

N.Y. Police Can't Use Bus Drivers in Protest Arrests, Union Says

Wednesday 5 October 2011, by [DOLMETSCH Chris](#), [HURTADO Patricia](#) (Date first published: 4 October 2011).

Oct. 4 (Bloomberg) — Police should be barred from forcing New York transit workers to abandon their routes and transport anti-Wall Street demonstrators arrested for disorderly conduct, an employees' union told a federal judge.

The Transport Workers Union Local 100, which said last week that it's supporting the protests, asked U.S. District Judge Paul Engelmayer to prohibit the New York City Police Department and the New York City Transit Authority from requiring drivers to transport such protesters.

A court hearing is set for today on the request, said Jim Gannon, a spokesman for the union, which represents 38,000 members, including about 9,000 city bus drivers. Drivers were ordered on Oct. 1 to convey some of the 700 demonstrators arrested over the weekend during anti-Wall Street protests in lower Manhattan.

"The actions of the NYPD on Oct. 1, 2011, amounted to a seizure of the bus drivers," Arthur Schwartz, a lawyer for the union, said in court papers. The police department "deprived the drivers of their liberty without due process of law," he said.

More Arrests

Five protesters were arrested yesterday, accused of wearing masks near Liberty Plaza in violation of a city law, said Paul Browne, an NYPD spokesman. Some protesters have gathered at the park, located a few blocks from the Federal Reserve and Wall Street.

Police commandeered about five buses after the Oct. 1 demonstration on the Brooklyn Bridge and ordered the drivers to transport protesters who were arrested, including one bus whose passengers were told to leave, Local 100 President John Samuelson said.

The drivers — some of whom were ordered by their supervisors to comply with the police — didn't resist, Samuelson said.

"There's NYPD brass with guns on buses saying 'Move the bus, this bus is now under the control of the NYPD,'" he said. "What room to protest is there? It's not a transit supervisor you're dealing with."

The anti-Wall Street protests were thrust into the national spotlight this weekend when police arrested the protesters for disorderly conduct on the Brooklyn Bridge.

Demonstrators, originally walking on the span's pedestrian footpath, converged on the roadway and were arrested on Oct. 1.

NYPD Cooperation

Only nine of those arrested by the NYPD weren't released from holding facilities in Brooklyn and

Manhattan, the union said in its lawsuit. Most of those arrested were given summonses and released.

"We have no intention of changing our longstanding policy of cooperating with the NYPD," Jeremy Soffin, a spokesman for the state Metropolitan Transportation Authority, which operates the city's buses and subways, said in an e-mail.

The union said yesterday in its lawsuit that more demonstrations are planned and transit workers and their buses will again be used improperly by authorities.

"The Occupy Wall Street demonstrations are continuing," the union said in its lawsuit. "There is a great likelihood that on Oct. 5, or at future marches, the NYPD will engage in additional mass arrests, and that they will act as they did on Oct. 1, 2011, and commandeer buses and bus drivers."

Union members who went to court this afternoon with their lawyer said they were told he was meeting with Engelmayer.

Elizabeth Thomas, a spokeswoman for the New York City Law Department, said in an e-mail that the city will respond to the union's request for a temporary restraining order. "We believe that the NYPD's actions were proper," she said.

'No Imminent Danger'

Schwartz, the plaintiff's lawyer, didn't immediately return a voicemail message to his mobile phone or respond to an e-mail message seeking comment or update on the matter.

Samuelsen said authorities can only force people to assist police when there is "imminent danger." Local 100 members participate in "legitimate" police and fire department emergencies as needed, he said.

"There was no imminent danger here," Samuelsen said. "The protesters this weekend appeared to be marching peacefully, as is their right."

The case is Samuelsen v. Kelly, 11-cv-06947, U.S. District Court, Southern District of New York (Manhattan).

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