

Occupy Wall Street activist on trial for assaulting New York City cop

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The trial of Occupy Wall Street activist Cecily McMillan opened this week in New York City. McMillan is accused of assaulting a New York Police Department (NYPD) officer, Grantley Bovell, after she was removed from Zuccotti Park in lower Manhattan on March 17, 2012, the six-month anniversary of the original Occupy Wall Street action. Dozens of other protesters were also arrested that night, many of whom were also handled violently.

The NYPD alleges that McMillan struck Bovell in the face with her elbow as police sought to remove protesters from the park. She faces up to seven years in prison if she is convicted.

McMillan claims that she struck the officer inadvertently after he grabbed her on the chest from behind. She also charges that she was thrown on the pavement and struck by several police officers.

Her lawyer has said that her legs, ribs, and back were bruised by the police in the course of her arrest. Both photographic and video footage show a bruise, in the shape of a hand print on her chest, where she said the cop, Bovell, grabbed her.

Video footage also shows McMillan convulsing on the ground shortly after her arrest while NYPD officers stand around her without offering her first aid, in spite of the pleas for help from bystanders. McMillan was hospitalized after her arrest.

There is another aspect to consider in the case. It is entirely possible that McMillan was targeted for arrest. One of the original organizers of the Occupy protests, her name and image had appeared in the *New York Times* and other publications long before the March 2012 incident.

McMillan was almost certainly known to the NYPD before she was arrested. The NYPD conducted intensive surveillance of the Occupy Wall Street

protests, including video recording of activists. The Joint Terrorism Task force, made up of NYPD personnel together with agents from the Department of Homeland Security and the Federal Bureau of Investigation, monitored the protests, in spite of their peaceful nature.

Manhattan District Attorney Cyrus Vance, Jr. offered McMillan a plea bargain on lesser charges, which, unusually, were not reduced to misdemeanor status but remained felonies, a more serious category of crime under US law. Over 2,600 protesters during the three-month occupation and its aftermath were arrested and few faced serious charges. Those that did, including for assault, almost all had them dismissed entirely.

Whether or not McMillan was deliberately targeted in the arrest, it would appear that she is now being tried as a felon to set an example for those who organize protests against social inequality.

It is undeniable that the NYPD dealt with the protest by means of mass arrests, including the round-up of over 700 on the Brooklyn Bridge on October 1, 2011. Police operations were also characterized by deliberate brutality, beginning with NYPD Deputy Inspector Anthony Bologna's infamous gratuitous pepper-spraying of two young protesters on September 24, near lower Manhattan's Union Square.

Bovell himself is being sued by another protester, Austin Guest, a Harvard University graduate student, who alleges that the cop, according to the *Guardian*, "dragged him down the aisle of a bus while 'intentionally banging his head on each seat.'" The *Guardian* has also reported that Bovell has been investigated by the NYPD's Internal Affairs unit, for, among other things, kicking a suspect who was lying on the floor in a Bronx corner store. Judge Ronald Zweibel has refused to allow McMillan's defense team

to see Bovell's internal disciplinary files. Bovell, who was also involved in a Bronx ticket-fixing scandal, may have committed other acts recorded in these files that cast doubt on his testimony.

Martin Stolar, McMillan's attorney, objecting to the judge's ruling, said, "Somebody who has this pattern of behavior, there may be other incidents."

On Wednesday, Zweibel issued a gag order on Stolar and others on McMillan's defense team to prevent them from speaking to the media.



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