. This has stirred strong feelings – feelings of patriotism as well as deep opposition.

There is a long, proud American tradition of “talking with our feet.” A city that claims to be a cultural and intellectual capital of the world cannot be a place where protest marches are a thing of the past.

But the City decided that we could not march and the Courts said that was okay. And both decisions have diminished the Constitution.

New York City is at a crossroads. Will we sign onto the other war – the war on civil liberties? Will we passively accept the policies of the Bush Administration that invoke the politics of fear to stifle dissent? Or will we fight . . . for democracy at home?

We fervently hope that the New York City Council will take the lead in scrutinizing the policies that stopped the people's march on February 15th and in returning New York City to its proper place as a protector and center of democratic ideals. A place where people can – and do – talk with their feet.

Testimony of Donna Lieberman
Executive Director, New York Civil Liberties Union
New York City Council, Committee on Government Operations
February 25, 2003

On February 15, 2003, in cities around the world, millions of people took to the streets for peaceful protest against the impending war with Iraq. The sole exception to this world-wide day of peaceful protest marches was New York City, where the New York City Police Department not only refused to allow protesters to march past the United Nations as they had requested but also refused to allow them to march anywhere else in the City. This extraordinary decision came at a time when the NYPD had adopted a policy of denying permits for all protest marches. When the federal courts rejected a legal challenge to the NYPD's denial of a parade permit for February 15, protesters were left to participate in a stationary rally on the East Side of Manhattan.

Though the New York City rally drew hundreds of thousands of protesters, it was deeply marred by police actions that severely restricted access to the rally site. As a result, tens of thousands of protesters never made it to the event, and hundreds of protesters were arrested just trying to get there. In addition, the NYPD's use of "pens" — metal barricades used to form closed areas into which protesters are confined — at the rally site significantly limited the ability of protesters to move around, to form contingents, and to enjoy the event.

In this report, the New York Civil Liberties Union, which represented the coalition that organized the New York City antiwar rally, provides the following:



Photo by Devin Asch

- A recounting of the events leading up to the February 15 rally, including negotiations with the City about a proposed march and the NYCLU litigation challenging the City's refusal to allow a march;
 - A chronological overview of the actions of the NYPD on February 15;
 - A compendium of over 300 witness accounts received by the NYCLU about police actions on February 15; and
 - An examination of protest activity in other cities and countries and a comparison of the practices of law-enforcement agencies in those cities and countries.
- The report concludes with a set of recommendations in five areas: (1) the granting of march permits; (2) policies and practices affecting public access to demonstrations; (3) the use of force to clear demonstrators from streets and sidewalks; (4) the use of "pens" at demonstrations; and (5) the processing of persons arrested at demonstrations. The NYCLU believes that implementation of these recommendations will help avoid a repeat of the serious missteps that occurred in connection with the February 15 antiwar event. ❖

The Events Leading to February 15

Efforts to Secure a March Permit

The February 15 anti-war march planned for New York City was organized by a coalition of anti-war groups operating under an umbrella organization named United for Peace and Justice (UFPJ). In mid-January, UFPJ asked the New York Civil Liberties Union to represent it in its efforts to secure the necessary permits.

On Wednesday, January 22, 2003, the NYCLU called the NYPD's Legal Bureau and informed it that UFPJ wanted to meet with Department officials to discuss a parade permit for the march planned for Saturday, February 15. In that initial contact, the NYCLU informed the Legal Bureau that UFPJ wished to assemble at Dag Hammarskold Plaza near the United Nations; march down First Avenue to 42nd Street, west on 42nd Street to Fifth Avenue, and up Fifth Avenue to 59th Street; and then hold a rally near the southern part of Central Park. The NYCLU also told the NYPD that UFPJ expected 50,000 to 100,000 people to attend, and perhaps more.

Recognizing that the anticipated size of the event would require substantial planning by the NYPD, the NYCLU followed up with the NYPD on Thursday, January 23; Friday, January 24, and Monday, January 27, each time asking for a meeting as soon as possible. Finally, on Tuesday, January 28, the NYCLU wrote to the head of the Legal Bureau urging an immediate meeting.

In the afternoon of January 28, the Legal Bureau informed the NYCLU that the NYPD would not allow the march to take place on the route proposed by UFPJ because of concerns about congestion. The NYCLU immediately informed the NYPD that UFPJ was open to alternative routes and asked the

Department to propose an alternative, which is the standard practice.

The following day the Legal Bureau informed the NYCLU that the Department would not offer any alternative route and that no march would be allowed on any route. The NYCLU promptly informed a senior member of the City Law Department that it intended to file suit on behalf of UFPJ. Several hours later the Law Department called the NYCLU to inform it that the City wanted to try to resolve the matter and scheduled a meeting for the following day. The NYCLU thus agreed not to file suit immediately.

On Thursday, January 30, the NYCLU and UFPJ met with senior members of the Law Department and of the NYPD Legal Bureau, along with NYPD Chief Michael Esposito, who commands all police operations in Manhattan south of 59th Street. At that meeting Chief Esposito presented a proposed march route that would proceed from Third Avenue and 14th Street and north to 47th Street and then east to First Avenue, where a rally would take place at Dag Hammarskold Plaza. UFPJ representatives were not satisfied with this proposal for several reasons, and the group then discussed various other possibilities for a march and rally. Because Chief Esposito did not have final authority to approve a march, he stated he would have to confer with Department officials, and the parties agreed to meet on Monday, February 3.

The next day a senior member of the Law Department asked the NYCLU to move the meeting scheduled for February 3 to February 4. The reason given for the change was that Mayor Bloomberg needed to discuss the matter with NYPD Commissioner Raymond Kelly and would not be able to do so until February 3. "The Mayor wants this to hap-

pen, and you're going to like our offer," said the senior member of the Law Department. On the basis of this, the NYCLU agreed to postpone the February 3 meeting to Tuesday, February 4 at 3:00 PM.

At the February 4 meeting, the City informed UFPJ that no march would be permitted to take place anywhere in the City in conjunction with the February 15 anti-war event. Rather, the City informed UFPJ that it would allow only a stationary rally to take place in Dag Hammarskold Plaza and on First Avenue north of 49th Street.

Litigation Over the Permit Denial

The morning after being informed that no march could take place, the NYCLU filed a federal lawsuit on behalf of United for Peace and Justice. The case was assigned to District Court Judge Barbara S. Jones, and the NYCLU immediately wrote to Judge Jones asking to appear that day to schedule court proceedings. Judge Jones granted that request, and the parties were in court for a conference at 3:00 PM on February 5. At that conference, Judge Jones scheduled a hearing for the afternoon of Friday, February 7; directed the parties to conduct discovery; and directed the parties to file affidavits and briefs by Friday morning.

On Thursday, February 6, the parties exchanged documents, the plaintiff questioned Chief Esposito, and the City questioned Leslie Cagan, who was the UFPJ coordinator of the February 15 event. During his deposition, Chief Esposito revealed that the Department had adopted an informal policy in the fall of

2002 of denying parade permits for all protest marches in midtown Manhattan.

The following morning both sides filed papers, and that afternoon the court held a hearing that lasted several hours on UFPJ's challenge to the denial of their request for a parade permit. The courtroom was packed with spectators and members of the press. In addition, two lawyers representing the Department of Justice attended the hearing.

UFPJ submitted various documents about its planned event and about many other large marches that the City had been allowing to take place. Leslie Cagan testified about the group's plans for the event; about the importance of being able to march, particularly past the United Nations; and about prior large marches that had proceeded along First Avenue in front of the United Nations in 1994, 1988, and 1982 and had done so without incident. She also testified why a stationary rally on First Avenue would be no substitute for a march.

For the City, Chief Michael Esposito testified that the NYPD opposed allowing a march of 100,000 people or more because it had been given insufficient information by UFPJ about the specific numbers of people that would be attending, because the Department was concerned that a march would be unruly, and because any march past the United Nations would present unacceptable security concerns. As for other huge parades (such as the St. Patrick's Day Parade) that the City was allowing to take place regularly, Chief Esposito testified that they were different because they were planned far in advance, involved known groups of participants, and did not involve any rally at the end of the parade. Finally, Chief Esposito testified that, though the Department had no information to suggest that the UFPJ march would present any threat of terrorism, general concerns about terrorism played a substantial role in the City's decision to ban any march.

Beyond the particulars of the UFPJ event, Chief Esposito denied that the NYPD had adopted a policy of denying permits for all protest marches. On cross-examination, however, he admitted that since the fall of



Photo by Adam Michaels



Photo by Getty Images

2002 the Department had turned down every single application for a parade permit for a protest march.

At the conclusion of the testimony, Judge Jones heard argument from the NYCLU and the City. The NYCLU emphasized the First Amendment importance of protest marches and argued that the fact that the City was allowing similarly sized cultural parades to take place regularly undermined entirely any argument that the antiwar march could not take place because of its large size. The NYCLU also pointed to prior protest marches that were far larger and that took place without significant problems. Finally, the NYCLU argued that a permit could not be denied on the basis that the event had not been planned months in advance because protest marches by their very nature involved people gathering on relatively short notice to respond to events of the moment.

In response, the City's lawyers emphasized security concerns that they contended made it too risky to allow a march to take place. The City pointed to the fact that on the very day of the hearing the federal government had raised the nation's alert status to level "orange" out of a concern for potential terrorist attacks, and argued that the lack of information available to the NYPD distinguished this march from the cultural parades and justified denial of a permit in this case.

After hearing arguments, Judge Jones asked the parties to meet with her in her

conference room. She then pressed the City about its position that no march could take place anywhere. Though Leslie Cagan reiterated the willingness of UFPJ to consider alternative routes, the City's lawyers repeated that the NYPD would not allow any march anywhere. Judge Jones informed the parties that she intended to work through the weekend and would be issuing a decision as soon as possible.

On Saturday, February 8, the United States Department of Justice (DOJ) submitted a brief to Judge Jones. In that brief the federal government argued that it had a substantial interest in the case because of its treaty obligations to the United Nations. DOJ then urged the court to give substantial weight to security concerns arising out of the attacks of September 11. Nonetheless, the Justice Department took no position opposing a march, even a march past the United Nations.

Around noon on Monday, February 10 Judge Jones issued a decision upholding the City's decision to block the march. Relying heavily on the testimony of Chief Esposito, she found that a march past the United Nations posed unacceptable security risks and found that a complete ban on any other march was reasonable.

Within hours of Judge Jones' decision, the NYCLU filed an emergency appeal with the United States Court of Appeals. The court scheduled argument for Wednesday, February 12 at 10:00 a.m.

The NYCLU, UFPJ, and the City all appeared on Wednesday morning for argument. As in the District Court, the courtroom was packed with spectators and press. In a highly unusual development, the three judges did not appear until nearly 11:00 and then explained that they had been reviewing the matter. They then informed the lawyers that instead of hearing argument they would ask questions. That questioning continued for nearly an hour, at the conclusion of which the three judges left the bench and said they would return with a decision.

After about fifteen minutes, the panel returned to the courtroom and the presiding

judge read a decision from the bench. In that decision, the Court of Appeals declined to overturn the decision by Judge Jones. The court reasoned that her decision was based on the particular facts of this event and that they were not going to second-guess her conclusion about the reasonableness of the City's position. The court also relied upon general security concerns advanced by the City and adopted by Judge Jones.

Planning for the Rally

Within hours of the decision from the Court of Appeals on Wednesday, February 12, UFPJ and the NYCLU met with NYPD officials to plan what was to be a stationary rally. At the meeting, which took place at Chief Esposito's office, UFPJ asked that the rally be switched from First Avenue to Third Avenue because Third Avenue was flat while First Avenue was hilly and thus not conducive to a rally that might stretch twenty or more blocks. Though UFPJ had never requested First Avenue for a rally site, Chief Esposito refused to move the rally because, he said, too much planning had been done to move the rally site.

UFPJ then asked that the stage location be moved from 49th Street, which was in a dip and thus could not be seen for more than a couple of blocks, to 51st Street, where First Avenue crests. Chief Esposito agreed to this. UFPJ also informed Chief Esposito that it had no interest in using Dag Hammarskold Plaza, since having a portion of the crowd there would just break up the event.

On the subject of access, Chief Esposito informed UFPJ that the Department would use metal barricades to create pens on First Avenue in which protesters would be placed. Those attending the event would be allowed to enter through cross streets north of 52nd Street and then to flow down First Avenue towards the stage. As the pens on blocks of First Avenue became full, the corresponding cross street would be closed and people would have to enter from the next northern cross street, with people being funneled up Third Avenue and up Second Avenue to the next open cross street. And as part of the pen plan, protesters would not be allowed to use the sidewalks along First Avenue to move

from one block to the next or to move from one pen to the next. UFPJ and the NYCLU objected to the planned use of pens and to the proposed entry plan, but Chief Esposito refused to change the plan.

UFPJ also asked to designate certain blocks for particular contingents (such as student groups or labor groups). The NYPD would not agree to this and instead insisted that any contingents would have to form away from the rally site and then walk to the site as a group if they wished to be at First Avenue as a group. Under this plan, those wishing to join a contingent at the rally would not be able to do so.

The parties also discussed the issue of groups of people marching to the rally site. NYPD officials stated that they knew that many groups would be doing this and that they intended to facilitate it so long as people remained on the sidewalk. However, they also took the position that they would seek to disperse any large group of protesters who assembled on the sidewalk even before they were ready to march if they believed such was necessary to keep the sidewalk clear for others.

