



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**STATE SUPREME COURT BACKS NEW YORK CITY
IN UNITED FOR PEACE AND JUSTICE CASE
INVOLVING PERMIT REQUEST FOR CENTRAL PARK RALLY**

**CASE RULING IS SECOND WIN FOR CITY IN TWO DAYS AND FOLLOWS FEDERAL COURT RULING NOTING
THAT CITY HAS DISCRETION IN GRANTING PERMITS**

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New York, August 25, 2004 – Justice Jacqueline W. Silberman of the New York State Supreme Civil Court today ruled that New York City had acted lawfully in not granting a permit for a group seeking to use three sites in Central Park, including the Great Lawn, during the Republican National Convention as a protest site. This victory was the second win for the City this week involving these legal issues.

The latest case involved a group called United for Peace and Justice (UFPJ), which had sought a permit to conduct a demonstration of a quarter-million people on the Great Lawn, North Meadow and East Meadow in Central Park on Sun., Aug. 29th. The City countered that a demonstration of that size would cause enormous damage to the Park, particularly the Great Lawn and the North Meadow, both of which have benefited from \$26.8 million in rebuilding projects in recent years.

The City also argued that UFPJ should not be permitted to challenge the denial of Central Park for its event after it had agreed to – and then reneged on – an agreement from July 21st to stage an alternative rally site on West Street that had been offered to them in negotiations seeking to resolve the dispute. The group was to march up Seventh Avenue, across 34th Street, and past the convention site, Madison Square Garden – as the group had specifically requested and the City permitted as a result of negotiations. The march would then continue down the West Side Highway along Hudson River Park and gather at Chambers Street in lower Manhattan. UFPJ subsequently backed out of this agreement and on Aug. 10th reapplied for a permit for the Great Lawn less than two weeks before the convention's scheduled start date. The group brought its lawsuit on Aug. 18th. Today's ruling came with only four days left before the requested march and rally this Sunday.

"We fully recognize the vital importance of First Amendment rights," noted Jonathan Pines, Deputy Chief of the General Litigation Division of the New York City Law Department, who litigated the case in court and who was the lead attorney for the City. "However, when dealing with an event of this magnitude, the City must balance all relevant factors, including the availability of other demonstration areas and the potential damage to Central Park, not just for the one day of the event but for weeks and months of post-event restoration work during which the public will be displaced. In addition, UFPJ simply waited too long to bring this matter to the court. It serves no one's interest – neither the City's, the demonstrators' and particularly the safety of the general public – to leave these very difficult issues for last-second resolution. In that regard, the City very much appreciates Justice Silberman's careful consideration of these important matters on very short notice."

Police Commissioner Raymond Kelly noted that, notwithstanding the few days left before the scheduled protest, that the Police Department remained willing to find an alternative location for a rally. "While we continue to believe that the West Street rally site is the best location, this morning we suggested to UFPJ a rally site on Houston Street – a proposal they rejected, saying that, if they lost in court, they would give up any plan for a rally. We will continue to meet with UFPJ to make final arrangements for a successful and orderly event."

New York City Parks & Recreation Commissioner Adrian Benepe reiterated the importance of keeping Central Park open for all New Yorkers and visitors. "Before the Great Lawn was restored, it was a barren, uninviting wasteland pockmarked by dirt, weeds and rocks. Today, it is a sweeping green carpet that provides a haven to those seeking a respite from New York City's bustle," Benepe said. "After millions of dollars of renovation and years of hard work, the Great Lawn has become a priceless public resource again. It can not be used for countless events of any size – rain or shine – with disregard for its strategic management and maintenance."

Central Park's stewardship is hailed around the world as a model for park management and maintenance. 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 its beauty and utility. Its surrounding area was redeveloped for an additional \$4 million during that time. In 2000, the North Meadow was rebuilt entirely, costing \$4.6 million. In total, the City has spent \$26.8 million revitalizing the Great Lawn and North Meadow.

The UFPJ victory was the second for the City this week regarding protest groups seeking to use the Great Lawn. In a parallel but unrelated case, William H. Pauley III of Manhattan Federal Court ruled two days ago – on Aug. 23rd – that New York City had acted lawfully in not granting a protest permit for two other groups, the National Council of Arab Americans (NCAA) and the Act Now to Stop War & End Racism Coalition (ANSWER), both of which sought to use Central Park's Great Lawn as a protest site on Sat., Aug 28th. The groups 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. The City countered that, in the absence of appropriate contingency plans, like rain dates, additional security and adequate bonds to cover damage, a demonstration of that size would undoubtedly cause significant damage. The City also argued that the groups made no effort to negotiate an appropriate alternate site.

Law Department Attorney Jonathan Pines worked on the UFPJ case in State Supreme Court with the Law Department's Special Counsel, Gail Donoghue; Deputy Chief of the Administrative Law Division Robin Binder; and Law Department Assistant Corporation Counsels Nancy Brodie, Hillary Frommer, Ralph Janzen and Richard Schulsohn.

Ms. Donoghue led the City's legal team in the Federal Court case involving the NCAA and ANSWER. She was assisted by Robin Binder as well as Law Department Senior Counsel Diana Murray and Assistant Corporation Counsels Karen Selvin, Sharyn Rootenberg and Sheryl Neufeld.

General Counsel Alessandro Olivieri of the Parks & Recreation Department also worked extensively on both the State and Federal Court cases.

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