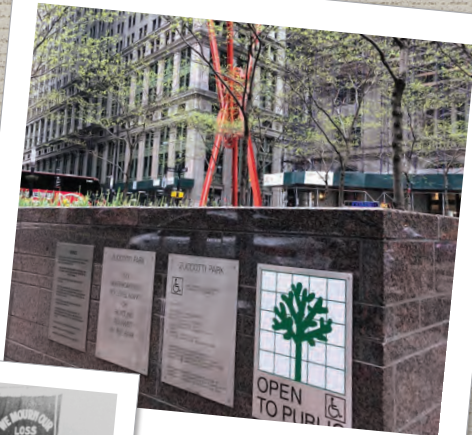




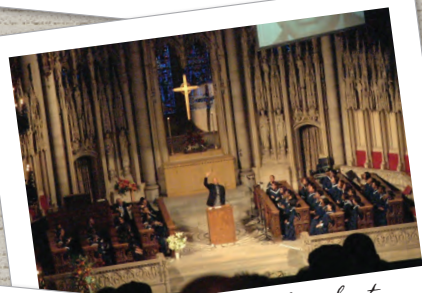
"gentrification class war"



Zuccotti Park



Triangle Shirtwaist rally with banner



Riverside Church at author, actor, and activist Ossie Davis funeral



Emma Goldman speaking to a crowd



SDS Columbia-Liberated Zone



Harper's Weekly illustration of Fort Sumter rally in Union Square



Foley Square



Flag hanging from NAACP headquarters on Fifth Avenue.



May Day/Labor Day crowd in Union Square



gathering in support of the Occupy movement at Washington Square Park

ACTIVIST SITES OF NYC

RYDER FLEMING-JONES

As many readers of *The Federal Lawyer* head to the New York Marriott Hotel in downtown New York City for the 2018 Federal Bar Association Annual Convention, they will be staying only a stone's throw from the “Freedom Tower” and newly built skyscrapers surrounding it. Visitors will be staying among the newest part of the city, next to towers built in the last few years. These visitors will not be able to see the developments that created the city, the places within it that no longer exist, and the history that can only be seen through a temporal excavation of what exists today. Movements seeking to change the world often begin by taking a look at history.

Whether you want workers to go on a general strike, women to demand equal rights or the control of their own bodies, or oppressed minorities to demand political rights—the first step is a retelling of their history. The new history will explain that what exists today is neither natural nor eternal. Things were different once. Only a string of events created the world we know today. If we act wisely, we can change that world and create a much better one. In this piece, we look at the sites of social upheaval, acts of protest, civil disobedience, and riots that have contributed to the shaping of the city we see today.

Tompkins Square Park

By the time this article is published, it will mark the 30-year anniversary of a full-blown riot in Tompkins Square Park. In the late 1980s, Tompkins had become a visual demonstration of New York City's socioeconomic problems and, in particular, widening class gap. With the economic slump of the 1970s coming to an end, the city looked to take advantage of a now-bullish real-estate market. Recognizing

that the low-income tenement buildings of the East Village would be far more profitable as luxury condominiums, the city government did little to stop developers seeking exponential rent increases from demolishing much of the old neighborhood. However, Tompkins Square Park was still considered an eyesore that could hold back the tides of gentrification. The park had become home to more than 150 homeless, functioned as a notorious drug bazaar, and was known for holding all-night parties with blazing rock music and espousing of the politics of anarchy. To end the homeless encampments, the police imposed a 1 a.m. curfew on the previously 24-hour park. The curfew only served to increase the tension between the neighboring residents and the squatters who made the park their own. Finally, on Aug. 6, 1988, during a planned rally, more than 400 police officers arrived and charged the crowd on foot and horseback. The City of New York Police Department accepted responsibility for the ensuing riot, but no police officers were indicted or found responsible for their violent response to the demonstrators. In 1991, the city destroyed the homeless encampments and closed the park for restoration.

Since the park has reopened, the forces of gentrification have all but erased the memory of a time when New York's underclass fought for the land they lived on.