The NYPD then asked for a meeting with the marshals that UFPJ was organizing for the rally, and it was agreed that such a meeting would take place on Saturday morning at 10:00 a.m. at 51st Street and First Avenue. The NYPD informed UFPJ that no portable toilets would be allowed at the site (except behind the stage) for security reasons. After other details were worked out, UFPJ and the NYCLU left the meeting.

Over the next two days, UFPJ worked feverishly to prepare for the event. Several problems arose, including problems securing permits for the use of amplified sound and for the use of a stage and backstage tents, but they were resolved by Friday evening. ❖

February 15: A Chronological Overview

The February 15 anti-war event did not start auspiciously. UFPJ coordinator Leslie Cagan, who had been battling a severe cold in the weeks prior to the event, was so sick on Saturday morning that she could not make it to the event. The stage arrived an hour and one-half late, which delayed the entire set-up of the event. And problems arose about the placement of loudspeakers near a hospital at First Avenue and 67th Street. Finally, it was extremely cold.

Nonetheless, late that morning the stage and sound were set up and people began filling up First Avenue. The event started at noon and within an hour First Avenue had large numbers of people up to 60th Street and beyond. At around 1:00 PM Leslie

Cagan called to say she was on her way, and she arrived at the stage area shortly thereafter.

Serious problems were emerging, however, as people tried to gain access to the event. The NYPD largely shut off Second Avenue to protesters, forcing burgeoning crowds of people to walk up Third Avenue and other avenues even farther from the site. The Police Department also had shut off all the cross streets up into the 60's.



Photo by Dustin Ross



Photo by Garth Liebhaber



Photo by Nathan Blaney

A chaotic situation soon developed. As tens of thousands of people coming from downtown (via Grand Central Terminal, Penn Station, Union Square, and many other points) reached Third Avenue and around 52nd and 53rd Street, they encountered barriers preventing them from walking towards First Avenue. Police officers gave conflicting information about which streets were open, sending demonstrators uptown, downtown, and west away from the site. Within a very short time the crowds swelled immensely and were forced into Third Avenue as there was no space on the sidewalks. Though far fewer people were on Second Avenue (because the NYPD had closed off access to it), a similar situation arose with large numbers of people ending up in the street near the intersections of 53rd and 52nd Streets and in intersections further uptown.

In response to this, the Department summoned a unit of officers on horseback. The NYCLU received a number of reports of the use of horses moving south to disperse crowds at various points on Second Avenue



Photos by Peter Holderness

between 57th Street and 53rd Street. At 53rd Street, with large numbers of people in the street and cars trying to drive through the area, the mounted officers started to push the horses into the crowd to move people out of the street.

Meanwhile, on Third Avenue demonstrators had filled the street for many blocks in the vicinity of 52nd and 53rd Streets, and the area became so crowded that people no longer could move in any direction. Frustrated demonstrators pressed against the barricades that the police had erected to block access to 53rd Street. According to several accounts, police officers responded by using pepper spray on those demonstrators to drive them back from the barricade.

Shortly thereafter, the unit of officers on horseback came across 53rd Street from

Second Avenue. Officers manning the barricade at Third Avenue and 53rd Street opened the barricade and the officers on horseback forced their way into the crowd packed into the intersection. They then split into two groups, with one facing the crowd above 53rd Street and the second facing south. A large number of uniformed officers on foot then filled the intersection between the two lines of mounted officers. Without any reported announcements or warnings to those packed into the area, the mounted officers then started to drive the horses into the crowd in an effort to force people out of the street. At the same time, officers on foot were using their batons to force people back. For most people, there simply was no place to go, given the fact that the crowd filled both the street and all the surrounding sidewalks.

This tactic eventually managed to force everyone out of the street and onto the sidewalk. Police officers then moved to force demonstrators off the sidewalk on the east side of Third Avenue, which was completely packed with people forced out of the street. After police officers told those on the southeastern corner of Third Avenue and 53rd Street that they would have to move south (which was away from the demonstration entry point), videotape reviewed by the NYCLU shows that demonstrators started chanting and complaining. Shortly thereafter police officers are seen going into the crowd



Photo by R. Gardiner



Photo by Peter Holderness

on the sidewalk and making arrests, in the course of which some demonstrators were beaten by police.

On the northeast corner of Third Avenue and 53rd Street, mounted officers then started to drive the horses on to the sidewalk and rode into the crowd, knocking people to the ground. Videotape of the incident captures mounted officers telling people to “go home.”

The next serious problem arose at the intersection of Third Avenue and 51st Street, where police officers had formed a line across Third Avenue to prevent any further movement north (which was the way to get to the demonstration). Large numbers of people were in the intersection and were unable to move either north or east. After a period of time, the mounted officers arrived from 53rd Street, proceeding down Third Avenue to 51st Street. A police officer with a bullhorn made announcements for people to move west on 51st Street, but those announcements could only be heard by those close to the officer.



Photo by Andrew Stern

Videotape shows that a line of police officers then started forcing themselves forward with batons outstretched, with the mounted officers coming behind the advancing line of officers. Because of the intense overcrowding and the speed with which the police officers moved, many people were knocked down, and in some instances were trampled by the police horses. Many people who fell were arrested. In certain locations, people who had been pushed out of the street on to the sidewalk and who then stopped retreating were pepper sprayed. The police horses went onto the sidewalk of the southwest corner of Third



Photo by Peter Holderness

Avenue and 51st Street in an apparent effort to force the crowd west on 51st Street. Eventually, much of the crowd moved west.

Videotape recorded a third serious encounter with police horses at a separate, but unidentifiable, location. Mounted officers started driving the horses into a number of people sitting on the street. The officers then pulled back, at which point they turned the horses around and start backing them into those sitting on the street, striking people. Some people started to get up, only to be knocked down by the horses. At some point, all those in the street retreated to the sidewalk. A separate videotape of this incident then depicts mounted officers charging their horses on to the sidewalk and trampling people.

Throughout the afternoon, large numbers of people were attempting to move to the rally site, with crowds surging into the street at various points and barricades being erected and removed without any apparent plan or pattern.

Meanwhile, on First Avenue people had been streaming downtown from the open cross streets to fill up the pens that lined the avenue. The police were enforcing rigid restrictions on the movement of demonstrators on First Avenue. Some pens near the stage were not full, meaning that people were kept unnecessarily far from the event. It was dif-



Photo by Nathan Blaney



Photo by Lina Palotta

difficult if not impossible for people to move from one pen to another to join friends or family members. Finally, access to sidewalks (to go to a store or move from one place to another) was severely restricted, with some blocks closed off entirely.

Once a person was inside a pen on First Avenue, it was extremely difficult to get out, as there were no more than four small openings for an entire block. Moreover, once they left a pen demonstrators were largely required to leave the area. Some sidewalks along First Avenue were open to pedestrian traffic but many were not. As a general matter, movement was extremely constricted.

The event ended around 4:30 PM. People had been leaving for some time, but at that point the flow of people exiting the area increased significantly. For the most part, this took place without problems, though there were several incidents in which demonstrators were confronted by police and several

arrests took place at Second Avenue and 52nd Street when senior-level police officials directed that a group on the sidewalk be pushed northward.

By the end of the day, over 350 people were reported as being arrested, virtually all of whom were charged with minor offenses. The NYCLU first started receiving reports of problems with arrests in the middle of the afternoon. The first problem reported to the NYCLU was that lawyers were being denied access to demonstrators who had been arrested and taken to the 17th Precinct. The NYCLU then spoke with a Community Affairs detective from the precinct who was at the stage area, and he called the precinct desk officer and directed that lawyers be given access to any arrestees. By that time, however, only three arrested demonstrators remained in the precinct.

By early evening, the NYCLU was receiving reports that substantial numbers of arrested demonstrators who had been driven around the City for several hours and then eventually transported to Police Headquarters. Those arrested had been held in handcuffs for hours in dark, unheated vans without food or water and without access to bathroom facilities or medical treatment. One group of arrestees was forced to stand outside in the freezing cold for an hour or more, handcuffed and chained together. At approximately 9:30 PM the NYCLU spoke with the commanding officer of the booking unit at Police Headquarters, who informed that the NYCLU that many demonstrators still had not been processed; the officer was further unable to make any commitment as to when they might be processed.

While being held at One Police Plaza, protesters were not advised of their right to counsel. Requests by protesters to consult with lawyers were ignored or met with threats of prolonged detention. Protesters were interrogated about their political affiliations and prior political and even religious activity. As this all was taking place, lawyers outside the building seeking access to their clients were prevented from entering police headquarters. ❖

Eyewitness Accounts of Police Actions on February 15

In the aftermath of the serious problems that marred the February 15 antiwar rally, the NYCLU asked the public to submit reports of police misconduct and mistreatment that they witnessed or experienced.¹ In response, we received 335 accounts — by e-mail, fax, and letter — that document acts of police misconduct large and small.

In this portion of the report, the NYCLU presents some of the accounts it received, with verbatim excerpts from many. These reports from hundreds of New Yorkers who were at — or were attempting to get to — the antiwar rally are presented in the following categories²:

Excessive Force
Abuse of Authority
Discourtesy
Problems with Pens
Misconduct in Times Square
Mistreatment of Arrested Protesters

Excessive Force

The New York Civil Liberties received 198 accounts in which witnesses contend that police officers used unnecessary and excessive force in and around the rally site on February 15.³

The Use of Horses and Batons to Disperse the Crowd

Of the accounts received, reports of police using horses and batons to disperse crowds on the avenues west of the rally were by far the most numerous. All in all, 126 of the 335 emails, letters and faxes detail how officers on horseback repeatedly rode into dense crowds of people on Second, Third and Lexington Avenues. Despite the obvious danger and the presence of children, mounted officers pressed through the crowds in an effort to clear the streets. They were followed by baton wielding riot police who knocked protesters down in an attempt to push them onto the sidewalk. While there is some conflict in the reports with regard to the times of the incidents, the accounts give a fairly consistent and graphic portrayal of a dangerously disproportionate and unnecessary police action.

Second Avenue

Thirty-five witness accounts described the deployment of horses up and down Second Avenue between 1 and 3:30 in the afternoon.⁴ With information scarce and access to First Avenue blocked, the crowds on Second Avenue between 50th and 61st Streets swelled. At 50th Street, people began spilling off of the sidewalks. The protesters were shoulder to shoulder and it was diffi-

¹ On February 18th, 2003, the New York Civil Liberties Union posted a solicitation via email for reports of police abuse and police interference with people who were trying to get to the February 15 demonstration. Between that day and March 10, 2003, the NYCLU received 335 responses, which have been compiled into a file entitled "Correspondence on the Subject of the Events of February 15, 2003, Received at the Offices of the New York Civil Liberties Union from February 18 until March 10." Each of the responses has been numbered and will be referred to hereafter by its designated number preceded by "R".

² The New York City Civilian Complaint Review Board recognizes four broad categories of police officer misconduct. The first, 'Force', is defined as "an act of unnecessary or exces-

sive force, including deadly force." The second is 'Abuse of Authority,' which is "the improper use of police powers to threaten, intimidate or otherwise mistreat a civilian." 'Discourtesy' is defined as "rude or profane gestures and/or language", and the fourth category, 'Offensive Language', includes "slurs that refer to a person's race, ethnicity, religion, gender, age, disability, or sexual orientation."

³ This tally does not include incidents that occurred in Times Square after the rally on First Avenue had ended.

⁴ Of these accounts, two describe incidents involving horses at 57th Street, one at 56th Street, three at 55th Street, seven at 54th Street, thirteen at 53rd Street, four at 52nd Street, two at 51st Street, one at 50th Street, and one at 49th Street.

cult to breathe. Eventually, large crowds filled the streets in multiple locations up and down the avenue.

A Muslim demonstrator standing at 56th Street observed a dozen horses ride into the crowd. “Suddenly they just came . . . toward us,” she reported. “There was no room to go anywhere as the sidewalks were packed with people. [O]f a sudden I found myself betwin(sic) two horses. . . People were screaming.” After several elderly women fell in the fracas, the horses retreated, but the police completely surrounded the protestors. The witness reported that officers then chased after a few individuals. Eventually ten patrolmen were able to take two of them down to the ground, and two officers proceeded to beat the protestors as they lay on the pavement.⁵

At Second Avenue and 55th Street, a witness reported that seven mounted officers rode into the crowd: “They started trying to clear people out of the street but there were too many of us to fit on the sidewalk, and the side street was still blocked off. The other side of the street leading to 3rd avenue sported another line of officers, and from the crowd we started to hear people yelling that officers in riot gear were coming up from the south, too. In case you’ve never seen a horse up close, they are big animals! And at least one of them was bucking and whinnying, despite the efforts of the officer trying to keep it calm.”⁶

The witness further recalled: “And then they started pushing. The horses pushed the people and the people pushed the other people. I was somewhere in the middle, trying to get out of the way so the people getting pushed by the horses wouldn’t get hurt. Only, the people I was pushing into didn’t know that there were people getting pushed by horses and anyway, there wasn’t anywhere for them to go!! We shouted ‘people are getting pushed by horses!’ and let ourselves get pushed like a wave to the sidewalk, but we were literally on top of each other.”⁷

The police attempted to push people out of the street, but the sidewalks were too crowded and the cross streets were still blocked off. Finally, officers opened up the metal barricades allowing the demonstrators to flow towards First Avenue.

