

Videos expose false arrests at 2004 Republican Convention protests in New York

By Peter Daniels
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Seven months after the mass arrests of over 1,800 protesters at the Republican Convention in New York City last summer, 91 percent of the nearly 1,700 cases that have been concluded have resulted in acquittals or the dismissal of charges. Four hundred cases were dismissed after video recordings made by volunteer observers and others showed that there was no reason for the arrests, the *New York Times* reported last week. Some of the videos also exposed false testimony by the police.

In the case of Dennis Kyne, arrested on the steps of the New York Public Library last August, police officer Matthew Wohl testified at trial last December that “we picked him up and we carried him while he squirmed and screamed. I had one of his legs because he was kicking and refusing to walk on his own.”

Wohl’s colorful description was apparently made up. Kyne’s attorney showed the court a videotape showing his client walking down the steps of the library, not being carried and not kicking. The tape in addition showed that Wohl, who also signed complaints against four other protesters arrested at the time, was not present during any of the arrests. The charges against Kyne were immediately dropped. Four months later, the Manhattan District Attorney’s office now says it is reviewing Wohl’s account, but the cop is not expected to face any penalty for his false testimony, which in all likelihood is part of the police department’s modus operandi in cases of mass arrests.

In another case, which took far longer to reach a conclusion, Alexander Dunlop was arrested on Second Avenue and charged with resisting arrest. Dunlop said he was not even a participant in the protest, but was seized by the police as part of a tactic of clearing the streets and intimidating demonstrators. Only recently did Dunlop discover that the official police videotape,

which was to be introduced as evidence against him, had been edited to remove images that showed he never resisted arrest. A volunteer found a more complete version of the tape, and prosecutors agreed earlier this month to drop the charges, claiming improbably that a technician had accidentally cut just those parts of the tape that exonerated the defendant.

These two cases are only the most prominent among many. New York Civil Liberties Union (NYCLU) president Donna Lieberman said that videotape evidence had led to the dropping of charges against 227 people arrested at an August 31 demonstration at the World Trade Center site. “The camera is a powerful tool that has enabled us not just to exonerate individuals, but hold police accountable and document serious wrongdoings,” said Lieberman. Much of the video was assembled by I-Witness Video, a project that coordinated filming by hundreds of volunteers and worked with the National Lawyers Guild to reveal what actually took place during the arrests.

As far as New York City’s billionaire Republican Mayor Michael Bloomberg and his Police Commissioner Raymond Kelly are concerned, however, the latest revelations are no cause for embarrassment. Bloomberg told the press that the police “did a spectacular job...We had seven or eight hundred thousand people marching and only a few hundred got arrested.”

Kelly even claimed that the videos “are very beneficial to us” because they supposedly show police restraint. No doubt the police were instructed to avoid merciless beatings (although there are numerous accounts of less obvious abuses, particularly in the treatment after arrest), but their discipline was for the purpose of carrying out an unconstitutional suppression of the right of free speech and assembly. Christopher

Dunn of the NYCLU declared, “As the videos demonstrate, hundreds of people were arrested during the convention while engaged in entirely lawful protest activity. The fact is, the department used mass arrests as a tactic to stop demonstrations. If the mayor wants to defend that, that’s his prerogative. We think it’s indefensible.”

In a related development, a legal case arising from the conditions under which those arrested at the Republican Convention were held was settled last week, with the city paying \$231,000 in legal fees and a small fine, in exchange for protesters dropping charges of criminal contempt against the city. The settlement gives 108 plaintiffs a token amount of \$150 each, or a total of \$16,200, with the rest going to legal fees to the Legal Aid Society and the National Lawyers Guild. Those arrested and held incommunicado for 48 hours and longer under filthy and abusive conditions can still file civil suits, and 570 notices of claim totalling \$859 million have been filed.

The case arose after State Supreme Court Justice John Cataldo found the city in contempt for failing to bring those arrested into court within 24 hours, or else releasing them. The tactic was a transparent attempt to intimidate dissent and keep protesters off the street during the Republican Convention. “It was the worst performance by the police I had ever seen in my 30 years,” said one Legal Aid Society lawyer. “The courts were fully staffed and were essentially empty of defendants.” With the contempt charge due to come up within days, City Hall apparently decided to settle rather than generate additional publicity about the techniques of the police department in a year in which Bloomberg is running for reelection.

The mayor has little to fear from any of his prospective Democratic opponents on this issue, however. None of them, including City Council President Gifford Miller or former Bronx Borough President Fernando Ferrer, made any comment on the latest revelations of police repression and official misconduct.

The mass arrests last summer were by no means an exceptional occurrence in connection with mass protest in New York City. In the past 10 to 15 years, there has been a major shift in police strategy. While mouthing phrases about guarding the right to protest peacefully, the authorities have steadily worked to make it difficult

and sometimes virtually impossible. In the mass demonstrations called in February 2003, on the eve of the invasion of Iraq, hundreds of thousands were prevented from participating and numerous arrests were made.

The fact is—despite the sanctimonious claims of politicians like Bloomberg—the rights of assembly and protest are far more circumscribed today in New York than they are in many other parts of the world. Bloomberg’s continuing defense of the police conduct last summer is an indication that the only lesson the authorities will draw from the latest revelations is the need to cover their tracks more carefully in the future.

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