

# Democracy and the criminalizing of dissent

**LAST WEEK,** when I put together my story on the emergence of an unprecedented global peace movement, I knew there was a dark counterpart to that hopeful story, festering just below the surface. That's the embarrassing story of how the U.S. stood out with just one other nation, Tunisia, in violently suppressing peaceful anti-war demonstrations. With so many millions of folks, on every continent, marching peacefully in celebration of a vision of hope, I didn't want to let New York Mayor Michael Bloomberg steal the story by letting images of his police officers attacking peaceful protesters distract from the real story of the day.

And then there's the reality that I, like most of the protesters who made it to the thirty-block-long rally on Manhattan's First Avenue, was just not fully aware of how bad conditions were for the majority of protesters, who, because of a maze of police barricades, never made it to the actual rally.

My experience differed from that of other demonstrators. I met up with friends in Ithaca, and rode one of six chartered buses leaving that town at 5AM en route to the New York Demonstration. Busses from most other cities followed the demonstration organizers' master plan and parked at Shea Stadium in Queens, with demonstrators commuting into Manhattan by subway. The Ithaca buses flew in under the radar, entering

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Manhattan from New Jersey via the midtown Lincoln Tunnel, dropping folks off two blocks from the tunnel, then disappearing, with a promise to quickly scoop folks up from the same spot eight hours later. I walked a few blocks, joined a feeder march cosponsored by the United Auto Workers, weathered a bit of police harassment, and eventually made it to First Avenue, about 15 blocks north of the stage.

### **Buffalo's busses**

People riding on Buffalo's four chartered busses didn't fare as well. They followed directions and headed into Queens, only to be directed, or misdirected, by police controlling traffic near the Shea Stadium staging area. By the time the Buffalo protesters arrived by subway in midtown Manhattan, Police had set up barricades preventing them from joining the "official" permitted rally on First Avenue. Very few Buffalo demonstrators actually made it to First Avenue. Many didn't even make it to Second Avenue, getting stuck behind police barricades on Third and Lexington Avenues.

To fully grasp what is happening, we need to go back to when Rally organizers, United For Peace and Justice, first applied for a march permit. The original application was for a march past the United Nations, eventually winding up at Central Park, where a similar Peace Rally of One million people, organized by many of the same activists, was easily accommodated in 1982. New York's mayor, Michael Bloomberg, refused to grant the permit, instead issuing a ban against all political marches in Manhattan.

At first, people were shocked that New York's billionaire Republican mayor would so brazenly negate the First Amendment of the U.S. Constitution, guaranteeing freedom of protest. South African Bishop Desmond Tutu, a well-known veteran of that country's struggle against apartheid and a key speaker at the New York Rally, expressed shock at the protest ban, stating, "I really cannot believe that the major city in the major democracy in the world has denied its citizens this right." Tutu added, "On February 15th, you are probably going to be the only city in the entire world that is forbidden to express its dissent to what is going on in the Middle East." Desmond was almost right – in the end there were two more cities, out of the 660 with protests, where protesters were molested – Colorado Springs and Tunis, the capital of the police state of Tunisia.

The New York organizers went to Federal Court, but anyone following recent political developments in the U.S. knows the Justice Department ain't what it used to be. With less than a week to go before the scheduled march, Federal Judge Barbara Jones all but guaranteed chaos in New York by denying organizers a permit to march – not only past the United Nations to Central Park, but anywhere. Jones cited the current 'Duct and Cover' code orange terrorism warning issued by the Bush Administration, writing that

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America was in "a time of heightened security," and hence, New York could not guarantee "public safety," inferring that a march would be vulnerable to terrorist attack.

On February 12th, three days before the march, a Federal Appeals Court supported Jones' decision, writing that American was "in a time of war," a debatable point many of the perspective protesters were gathering to contest. ABC News later reported that the code orange terror alert, and hence the duct tape alarm, both of which coincidentally appeared just before the demonstrations, was based on misinformation provided by a detainee who later failed a polygraph test. The code orange, however, was not lifted.

The Bloomberg administration was not acting on its own. John Ashcroft's Justice Department filed a brief supporting the city's opposition to a march past the U.N. The end result, with three days to go, was that a half million or more people were converging on New York and there was no march permit. Backed against the wall, march organizers agreed to hold a stationary rally on First Avenue. They now charge that even this agreement, which acquiesced to the march ban, was violated by the New York Police Department (NYPD). In an official complaint, organizers, a group consisting of very well respected and established New Yorkers, contend that the NYPD agreed "to provide access to First Avenue as far north as necessary to accommodate protesters, and to keep side streets open between First, Second and Third Avenues so that protesters could easily get access to the rally site." Instead, they allege, "police sealed off all side streets starting that morning and closed the northern end of First Avenue..."

As I reported last week, the pro-Bush New York Sun, in an editorial, praised the Bloomberg administration for impeding the rally by delaying the permit and preventing organizers from focusing on promoting the march and bringing people to New York. In the end, I think, even The Sun was surprised that this delay would evolve into an outright denial.

