

# New York City: Police shooting of vendor underscores deep social tensions

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The fatal police shooting of street peddler Raymond Martinez on December 10 in Times Square, the hub of the New York City's tourist industry, has highlighted the acute social tensions gripping America's largest city, particularly since the onset of the economic crisis.

New York Police Department (NYPD) Sergeant Christopher Newsom, a plainclothes officer from a squad that pursues peddlers in the area, recognized Martinez from a previous encounter, according to media sources.

He approached Martinez and his brother Oliver. The police alleged that the two were attempting to pressure tourists into buying CDs. An account published in the *Village Voice*, however, emphasizes that "Martinez sold only his own CDs, and was not coercive in doing so."

When Newsom asked them for a tax stamp, a document that permits peddlers of printed or recorded material to sell their wares on the street, Martinez ran and Newsom chased him though the crowded shopping area.

Martinez turned into the driveway of the Marriott hotel on 45th St., then pulled out a semi-automatic MAC-10 pistol and fired two shots. The gun apparently jammed and Newsom fired four shots, hitting Martinez in the chest and arms, killing him.

The shooting evoked a major police response, with heavily armed cops pouring into the area.

Over the next few days, the New York media delivered a hysterical and bloodthirsty judgment on the 25-year-old Bronx man, repeatedly comparing his killing to the dazzling action of a Hollywood film. According to Rupert Murdoch's *New York Post*, Martinez was like "a character out of a rap video." *The Daily News* railed against the "scourge of illegal peddlers" and called Martinez a "vile breed of predator."

Martinez was an aspiring musician who sold homemade CDs to passersby not only to make money, but also to publicize his work. Young people like him are a common

sight in busy commercial centers of the city. Like many working-class youth, Martinez distrusted and disliked the police.

There is evidence that such feelings were deeply ingrained in Martinez. One of his videos, "Over My Dead Body," available on the Internet, contains long sequences of discussion of police-state measures, including the use of roadblocks, shackles, and microchips, to enforce mandatory H1N1 vaccinations.

His lyrics have phrases like "martial law shall start a war" and are accompanied by footage of panic in subway cars with glimpses of weapons. Here and in other videos, some taped in Times Square, is an overall sense of bravado and despair, expressed especially in fear and hatred of the police.

None of the persecuting voices in the media care to ask why a young man from a poor neighborhood in the Bronx would feel these things, or why he would carry a gun and react violently to being harassed and chased by a police officer. They have no interest in asking what social conditions could give rise to such anger.

In an interview in the *Village Voice*, Michael Walker, the CEO of Melodream Entertainment, a music production company that had recorded some of Martinez's material, said: "I talked to him almost every week about these things that were happening, economically, person to person. He explained several things that had happened where he saw pedestrians being pushed off of bikes [by police] and being messed with for no reason and ticketed. And he himself [getting ticketed], for selling his own music.... He was not a thug, but a frustrated person. It doesn't excuse his actions, but it started a long time ago."

Last month, the New York Civil Liberties Union (NYCLU) reported that NYPD's notorious "stop and frisk" policy in which people, mostly minority working-class youth from poor neighborhoods, are stopped and

searched for weapons or contraband, reached a new high in the first nine months of 2009, with 404,000 stops. At that rate, there will be a record 610,000 stops by year's end. Nine out of 10 stops fail to result in an arrest or a citation.

Furthermore, as the NYCLU observes, the NYPD is recording the names and personal data of each person that it stops in this manner.

The NYCLU's web site notes: "The NYPD is building a massive database of black and brown New Yorkers."

"Innocent New Yorkers who are the victims of unjustified police stops should not suffer the further harm of having their personal information kept in an NYPD database, which simply makes them targets for future investigations," said NYCLU associate legal director Christopher Dunn.

Another factor underlying the Times Square killing is the enormous police pressure on peddlers and street vendors of all sorts in the city. NYPD sources claimed that there have been more than 400 arrests of both licensed and unlicensed peddlers this year in the precinct where Martinez was shot.

Peddlers like Raymond and Oliver Martinez, who sell media products such as books or CDs, come under First Amendment protection and are only required to have a tax stamp. Nonetheless, they too are often targets of the police, particularly in upscale shopping districts such as Times Square or Union Square.

With the development of mass unemployment in the city, more people have sought to sell merchandise on the street. In April of this year, the New York City Council even considered legislation that would ease unemployment by allowing more licenses for legal vendors.

There are approximately 4,000 street vending licenses in New York City, and such a high demand for them that they are often sold on the black market with prices rising as high as \$12,000 each. A much larger number of vendors, perhaps in the tens of thousands, sell without licenses throughout the city.

Michael Wells, co-director of the Street Vendor Project, an advocacy group for vendors, recently told the *New York Times* that the shortage of licenses has "served to criminalize New Yorkers who want to feed their families."

As the *Times* noted, "The laws in play range from blocking pedestrian traffic to assault. Mixed in are parking violations and summonses for not displaying a vending permit."

In October, in the Flatbush neighborhood of Brooklyn, the arrest of four food vendors prompted protests from Bangladeshi families against what the Street Vendor Project called "a reign of intimidation, harassment, cart confiscation, and unlawful arrests."

Later that month, hundreds of vendors demanded the passing of legislation that would dramatically increase the number of permits.

Immigrant food vendors from Muslim countries in particular are the targets of police harassment. The problem is so pervasive that the Asian American Legal Defense and Education Fund has begun canvassing immigrant vendors to brief them on their rights when the police question them.

Musicians who play in the subway have also been targeted by the authorities. *am New York* noted, "Veteran transit musicians say police harassment has grown to disturbing levels in recent months, leading some to fear that independent performers could be driven out of the subways."

"Musicians say police periodically conduct sweeps, but the ticketing and harassment started escalating last year. They say the crackdown appears to be especially noticeable at the stations in Times Square and Union Square."

Contrary to the rabid gutter journalism of the New York tabloid press, the killing of Raymond Martinez was a tragedy that originated in the crushing social pressure that is brought to bear on the poorest sections of the working class.

A combination of growing unemployment, cuts in social services, and routine violation of democratic and civil rights by the authorities has caused a profound anger to develop among masses of people who are living on the edge. In the current climate, in which this social anger and frustration of millions finds no outlet within the existing political setup, violent outbursts of this sort are inevitable.



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