On Second Avenue between 53rd Street and 54th Street, the police set up lines of vehicles and horses across both ends of the block. As the lines moved towards one another, the density of the crowd increased. The police demanded that people move onto the sidewalk, but the crowd responded that there was no room. The police put up a plastic mesh barricade, and kept demanding that the people move back. Suddenly, without prior warning, the police dropped the barricade and the horses rode in. “The police could see, that there was no place for us to go, but charged us anyway. The horses had more decency than the officers, they refused to trample us.”⁸ Several of the officers tried to back up to give the horses a running start, but still they would not breach the crowd. “Then one of the officers...turned his horse around, and tried (sic) to back him into the crowd (sic).” In the confusion, he bumped into another horse. There was a ruckus between them, and one of the horses kicked. Luckily, no one was hurt.⁹

An older woman, who is a cancer survivor, was arrested after being charged by horses on the sidewalk at Second Avenue and 51st Street. She reports: “I was backed into a pole and against many people. Two officers charged their horses into us without warning and then wheeled around within a foot of me. I was terrified and put out my hands to protect myself. My doctor warned me that if my nose gets hit, I could lose a portion of it because of the skin cancer surgery. . . They said I hit a horse. I would never hit a horse. I come from an equestrian family.”¹⁰

Third Avenue

Sixty accounts of February 15 specifically describe the use of horses on Third Avenue.¹¹ The most dramatic incident that was report-

⁵ R-212

⁶ R-109

⁷ Id.

⁸ R-198

⁹ R-198

¹⁰ R-336

¹¹ Of these accounts, one describes incidents involving horses at 59th Street, one at 54th Street, thirty-one at 53rd Street, seven at 52nd Street, eight at 51st Street, six at 50th Street, and one at 49th Street.

ed occurred on the block between 52nd and 53rd Streets. However, horses were also employed above and below this area.

Several protesters told of being tied up in pedestrian gridlock for an hour or more as they tried to move up Third Avenue from 47th to 51st Street.¹² Progress uptown was very difficult because the police were holding up block-long groups of demonstrators for considerable periods of time. At approximately 2:30 PM, marchers moving up and down Third Avenue converged on the block between 52nd and 53rd Streets.¹³ The block opened up and the crowd began to congregate in the middle.¹⁴ After thirty minutes, the avenue was completely packed with people. The sheer mass of protesters made it difficult for the crowd to disperse, and the group swelled towards the barricade.

As the situation came to a head, the police response was confused, uncoordinated and contradictory. A Legal Aid lawyer who watched the events unfold reported that at 53rd Street, the police were telling people to go to 51st Street in order to move west. When protesters reached 51st Street, however, other officers directed them back north to 54th Street.¹⁵ Another witness was allowed to move east through the barricade at 53rd Street along with fifty or so other demonstrators.¹⁶ Halfway down the street, however, the group was met by police from Second Avenue. Rushing towards the protesters, the police screamed, “You can’t go this way! Get back now!” The protesters responded that police at Third Avenue were letting people through. The officers responded, “No they aren’t!” and “We don’t care!” In the protestor’s own words: “Then, the cops started shoving us and beating us with those billyclubs, but we couldn’t move backwards because we were pushing into one another and ‘clumping.’”¹⁷

The officers continued to wield their batons as the horses came down the street from Second Avenue. The mounted officers rode

into the group, and even though they had permission to be there, many were arrested.¹⁸

Meanwhile, the situation on Third Avenue and 53rd Street grew serious. The police used barricades to pen individuals at the front of the crowd on the east side of the avenue. The sheer mass of people made it impossible for many of those in front to disperse. On the west side of the avenue, a witness reports that the police were only allowing the protestors to exit single file to get to Lexington Avenue.¹⁹ A history professor caught in the middle of the crowd described the scene:

“After nearly 30 minutes of immobility, the crowd stood packed into the block. One could barely move in any direction. Suddenly, a row of maybe a dozen mounted police appeared in front of us.... They made no announcement, issued no warnings. . . and soon a phalanx of horses rushed us. Immediately, screams erupted from the front as people were pushed aside and knocked over. As some people fell, the cops kicked their horses’ sides, urging them on. The horse looked scared as they stepped on people who fell. The police seemed intent on driving the noses of their mounts into our heads.... A young man and woman stood in the middle of the street clinging to each other while the horse knocked them from side to side. . . . I saw a young mother pass her child to her husband as she fell, and an elderly couple fall, arms entwined, onto two younger marchers.”²⁰

Although the streets were cleared of people, the density of the crowd on the sidewalk made it impossible to disperse. The police would not let people off of the curb, but the sheer size of the crowd made it impossible to move north or south. The police turned to the horses to get the crowd moving.

On the eastern side of the street, a witness claims that six to twelve horses repeatedly rode into the crowd, trying to push people north.²¹ At around the same time, however,

¹² R-60

¹³ R-292

¹⁴ R-51

¹⁵ R-136

¹⁶ R-103

¹⁷ Id.

¹⁸ Id.

¹⁹ R-63

²⁰ R-202

²¹ R-112

another demonstrator reports that two other riders on the northern side of 53rd Street were pushing the crowd back south towards the intersection.²² On the western side of the Third Avenue, the situation was no better:

*“The horsemen came and stood on both sides of the 53rd sidewalk, about six horses on each side. On signal they started forward toward the crowd. There were barricades along the street so people had no choice but to begin backing up toward Lexington. As they did, the horses quickened their pace and began trotting. People started running in fear before them. All of this on the legal sidewalks. The chase continued the whole length of the block”*²³

Not all of the mounted officers were satisfied with their role. One mounted policeman was overheard telling another, “what the f**k does Lieutenant F**khead think he’s doing?”²⁴

Batons were also used against the crowd. A 63-year-old Manhattan woman reported that a police officer “turned his nightstick around, pointed it directly at me, and jammed me so hard in the gut that I went crashing to the sidewalk.”²⁵

The dispersal at 53rd Street forced crowds to swell all over the area. Again, the horses were called in to get people out of the streets. At Third Avenue and 50th Street, a protester witnesses several horses pushing a group of demonstrators onto the sidewalk.²⁶ The same occurred at 51st Street, where the dense crowd included “many strollers and wheel chairs.”²⁷ One woman needed to go to the hospital for neurological tests after a horse swung around and cracked her in the skull.²⁸ She wrote, “I felt an impact like a 2 by 4 board cracking me on the forehead. I remember jerking backward against the person behind me. My glasses squashed against my nose and face and my right lens got a deep scratch... I felt dazed and lightheaded.

The horse’s spit coated my lens ...my vision was blurry....²⁹

On the southeast corner of 52nd Street, horses were driven into a crowd on the sidewalk, knocking over a 79 year old lawyer and his five-year-old son.³⁰ The gentleman described the scene in a letter to Mayor Bloomberg:

*“52nd Street was blocked off. All of a sudden a troop of mounted police officers moved into the crowd, the horses high-stepping and moving their flanks to the side, and went through the peaceful and standing crowd, who were not blocking anything. The result was that people were pushed out of the way and falling bodies came towards me. My son and I were knocked over, I onto my back and he, fortunately, on top of me but a woman in front of him was about to fall on and crush him when I used my arms to deflect her to the side so that she did not injure him.”*³¹

Lexington Avenue

Ten of the reports contained references to horses and helmeted police on Lexington Avenue.³² Of these, one account gave an extremely detailed description of the police response on the block between 51st Street and 52nd Street at around 3 PM. According to the man’s description, the block was packed from one side to the other. Protesters were chanting and proudly displaying their banners and signs. A man who claimed to represent the rally organizers came into the crowd and asked people to disperse. After five minutes he realized that this effort was futile and he left. Meanwhile, the police response was gathering. A line of officers, many in riot gear, formed at the north end of block with horses in front of them. Approximately a dozen undercover officers who were stationed in the crowd pulled badges from under their coats and sweat-shirts and retreated behind the line of officers. At the same time, another line of horses appeared on the south side of the

²² R-136

²³ R-145

²⁴ R-137

²⁵ R-193

²⁶ R-23

²⁷ R-211

²⁸ R-211

²⁹ Id.

³⁰ R-222

³¹ Id.

³² There were five accounts of horses at Lexington and 53rd, four at 52nd and two at 51st Street.

block. Officers were walking back and forth along the lines giving orders. In an effort to discourage horses from charging the crowd, a group of protesters decided to sit down in front of the horses lined up at 52nd Street.³³

*“The mounted police charged us with the horses, but the horses shied away at the last moment. A few people were knocked about a bit but the line held. There was much shouting from the mounted police, and neighs from the horses, along with some screaming from the front lines of the crowd. The horses turned and returned to their positions across the street, to turn back and gain momentum for another charge, but again they shied at the last moment as they were directly over us. The horses returned to their line on 52nd street. The line of police horses at the south end of the block (on 51st street) then appeared to give up; they turned and walked away. Seeing this, many in the crowd thought that we had achieved victory and stood up to cheer. This proved to be a mistake; seeing that about half of the crowd was standing, the horse line from the north end of the block charged again, this time with much greater success.”*³⁴

The police knocked bodies to either side, and people began to run for the sidewalks. The line of police rushed into the crowd and began pushing people to the sidewalks. Demonstrators who tried to reenter the street were either thrown forcefully into the crowd or arrested.³⁵

A man who himself was arrested for standing in front of a deli on Lexington Avenue, described the arrest of another: “In the middle of the street I saw 4 officers very roughly handcuffing an elderly man who lay face-down on the ground. I heard an officer say that he had hurt a police horse. When I spoke to the arrestee later in prison, I learned that he was a Presbyterian minister who had grabbed the bridle of a police horse as it was about to run into a woman with a small child.”³⁶

³³ R-315

³⁴ Id.

³⁵ Id.

³⁶ R-315

³⁷ NYPD Patrol Guide Procedure No. 212-95

Pepper Spray

The New York Civil Liberties Union received fifteen reports of the police using pepper spray — in apparent violation of NYPD policy³⁷ — to disperse the dense crowds that had formed largely as a result of decision of police officials to cut off access to most of the streets leading to the rally.³⁸ On Second Avenue and 57th Street and Third Avenue and 53rd Street, witnesses reported that officers shot pepper spray into the eyes of protestors pressed up against the barricades. A 63-year old woman reported that, “I...was Maced in the left eye and face on Saturday at the peace march by a police officer at 53rd Street and Third Avenue. We were forced by the police to march into a cul-de-sac, and the weight of the people behind us pressed the crowd against the ‘pen,’ whereupon a police officer sprayed me and several other people.”³⁹ As they were crushed up against the barriers, the demonstrators begged the officers to let them climb over to receive medical attention, but their pleas were ignored. At the corner of Lexington Avenue and 51st Street, the entire crowd was affected when officers shot a stream of pepper spray into the air, allowing the mist to descend down on the mass of people.⁴⁰ A man who was standing in the crowd described how the scene unfolded:

*“Suddenly I saw a small liquid stream overhead that looked like water and I actually thought that the Police were beginning to spray water on the crowds. I didn’t know what the stream was. About a few seconds later I felt excruciating pain in my eyes and face and ran over to the side of a building to try to rub my eyes and soothe the pain. A bystander told me that it was probably pepper spray. I went to a small store to get water to wash my face and eyes. The pain was terrible and lasted for almost an hour.”*⁴¹

Even at locations far from the main action, the police deployed pepper spray. In one account, an older demonstrator describes how an officer discharged pepper spray into

³⁸ There were four accounts complaining of pepper spray being used at 53rd and Third, two at Lexington and 51st, one at Second and 93rd, one at Second and 57th, one at Second and 53rd and one in Times Square.

³⁹ R-29, see also R-17, R-19

⁴⁰ R-105, R-225

⁴¹ R-225

the eyes of two students from Hastings-On-Hudson high school who were walking on the sidewalk at Second Avenue and 93rd Street between 1:30 and 2 PM.⁴² According to the gentleman, the attack was “brutal” and “unprovoked.”⁴³

Excessive Force during Arrest

Witnesses filed twenty-three reports that document excessive force during arrests.⁴⁴ Although the details are too numerous to record fully here, several examples are worth mentioning. In one instance on Second Avenue at 53rd Street, a female demonstrator saw the police throw a young man to the ground.⁴⁵ The youth was faced down in horse manure as six officers piled on top of him.⁴⁶ At the corner of Second Avenue and 59th Street at around 2 PM, demonstrators looked on as three police officers pummeled a youth to the ground.⁴⁷ “The kid looked to be late teens, early 20’s. While on the ground they continued to beat him with fists and billy clubs in a ridiculous and horrifying show of force.”⁴⁸

Witnesses at Third Avenue and 51st Street saw a similar occurrence after which the officers handcuffed the protestor and dragged him down the stairs of the subway.⁴⁹ Others reported that police officers beat a man who was lying on the ground in the fetal position, and officers sat on a protestor who seemed unconscious with blood around his head.⁵⁰ In a different email, a demonstrator reported that an officer slammed a young boy head first into a police van and then threw him to the pavement.⁵¹ Another demonstrator was arrested for not moving quickly enough to disperse on 47th Street heading west.⁵²

Even on First Avenue, police used excessive force while making an arrest. A woman whose transgression consisted of trying to join her mother, who had just moved into the next pen with her union group, was shoved by a police officer and arrested. After the of-

ficer had pulled her right arm behind her back, the woman “asked him to go easy on my left arm as it was broken and bandaged and showed him the cast on my leg due to an injury on 2/11, he ignored my screams as he tightly applied his handcuffs and pushed me forward as he pulled back both arms and I continued to scream. He ignored my limping and kept pushing me over to a parked car where he pinned me until a female officer joined him. I did not see her badge. When an unmarked black car drove up, they . . . took turns . . . pushing me into the very cramped back seat behind the driver. The female officer then insisted I slide over to the far end instead of having me enter on that side. I could not move my feet and just leaned my torso over because my right foot was in a cast and both feet were caught behind the back of the driver’s seat and the bottom of the back seat. When I groaned in pain, the female officer taunted me with ‘Stop the act, I’m not falling for it!’”⁵³

Abuse of Authority

Threats and Provocations

Including complaints by members of the press, there are at least twenty accounts of February 15 that describe instances in which the police used their powers to threaten, intimidate or otherwise mistreat civilians. A demonstrator from the Solidarity with Palestine Contingent reported that when her group was gathering to walk to the rally at Second Avenue and 42nd Street, a policeman told them that they could not chant without a sound permit.⁵⁴ As a result, the group was forced to negotiate with police for half an hour before finally receiving ‘permission.’⁵⁵ In addition, eleven accounts contend that police officers ripped signs and banners out of the hands of protesters and destroyed them.⁵⁶ A Professor Emeritus at CUNY had his squash racquet seized and thrown into the garbage by a police officer because it had a sign taped to it.⁵⁷ Four others complained

⁴³ Id.

