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## In Court Papers, a Political Note on '04 Protests

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When city officials denied demonstrators access to the Great Lawn in Central Park during the 2004 [Republican National Convention](#), political advocates and ordinary New Yorkers accused Mayor [Michael R. Bloomberg](#) of squelching demonstrations that could embarrass fellow Republicans during their gathering.

The Bloomberg administration denied being guided by politics in banning the protests. Instead, officials said they were motivated by a concern for the condition of the expensively renovated Great Lawn or by law enforcement's ability to secure the crowd.

But documents that have surfaced in a federal lawsuit over the use of the Great Lawn paint a different picture, of both the rationale for the administration's policy and the degree of Mr. Bloomberg's role in enforcing it.

Those documents, which include internal e-mail messages and depositions in the court case, show that Mr. Bloomberg's involvement in the deliberations over the protests may have been different from how he and his aides have portrayed it. They also suggest that officials were indeed motivated by political concerns over how the protests would play out while the Republican delegates were in town, and how the events could affect the mayor's re-election campaign the following year.

"It is very important that we do not permit any big or political events for the period between Aug. 23 and Sept. 6, 2004," read one Parks Department e-mail message, referring to issuing permits for the days framing the convention. "It's really important for us to keep track of any large events (over 1,000 people), and any rallies or events that seem sensitive or political in nature."

City officials have said in the case that these statements concerned the logistics of scheduling so many events during that time. But, just after the convention ended, Parks Department officials told the organizer of a commemorative event for John Lennon that they could not offer access to the Great Lawn because, as one marketing official wrote, "we had to admit that it was going to be difficult right after all our problems with the rally requests for the park and right before Mike's re-election."

"There are practical and political reasons for this decision," said an e-mail message to the organizer, "which follows, as you know, very closely on the heels of the court cases during the RNC."

Throughout his tenure as mayor, Mr. Bloomberg has made much of his political independence, saying that his decision-making is guided more by a sense of what is right, than by political expediency or popular opinion. But the documents, which are part of the lawsuit brought by the National Council of Arab Americans and the Answer Coalition, an antiwar civil rights group, indicate that politics and appearances were at the center of the administration's strategy and that Mr. Bloomberg was more intimately involved in the discussions over demonstrations in the park than he said.

At the time of the convention, Mr. Bloomberg said that he had largely delegated responsibility for determining where protesters could demonstrate to the Parks Department and the Police Department, and he told the court later that he had no knowledge of specific permit denials other than the one for the enormous rally for 250,000 people organized by [United for Peace and Justice](#), an antiwar group.

Mr. Bloomberg wrote that he did "not have unique, personal knowledge regarding the basis of the decision," and that he had "no knowledge at all regarding the denial of a Parks Department permit to plaintiff," the National Council of Arab Americans, "beyond a general understanding that other groups sought and were denied Parks Department permits to demonstrate on the Great Lawn during the RNC."

But an e-mail message from Adrian Benepe, the parks commissioner, to Mr. Bloomberg in June 2004 indicates otherwise.

"Following your call, I spoke to Ray about 10 minutes ago," Mr. Benepe wrote, referring to [Raymond W. Kelly](#), the police commissioner. "Coincidentally, our lawyer and Chief McManus and the Law Department are meeting at this very minute to agree on the language and strategy of the letter rejecting the Arab-American rally on the Great Lawn," Mr. Benepe continued, referring to Assistant Chief John B. McManus, who oversaw Police Department strategy for the convention.

Mr. Benepe's message added: "I assume the rejection letter will go out today. I will let you know."

Stu Loeser, the mayor's chief spokesman, declined last week to comment on the documents. But in court papers, Mr. Bloomberg said that he did not remember the phone call, the e-mail message or the specific protest they concerned.

The internal communications, some of which were reported in The New York Sun the week before last, offer a rare look at the machinations of the administration and paint a picture of officials scrambling to lock in their approach and then figuring out how to justify it.

Lawyers from the Partnership for Civil Justice, the group representing the protest organizers, argue that the lengths to which administration officials went in rationalizing their approach showed that they understood their actions were flawed.

“The system is a political system, not a permitting system,” said Mara Verheyden-Hilliard, one of the lawyers. “The fact of the mayor’s involvement, the extraordinary lengths officials went through to justify it, makes it clear that free-speech rights are doled out based on politics and viewpoint, and that’s clearly unconstitutional.”

Bloomberg administration officials have said that they do not have a policy to exclude protests, but the court papers suggest otherwise.

In 2003, for instance, when the Parks Department denied a permit for an antiwar protest, Douglas Blonsky, the Central Park administrator, wrote in a memorandum to Mr. Benepe, “It would be imprudent to hold large rallies on Central Park’s lawns at any time of the year,” and later said that “rallies do not work on lawns.”

So when it came time to plan for the large protests expected at the Republican convention, Parks Department officials moved to ensure that the lawns would remain no-protest zones, even though police officials supported allowing the rallies there.

In early March 2004, Parks Department officials scrambled to make sure Mr. Bloomberg would be on their side in that debate in advance of a meeting he had called to discuss protest permits.

The meeting of city officials also included Kevin Sheekey, who was then president of the privately financed NYC 2004 Host Committee for the convention.

On March 18, Elizabeth W. Smith, chief of marketing and corporate sponsorship at the Parks Department, sent an e-mail message to Mr. Benepe pressing him to enlist Patricia E. Harris, a deputy mayor, in urging Mr. Bloomberg to agree to a ban before that meeting to decide the issue.

The e-mail message suggested that she worried that Mr. Kelly would persuade Mr. Bloomberg to allow the rally on the lawn because it would be easier to police.

“The more I think about it, the more I think that you do NOT want Mayor Mike to walk into that meeting hearing for the first time you and Kelly possibly presenting your opposing views for general debate,” the e-mail message said. “This is just a reminder to you to get to Patti sometime soon so that she can get the mayor on board, which I think is very possible. ‘Security’ trumps everything in this debate, so Kelly goes in to that meeting with the benefit of the doubt.”

The tactic appears to have worked. On March 23, Mr. Benepe’s daily report said, “Today’s meeting with the mayor went quite well,” and added, “We are gratified that he supported the idea of not having any rallies on lawns in Central Park.”

