



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**CITY PREVAILS IN FEDERAL COURT CASE
INVOLVING CENTRAL PARK
REPUBLICAN NATIONAL CONVENTION PROTEST REQUESTS**

JUDGE RULES IN FAVOR OF NEW YORK CITY IN SUIT BROUGHT BY NATIONAL COUNCIL OF ARAB AMERICANS (NCAA) AND ACT NOW TO STOP WAR & END RACISM COALITION (ANSWER) AND FINDS THE CITY WAS JUSTIFIED IN DENYING A PROTEST PERMIT FOR CENTRAL PARK'S GREAT LAWN

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New York, Aug. 23, 2004 – Judge William H. Pauley III of Manhattan Federal Court today ruled that New York City had acted lawfully in not granting a protest permit for two groups seeking to use Central Park's Great Lawn during the Republican National Convention as a protest site.

The National Council of Arab Americans (NCAA) and Act Now to Stop War & End Racism Coalition (ANSWER) had sought an injunction directing the New York City Department of Parks & Recreation to issue a permit to conduct a demonstration of at least 75,000 persons on the Great Lawn on Sat., Aug. 28, 2004. The City countered that, in the absence of appropriate contingency plans being offered – i.e. rain dates, additional security, adequate bonds to cover damage, etc. – a demonstration of that size would undoubtedly cause significant damage to the lawn and surrounding area. Moreover, the City contended that the groups made no effort to negotiate an appropriate alternate site.

"The City recognizes that protestors have critical First Amendment rights to engage in political speech in conjunction with events like the Republican National Convention," noted Special Counsel Gail Donoghue of the New York City Law Department, who successfully litigated the case for the City with Law Department attorney Robin Binder. "However, each attempt by the Parks & Recreation Department to reach out to these groups was rebuffed, making it very difficult to accommodate them in a timely, organized fashion."

Since its \$18.2 million restoration between 1995 and 1997, the Great Lawn has been the subject of an active management plan in an effort to maintain the beauty and utility of the Great Lawn for New York City residents and visitors. Central Park's stewardship is hailed around the world as a model for park management and maintenance, with the Park providing a haven of natural beauty and opportunity for outdoor recreation to millions of users annually.

"Today, Central Park is the product of years of hard work and has become a priceless public resource for New Yorkers who rely on it daily for recreation and respite from the hard and noisy city," said Parks & Recreation Commissioner Adrian Benepe. "Prior to its restoration in 1997, the Great Lawn consisted mostly dirt, rocks and weeds. If some had their way, the Great Lawn would be used for countless events of any size – rain or shine – with disregard for its strategic management and maintenance. The Park would be diminished, and its millions of users and visitors would be deprived of a haven if we allowed that to happen again."

Benepe added, "From the outset, the City made clear to the plaintiffs that it was willing to discuss with them potential alternative locations for their demonstration. Despite the late date, we remain willing to discuss with them whether there is a way to provide for an alternative park location where their demonstration could be held. With some flexibility on the plaintiffs' part – and as Judge Pauley importantly recognized and quoted in his decision: 'The East Meadow in Central Park or Flushing Meadow Park in Queens or Cortland Park in the Bronx constitute suitable alternative venues for [the] plaintiffs' proposed assembly.'"

Another legal case involving the use of Central Park has been brought by a separate group, United for Peace and Justice, which had also sought access to the Great Lawn for a proposed rally of a quarter of a million people during the Republican National Convention. The City provided several options for that group's march and rally, then the organizers reneged on an agreed-upon alternative site on Manhattan's West Side less than two weeks before the convention's start date. That case is now pending in State Court and has legal arguments scheduled for tomorrow (Tues., August 24, 2004). Ramifications from today's ruling on that case, as always, would be weighed at the Court's discretion.

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