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Judge: State police must pay activist

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State Police and two individual troopers have been ordered to pay civil rights activist Robert Zellner \$85,000 for injuries he suffered when he was arrested in February 2000 while demonstrating to stop construction at the Parrish Pond subdivision near the Shinnecock Reservation in Southampton.

Zellner won the court verdict five years ago, but it was reversed on appeal to the U.S. District Court. Now, the U.S. Court of Appeals for the Second Cir-

cuit has reversed that decision, allowing Zellner to collect the award and legal fees, which could be twice that amount.

The ruling clears the way for another trial where three Shinnecock Tribe members — Rebecca G. Genia, Herman M. Quinn and Gordell Wright — are seeking damages because of arrests from the same series of protests. State Police could not be reached for comment.

"This is good news for me, and good news for the tribe," Zellner said yesterday.

Zellner lives in Southampton Town, and had joined with some

members of the tribe to protest the construction of luxury homes on what had been considered sacred tribal lands.

The tribe, supposed to have been notified about the project when the application to construct it was first filed with the town, did not learn about it until permits had been approved. A court ruled that although the town did not follow its policy on notification, their legal protest to stop the work came too late.

Zellner, then 60 years old, was arrested during the second day of demonstrations on St. Andrews Road. At the time, he was

co-chair of the town's anti-bias task force, and had been speaking to a State Police major, telling him that an injunction to stop the construction work was being brought to the site. Based on testimony at the trial, they spoke for less than half a minute before he was arrested.

The federal court ruled in his favor, saying that his brief discussion could not be interpreted as interfering. Frederick K. Brewington, Zellner's attorney, said his court costs through the lengthy appeals process would easily total twice the amount Zellner was awarded.