⁴⁴ This tally does not include incidents that occurred in Times Square after the rally on First Avenue had ended.

⁴⁵ R-39

⁴⁶ Id.

⁴⁷ R-106

⁴⁸ Id.

⁴⁹ R-210

⁵⁰ R-177, R-234

⁵¹ R-230

⁵² R-240

⁵³ R-75

⁵⁴ R-57

⁵⁵ Id.

⁵⁶ E.g. R-75, R-143, R-144, R-164

⁵⁷ R-188

that they were either accosted or arrested only after they began taking pictures of police activity.⁵⁸

In another report, a disabled demonstrator described how an officer on First Avenue broke her wheelchair:

*“After about 4 hours [on First Avenue and 58th Street], I started to feel sick, and I had to pee as only an old diabetic woman who has had too much surgery can have to pee. I started to go home, and a nasty police woman...said I couldn’t go downtown. I couldn’t believe my ears. I’ve been demonstrating since I was a young woman in 1958, but I have never see anything more vulgar than what started to happen. I was sick, so I quietly started to wheel downtown, and...[the officer] grabbed my wheelchair, swung me around and broke my chair. The metal was bent, I couldn’t reach the controls, and I couldn’t move from the spot. I started to panic.”*⁵⁹

Unreasonable arrest threats and provocations were also present throughout the day. In one report, a witness watched a policeman stop a teenager riding a bicycle down Second Avenue at 57th Street.⁶⁰ The officer told the youth that he had to go a different way and tried to push his bike in that direction. As the youth argued with the officer, a witness began to take photos. The officer told the teen to “smile” and they posed for a picture. He then asked the photographer “do you want to take a picture of me punching him in the face next?” The teenager became frightened, and he began to struggle to free himself. Three male officers rushed over and pushed him up against a building. They arrested him and confiscated the bicycle.⁶¹

On First Avenue, three demonstrators reported that the police used barking dogs in order to keep people from climbing out of overflowing pens.⁶² Other instances of abuse occurred far away from the rally site. Two witnesses reported that police officers delib-

erately gave false answers when they asked them for directions to the rally.⁶³ In addition, at a feeder march that began in Union Square, police cornered demonstrators from two sides on the sidewalk for ten minutes. Although demonstrators have the right to march on the sidewalk without a permit so long as they do not interfere with pedestrian traffic, the police arbitrarily decided to break the Union Square feeder march into groups of fifty and move them forward one group at a time. When the first group stopped to wait for the others, the police threatened to arrest them for blocking the sidewalk.⁶⁴

*“Naturally, we waited for the next group of people to meet us at the end of the block. Reacting to this, the police said we could not stop walking, we had to keep moving along the street. The justification given was that we were blocking the sidewalk; which we clearly weren’t. Despite this, we tried to not block the sidewalk even more by lining up against a chain link fence, thereby taking up as little room of the sidewalk as possible. We told the police we were not blocking the sidewalk at which point one officer got behind me (I was the last in line) and shoved me five feet forward, into the next person, by using his nightstick on my shoulder blades.”*⁶⁵

Mistreatment of the Press

Members of the press did not escape the heavy-handed tactics of the police on February 15. The New York Civil Liberties Union received six accounts of problems that were unique to the press. In several instances, officers arbitrarily accused legitimate press members with valid press credentials of possessing false documentation, and as a result, many were unable to leave the pens on First Avenue to get to the stage.⁶⁶ In some cases, the police seemed to become more aggressive when they found themselves dealing with the press. One woman reported that her son, a newspaper photographer who was wearing a press pass, “got knocked down three times by officers when he tried to take photos of officers wrestling with some pro-

⁵⁸ R-36

⁵⁹ R-87

⁶⁰ R-192

⁶¹ Id.

⁶² R-62, R-251, R-309

⁶³ R-35, R253

⁶⁴ R-91

⁶⁵ Id.

⁶⁶ R-237

testors and arresting them. At one point, while my son was kneeling on the ground taking a photo of a protestor pinned face down being handcuffed, an officer grabbed my son by the back of his jacket and threw him back into the crowd.”⁶⁷

On First Avenue, a reporter from Boston wrote that, trying to get to the stage, “i showed my press badge from indymedia boston . . . officer o’brien, pushed me and i fell, hitting my elbow on a street curb. he laughed at me because i almost fell in horse shit....” The same reporter was later prevented from leaving the rally: “the police wouldn’t let us leave the rally . . . a police officer in uniform, but no badge put his nightstick against my chest and screamed “shut the fuck up!” at me repeatedly. he pressed the nightstick in and i started feeling a burn, so i gave up and waited an hour with the rest of the group to be released from 1st Ave.”⁶⁸

Misdirection and Misinformation

Between noon and 2 PM protestors attempting to walk east to the rally site were met with metal barricades, antagonism and misdirection from the police. After asking for instructions on how to access First Avenue, witnesses reported that officers either told them that they did not know or that they should “go home.”⁶⁹ Of the reports received, twenty-four document incidents where the police gave either misleading directions or no information at all. In addition, the lack of coordination between police officers at the cross streets on Second and Third Avenues confused and frustrated the demonstrators. One protester reported that on Second Avenue, “The cops refused to let anybody over to First Avenue from about 50th St. to 61st St. They herded us in circles, forced us to walk aimlessly, and refused to give information.”⁷⁰ On Third Avenue, demonstrators complained that police directed them to walk north to 59th Street in order to cross over to First Avenue. At 59th Street, however, the officers manning the barricade told them that access had been moved to 72nd Street. At

72nd Street, protesters were again told to move north, and so on and so forth.⁷¹

As they were directed further and further uptown, some people abandoned the idea of attending the rally and went home. Most, however, turned around and began to walk south, determined to find a way to reach the site.

Discourtesy

Twenty-one accounts complain of profane or abusive language, which added to the tension. In some reports, the language was mild, but the context reveals that the officers allowed their personal feelings to interfere with their work. In one case, police were heard responding to the chant “what do we want” by yelling back, “war.”⁷² In another instance, at Third Avenue and 50th Street, protestors responded to police pressure to move to the sidewalk by screaming that there was no place to go. Instead of easing up on the batons and horses, they responded, “go to Iraq!”⁷³ Other officers were heard referring to the crowd as “hippies,”⁷⁴ and one even told an injured demonstrator demanding an explanation, “that is what you get for protesting.”⁷⁵

When situations arose that required calm decision-making, some officers revealed their confusion in the harsh language that they employed. At Third Avenue and 62nd Street, two police were by themselves erecting a barricade. A demonstrator overheard one officer scream to the other, “don’t leave me here alone! If anybody touches me, I swear to god I’ll f**king shoot them!”⁷⁶ Invectives were most prevalent when officers were making arrests. As an officer pulled a protester’s hands behind his back he yelled “FUCKING SCUMBAG!! YOU FUCKING SCUMBAG!” in his ear.⁷⁷ One officer called a woman a “fucking cunt” as he was putting her in handcuffs. Another yelled “get the fuck up, get on your fucking feet” to a man he had just thrown to the ground.⁷⁸ On Second Avenue at 55th Street, a policeman was un-

⁶⁷ R-167

⁶⁸ R-232

⁶⁹ R-183, R-249

⁷⁰ R-56

⁷¹ R-123, R-169

⁷² R-171

⁷³ R-170

⁷⁴ R-171

⁷⁵ R-278

⁷⁶ R-133

⁷⁷ R-236

⁷⁸ R-114

satisfied with the speed an elderly woman was exiting the area. He screamed at her, “move you old b*ch.”⁷⁹

Even at the rally site, half empty pens did not prevent tensions from arising. On one occasion, a police officer took identification from a group of people who were inside a pen. He proceeded to write their names and social security numbers on a piece of paper with the title ‘Counter Terrorist Intelligence.’⁸⁰ One of the protesters told him in a respectful manner that this was a form of harassment. The officer reportedly replied, “You want to see harassment? I’ll pull you over this barrier and kick the living sh** out of you...that’s harassment (sic).”⁸¹

Problems with Barricades and Pens

Twenty reports complained about the restrictive use of pens at the rally. The First Avenue pens were constructed by connecting interlocking metal barricades into block-long squares. The barricades ran from the east curb of First Avenue to 15 feet shy of the west curb, allowing for an emergency exit lane. On the north-south axis, the barricades ran corner to corner so that the cross streets remained free of protestors.⁸² As people came east to the rally site, officers herded them into the pens.

Once a pen was deemed to be ‘full’, the officers closed it and refused to let anyone else enter. However, the officers often also refused to allow people to reenter pens once they had left. This, despite the fact that the police had prohibited public restrooms at the rally site and it was 15 ° F outside. Protesters who exited were directed to move away from the rally site.⁸³

Nonetheless, witness accounts indicated that there were empty areas on First Avenue when the crowds of protesters on Second Third and Lexington Avenues began to swell as police refused to open up the cross streets to relieve congestion. One witness described the rally site as “surprisingly calm...and spa-

rious. At one [point] there was not a single person around me for a ten foot radius.”⁸⁴

When the crowds in some pens grew too large, the police refused to let people out. A protester who was on the block just south of the 59th Street Bridge reported that the pen was dangerously overcrowded and people were desperate to leave.⁸⁵ Despite the threat of injury, the police ordered the demonstrators to stay inside the metal barricades and even used barking dogs as a deterrent.⁸⁶ In another account, a demonstrator described how police mishandled a large group of people who had been allowed to enter the pen between 54th Street and 55th Street from Second Avenue:

“As we turned onto 1st avenue to cheers of those penned in from 55th to 56th,,(sic) we were quite shocked to see there was a completely empty street stretching from 54th to 55th streets.... We couldn’t really hear the speakers, but we could finally see where the stage was, and that people were speaking....When we were about to leave, probably an hour later, we noticed that the block had completely filled in.... The crowd was pressed up so tight against the metal barricades that a woman was getting hysterical. She shouted ‘you have to let me out! I want to go home! I want to go home!’ ‘Stop pushing,’ said the officer. ‘I’m not pushing,’ she answered, ‘I’m getting pushed!’ The next thing I saw, the metal barricades at the side of the crowd fell over and people flooded out onto the street and down the side street back up to 2nd avenue. But a few minutes later, the crowd had filled in again and the barricades were back up. The swelling and tone of anxiety returned to the crowd.... I watched as a mother handed her two small children over the barricade to a stranger who carried them to the sidewalk. One of the children, maybe six years old, was screaming for her mother. An officer saw this and asked what was wrong. The little girl kept screaming ‘Mommy!’ and pointing at the crowd. ‘We’ll get her back,’ the officer assured her. And he

⁷⁹ R-212

⁸⁰ R-100

⁸¹ Id.

⁸² R-206

⁸³ R-237

⁸⁴ R-99

⁸⁵ R-62

⁸⁶ Id., R-251, R-309

*helped the woman climb over the barricade and brought her to her children.”*⁸⁷

As the crowds thinned out later in the day, however, the police refused to permit new protesters to enter the pens from Second Avenue. In addition, protesters were not allowed to move forward to other pens in order to consolidate.

Despite the use of pens to control the crowds, protesters reported several instances in which the police used unnecessary force on First Avenue. In one account, a demonstrator claimed that an officer assaulted him when he tried to walk through a gap between metal barricades. “An officer first grabbed my left upper arm in a manner forceful enough to be able to throw me back into the crowd with this move. He then ask (sic) what did I think I was doing; I replied that I was leaving the march in order to get a meal at the corner diner, a few feet from where we were standing.”⁸⁸

Police Misconduct in Times Square After the Rally

Twenty reports documented events that occurred in and around Times Square after the rally had ended. Of these, nine gave first person accounts of arrests.