### **Dissuading Dissent**

Protest organizers contend that NYPD officials were actively involved in trying to dissuade demonstrators from going to the protest. On the day of the protest, it turns out, many people trying to get to the protest were directed literally in circles, first east, then north, then west, by police who were invariably ordering them on and then off of the sidewalk. Many people, we now know, got frustrated and left. Others simply got frightened and dispersed. Those who persisted soon found out that Bloomberg also banned portable toilets and food vendors, a fact that forced other people who had just spent the night on a bus, to also have to leave the area. Many of the Buffalo protesters, after three hours of attempting to reach the rally, gave up and retreated toward other

rumored protests which never materialized.

NYPD officials also telephoned and questioned (as in a criminal investigation) out-of-town organizers whose telephone numbers were posted on the rally's website. In my book, "People of the Rainbow," I used government documents released to me through the Freedom of Information Act to document how Federal law enforcement agents used similar tactics to dissuade people from attending a Rainbow Gathering in Texas, obtaining a list of contacts and placing calls to them incorrectly asserting that the Gathering they were about to attend was either "illegal," or "cancelled." The NYPD action seemed to follow suit, since while the First Avenue protest was legal, getting to it constituted an illegal march, since hundreds of thousands of people would inevitably spill off of the sidewalk and into the streets.

### **Phones that go dead**

On the morning of the demonstration, the telephone lines at rally headquarters, where rally logistics were supposed to be coordinated, where press agencies were supposed to call in and where reports of police misconduct were supposed to be fielded, mysteriously went dead for the remainder of the day. The phones also went dead at WBAI, the radio station that was covering the rally live, but that was no mystery. WBAI personnel caught two NYPD officers severing their phone lines. WBAI technicians were able to repair the lines within an hour. Even without cut phone lines, communication was very difficult on February 15th. Those who made it to First Avenue tended to stay there – since leaving meant negotiating multiple police lines from the rear. A reporter from the New York Independent Media Center writes, "NYC Indymedia continues to learn how harsh it was for many other attendees – especially those who found themselves penned in by police in the 50s and 60s between 2nd and 3rd Avenues."

New York's Independent Media Center collected more than 40 hours of amateur video, which, according to The New York Times, showed police spraying pepper spray on penned in protesters, backing horses into crowds, using nightsticks against demonstrators, and pushing people with metal barricades." At one point, according to The Times, an officer is heard saying, "That makes you feel good, doesn't it?" after a pepper-spraying. In one scene, The Times reports, "an officer catches up to a man who is walking, appears to hit him with a nightstick, and the man falls. When others move toward the fallen man, they are met with pepper spray in the face." The backing of horses into the crowd is particularly telling, since horses generally will not walk into people, but they can easily be backed onto people they don't see.

Other reports tell of police in riot gear charging into crowds of demonstrators, hitting

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them as if executing football tackles. There are key differences, however. First off, the demonstrators have no safety equipment, and didn't show up to play football. One witness places a 250 pound officer charging into a 110 pound woman in what can only be termed an assault. In this case, the people being charged were themselves backed up against a metal police pen. By the end of the day, almost 300 people were arrested at a cost of approximately \$5 million in police overtime.

The true shame is that these tactics are very effective in dissuading people from attending political rallies. Most people, understandably, are not going to pack their respirators and goggles into their bags for a day of protest, like many seasoned demonstrators have learned to do. This is understandable. Given the real threat of violent police attack, they are not going to bring their children to participate in a celebration of democracy and free speech. And most won't come themselves. And the bad guys, the "evil doers" win. And our democratic discourse is poisoned.

The transparency of Bloomberg's actions will become even more clear next month, when Saint Patrick's Day rolls around. No doubt the terrorist threat will subside. And the Saint Patrick's Day parade will get a permit to march – contraband flag poles and all. Because it never was about safety. There's no reason to believe terrorists are more likely to hit a peace rally than a parade. It was always simply a police state attempt to thwart political discourse – by a regime that is the most hostile to democracy that this nation has ever seen.

A few days after the demonstrations were over, I looked at February 15th photos from around the world. It's rare that we get to see positive history in the making. What I saw was images of jubilant people marching in cities around the world – by the millions. And from New York there were images of people herded into pens – effectively detained by the hundreds of thousands. Around the world there were colorful signs rising above the crowds. In New York, Bloomberg declared sign sticks illegal. This is the true horror of the day – that in my lifetime America went from being the celebrated champion of democracy, to the only major city on earth where protest was forcibly curtailed on February 15th. Shame on us for allowing the supporters of our unelected criminal government to do this to us. Shame on us for silently watching our sacred values trampled when we should be screaming. But at the same time, thank you to the millions of people around the world for standing in solidarity with the global movement for justice and democracy.

The New York City Council is currently considering a resolution against the Iraq war, making New York the 92nd American City to pass such a resolution. ●