SDS Takeover of Columbia University

The year 1968, as is well known, was a year of a tremendous upheaval in American social and political life. More than 35,000 men had died in the war in Vietnam with little to show for their efforts. Anti-war protests were increasing with the impending prospect that one might be, or one's loved one might be, drafted into the conflict. Concurrently, the civil rights movement was in full force. The Black Panthers were testing the waters of a more militant political ideology; the sexual revolution was in full force; feminism became a household term; and sex, drugs, and rock 'n' roll had created a seemingly unbridgeable chasm of a generation gap. It was in this context that Columbia University Students for a Democratic Society (SDS) activists discovered documents linking Columbia to the Institute for Defense Analyses (IDA), a U.S. Department of Defense weapons-research think tank. Angered by their university's participation in the war effort and dismayed by Columbia administration's attempts to suppress anti-IDA protests on campus, SDS student leaders led an effort to take over Hamilton Hall, where the college's administration offices were located.

Zuccotti Park

Zuccotti Park, located in the heart of Manhattan's—and likely the world's—financial center, is a “park” only by New York City standards. Yes, there are a number of planted trees and a bed of flowers or two, but the aesthetics of the concrete plaza are primarily reliant on a large red steel sculpture. Perhaps this is because Zuccotti Park is actually a “privately owned public space,” a designation given to pieces of land provided to the public as concessions for adjacent developments.

Today, Zuccotti Park is most famous as the location of Occupy Wall Street, a protest movement beginning in 2011 that sought to draw attention to the continuing surge of economic inequality worldwide. Originally, the protest was planned for One Chase Manhattan Plaza or Bowling Green Park (site of the famous “Charging Bull” statue), but police, having learned of the activists' plans, fenced off those locations and the protesters moved on to Zuccotti Park, a backup location. Ironically, since the park was private property, police could not legally force protesters to leave without receiving a request from the property owner. For a few months, a sizable community was created at Zuccotti Park. People camped out in tents, meals were cooked for the occupiers, a “People's Library” was formed, and a system of consensus-based decision-making prevailed over more traditional systems of individual leadership. While some complained that this system lacked concrete goals, it was clear, through the movement's famous slogan, “We are the 99 percent,” that the major impetus of the movement was to address the increasing imbalance of wealth and power between the wealthiest 1 percent and the rest of the nation's population.

Foley Square

Another location in downtown Manhattan, less than a mile from Zuccotti Park, is Foley Square, a small concrete plaza that parallels Zuccotti Park in many ways. Whereas Zuccotti Park is the center of New York's financial hub, Foley Square sits among New York's premier legal institutions. More than 20 courthouses and their

supporting offices sit within a two-block radius of Foley Square.

These courthouses include the New York County Supreme Court, the Southern District of New York Courthouse, the U.S. Court of Appeals for the Second Circuit, the U.S. Court of International Trade, the Jacob K. Javits Federal Courthouse, the Daniel Patrick Moynihan U.S. Courthouse, the Surrogate's Court for New York County, and the New York County Criminal Court, among many others.

Naturally, as a location where so many decisions are made that affect the lives of individuals and communities, Foley Square has become a spot where demonstrations, large and small, have become commonplace. Recent activities in the square have included demonstrations for immigrant rights, rallies against the proposed deportation laws of the Trump administration, speeches by criminal-justice activists demanding state bail reform, outpourings of environmentalists to celebrate Earth Day, and actions to end police brutality.

Washington Square Park

Washington Square Park can be found in the heart of Greenwich Village. Originally founded by the city as a “potter's field,” the park, like Greenwich Village itself, has experienced many social changes throughout the years. The one constant, and the most iconic symbol of the park, is the arch that was built and dedicated to George Washington on the centennial of his inauguration. Ostensibly built as a beacon to patriotism, the park itself became a famous meeting place for those involved in the counterculture scene. In 1968, a takeover of the arch was organized by Students Against War and Racism. The group flew a banner, along with the flag of the National Liberation Front of Vietnam, which read “The Streets Belong to the People.”

Many great protests ended in Washington Square Park, from anti-Gulf War demonstrations in the early 1990s to an anti-curfew protest over Tompkins Square Park, as well as the Pot Parade, an annual event to protest the prohibition of marijuana. Perhaps the oddest counterculture event in the park's history came when a group known as the “yippies”, the Youth International Party, fought a restriction against leafletting in or within 150 feet of the park. In court, the troublemaking yippies won a suspension of the restriction and quickly ran back to the park with copies of the judgment, passing them out like leaflets. The police, unaware of the change in policy, arrested them for handing out copies of the judgment that stated they could no longer be arrested for handing out leaflets.

Riverside Church

Riverside Church, located in the uptown Manhattan neighborhood of Morningside Heights, is famous for its large size—it is the tallest church in the United States—and for its neo-Gothic architecture. Yet, for people around the world, the church's greatest appeal is not its aesthetic but its history of advancing social justice. Conceived by John D. Rockefeller Jr., the church considers itself “an interdenominational, interracial, international, open, welcoming, and affirming church and congregation.”