When the rally came to an end, a large group of protesters decided to walk together towards Times Square. “After the rally came to a close, many of us were still dissatisfied. We felt that our rights had been stolen from us and that we had not been allowed to voice our opinions on the impending war. So we chose to walk together to Times Square, to be seen by the general public.”⁸⁹

When the group reached 42nd Street between Broadway and Seventh Avenue, they found a line of police in riot gear blocking their path. “The police proceeded to use their clubs to push us onto the sidewalk, on the north side of the street just before 7th Avenue the (sic) police were obviously very tense and frightened—they seemed overwhelmed and unsure of what to do.”⁹⁰

At this point, witnesses stated that the police appeared to arbitrarily pick people out of the crowd in order to make examples of them.⁹¹ In one instance, an observer reported that “a young man who was rushed by at least three police officers initially, [was] thrown to the ground by the officer with helmet #14478, then choked with a baton by helmet #10752. He was held down by at least four officers at one point as his face was pushed into the pavement. He seemed to give no resistance and shouted for the police to stop. He had a visible cut on his forehead with a good amount of blood.”⁹²

A young woman who was standing at the front of the crowd was also tackled by a group of four or five officers. As the officers lunged at her, the crowd surged forward and the confrontation escalated. Batons were flying and someone in the crowd yelled “everyone sit down.”⁹³ This calmed the situation for a time, but the police soon brought metal barricades in and used them to press the sitting protesters closer and closer to the buildings behind them. A male police officer suddenly charged through the barricades and attacked a protester sitting in the middle of the crowd. Another policeman had to enter the fracas, just to pull his coworker off of the young man.⁹⁴ At this point, officers announced that everyone would be arrested, and the police stormed the crowd. While pinning one woman’s arms behind her back, an officer screamed that she was a “fucking cunt!” Others protesters received multiple cuts and bruises as the police cleared the sidewalk.⁹⁵

Mistreatment of Arrested Protesters

Approximately 350 people were arrested for actions related to the peace rally on February 15. The New York Civil Liberties Union received thirty complaints regarding the conditions faced by those under detention. Some of the complaints are familiar. In seven accounts, arrestees contended that they were never told the reason for their arrest, never read their rights, and not told what the charges were until they were released.⁹⁶

⁸⁷ 109

⁸⁸ R-273

⁸⁹ R-18

⁹⁰ R-70

⁹¹ Id., R-22

⁹² R-22

⁹³ R-70

⁹⁴ Id.

⁹⁵ Id.

⁹⁶ R-51

Others were questioned about their religious and political beliefs and associations. Nearly all were held much longer than necessary. In addition, disorganization and aggressiveness on the part of officers in the field created several unique and disturbing scenarios.

Problems began to arise immediately after the police began picking people up. Arrestees, especially those taken early in the day, found themselves in the back of dark police vans for hours at a time.⁹⁷ Twelve of the arrestees complained of spending as many as five hours riding around with no heat, food or drink.⁹⁸ One arrestee described his experience:

*“It was ultimate claustrophobia; you couldn’t see anything, but could hear other people in there with you.... They drove us around (I don’t know where) and every so often, they would open this little window up front and ask us info. If someone didn’t cooperate, they would curse them out and shut it. Then they’d open it again a while later; the process would repeat, and it never ended.”*⁹⁹

Fifteen detainees reported problems arising from being handcuffed for the extended period prior to processing. Many complained that their plastic handcuffs were on so tightly that they cut off circulation and eventually broke through the skin.¹⁰⁰ One officer admitted that the cuffs were not meant to be used for such a long duration, but refused to remove them nonetheless.¹⁰¹ When the detainees asked to use the bathroom, officers either ignored them or laughed at the request.¹⁰² Four reports described people being forced to soil themselves as a result of the delay.¹⁰³ One policeman took ‘pity’ on an arrestee who had been handcuffed in a paddy wagon for four hours: “When I told the officer I was in danger of losing control of my bladder, he let me use the cup. He uncuffed me, and I was only allowed to relieve myself in a compartment that was visible to the rest of the [people] arrested.”¹⁰⁴

At first, the police told many of the protesters that they would be taken to the Javitz Center and given Desk Appearance Tickets (DATs).¹⁰⁵ After several hours of driving around the city, however, arrestees were taken to One Police Plaza. Once there, the backlog of arrests was so large that protesters were forced to sit in the cold, dark vehicles, waiting to get inside.¹⁰⁶

Still, the police refused to remove handcuffs, and denied access to food, water and restroom facilities. After one group began demanding to use the bathroom, the police chained them together and forced them to stand in the courtyard outside in the cold. In the words of one arrestee: “We were hauled off the bus (chained together) and brought to the middle of a courtyard. We were forced to stand there for over 3 hours and freeze (I couldn’t feel my hands and feet-and toes).”¹⁰⁷

The New York Civil Liberties Union received four other reports in which arrestees claim that they were forced to stand outside in the cold for extended periods of time. In one account, an arrestee described the scene as follows:

“At around 9:15, they unloaded us in groups of six. Each of us had one handcuff, attached to the group by a long chain. We were taken outside, and made to stand in a straight line by a wall. There were six other people already standing in the area, who were individually handcuffed, their hands behind their backs, some without gloves. Those without gloves were clearly in pain, there (sic) hands noticeably swelling up and purple. At around 10:30, a different officer wrote down our names. It was extremely cold and we were not given gloves or anything. We had not been given a bathroom break...and none of us had been given food. My feet became very cold, as did my hands. There were many policemen around who acted professionally, but none really knew what was going on, none knew how long we’d be made

⁹⁷ R-30, R-103

⁹⁸ R-30, R-36

⁹⁹ R-103

¹⁰⁰ E.g. R-36

¹⁰¹ R-36

¹⁰² R-30, R-36, R-103, R-143

¹⁰³ R-30, R-103, R-119

¹⁰⁴ R-114

¹⁰⁵ Id., R-30

¹⁰⁶ R-30

¹⁰⁷ R-103

*to stand outside. Finally at around 11:30, my chain group, a group of six, was taken into a different police wagon.”*¹⁰⁸

Between midnight and 2am, the police decided to release some of the protesters with DATs.¹⁰⁹ The majority, however, were kept overnight in holding cells. In one case, an elderly man was held until Monday, and he was denied access to his medication.¹¹⁰ While in the holding cell, the detainees were fed once, and given water and restroom breaks. They were also fingerprinted, photographed, and four accounts contend that arrestees were interrogated multiple times despite requests for counsel.¹¹¹ When one arrestee requested a lawyer, the interrogators told him that it was unnecessary because they only had to answer a few simple questions.¹¹² However, eight accounts tell of detainees being questioned about their organizational affiliations. In one case, an arrestee claims to have been asked: “What is your religion?” “Are you Muslim?” and “What organization do you belong to?”¹¹³ Meanwhile lawyers seeking access to those who had been arrested were banned from Police Plaza until late in the evening when only one or two lawyers were allowed in to meet with a handful of arrestees. ❖

¹⁰⁸ R-114

¹⁰⁹ R-103

¹¹⁰ R-118

¹¹¹ R-30, R-36, R-51

¹¹² R-315

¹¹³ R-257

Protest Marches and Police Actions Around the World on February 15

Permission to March

On February 15 cities all over the world were able to accommodate large marches without any major incidents. Media reports of between 500,000 and 2 million in Berlin, London, Rome, Paris, Madrid, and Barcelona and over 100,000 in Damascus, Melbourne, Sydney, San Francisco, Amsterdam, Montreal, Valencia, Seville, Dublin, Los Angeles, Athens, and Brussels show that cities with their own serious security concerns were able to handle very large marches and rallies with at most minor isolated incidents.

London was also on a high state of alert, Spanish cities have been recent targets of bombings by Basque separatist groups, and San Francisco, like New York was on Orange Alert. The police departments in each of these cities are dramatically smaller than New York's. San Francisco has only about 2,500 officers and London with a population of 7 million has just over 25,000. Similarly, Washington DC has had several major anti-war marches in the last 6 months with over 100,000 participants without incident. The Washington DC Metropolitan police have only 3,600 officers and are responsible, along with a few thousand federal police, for security at high-risk locations throughout the capital. In addition, large marches and rallies were held without incident in Tel Aviv, Belfast, and Ramallah.

New York's is the largest police department in the world with close to 40,000 officers, and yet the NYPD claimed it could not adequately address the security needs of the marchers and the rest of the city. If this is so, there needs to be a major overhaul of the

way the department conceptualizes security for large events. Other cities utilize dramatically smaller numbers of police to handle large events. San Francisco has deployed fewer than 500 officers for its recent anti-war marches of over 200,000 people.¹¹⁴ There are few or no barricades lining routes and police officers are primarily held in reserve in case of breakaway marches or stationed in front of sensitive locations. A review of photographs from marches at all of the cities listed above showed no large deployment of barricades or officers along march routes. Statements from march participants echo these conclusions:

- **San Francisco:** "The cops basically gradually disappeared from sight because there were so many people. I occasionally spotted them in twos in a store entranceway, laughing and talking"
- **Sydney:** "The police present were there for traffic control purposes — standing at intersections in ones and twos."
- **Madrid:** "There were only small groups of cops here and there, no more than 100 were to be seen in 9 or 10 small groups."
- **Rome:** "There was no march 'route.' Too many people. All the streets were peacefully invaded by an endless flow of demonstrators. From morning to evening I never saw cops...They simply weren't there."
- **Montreal:** "There was a very light police presence along the sidelines of the march; there were no mounted police, only cruisers with a few cops here and there; riot gear was definitely out of the question. The

¹¹⁴ Davis, Rhea. 2003. "Protesters expected to pack S.F. streets for anti-war rally" *The Associated Press*. January 18.

KPIX Television. 2003. "Dozens Block Market St. in Anti-War Protest." KPIX.com. March 18.

Sydney, Australia



police blocked off all adjacent cross-streets to vehicle traffic, but did not hinder the march in any way.”

- **Melbourne:** “Police on foot, cars and motor bikes and mounted police were deployed at intersections and at starting and end points.”

- **London:** “The British police behaved with exemplary efficiency, decency, and good humor that day. There were some barricades here and there, the offices of key companies were off limits...But the policing was very light touch.” “There were isolated police (usually in pairs) along the route at the sides of the road. The police presence wasn’t heavy although I saw some vans full of police in a few side streets ready for any trouble starting. There were a few [barricades] to stop people going into particular side streets.”

In addition to allowing marches, many cities showed great flexibility in responding to the unexpectedly large crowds that gathered. In London, huge sections of the center city were closed to automobiles for the day. In Sydney, police worked with protest leaders to change the march route and rally location as the crowd gathered because they could not fit into the previously agreed to rally location. In Rome, the police allowed the march to begin four hours ahead of schedule and take multiple routes because of the unexpectedly massive crowds gathering. Los Angeles is the only city that interfered with demonstrators because of unexpectedly large numbers. The march there was so large that

Washington D.C.



it could not be completed in the time initially allotted in the permit and so the police forced a small number of remaining marchers at the end onto sidewalks.

While many cities have laws that allow the police to ban some marches, this is rarely done in democratic countries. In Great Britain, the 1986 Public Order Act gives the police the power to impose restrictions on marches and if necessary to ban them. This tool, however, is almost never used — even in situations where illegal activity is anticipated. According to police scholar P.A.J. Waddington,¹¹⁵ in 1991 opponents of the British Poll Tax declared their intention to march in commemoration of the 1990 poll tax riot. Police decided that “banning the march might have created a *cause celebre*, which might have inspired more supporters to attend, simply in order to oppose the ban.” They were also concerned that organizers were making plans to occupy Trafalgar Square to defy the ban and that this “would not have been subject to the discipline of an organized march — assembling at a known place and following a predictable route. Police feared that any such assembly would have been disorganized and potentially disorderly.” Police were also concerned

¹¹⁵ Waddington, P.A.J. 1994. *Liberty and Order: Public Order Policing in a Capital City*. London: University College of London Press.

Bankok, Thailand



San Francisco USA



that, “protestors would engage in ‘guerilla tactics’ throughout the West End and so reenact the mayhem of the original riot.”

New York City ignored these lessons. The decision to deny a march permit ended up costing New York City substantially more in overtime and other expenses than a unified march would have. Commissioner Kelly reported that \$5 million was spent on February 15 to pay for the use of thousands of officers. This is in sharp contrast to reports in the *New York Times*¹¹⁶ that expenses for policing the 1996 Yankees celebration parade of between 2 and 4 million people cost approximately \$1 million. *The New York Post*¹¹⁷ reported that expenses for the 1998 Yankees parade with crowds over 1 million cost the city about \$600,000, for the deployment of 3,600 officers. The experience of the 1998 Yankee event suggests that the City could easily have handled an organized march and rally at much less expense and with far fewer officers than were used on February 15. Because of the fixed nature of the February 15 event, dozens of feeder marches were organized without permits and an unauthorized demonstration in Times Square was called. This forced the police to deploy thousands of additional officers to prevent people from gathering in public streets, and led to dozens of arrests and several injuries west of Third Avenue.

The decision of the NYPD with respect to the February 15 event also contrasted with ear-

lier New York City parades. In 1982 the NYPD facilitated a major anti-nuclear march past the United Nations without incident. Approximately 1 million people participated in that event. The police closed off large sections of midtown and kept the lines of communication open between themselves and demonstrators throughout the preparations and the day of the event. There were only a couple of arrests made that day even though many groups involved had publicly advocated the use of illegal tactics for the next day’s demonstrations. Other large marches past the United Nations in 1988 (anti-nuclear) and 1994 (gay and lesbian rights) without incident. In addition, the City continues to allow a number of very large cultural parades in midtown that draw crowds of hundreds of thousands including the St. Patrick’s Day parade, the Israel Day Parade and the Puerto Rican Day parade. These parades disrupt traffic in Midtown, require large numbers of police officers, and often involve significant numbers of arrests for a variety of usually minor offenses.

Crowd Control Policies

Police crowd control practices have undergone dramatic changes in the last 30 years. Prior to the 1970’s police were trained in and relied on a doctrine of “Escalated Force,” which was propagated by the FBI and U.S. mil-

¹¹⁶ Kleinfield, N.R. 1996. “Parade for the Yankees: The Celebration.” *The New York Times*. October 30.

¹¹⁷ Alvarez, Maria. 1998. “Champs Getting a ‘Heroes’ Welcome-Broadway Parade will be Bigger and Better than ‘96.” *New York Post*. October 23.

