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Lawyers' Group Sues City Over Arrests of Protesters

By DIANE CARDWELL

Civil liberties lawyers sued the Bloomberg administration in federal court yesterday, charging that the Police Department had subjected protesters during the Republican National Convention to wrongful arrest, improper fingerprinting and lengthy, harrowing detention.

Two complaints, filed in Manhattan, describe marchers suddenly swept into orange nets, languishing on buses in tight handcuffs without medical attention, and one woman, panicked, in convulsions after being corralled into a mass arrest as she walked to work.

The suits seek unspecified damages and ask the court to declare the arrest and detention tactics illegal to prevent the city from using them again. The two suits, filed by the New York Civil Liberties Union on behalf of several plaintiffs, charge that in addition to being held too long, protesters were detained in filthy, potentially hazardous conditions. The lawyers also expressed concern that the police were improperly building a fingerprint database of people charged with minor offenses.

But city officials called those accusations false, and they continued to maintain yesterday that they did nothing wrong in policing the protesters or in detaining them at Pier 57. They argued that the arrests were a justifiable response to disruptive protests that contrasted sharply with an earlier mass demonstration that was largely peaceful and resulted in few complaints of police misconduct.

"One of the largest demonstrations in the history of American political conventions was overwhelmingly peaceful and orderly with exemplary conduct by both participants and police alike," Police Commissioner Raymond W. Kelly said in a statement. "Those who insisted on breaking the law a few days later now complain because they faced the normal consequences of unlawful conduct. The N.Y.C.L.U. continues to distort the facts. Its characterization of conditions at Pier 57 are false, and it lied when it said today that the N.Y.P.D. used arrests 'as an excuse to fingerprint political activists.' "

The suits, which stem from mass arrests near ground zero and Union Square on Aug. 31, come as the city is already grappling in State Supreme Court over a contempt ruling for overlong detentions. And the city faces the likelihood of further legal action.

In one of the cases filed yesterday, the plaintiffs were arrested on a Fulton Street sidewalk while either observing or taking part in a War Resisters League demonstration. On Wednesday, the Manhattan district attorney began procedures to dismiss the charges against the 227 people arrested.

According to the federal complaint filed yesterday, one of the plaintiffs, Michael Schiller, was filming the demonstration for a documentary he is making for HBO. The others were Francesca Fiorentini, a student at New York University and a frequent protester, and Robert and Neal Curley, a lawyer and his son, who were visiting from Philadelphia and planned to follow the march to Union Square.

In the other suit, the plaintiffs say they were directed by the police onto a block of East 16th Street off Union Square and then trapped and arrested along with hundreds of others. Ann Maurer, a legal assistant at the Civil Liberties Union, and a group of her friends were taking part in the A31 Street Party, an anarchist event, while another of the plaintiffs, Ashley Waters, a Harvard Law School student, was observing it.

The third plaintiff, Hacer Dinler, a fitness and dance instructor, was on her way from one job to another when she found herself caught on the block, the suit contends. After about two hours of confinement, during which police ignored her repeated cries for help, the complaint says, she fainted and went into convulsions. She was taken to St. Vincent's Hospital, where she was tested and treated. Traumatized, she missed a full day of scheduled private training sessions, and without health insurance she has been worried about how she will pay her hospital bill, according to the complaint.

Ms. Dinler was not charged, but the other plaintiffs were kept in custody for as long as 35 hours and fingerprinted on minor charges.

"We must right these wrongs," said Donna Lieberman, executive director of the New York Civil Liberties Union, which brought the suits on behalf of several plaintiffs. "If someone is wrongfully arrested, it leaves a scar. It leaves a scar on that individual. But when hundreds of people are wrongfully arrested for exercising their right to protest, or documenting it for the public, or being on that street doing their own thing, it does untold damage to our democracy."