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**SUBWAY PERFORMERS DECRY AUDITION,
PROTEST WRONGFUL ARREST**

Since 1985, subway music has been constitutionally protected in the New York City subway – and from 1987 on, MTA rules have specifically authorized artistic performance for the general public. Still, on Tuesday, May 19, the MTA will hold auditions to provide banners to a select few musicians – a practice that has come under increasing scrutiny for its tendency to place the city's freelance performers at risk for wrongful ejection, ticketing, and arrest.

Music Under New York, the MTA program that manages the promotional performance program, provides a visible public face of performing arts in the subway; past internal MTA reports have lauded its contribution to MTA approval ratings. Yet, subway performance advocacy organization BuskNY notes, over 90% of all performances are given by freelancers – while MUNY performers provide, according to the MTA website, a tiny fraction of all live music, with a mere 20 performances daily.

Worse, advocates say, freelance performers are negatively impacted by the mistaken impression that MUNY membership is a legal requirement to perform. Many freelancers receive tickets or are ejected from the stations where they perform; according to BuskNY, its data shows this type of harassment particularly affecting Black and Latino performers, as well as musicians with disabilities.

In one much-publicized case, singer and guitarist Andrew Kalleen was arrested in the fall of October 2014 when a police officer, apparently referring to MUNY's promotional banners, mistakenly claimed that Kalleen needed a “permit” to perform in the Metropolitan Avenue “G” station. (According to freelance performers, MUNY's promotional banners are widely referred to as “permits” by police and by MUNY members).

Freelance performers credit this inaccuracy as the cause of many arrests, and say MUNY has done little to clarify the situation. “Every year, MUNY's auditions are covered by national media – and many reports claim, mistakenly, that MUNY membership is a legal requirement, or that MUNY provides a 'permit' to perform,” says Matthew Christian, co-founder of BuskNY.

Christian adds that MUNY's promotional materials and website make no mention of the law permitting public performances, leading police and media to believe MUNY is a legal requirement. For its part, MUNY has refused meetings with freelance musicians – and this year, advocates' permit to distribute flyers outside of the MUNY audition was denied. In 2015, it seems, the fight for performers' rights continues.