Toronto, Canada



Los Angeles USA



itary police training programs¹¹⁸. Following a series of reports¹¹⁹ criticizing the violence that this approach often generated, departments undertook a policy of “Negotiated Management.” This new approach adopted by most departments in the United States and Europe called on police to 1) protect free speech rights, 2) tolerate a reasonably high level of community disruption, 3) initiate on-going communication with demonstrators, 4) go to great lengths to avoid the use of arrests, and 5) use force only to overcome resistance to arrests and prevent death and serious injuries.¹²⁰

The NYPD violated all of these principles. In addressing the events of February 15 the NYPD refused to make any counter offers of a march location, developed a control model based on preventing almost any disruption of community activities, cut off negotiations with organizers and failed to establish adequate communications with organizers during the demonstration, used arrests indiscriminately, and finally used batons, pepper spray, and horse charges merely to clear streets, when there was no threat of injury or property destruction.

The tactics employed by the NYPD contrasted sharply with the practices generally employed by other cities.

Washington D.C.: Large demonstrations are usually handled by the Metropolitan Police Department and the U.S. Park Police. For both these agencies the goal for large permitted gatherings according to U.S. Park Police Sergeant Joseph Cox is to “minimize police/demonstrator interaction.”¹²¹ This reduces the chances of confrontations and conserves police resources. In situations where illegal activity is expected—such as blocking streets—former Metropolitan Police Deputy Chief Robert Klotz says, “you expect that protesters are going to want police to overreact...That makes for good television. It is important that the police not be antagonistic toward demonstrators unless the protesters damage property or injure officers or members of the public...It’s not an us-versus-them scenario.”¹²²

San Francisco: It is common practice for the SFPD to avoid unnecessary confrontations with peaceful demonstrators. Following the doctrine of negotiated management they prefer to tolerate some disruptions of street traffic rather than undertake

¹¹⁸ McPhail, Clark, et al. 1998. “Policing Protest in the United States: 1960-1995.” In Donatella della Porta and Herbert Reiter, eds. *Policing Protest: The Control of Mass Demonstrations in Western Democracies*. Minneapolis: University of Minnesota Press.

¹¹⁹ Kerner, Otto. 1968. *Report of the National Advisory Commission on Civil Disorders*. New York: Dutton; Eisenhower, Milton. 1969. *Report of the National Commission on the Causes and Prevention of Violence*. Washington, DC: U.S. Government Printing Office; Scranton, William. 1970. *Report*

of the National Commission on Campus Unrest. Washington, DC: U.S. Government Printing Office.

¹²⁰ Schweingruber, David. 2000. “Mob Sociology and Escalated Force: Sociology’s Contribution to Repressive Police Tactics.” *Sociological Quarterly*. Summer 41:3 p.371-390.

¹²¹ Cox, Sergeant Joseph R. 1998. “Strategies for Effective Crowd Control.” *The Police Chief*. June. p. 29.

¹²² Rabin, Jeffrey L. 2000. “Convention protests loom as defining test for Los Angeles police” *Los Angeles Times*. July 17.

Bucharest, Romania



Santiago, Chile



the use of force. According to former SFPD Capt. Charles Breene:

When I speak of police tolerance, I do not mean police weakness. A professional law enforcement officer is someone who makes decisions that affect people's lives. A caring police officer gets things done in the most effective and efficient way. A police officer who always solves problems with force or claims he 'goes strictly by the book' concerning crowd control has the police department in constant turmoil, with officers defending themselves in court and internal affairs.¹²³

One of the ways that the police in San Francisco attempt to reduce the necessity for force is through communication with the demonstration about alternative actions they can take. The SFPD's crowd control policy specifically requires that demonstrators who are breaking the law must be notified of the need to disperse and be given clear instructions about where they are to disperse to:

Use a loud speaker system to assure that all have an opportunity to hear the order. If circumstances permit (absence of serious violence) the order shall be made repeatedly over a period of time and, if necessary, from a variety of location. Provide the crowd with an adequate period of time and a clear

and safe route to disperse. If possible, the announcement should designate where demonstrators can relocate.¹²⁴

London: The Metropolitan police rarely make arrests even when demonstrators are in the street illegally. According to Waddington,¹²⁵ "contingency planning typically excludes the use of arrest in response to mildly disruptive behavior that is nevertheless plainly illegal. Thus, officers are instructed that if protestors stage a sit-down on the highway, officers accompanying the march should encourage marchers to continue their march, and 'sit-downers' should be allowed to remain sitting down until they weary of the tactic and rejoin the march. The fact that any such sit-down inevitably involves an obstruction of the highway is carefully ignored. Even when marches are held in clear violation of the law, police prefer to accompany them rather than attempt to prevent the continuation of the march by force."

Italy: According to sociologist Donatella della Porta, "the most prevalent perception among the [Italian] police is that their presence is oriented primarily toward the *defusing of a situation*... Recourse to a repressive intervention is, in general, considered to be a failure in policing terms."¹²⁶ During peaceful demonstrations the Italian police

¹²³ Breene, Capt. Charles, Ret. 1992. *Police Crowd Control: Risk Reduction Strategies for Law Enforcement*. Boulder, CO: Paladin Press. p.72

¹²⁴ San Francisco Police Department. 1994. *Crowd Control Manual*. City and County of San Francisco. p.12

¹²⁵ Waddington, 1998. "Controlling Protest in Contemporary Historical and Comparative Perspective," In Donatella della Porta and Herbert Reiter, eds. *Policing Protest: The Control*

of Mass Demonstrations in Western Democracies. Minneapolis: University of Minnesota Press. p.119.

¹²⁶ della Porta, Donatella. 1998. "Police Knowledge and Protest Policing: Some Reflections on the Italian Case." In Donatella della Porta and Herbert Reiter, eds. *Policing Protest: The Control of Mass Demonstrations in Western Democracies*. Minneapolis: University of Minnesota Press. p. 231.

Bilbao, Spain



Seoul, South Korea



work hard “to avoid ‘upsetting the balance of the situation’ and hence producing disturbances to the peace.” According to a senior police executive, when confronting groups illegally blocking streets, “We try to plan alternate routes for the traffic...we thus try to avoid exactly what the protesters are aiming to do—that is paralyze the traffic”¹²⁷ According to another police official, “generally, we find a way of mediating; that is, by telling them, ‘OK, we won’t intervene, if you’re here for a quarter of an hour, we can tolerate the roadblock, but more than that, I ask you no!”¹²⁸

Demonstration Pens

No other major city used barricades to divide up demonstrators during either marches or rallies on the weekend of February 15. The NYPD’s policy of using these pens at permitted demonstrations emerged out of two separate events. The first was a celebration at City Hall to commemorate the winning of the World Series by the Yankees in 1996. During that event part of the crowd surged towards the stage creating a potentially dangerous situation in which anyone wishing to leave might have had difficulty doing so, raising the risk of injury, and making it difficult to remove someone if they needed assistance. Similar fears arose in relation to the annual New Year’s Eve celebrations in Times Square. Chief Alan Hoehl, who was the commanding officer of Manhattan South, and one of the most experienced officers in handling

large crowds, suggested the use of a complex system of barricades to create frozen zones and emergency lanes within large gatherings to insure ease of exit for participants and access by emergency personnel.

Since 1996 police have used this system to deal with both large and small demonstrations. For small demonstrations, barricades are used to create a single demonstration area that is segregated from both sidewalk and vehicular traffic, leaving one or two small openings for people to enter and exit the demonstration. Police argue that this allows them to monitor the event and reduce disruption to pedestrian and vehicular traffic. For large demonstrations, it allows them to minimize interference with cross town traffic, create emergency vehicle lanes, control the density of crowds, and give police easy access to all parts of the demonstration. The emphasis is on minimizing community disruption and maximizing police control.

This policy makes it difficult to move freely in and out of the demonstration and it reduces the ability to circulate within the demonstration area. The effect of this is to diminish several of the expressive aspects of the right to assemble and express one’s views. The police assume that there are only two expressive relationships at a large gathering that they need to protect. The first is the right of the crowd as a whole to express its message to the public and government officials through its size, official speakers, and media coverage. The second

¹²⁷ *ibid.* p. 233.

¹²⁸ *ibid.* p. 234.

Panama City, Panama



New York City



Photo by Peter Holderness

is the ability of the march organizers to express their views to the crowd and the media through official speakers on the stage. These two kinds of expression are important but hardly exhaustive of what ordinarily occurs at a large demonstration. In addition, individuals and organizations 1) use tables to distribute literature, collect names for mailing lists, and have impromptu discussions of political importance, 2) wear buttons, hold signs, and distribute leaflets expressing political views, 3) perform theater, wear costumes, and display puppets that send a political message to passers by, 4) congregate with friends, family, co-workers, or fellow members of political organizations, and 5) engage in one on one and small group dialogue about political issues. The use of demonstration pens directly interferes with the ability to conduct each of these activities by limiting the free flow of individuals within the demonstration area. In addition, by refusing to allow people to reenter a particular demonstration area, people who need to eat, go to the bathroom, or conduct other activities outside the demonstration pen are forced to abandon their friends, families, and associates for the duration of the event.

In contrast to the use of barricades and demonstrations, many other large public gatherings are handled in a very different manner. Every summer there are dozens of public street fairs in Manhattan that occupy large sections of major avenues. These

events involve the complete closure of these avenues for periods of many hours. There are no emergency lanes or frozen zones, and barricades are used only to keep cross town traffic from turning onto the closed avenue. These fairs bring together tens of thousands of people at a time but for some reason the police feel no need to restrict them to metal pens in the interest of public safety. Similarly, large sporting events such as the New York Marathon involve the closing of large avenues and major bridges for extended periods. Finally, large cultural parades such as the Puerto Rican, Israel, and St. Patrick's Day parades involve the closing of avenues and cross streets for long periods of time with barricades being used only to separate the marchers from the observers and to divert traffic. In these cases even cross town pedestrian traffic is restricted.

One of the ways to reduce dramatically the cost and logistical complexity of large rallies and marches is to eliminate the widespread use of demonstration pens. These pens have to be staffed by large numbers of officers and are frequent flash points for confrontations between the police and demonstrators. No other major city on February 14-16 used a similar crowd control strategy and yet other cities were able to deal with crowds significantly larger than New York's without incident. A review of press accounts and photos of large stationary rallies in each of the cities listed below reveals no use of pens to di-

vide crowds. The cities with asterisks held their rallies on streets or plazas. The others held their rallies in parks.

Amsterdam*	Melbourne*
Athens*	Montreal*
Berlin*	San Francisco
Copenhagen*	Seattle*
Dublin*	Sydney
Glasgow*	Tel Aviv*
London	Toronto*
Los Angeles*	Zagreb*
Madrid*	

In these cities barricades were only used to divert automobile traffic and protect sensitive locations such as embassies and government offices. Demonstrators were free to leave and return to the demonstration, move about the demonstration area, and meet friends and coworkers at designated locations within the rally. None of these was allowed by the NYPD, which deployed thousands of officers to prevent these reasonable activities.

Use of Force

Great efforts should be made to avoid the use of force by the police. Police use of force is an awesome state power that should be exercised only as a last resort. On February 15 there was a widespread use of batons, pepper spray, and horses, against demonstrators whose only alleged crime was peacefully standing or walking in a street. The police use of force on that day was not the result of bad decisions by individual officers or commanders, but was the result of a series of police policies that rely too heavily on force as a tool of first resort.

The operational posture of the NYPD on February 15 was that demonstrators would not be allowed onto any street outside of the permitted demonstration area under any circumstances. This meant that all participants would have to arrive via sidewalks, and even then, only as long as they did not interfere with other pedestrians. A decision to restrict access to the demonstration to a small number of cross streets at a time resulted in a series of bottlenecks as large groups of demonstrators at-

tempted to make their way to the rally area. On Second and Third Avenues, people attempting to go to the rally were met with closed cross town sidewalks. These barriers caused large groups to congregate to the extent that eventually thousands of people spilled into Second, Third, and Lexington Avenues and numerous cross town streets. The police department's response to this was to use force to clear people out of the streets.

Streets were cleared through the use of helmeted officers and mounted officers who pushed into crowds knocking over and injuring many. In several instances pepper spray was used against people who moved too slowly. The use of pepper spray was so indiscriminate that many people on sidewalks, or otherwise complying with police orders were affected.

Police failed to communicate adequately with demonstrators in a variety of ways that intensified the crisis. First, police officers throughout Midtown gave out inaccurate, ill informed, or no information about how to get to the rally area. This caused confusion and irritation on the part of demonstrators and added to the congestion on sidewalks and streets. Second, once police decided to clear streets they made only limited, inadequate, or no effort to tell demonstrators what they wanted them to do. Many demonstrators were unaware that force was going to be used until they saw horses charging them, and then had little sense of what they were supposed to do, or where they were supposed to go. This problem was exacerbated by individual officers who told demonstrators to "go home," when they were instead attempting to gain entry to the rally.

This is in contrast to the approach taken by police departments all over the world that day. Large sections of London, Rome, Madrid, and Barcelona were closed to automobile traffic. In fact the primary police function in most cities was the facilitation of traffic onto other streets. This made the demonstration safer for both demonstrators and motorists. In New York, police efforts to keep streets open in the face of massive numbers of demonstrators resulted in dozens of motorists becoming trapped inside impromptu marches. Some of these motorists were stuck for as much as an hour.

Around the world use of force was extremely limited. Tear gas was used in Athens in response to violent confrontations with demonstrators. In Colorado Springs tear gas was used against demonstrators in the street as they were leaving the demonstration. In San Francisco police on horseback rode into a break away march after windows had been broken by demonstrators. In Los Angeles force was used to push about 200 break away marches out of the street.

