New York City police continue arrests of bicyclists

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The arrest of 48 bicyclists in downtown Manhattan on August 26 marks a continuation of the assault by the New York City Police on democratic rights. These arrests took place in several locations as police corralled a monthly ride promoting bicycling that has been taking place for 10 years. They spotlight the increasing suppression of some of the most harmless and routine activities for fear that they could become rallying points for the seething hostility that exists to social inequality and government policy.

The arrests come nearly a year after the mass roundups that accompanied the 2004 Republican National Convention (RNC) held in New York, when 1,800 protestors and innocent bystanders were detained. Four hundred of these were bicyclists, more than 100 of them during a Critical Mass ride of 5,000 bicyclists participating in the protests against the war in Iraq. Another 550 bicyclists have been arrested since then.

Critical Mass bicycle rides face continuous legal harassment. Their aim is to encourage more people to bicycle until there is a "critical mass" that turns it into a major form of urban transportation. Riders protest that police charges against them for obstructing traffic are absurd, as they are traffic. The rides, held on the last Friday of each month, began in 1992 in San Francisco and have spread to 300 cities around the world.

A report released August 30 by the New York Civil Liberties Union (NYCLU) on the related mass arrests one year ago at the Republican convention points out that these arrests are carried out without any regard for the legal rights of citizens.

In October, charges against 227 arrested walking on the sidewalk at the World Trade Center site at the beginning of the RNC were dismissed by the Manhattan District Attorney in the face of videotaped evidence that police had falsely accused defendants. In April, one young woman, whose case is still pending, was detained for the crime of straddling her bike as she walked it from the sidewalk out of the park where a Critical Mass ride was scheduled.

The police often sweep up innocent bystanders. Of the approximately 1,500 arrests for which criminal proceedings had been completed as of July 2005, over 90 percent of the cases had been dismissed, conditionally dismissed, or ended in acquittals.

The NYCLU report details the vicious and often petty nature of the police measures. "Virtually every person arrested during the convention was restrained using plastic handcuffs known as flexcuffs. Despite their benign-sounding name, flexcuffs can cause considerable discomfort and even pain or injury when not used properly. Flexcuffs pose a serious risk when applied too tightly or when left on for extended periods of time."

On several occasions, police blocked off entire blocks with orange mesh netting and arrested everyone snared, including clearly identified legal observers and members of the media. One woman, a dancer walking to work on the evening of August 31, had to be taken to the hospital after being trapped. She collapsed and went into seizures after being forced to stand for hours and watch people being arrested.

All those arrested were fingerprinted, allegedly to address terrorism, even though New York law forbids that practice for minor offenses. At a City Council hearing it was revealed that the blanket fingerprinting of demonstrators was a special practice put in place for the convention. After the NYCLU sued—in one of hundreds of court cases against the illegal practices of the police—the city claimed it would destroy the fingerprints.

A majority of those arrested and warehoused in Pier

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57 complained about the filthy and dangerous conditions. Many were held up to 36 hours, although standard New York City police practice has been to take persons accused of minor before a judge within 24 hours.

The NYCLU report also describes the Police Department's pervasive videotaping—with hand-held cameras mounted on poles, vehicles and even a blimp—of people engaged in lawful protest activity.

Over the last 10 years the police have been developing a comprehensive approach of "command and control" over demonstrations, large and small, the NYCLU report states. This model utilizes large numbers of officers, numerous barricades and protest pens, limited access to demonstration areas, and the willingness to use force against nonviolent demonstrators for minor violations of the law.

During the RNC, Critical Mass participants who avoided arrest by chaining up their bicycles on the sidewalk had their locks sawed off and bikes seized, a practice ruled illegal in court last December. Many Critical Mass participants are messengers who need their bicycles to make a living.

The city has renewed its battle in court to impose injunctions against the Critical Mass rides on the grounds that any group of 20 bicyclists without a permit is an illegal parade.

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