

Latest attack on free expression

## New York City: banned graffiti block party to go forward

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A federal judge Monday overturned a ban imposed by New York's billionaire mayor Michael Bloomberg on an art event due to take place today. The occasion is a block party that is scheduled to feature well-known graffiti artists spray-painting 20 works on two-dimensional replicas of subway cars from the 1970s and 1980s.

A permit was issued July 18 by the city's Office of Community Affairs to urbanwear designer Marc Ecko to hold the event, but was revoked on August 16. This was the same day that a leading Democratic council member was quoted in the *New York Daily News* decrying the event for "promoting criminal acts." Later the same day, Bloomberg interrupted a visit to a senior citizens center to speak to reporters on the subject, saying, "This is not really art or expression.... It's trying to encourage people to do something that's not in anybody's best interest."

In his ruling, District Judge Jed Rakoff ridiculed the Bloomberg position. "By the same token, presumably," he wrote, "a street performance of 'Hamlet' would be tantamount to encouraging revenge murder. As for a street performance of 'Oedipus Rex,' don't even think about it."

While the judge's phrasing evokes a chuckle, the Bloomberg administration's attempt to ban a harmless party with an artistic theme is no laughing matter. It represents a deepening of the attacks on democratic rights that have increased since September 11, 2001, and which have reached new levels in New York and other cities in the aftermath of last month's London bombings.

In the realm of art alone, Michigan artist Edward Stross was sentenced to 30 days in prison last February for painting a half-naked Eve on the outside of the gallery building he owns. And in Buffalo, New York, artist Steve Kurtz faces terrorism charges under the USA Patriot Act for using biological agents in a work of art.

In 1999, Bloomberg's predecessor, Republican Rudolph Giuliani, attempted to close down the "Sensation" exhibit at the Brooklyn Museum, which was condemned by the former mayor as "anti-Catholic," pornographic and sacrilegious.

The current effort to clamp down on artistic expression takes place in the context of an unprecedented atmosphere of repression in the nation's largest city. In the name of fighting terrorism, transit riders are now being subjected to random police searches and armed troops are patrolling busy terminals and subway stations.

Mimicking a policy imposed at airports nationwide by the Homeland Security Department, public announcements punctuate travels on the subway, saying, "If you see something, say something." These pronouncements have nothing to do with forestalling a terrorist attack in progress but rather are designed to instill fear in the population and encourage average citizens to spy on other passengers.

Last month, five Sikh tourists from Britain were ordered off the top of a sightseeing bus in Manhattan by armed police, handcuffed and forced to kneel on the street after a tour company employee phoned in a tip that they looked "suspicious." Police cordoned off the block for 90 minutes, ordered all 60 passengers off the bus and searched their belongings and conducted body

searches before authorities admitted that no terrorist threat existed.

Mayor Bloomberg's attempt to ban today's graffiti block party reflects a nervousness that growing opposition to such measures could coalesce around such a seemingly innocuous event. A Bloomberg spokesperson immediately responded to Monday's legal setback by threatening to appeal, although the success of an appeal in time to halt today's festivities seems unlikely.



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