According to the “continuum of force” principle, the use of force by police must be proportionate to the threat to which the police are responding. Police are required to use only the minimum amount of force necessary in a given situation to affect arrests, and prevent injury and property loss. Force should not be used against passive individuals and illegal conduct by itself is not grounds for the use of force beyond that necessary to make an arrest. People who are peacefully assembled in roadways should not be subjected to force that could cause extensive, serious, and permanent injury.

The San Francisco Police Department has a number of additional “use of force” regulations for demonstrations that if followed by the NYPD on the February 15 would have assured a more peaceful event. San Francisco guidelines provide:

When the use of force is justified, the minimum degree of force necessary to accomplish an arrest or dispersal shall be employed. Officers are permitted to use reasonable and necessary force to protect themselves or others from bodily harm, but no more.

*Horses shall not be used to move or disperse passive individuals who are sitting or lying down.*¹²⁹

The Seattle Police Department has a similar policy limiting the use of force:

It is critical to provide ample warning to an unlawful crowd. The field incident com-

*mander should ensure the warning is heard and allow reasonable time for the unlawful crowd to disperse before taking further action if circumstances allow...[officers should] identify the desired direction for the crowd to disperse and tell them verbally...Unless an emergency exists, allow reasonable time for the crowd to disperse...Consider placing of officers at the rear of the crowd before issuing the order to disperse to ensure the warning [can] be heard by all.*¹³⁰

The U.S. Ninth Circuit Court of Appeals ruled in May, 2000 that the use of pepper spray against nonviolent protesters who pose no threat to others may amount to an unconstitutional “unreasonable use of force.” (*Headwaters Forest Defense v. County of Humboldt*, 211 F.3d 1121 (9th Cir. 2000)).

In sum, the experiences of other municipalities on February 15 and the general practices of policing political events employed by other cities and by New York City in connection with other parades and marches support the conclusion that, on February 15, the NYPD erred significantly in the way that it addressed what should have been a purely peaceful event in support of peace. ❖

¹²⁹ San Francisco Police Department. 1994. *Crowd Control Manual*. City and County of San Francisco. p.2

¹³⁰ Seattle Police Department. *Civil Disobedience, Crowd and Riot Situations Involving Unlawful Activity*

NYCLU Recommendations

1. The City Must Recognize the Importance of Protest Marches

The City's decision to prevent UPFJ from conducting any march anywhere in the City on February 15 was without precedent. The City's position on this particular march, combined with the fact that this decision reflected an NYPD policy (in effect since the fall of 2002 until shortly after this event) to bar all protest marches, reveals that the City had completely lost sight of the constitutional and historical importance of marching as a form of protest. Though the City, under intense public criticism, has since abandoned its no-march policy, it must learn from the events of February 15 that it must make every possible effort to accommodate peaceful protest marches. The NYCLU fully recognizes the burdens posed by large groups marching in the street, but such marches have been an important, time-honored tradition in the City. Just as the City long has accommodated huge cultural parades (such as the St. Patrick's Day Parade), it must make a similar commitment to protest marches.

Marches may, in fact, also be easier to police than large stationary rallies, particularly ones that involves limited access to the rally site. Not only were there huge problems on February 15 that appear to have arisen from limiting that event to a rally, but the huge antiwar march that took place on March 22 without meaningful incident certainly suggests that marches with large numbers of people may in fact be more manageable.

2. The City Must Assure Free Access to Protest Events

Beyond not permitting a march to take place on February 15, the largest problem of the day arose from the obstacles people encountered attempting to get to the rally on First Avenue. The combination of forcing the event to take place on the far side of Manhattan, the NYPD's closing of Second Avenue, its closing of cross streets leading to First Avenue, and the lack of communication (both to protesters and to fellow police officers) was a recipe for disaster that was

entirely predictable. In the future, the NYPD should do the following:

- **Events Must Be Allowed to Take Place in Freely Accessible Locations** — Large protest events should not be relegated to locations where access is limited. By forcing the February 15 event to take place on First Avenue north of 49th Street, the NYPD created a situation where the rally was only accessible from the north and the west (with the NYPD further restricting western access by closing cross streets as the day progressed). The City should make every reasonable effort to make central locations or large open spaces (such as Central Park) available for such events, should organizers request them.

- **The NYPD Must Assure Adequate Points of Entry for People Coming to Large Events** — The NYPD must make every reasonable effort to clear streets or other means of access for large events. Though the Department understandably wants to keep vehicular traffic flowing as much as possible, temporary street closures are fully warranted for events that entail tens of thousands of people arriving on foot.

- **If Access Is to Be Limited, the NYPD Must Communicate that to the Public in a Timely and Accurate Manner** — To the extent the NYPD intends to limit access to large demonstrations, the Department must make a much better effort to communicate that to the public. That effort should include public announcements to the media in advance of the event and clear and conspicuous announcements at the event. Officers need to be provided with amplified sound so they can be heard by a crowd, they must give clear and accurate information about how people can gain access to an event, and they must be provided with accurate and up-to-date information about any restrictions on access so that they are able to convey accurate and timely information. The Department might also want to consider preparing informational flyers that can be publicly distributed.

3. The NYPD Should Not Use Force to Clear Peaceably Assembled Demonstrators from Streets and Sidewalks

One of the most alarming aspects of the February 15 was the NYPD's use of physical force — in the form of horses, pepper spray, batons, and arrests — to clear streets and sidewalks of demonstrators who were doing nothing more than standing there, oftentimes for no reason other than that they simply were trapped by the large crowds. In such circumstances — where peaceful demonstrators not committing acts of civil disobedience are doing nothing more than blocking vehicular or pedestrian traffic — the NYCLU believes that there is no justification for the police to use physical force.

Rather, in such circumstances, the police should attempt to manage the situation first by rerouting traffic away from the area. The Department then should identify ways in which people can safely and reasonably disperse and then provide clear instructions to people about how to disperse or move to the event site. Only after all reasonable efforts to clear sidewalks and streets in this manner have proven unsuccessful and it is clear that people intentionally are attempting to block reasonable access should the police even consider making arrests. The NYCLU believes that in no circumstances should the NYPD use physical force to clear nonviolent demonstrators when the only problem presented by the situation is the interruption of vehicular or pedestrian traffic.

4. The NYPD Should Revise Its Policy and Practices Concerning the Use of “Pens” at Demonstrations

The NYPD's use of metal barricades to create pens on First Avenue at the February 15 rally created many problems. The NYPD should make the following revisions to its use of pens at demonstrations:

- While it may be appropriate to erect barricades to shield assembled demonstrators from vehicular traffic or other hazards or to shield sensitive sites from large crowds, the NYPD should abandon its policy of routinely using barricades to create closed pens into which demonstrators are confined.
- The NYPD should create pens only in those highly unusual circumstances in which it has specific reason to believe that large crowds

may congregate and press forward in such a way as to pose a physical threat to other protesters. While pens may sometimes be appropriate for the safety of demonstrators, they should never be used simply to confine protesters or to restrict their mobility.

- In those unusual situations in which pens are used, they should not be used to restrict the ability of individuals to move freely around the protest area. In many instances, people need or wish to leave a demonstration to get food or water, to use a bathroom, or simply to move to another area of the rally. While a person might be prevented from entering a pen that is completely full, people should not face the prospect of either spending the entire time in a pen or being forced to leave the event entirely (as happened on February 15). To the extent the police are concerned that sidewalks remain clear, they can instruct protesters who assemble them to move to a pen or leave the area.

5. The NYPD Must Revamp Its Processing of Persons Arrested for Minor Offenses at Demonstrations

When the NYPD is planning for large-scale demonstrations, it must be in a better position to process people who are arrested for minor offenses. Regardless of the propriety of the arrests, there is no excuse for demonstrators being held in tight handcuffs in dark, unheated vans for many hours without access to food, water, bathroom facilities, and medical treatment. If arrests from large-scale events are to be processed at a single location (as happened on February 15 and several other recent events), the NYPD must have sufficient personnel available at that location to assure that people are processed and released in a reasonably timely fashion and must have adequate equipment in place (particularly, fingerprinting machines that are in working order) to process large numbers of arrests. Arrestees must be read their rights and given meaningful access to counsel. No arrestee should be interrogated without a lawyer and without a voluntary waiver, and demonstrators should not be questioned about political or religious affiliations or beliefs or about demonstration history. The Department also has needs to assess its use of plastic handcuffs (“flexcuffs”), as they are not designed to be used for extended periods of time and can cause serious discomfort and actual injury if used in this manner. ❖

Conclusion

The events of February 15 in New York City vividly demonstrate that these are perilous times for civil liberties. Nonetheless, despite the City's unprecedented refusal to grant a permit for an antiwar march anywhere in the City that day, and despite the endless barricades and widespread police misconduct, hundreds of thousands of people proudly took to the streets of New York to exercise their fundamental right to protest.

The storm of public criticism prompted by the mishandling of the antiwar rally has prompted significant changes. Most importantly, the City abandoned its no-march policy, and on March 22 there was a huge, overwhelmingly peaceful antiwar march — sponsored by United for Peace and Justice and negotiated by the NYCLU.

Nonetheless, important work remains to be done to safeguard our basic liberties. The NYCLU will stand with all who stand for liberty. We will defend the right to protest, to leaflet, to march, as often as necessary. ❖



Photo by Devin Asch

ACKNOWLEDGMENTS

The New York Civil Liberties Union would like to thank the 335 people who took the time to write down and report to the NYCLU what happened on February 15 as they sought to exercise their right to protest. Their accounts, many of which are excerpted here, provide an eloquent and compelling indictment of NYPD policy and practice regarding the February 15 demonstration. Their collective voices embody the democratic ideals we all treasure and the determination and courage we all need to protect our fundamental rights in these perilous times.

We would also like to thank United for Peace and Justice, led by Leslie Cagan, for courageously defending the right to protest and working tirelessly to organize a peaceful protest that drew hundreds of thousands of people to New York City on February 15 and beyond. We are grateful to Indymedia and to the many photographers and filmmakers who generously shared their expertise and resources to document the events of that day and to aid in the preparation of this report.

The NYCLU acknowledges the leadership of Councilmember Bill Perkins, along with Councilmembers Gale Brewer, Bill Di Blasio, Alan Gerson, Margarita Lopez, Hiram Monseratte, and Christine Quinn, Borough President C. Virginia Fields and New York State Senate Minority Leader David Patterson, all of whom joined the NYCLU in calling for Council hearings on the city's protest policy when the parade permit for the February 15 demonstration was denied.

Thanks also to those whose financial and technical support made this report possible: SEIU Local 1199 and its President Dennis Rivera; Transport Workers Union Local 100 and its President, Roger Toussaint; Donna Field and Michael Kraznoff; Nancy Hollander and Ken Sunshine; Lynn Lane; Peter Gollon, Carmen Petts; Gary Rosenberg.

Finally, thanks to the NYCLU Board of Directors, staff and many volunteers who took on a multitude of tasks to protect civil liberties on February 15 and helped prepare this report. The NYCLU team, led by Christopher Dunn, Arthur Eisenberg, and Alan Silver, went to court on behalf of United for Peace and Justice and negotiated with the police department; our organizers and legislative staff led by David Addams, Robert Perry, Erica Gangsei, Julie Ebenstein, Loren Siegel and Elizabeth Bullock developed and distributed over 30,000 Know Your Rights Flyers and buttons, and testified before the City Council; and the entire NYC staff contributed to this report and contribute everyday to our ongoing defense of civil liberties: Laurel Benjamin, Claudette Cosbert, Rebekah Diller, Beth Haroules, Dhevi Khumar, Lloyd Martinez, Udi Ofer, Carmen Santiago, Jane Schatz, Anna Schissel, Don Shaffer, Tom Tyburski, Rebecca Weiss, Jon Wolf, Amber Zaino.

Special thanks to Li Wah Lai, our graphic artist, who donated her time to produce this report.



