

The Council of the City of New York
Committees on Public Safety and Lower Manhattan Redevelopment
Oversight Hearing on
Ramifications of Holding the 9-11 Trials
in Lower Manhattan and Exploration of Alternatives

Testimony by Julie Menin, Chairperson
Manhattan Community Board One

Friday, February 12, 2010 at 1 P.M.
Council Chambers, City Hall, New York, NY

Good afternoon. I am Julie Menin, the Chairperson of Community Board One (CB1). I appreciate the opportunity to testify today about the relocation of the trial of Khalid Sheikh Mohammed and other 9/11 suspects.

At our monthly Community Board meeting on December 15, 2009, we began hearing from dozens of residents and small businesses of Lower Manhattan who were concerned about the proximity of the proposed location of the trial to their homes, and about the extraordinary disruption and risk imposed by the plan.

Within a month, Police Commissioner Raymond Kelly announced that security for the trials would cost over \$200 million a year and would involve over 2,000 security checkpoints throughout Lower Manhattan. We were shocked and appalled by the proposed price tag and elaborate security arrangements, because they seemed to suggest that securing Lower Manhattan for the duration of the trials would be incredibly difficult and expensive – at a time when the entire city is struggling with a recession and downtown New York is still recovering from the impacts from the 9/11 attacks. To me, the very plan proposed by the NYPD suggested that the Foley Courthouse could not be made safe under any scenario. Community Board 1 then began looking for better locations for a civilian trial.

On January 17, 2010, I published an Op-Ed in the Sunday New York Times, calling for the trials to be relocated away from the Federal Courthouse. I suggested Governors Island as a possible alternative location: it is within the Southern District of New York, unpopulated, and has a history of use by the U.S. military and thus could potentially bridge a political compromise between those that favor a military tribunal and those that favor a federal civilian trial. After the Op-ed was published, I then began to rally the business community, civic groups and elected officials behind the Governors Island plan. At a meeting of the Community Board's Executive

Committee on January 19, we passed a unanimous resolution in support of moving the trials to Governors Island and asking the NYPD to conduct an immediate feasibility study.

At that time, I spoke to the Mayor and representatives from City Hall who indicated that they had concerns about Governors Island. I then asked the Community Board at our full board meeting to back three alternative sites within the Southern District of New York including: Stewart Air National Guard Base in Newburgh (now endorsed and welcomed by the Mayor of Newburgh), the Bureau of Prisons jail complex at FCI Otisville, the U.S. Military Academy at West Point, as well as Governors Island. CB1 passed a unanimous resolution, 42-0, in which we asked Attorney General Holder to conduct an immediate feasibility study of the four locations we proposed looking at security, cost and community impact of the proposed locations.

Following the passage of this resolution, I continued to meet and speak with public officials in New York and D.C., including Governor Paterson and our federal and state elected officials, and urged them to relocate the trials. We were gratified when Mayor Bloomberg indicated that he thought the idea to move the trials to a military installation in the Southern District was reasonable and that the trials should be held elsewhere and we were thrilled when the Obama administration ordered the Office of the Attorney General to consider alternative locations.

Now we urge the Obama administration to cease their recent equivocation and firmly commit to moving the trials.

And while we agree with the portion of this City Council resolution which calls for the trials to be relocated, I believe that it is a grave mistake to include any contingency clause, as the City Council's resolution does, asking that the federal government pay for the costs of the trial if it is held in New York City. It goes without saying that the federal government should cover the costs of the trial wherever it is held. The inclusion of a contingency clause implies that there are circumstances under which we would submit to having the trial here. We believe there are *no* circumstances or arrangements that would make it reasonable or safe to conduct it in Lower Manhattan. Why when we are on the 1 yard line in this battle, would we retreat back to the 50 yard line by implying any tacit acceptance of these trials in Lower Manhattan? To this end, we urge the City Council to pass a stronger resolution calling for the trial to be relocated (as CB1 did on January 23rd) without any contingency clause.

We are grateful to all those residents and public officials who have taken a stand against having the trials downtown, and we hope that we will prevail and see the trials relocated to a safer, more rational location. Thank you for the opportunity to testify today.