

Press Release

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CITY OF NEW YORK TO PAY \$230,000 TO SETTLE REPUBLICAN NATIONAL
CONVENTION CONTEMPT PROCEEDING

Today, the City of New York settled the contempt proceedings initiated by New York State Supreme Court Judge John Cataldo on September 2, 2004 when City officials violated multiple release orders Judge Cataldo issued on the afternoon of the 2nd in response to habeas corpus writs filed by attorneys from the National Lawyers Guild and the Legal Aid Society the prior day.

Judge Cataldo's release orders covered 560 people who had been in the custody of the City and its Police Department well over 24 hours by the early afternoon of September 2, 2004. National Lawyers Guild and Legal Aid Society attorneys were retained by 151 of those 560 people to pursue \$250 each in civil contempt fines against the City for failing to comply with the Judge's release orders.

Laywers for the arrestees argued that the City had deliberately delayed the processing of people arrested on and before August 31st for up to two days during the RNC until President Bush had left the Convention. Had the contempt hearing scheduled for April 18, 2005 gone forward, the City would have faced a possible finding of criminal contempt in addition to the per-person \$250 civil fine.

Instead, the City agreed to pay \$150 to each of 108 people it held beyond the time prescribed by Judge Cataldo's release orders and \$215,000 in attorney's fees. Attorneys for the arrestees plan to cut checks of their own so that each of their 151 clients receives the full \$250, and the NLG lawyers plan to use a portion of their attorney's fees to fund the federal class action litigation against the City filed by attorneys associated with the NLG. In addition to that class action, numerous individual lawsuits have been filed in federal court seeking damages from the City for violations of constitutional rights arising from unlawful arrests, unreasonably long detentions, and unsafe conditions at the now infamous Pier 57 detention facility.

"This is just one step in addressing the outrageous violations of constitutional rights of the over 1,800 protestors and bystanders arrested, often in indiscriminate mass sweeps utilizing orange netting, during the RNC," said Gideon Oliver, who was among the NLG attorneys on the Writ Squad. "The settlement specifically states that it will not bar anyone from seeking damages in other lawsuits for the City's violations of their rights."

To date, the District Attorney's office has acknowledged that over 80% of the RNC criminal cases have resulted in dismissals, adjournments in contemplation of dismissals, and acquittals at trial. Just this past week, media accounts have reported additional injustices, which raise serious questions not only about the mass arrests the NYPD made throughout the RNC, but also about the ferocity

with which the DA's Office has been prosecuting many of the criminal cases arising from those arrests:

During the first jury trial arising from the RNC arrests in December, NYPD Officer Matthew Wohl testified that he observed Dennis Kyne violently resisting arrest, but a documentary filmmaker's videotape proved conclusively that the officer was not part of the arrest at all -- and that Mr. Kyne offered no resistance -- so the Manhattan District Attorney's Office dismissed the case mid-trial;

Earlier this month, an Assistant District Attorney produced a video tape allegedly showing the arrest of Alexander Dunlop, who was charged with resisting arrest and assaulting an officer, then quickly moved to dismiss the case when Mr. Dunlop's attorney produced a video proving not only that Mr. Dunlop neither assaulted the officer nor resisted arrest at all, but also that the video tape the DA's Office produced had been tampered with; and

Just this week, Yusuke ("Josh") Banno, who had been arrested and charged with seven felonies for allegedly setting fire to a large green dragon float during the large march of August 29, learned that the DA's Office plans on dismissing all charges against him next week in light of photos provided by a Daily News photographer which show that Mr. Banno was some distance away from the incident, and could not have been involved with the fire at all.

The New York City Chapter of the National Lawyers Guild organized over 600 legal observers and over 200 pro bono lawyers who, along with Legal Aid Society attorneys, have represented the vast majority of the RNC arrestees in connection with their criminal defense cases. The Guild has also organized an RNC Affirmative Litigation Committee to coordinate the many civil lawsuits seeking damages for constitutional rights violations.