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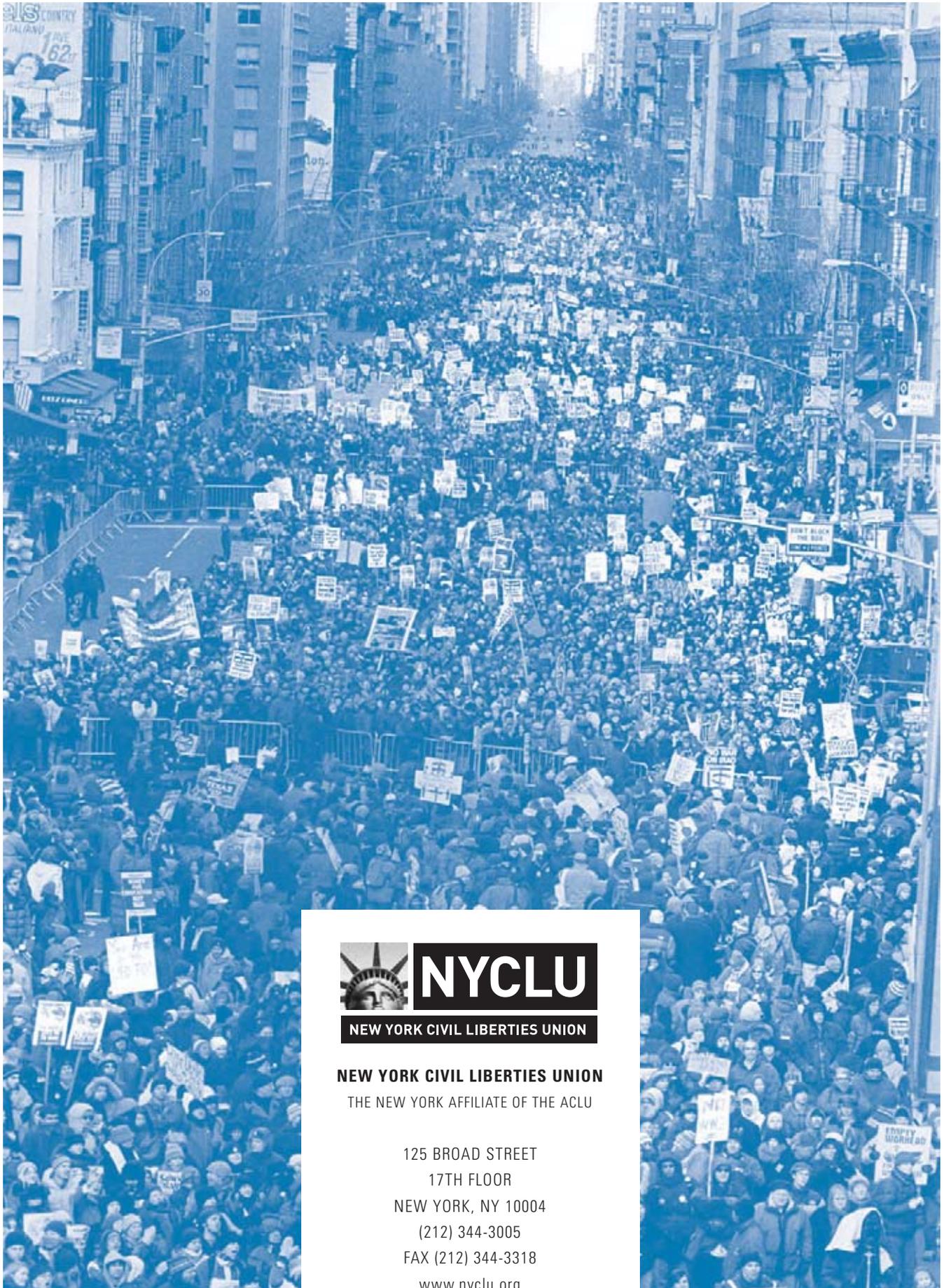
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Photo by Garth Liebhaber

Critical of Judge's Ruling, Antiwar Protesters Brace for Rally

By JAMES BARRON

Spitting out phrases like "war is terrorism" as protest signs and making arrangements for demonstrators to ride trains and buses into Manhattan, antiwar organizers spent yesterday preparing for today's rally on the East Side, a few blocks from the United Nations — a gathering they said should have included a march.

A federal judge ruled earlier in the week that the city had the right to refuse a permit for about 10,000 people to march. The judge

said that despite the judge's ruling, people were free to walk to the United Nations and to hold signs as long as they stayed on the sidewalk and did not spill over into the street.

"People understand there's a limit here to try to stop this war," said Leslie Cagan, an organizer of the demonstration. "There will be people who'll never get to the rally site, but they'll be part of the protest, just being out on the sidewalk. We're going to have to figure how to avoid those."



CITYSTATE

Why Mike Banned the March

By Andrew Ross, David H. Freedman, and the New York Times Staff

BY ANDREW ROSS

WHY IS A DEMONSTRATION BANNED BY THE GOVERNMENT? IS IT UNLAWFUL TO GATHER MORE THAN 25 PEOPLE IN A PUBLIC PLACE? DOES THE CITY HAVE THE RIGHT TO BAN A MARCH? THESE ARE THE QUESTIONS THAT HAVE BEEN ASKED BY A FEDERAL JUDGE IN A DECISION THAT HAS SHOOK THE CITY AND THE NATION. THE JUDGE'S RULING IS A MAJOR DEVELOPMENT IN THE HISTORY OF DEMONSTRATION RIGHTS IN THE UNITED STATES. IT IS A TEST CASE FOR THE CITY'S POWER TO RESTRICT PROTESTS. IT IS A TEST CASE FOR THE GOVERNMENT'S POWER TO RESTRICT PROTESTS. IT IS A TEST CASE FOR THE GOVERNMENT'S POWER TO RESTRICT PROTESTS.



An anti-war protest on the East Side of Manhattan, near the United Nations, on Saturday, Feb. 14, 2003. The rally was held in front of the United Nations building.

The Metro Section

The New York Times

Clyde Haberman NYC

Normal, But Not Too Normal

March to a restaurant: Just don't go by the United Nations.

It would not be the first time that a group of protesters has gathered in front of the United Nations building. In 1967, a group of protesters gathered in front of the United Nations building to protest the Vietnam War. In 1981, a group of protesters gathered in front of the United Nations building to protest the Iran hostage crisis. In 1991, a group of protesters gathered in front of the United Nations building to protest the Gulf War. In 1999, a group of protesters gathered in front of the United Nations building to protest the Kosovo War. In 2001, a group of protesters gathered in front of the United Nations building to protest the War on Terror.

But lawyers from the New York City Liberties Union convinced Judge Jones that the city's ban was unconstitutional. The city's ban was unconstitutional because it was too broad. It banned all protests in front of the United Nations building, regardless of whether they were peaceful or violent. It banned all protests in front of the United Nations building, regardless of whether they were peaceful or violent. It banned all protests in front of the United Nations building, regardless of whether they were peaceful or violent.

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Today, the government can get a secret warrant to search your home without telling you until later. Today, the government can monitor your internet use, read your emails, and examine your online purchases. Today, you can be detained without access to a lawyer, without being charged with a crime. Today, John Ashcroft has authorized the FBI to monitor your political and religious activities. We can only guess what tomorrow will bring.

The United States is at risk of turning into a full-fledged surveillance society. The fact is, Orwell's vision of "Big Brother" is now, for the first time, technologically possible.

Don't let the Government take away your rights! Reclaim your right to March for your beliefs!

Support New York's BILL OF RIGHTS DEFENSE CAMPAIGN

New York City Bill of Rights Defense Campaign is dedicated to restoring civil liberties government since September 11th. Across 31 cities have already passed resolutions in support of civil liberties in the name of The NYCBOEDC is currently working on a resolution in New York City, in addition to exciting and related projects.

CAMPAIGN IS BUILDING QUICKLY

New York Newsday.com

http://www.nynewsday.com/news/local/newyork/ny-protest02/02feb14nyc02/02feb14nyc02

Peace March Ban Upheld

By The Associated Press

February 12, 2003, 12:40 PM EST

A federal appeals court agreed Wednesday that the city did not have an anti-war demonstration from marching near the United Nations.

The 2nd U.S. Circuit Court of Appeals said it could find no error in the city's ban.

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Know Your Rights: Demonstrating in New York City

Information from the New York Civil Liberties Union about your legal rights

Know Your Rights: Demonstrating in New York City by the New York Civil Liberties Union

New Yorkers have the right to engage in peaceful, protest activity on public sidewalks, in public parks, and on public streets in New York City. This includes the right to distribute handbills or leaflets; the right to hold press conferences, demonstrations, and rallies; and the right to march on public sidewalks and in public streets. The City can and does impose certain restrictions on public activities, and in some instances one must obtain a permit before engaging in certain activity. This brochure is intended to inform New Yorkers of the laws that govern demonstrating activities.

THREATS AND RESPONSES: Taking to the Streets

Reminiscent Of the 60's; Mainstream To the Core

By ANDREW JACOBS

An unaccompanied life of middle-class misery had ended last night for Mr. Phillips, a 35-year-old antiwar protester and peace activist, as he was peacefully arrested by a plainclothesman.

Mr. Phillips, a Vietnam War veteran who lives with his wife in Manhattan, said, "But this war with Iraq has really lit a fire under me. I just couldn't sit there and watch TV anymore. I had to do something."

Mr. Phillips, a middle-class peace activist, was in good company. Although yesterday's demonstration against the war was smaller than the antiwar peace activists, both Democrats and Republicans, who gathered in Manhattan were the youngest and the most militant. Students, businessmen, aging hippies and high school students, many of them from the suburbs, all of them turned by the



Protestor Lisa Rae, a college student from Boston, attended the demonstration with her sister.



Three generations took part in the anti-war demonstration. From left, son Michael, and his grand-daughter Madison DeLuca-Parkes.

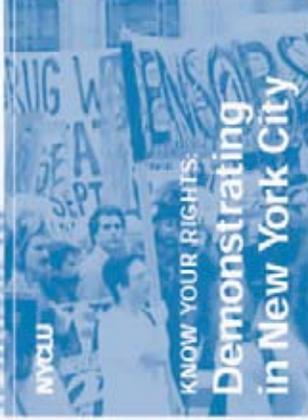
Is the Right To March A Security Issue?

By Bruce Berkman

There is a dark case for constitutional liberty, but the title of Saturday's press demonstration in New York City is "Is the Right to March a Security Issue?" The demonstrators proposed a march past the United Nations to protest the war. The title of the 17th Amendment is "Congress shall have the power to regulate the commerce between the several States, but the States shall have the right to regulate the commerce between themselves."

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The Metro Section

Court Bans Peace March In Manhattan

Stationary Rally Poses Less Risk, Judge Says

By ANDREW JACOBS

A federal appeals court agreed Wednesday that the city did not have an anti-war demonstration from marching near the United Nations.

The 2nd U.S. Circuit Court of Appeals said it could find no error in the city's ban.

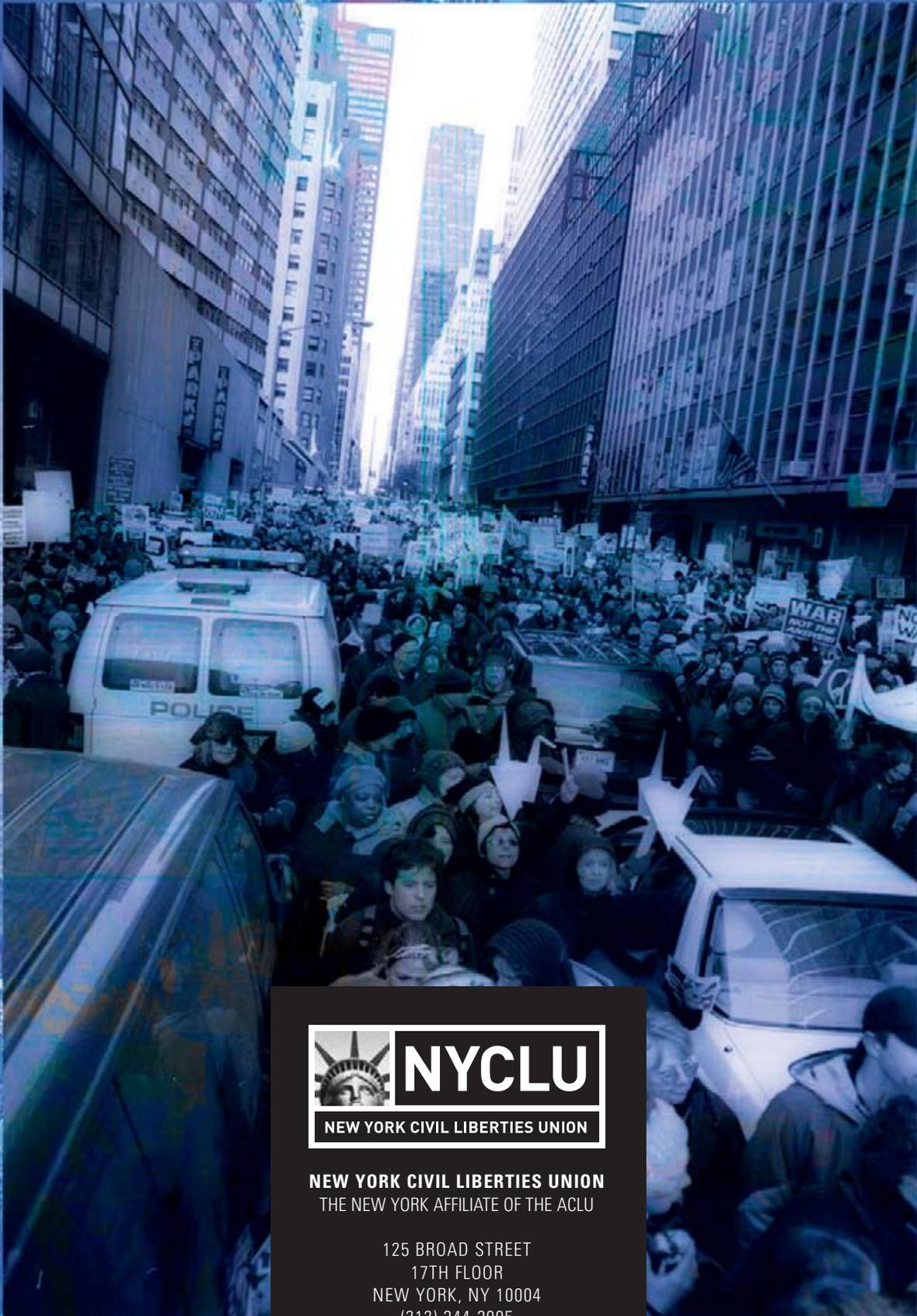
Police arrested 257 at anti-war protest

By ALYX MCGILLIEN and CELESTE KATZ

Police said yesterday they had arrested more than 250 people during the massive week-end anti-war demonstration — and detained their handling of the protest.

The total number of the arrests was far below officials' estimate that as many as 10,000 people would be arrested.

Police said they arrested 257 people during the protest. The arrests were made during the week-end anti-war demonstration. The police said they arrested 257 people during the protest. The arrests were made during the week-end anti-war demonstration. The police said they arrested 257 people during the protest. The arrests were made during the week-end anti-war demonstration.



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