In accordance with their social-justice advocacy and their focus on an inclusive ideology, Riverside Church has hosted numerous world-renowned guests. Notable speakers include President Bill Clinton and Secretary General of the United Nations Kofi Annan, who addressed the city after the Sept. 11, 2001, terrorist attacks. Diverse and sometimes controversial speakers such as Cesar Chavez, Allen Ginsberg, Desmond Tutu, Fidel Castro, Arundhati Roy, Nelson Mandela, and the Dalai Lama have all spoken from the pulpit. Perhaps

the most memorable speech given at the church occurred on April 4, 1967, when Martin Luther King Jr., exactly one year prior to the day of his assassination, voiced his opposition to the Vietnam War. The speech, entitled “Beyond Vietnam, A Time to Break Silence” soon became known as the “Riverside Church Speech.” On Jan. 15, 2012, a commemoration celebration for King took place at the church and included appearances from artists and musical luminaries such as Patti Smith and Yoko Ono.

Stonewall

In 1952, the American Psychiatric Association listed homosexuality in the Diagnostic and Statistical Manual (DSM) as a mental disorder. Likewise, gay Americans in the 1950s and 1960s faced an antigay legal system. In this context, very few establishments welcomed openly gay people. One such establishment, the Stonewall Inn, a bar owned by the Mafia, was popular among the poorest and most marginalized people in the community: drag queens, transgender people, effeminate young men, butch lesbians, male prostitutes, and homeless youth. Although police raids on gay bars were commonplace in the 1960s, many bars received warnings ahead of time. However, a botched raid during the early morning hours of June 28, 1969, turned into a violent riot, attracting a crowd of 400-500 people outside the bar. The situation turned ugly fast and the city was forced to send in a tactical patrol unit to free cops barricaded inside in the bar. While the Stonewall riots didn't change anything overnight, they became a rallying cry for LGBT activists and are often credited as a decisive moment sparking the gay liberation movement. In fact, today Gay Pride events held throughout the world are often scheduled toward the end of June in commemoration of the Stonewall riots.

Triangle Shirtwaist

Prior to Sept. 11, 2001, the worst high-rise disaster in the history of New York City was probably the fire at the Triangle Shirtwaist Factory on March 25, 1911. A total of 146 garment workers—mostly young Jewish and Italian women, nearly half still in their teens—died in the fire. As in most fires, many workers succumbed to flames and smoke inhalation. However, in a detail that again evokes the traumatic events of Sept. 11, and which was especially jarring to onlookers and newspaper photographers, more than a third of the victims jumped or fell from upper-story windows trying to escape the flames. Some employees were able to save themselves by escaping to the roof, but others attempted to descend the building via an outdoor fire escape. Poorly constructed and perhaps even broken prior to the fire, the escape twisted and collapsed from the heat, sending 20 victims nearly 100 feet to their deaths on the concrete below. In all, bystanders gathered on the street witnessed 62 workers jump or fall to their deaths.

The public's response to the fire was led by labor unions demanding changes to the hazardous conditions of factory life. The New York State Legislature created the Factory Investigating Commission, led by Robert Wagner, to “investigate factory conditions in this and other cities and to report remedial measures of legislation to prevent hazard or loss of life among employees through fire, unsanitary conditions, and occupational diseases.” Wagner's commission led to a series of widely publicized investigations throughout the state. Investigators identified more than 200 factories where conditions made a fire like that at the Triangle Factory possible. The state commission's reports helped modernize the state's labor laws, mandating better

building access and egress, fireproofing requirements, the availability of fire extinguishers, the installation of alarm systems and automatic sprinklers, better eating and toilet facilities for workers, and limited the number of hours that women and children could work. Almost 25 years later, the Wagner Act, better known today as the National Labor Relations Act, became a foundational statute of U.S. labor law that guarantees basic rights to private-sector employees to organize into trade unions, engage in collective bargaining for better terms and conditions at work, and take collective action, including striking, if necessary.

Union Square

Some might think that the “union” in Union Square refers to its history of pro-Union support in the Civil War, others might think that it refers to the park's designation as a meeting place for labor organizers, while in fact, the name actually refers to the area's location at the “union” of streets now known as Fourth Avenue and Broadway.

