

# NYPD defy supreme court over clearance of Occupy Wall Street

Protesters accuse New York police of inciting violence by disobeying restraining order preventing further evictions

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Adam Gabbatt, Karen McVeigh and Paul Harris in New York  
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On Monday, Mia Costa and her partner Dan Kaminsky decided to spend the night at [Occupy Wall Street](#) for the first time. They pitched their tent at 4pm, filling it with sleeping bags, blankets and mattresses.

Twelve hours later, Costa was in a different park half a mile away, missing a tent, a sleeping bag and a boyfriend.

Kaminsky was one of at least 200 occupiers arrested as [New York](#) police moved in to remove the occupiers who, equipped with tents and tarpaulins, had been digging in for the winter.

It seemed that Occupy Wall Street, the [protest](#) which spawned the global [occupy movement](#), was coming to a messy end after nearly two months. Encampments in Oakland, California, and Portland, Oregon, have also been cleared by police in the last few days.

New York police officers entered the Occupy camp in Zuccotti Park at 1am, handing out eviction notices. They had encircled the camp and shone floodlights into the interior. About half an hour later, officers in riot gear began taking down tents and other standing structures.

While some protesters opted to stay and defend the camp, most were left standing behind police barriers just outside Zuccotti Park, some in tears as sanitation officials cleared the area. "Me and Dan had been coming every day," Costa said as she sat in Foley Square, about half a mile north of the park. "We'd been meaning to camp for weeks. We had to run around, waking people up in their tents," she said. "I started collecting my stuff and the cops started intimidating me to clean up my shit faster. I was like, 'But the notice says take your tents'. It was very chaotic."

Chaotic was a word used by other protesters as they regrouped. The police documents said demonstrators were required to "immediately remove all property, including tents, sleeping bags and tarps from Zuccotti Park".

"I think they could have given a little bit more notice," said Ian Carr, an archaeologist who had been camping at the park for several weeks. He said he had been hurt by pepper spray used by police: "The smell gets you first, then your eyes just ... I mean, I didn't get hit as bad as the others, but some people's eyes were beet red."

Once police had entered the park, protesters said officers split the area into segments, forcing people out of the area in groups of about 10 to 15.

"I was in the first round," said Ben Swenson, who was stood beside a police barrier about 50m south of Zuccotti at 3am Tuesday. "I was moving around [the camp] trying to tell people what was happening, but they had little sections of the park and pushed us out by force."

The onset of cold weather in New York over the past two weeks, coupled with the sense of permanence the protest had started to develop, had led to an increase in the number of tents, with more than a 100 counted last week. By daylight on Tuesday none remained.

The New York mayor, Michael Bloomberg defended the police action he initiated in response to a request from the park's owners, Brookfield Properties. He said the health and safety conditions had become intolerable.

"From the beginning, I have said that the city had two principal goals: guaranteeing public health and safety, and guaranteeing the protesters' first amendment rights. But when those two goals clash, the health and safety of the public and our first responders must be the priority."

He said his decision to prevent journalists from witnessing the raid was taken to "protect members of the press". Bloomberg said: "We had to provide protection and we have done just that."

The mayor received strong support from some local businessess. Restaurant worker Ricki Martinez , from Charly's in Trinity Place, directly opposite where the drumming circle had been, said: "It was OK for a week. But two months? It was kind of annoying, there was a lot of noise. There were a lot of crazy people with problems in their heads.

"They made a mess in the toilets, we had to close them. They've been closed since September."

New York's public advocate, Bill de Blasio, said it was "deeply troubling" that media and observers were prevented from monitoring the action. "Provocations under cover of darkness only escalate tensions in a situation that calls for mediation and dialogue," he said. "I call on the mayor to find a sustainable resolution – as other cities have done – that allows for the exercise of free speech and assembly, with respect for the rights of all New Yorkers to peaceful enjoyment of our great city."

Back outside on the streets of lower Manhattan, the protesters had regrouped, marching from City Hall to a vacant site on Canal Street, about a mile from the original camp. There, some protesters broke through some fencing and tried to set up a new occupation but riot police quickly moved in to remove them. A number of people were arrested, including five journalists.

Later, a group of protesters headed back to the park, armed with a temporary restraining order which Occupy lawyers had obtained from a New York supreme court. It prevented any more evictions and ordered police to reopen the park. The marchers chanted: "We want our park now!".

When the protesters reached the site, they were met by a ring of police that refused to let them through. Bloomberg said the city would not open the park until the legal case had been resolved. This drew a furious response from the activists and their lawyers, who accused the NYPD of causing violence by deliberately disobeying a court order.

By lunchtime, the fight moved to the supreme court a few blocks from the park. There, lawyers for the movement argued the protesters' constitutional rights had been breached by the city's action, and the refusal of the NYPD to allow them to return to the park. The judge, Michael Stallman, was due to rule by 3pm local time.

"This is a critical first amendment issue," said Michael Ratner, president of the Centre for Constitutional Rights. "Occupying the centre of Wall Street as in protest against the damage that these protesters believe those who work there have done to this country could not be a clearer example of expressive protest."

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