

Occupy Wall Street protester jailed for three months in case of police beating

By Sandy English
20 May 2014

In a ruling designed to intimidate opponents of social inequality in the US, New York State Supreme Court judge Ronald Zweibel sentenced Occupy Wall Street activist and New School student Cecily McMillan to 90 days in jail for assaulting a police officer.

The draconian sentence together with the felony conviction have been imposed in a twisted legal process that cast the 25-year-old McMillan, a peaceful protester who was the victim of police brutality, as a violent criminal.

McMillan was accused of striking New York Police Department (NYPD) officer Grantley Bovell in the eye on March 17, 2012, during an Occupy Wall Street protest in lower Manhattan's Zuccotti Park.

According to McMillan, Bovell grabbed her from behind and she instinctively elbowed him in the eye to prevent what she thought was a sexual assault. Photos and videos were taken of a large hand-shaped bruise on McMillan's chest immediately above her right breast.

McMillan was then set upon by a crowd of police officers. Video footage shows her convulsing after the beating.

Speaking to a courtroom packed with McMillan's supporters—with hundreds of others unable to gain admittance—Zweibel said that “[a] civilized society must not allow an assault to be committed under the guise of civil disobedience.”

This is turning reality upside down. Not only did all the available evidence show that McMillan was only protecting herself from an act of brutality by a police officer, but, as the whole world knows, and as hundreds of photographs and hours of video footage show, it was the NYPD, and not Occupy Wall Street protesters, who were the perpetrators of violence after the protests began in September 2011. Scores of protesters were beaten, clubbed, and pepper-sprayed, and hundreds at a

time were arrested.

Nevertheless, of the thousands arrested in the action, few were charged with felonies, and of those, many were allowed by the courts to plead guilty to minor offenses.

Cecily McMillan was the exception. She chose to go to trial because the office of the city's Democratic Attorney General Cyrus Vance, Jr. was determined to mark her for life as a felon and would not allow her to plea to a lesser misdemeanor charge.

The prosecution succeeded in suppressing key evidence in the trial, including Bovell's record of violence toward other defendants, and the images of McMillan's injuries. Instead, it relied on a single grainy video image that was posted on YouTube from an anonymous source.

It is important to note that the NYPD has conducted surveillance of protestors on a mass scale, including those active in the Occupy Wall Street occupation and demonstrations. The Department has a record of aggressive surveillance of innocent people around the world, most notoriously of Muslims in New York and New Jersey in the wake of the 9/11 terrorist attacks. McMillan's name and picture had appeared in the media, and she was undoubtedly in NYPD and—in light of Edward Snowden's revelations about the National Security Agency spying—federal databases by the time of her arrest.

The conviction of McMillan on a felony charge earlier this month elicited widespread revulsion in New York City, where there is significant anger over NYPD spying and abuse.

After the sentencing, nine of the 12 jurors in the case wrote a letter to Judge Zweibel urging that McMillan receive no jail time. They wrote: “We feel that the felony mark on Cecily's record is punishment enough

for this case and that it serves no purpose to Cecily or to society to incarcerate her for any amount of time.”

McMillan’s lawyer, Martin Stolar, told the *World Socialist Web Site* that he thought it likely that she would serve only two months with time off for good behavior. She could have faced up to a seven-year jail sentence for the trumped-up offense upon which she was convicted.

Nonetheless, this sentencing is meant to send a message to all those who would dare to protest against the deteriorating conditions of American society. Any time at all in the barbaric and filthy conditions of the American prison system for a protester whose only “crime” was to react instinctively to an assault from behind by a cop is a mockery of justice.

The vindictiveness of the court’s action was readily apparent after her May 5 conviction when Judge Zweibel ordered McMillan jailed without bail on Rikers Island pending her sentencing, a punishment that is wholly unwarranted in the case of an individual with no prior record who had made every court appearance and was not facing mandatory jail time.

The American ruling class, the most violent in the world, is mortally afraid that the conditions it has created in the US for millions, of poverty, chronic unemployment, and massive social inequality, will explode in its face. It has resorted to massive surveillance of the population, police violence, and, as in the case of Cecily McMillan and many others, including the NATO 3, judicial frame-up, to stop an inevitable reaction to these conditions by the working class.

The *World Socialist Web Site* spoke to supporters of McMillan at a protest in her defense in Lower Manhattan’s Union Square a day before the sentencing.

Terry, a young worker from the UK who just found out about the case over the weekend, commented, “It sounds like a gross injustice. How is a seven-year sentence possible even if she were guilty? I’m not familiar with the American justice system, but how can they sentence someone to jail on their first offense for such a minor assault? It doesn’t make any sense.”

Another protester said: “The police assault on her was wrong. The conviction was wrong. The denial of bail was ridiculous. She has no record and has never been convicted. There is no reason to do this except as

punishment for her and as a deterrent for anyone thinking about joining a protest or voicing their opposition to the system and all that it entails. I think the letter from the jury is great. In a free society, this injustice should be all over every news station. But it is nowhere to be found because news today is corporate news.”

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