The earliest example of a mistaken etymology could be attributed to a rally of pro-Union supporters who gathered in response to the attack on Fort Sumter by Confederate forces in April 1861. After President Abraham Lincoln called for the round-up of 75,000 soldiers, more than 100,000 men filled the square, leading to the largest public gathering in history of the young nation. Newspapers throughout the North capitalized on the spectacle, with many printing stories to foment patriotism. *The Boston Daily Evening Transcript* printed a letter from a “patriotic lady in New York City” that read: “I wish you could have stood on a balcony with us looking down upon Union Square.... Your heart would have leaped to see the statue of Washington holding the flag of Fort Sumter, and to have heard the zeal of patriotic enthusiasm from the immense throng who witnessed the spectacle.”

While emancipation and the end of the Civil War technically established African-Americans as freedmen, Jim Crow segregation, African-American disenfranchisement, and labor exploitation characterized the South in the first five decades of the 20th century. With eruptions of anti-black violence—particularly lynching—commonplace, the need for a community response led to the creation of the National Association for the Advancement of Colored People (NAACP) in 1909. Headquartered on the edge of Union Square, the group's charter promised to champion equal rights and racial prejudice and to “advance the interest of colored citizens” in regard to voting rights, legal justice, and educational and employment opportunities.

In 1917, some 10,000 people in New York City participated in an NAACP-organized silent march to protest lynching and other violence against African-Americans. The march was one of the first mass demonstrations in America against racial violence. Ever since, the vision of the NAACP has been to ensure a society in which all individuals have equal rights without discrimination based on race. Many credit the NAACP report “Thirty Years of Lynching in the United States, 1889–1919” and the public debate that followed with drastically decreasing the incidence of lynching in the United States.

Another mistaken claim for Union Square's namesake could come from its crucial role in the history of organized labor and union politics. On Sept. 5, 1892, more than 10,000 workers amassed to organize the nation's first-ever Labor Day. In 1893, with unemployment hovering more than 20 percent, these “hunger demonstrations” often gave way to riots. With the regularity of these events becoming

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commonplace, we can see the beginnings of a long relationship between Union Square and labor-rights activism. The square became the yearly host of International Workers' Day, also commonly known as May Day, which called on "all social democratic party organizations and trade unions of all countries to demonstrate energetically on the first of May for the establishment of the eight-hour day, for the class demands of the proletariat, and for universal peace."

On Aug. 21, 1893, famed activist and noted anarchist-feminist Emma Goldman spoke to a crowd of nearly 3,000 in the square to present her famous "free bread speech" encouraging the unemployed to take action on behalf of their circumstances. Goldman, who was later arrested and charged with inciting a riot, said that her message to the crowd was to "demonstrate before the palaces of the rich; demand work. If they do not give you work, demand bread. If they deny you both, take bread." Along with labor demonstrations, the women's suffrage movement was also becoming highly active in Union Square, holding frequent demonstrations. Goldman was also known for speaking to crowds of garment workers about birth control.

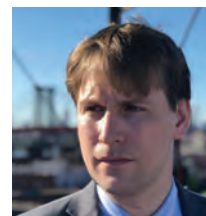
With tensions in the square increasing, in 1928 the city took the opportunity to tear up the park for subway construction. On reopening, it was clear that the square's new design was intended to shift the scene from public assemblage to a more a friendly space for businesses concerned with the economic vitality of the surrounding commercial area. The newly designed space, with significantly less open space, and broken up by plantings and monuments, showed a transparent desire for increased crowd control. Yet, in March 1930, with the economy in tatters from the Great Depression, more than 35,000 people still managed to gather in the square to demand support for the unemployed. In response, the city sent policemen and firefighters to hose down protesters, sparking yet another riot.

Conclusion

The events we have examined in this article might seem to tarnish the history of our fine city. We have examined men gathering en masse to support a war against their own countrymen. We have seen the fear of the hungry and angry disenfranchised masses grasping for sustenance and an economic system that will provide it. We have seen

protests, riots, and acts of civil disobedience. It would be easy to consider these events as failures of our past. Yet, perhaps the best way toward understanding these events would be as natural explosions, inevitable consequences of social systems whose contents have been gaining pressure until they are no longer stable. If we are to hope for a world that submits to the teleology of progress, stability and the status quo are impossible. Everyone is aware of the cliché involving eggs and omelets, so I will end by sharing the far more eloquent words of Frederick Douglass:

Let me give you a word of the philosophy of reform. The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. If there is no struggle there is no progress. Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.—Frederick Douglass, Rochester, N.Y. (1857) ©



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