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ABOUT NEW YORK

One Protest, 52 Arrests and a \$2 Million Payout

By [JIM DWYER](#)

The city has agreed to pay \$2,007,000 to end a lawsuit brought by 52 people who were swept up in a mass arrest along a Midtown sidewalk during a protest against the invasion of Iraq.

They were charged with blocking pedestrians, but videotapes show that at their most annoying, they might have slowed a few people carrying coffee into work. Public order did not seem to be in unusual danger that morning — certainly nothing that called for rounding up 52 people, or spending millions of dollars.

Only two people were tried; they were acquitted, and charges against the other 50 were dismissed.

The arrests were made on April 7, 2003, during the opening days of the invasion of Iraq and right after the city persuaded the [Republican Party](#) to hold its 2004 convention in New York. The people arrested said their rights to free speech had been abused, and sued the city and the police.

Now, five years later, the \$2 million settlement is only part of the bonfire of legal expenses. And only some of the costs from this episode involve money.

Of the \$2 million paid to the people who were arrested, \$1,057,000 is for legal fees and expenses owed to their lawyers. The Law Department could not provide an estimate on Tuesday of how much it spent on the defense, said Laura Postiglione, a spokesman for [Michael A. Cardozo](#), the city's chief lawyer.

Just about every Tuesday and Thursday for over a year, witnesses were deposed under oath, part of the pretrial process in civil cases, according to Sarah Netburn, a lawyer with the firm Emery Celli Brinkerhoff Abady, which, along with the Center for Constitutional Rights, represented many of the people arrested that morning. The deposition transcripts cost over \$100,000, said Matthew Brinkerhoff, another lawyer for the plaintiffs.

Among those deposed were 55 police officers and their supervisors. Between preparation and testimony, many would have lost two days of regular police work.

The city had five lawyers handling the case over the last four years, along with a special appellate team. A conservative estimate is that the city spent \$1 million on the defense, including the salaries and benefits of police officers and lawyers, before running up the white flag.

“Although defendants believe that they would ultimately have prevailed at a trial, the costs of going forward weighed in favor of a settlement at this time,” said Susan Halatyn, a city lawyer.

But why were the arrests made in the first place?

That morning, two groups gathered on West 56th Street, outside the offices of an affiliate of the Carlyle Group, a private equity firm that has holdings in defense industries and employs many world figures, including the first President Bush.

One group of about 10 people planned to commit civil disobedience by sitting in front of the building, on the south side of 56th Street. The other group, of about 100 people, stood on the north side of the street, chanting.

Sarah Kunstler, 31, a lawyer, a filmmaker and the daughter of the renowned lawyer, said she had gone to see if there were possibilities of making a film about war protests. "I found out I could get arrested for absolutely no reason," Ms. Kunstler said.

A film editor, Ahmad Shirazi, 70, said he was in the group on the north side of the street and had just finished speaking with reporters for the BBC when he saw officers beginning to mass.

"All of a sudden, from the Fifth Avenue side, a huge number of police officers entered 56th Street," Mr. Shirazi said. "The protest was on the south side of the street. We were standing on the north side of the street. They came directly to us, they were in riot gear, and they surrounded us. They made a semicircle around us, shoulder to shoulder, with their batons."

"Then they started arresting us, one by one. At that point, I got emotional — I could not believe in my country, in my city, I could get arrested for doing absolutely nothing and standing on the sidewalk," Mr. Shirazi added.

Are there any lessons from the day? The Law Department said the \$2 million payout did not mean the police had done anything wrong. "This settlement was reached without any admission of liability on behalf of the city and the individual defendants," said Ms. Halatyn, the city lawyer.

The Police Department did not respond to a request for comment on the settlement.

Mr. Shirazi said that as he was being handcuffed for the first time in his life, he told the officer that the plastic cuffs were squeezing him. "He said, 'You should have thought about that before you came out this morning.' It was like a dagger in my heart, that a police officer of my city would come up with anything like that."

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