

Judge May Dismiss Ground Zero Mosque Suit

The public relations battle over building a mosque at Ground Zero is cranking up even as a New York Supreme Court judge considers whether to allow the suit to go to trial.

CNN is running an opinion piece that suggests "Mosques are a positive force in America." The cable news network also rehashed a six-month-old Islamophobia report last week. And a Boston University professor thinks Mormons should support a Ground Zero mosque because they know what it's like to be a hated religious minority.

All this led up to a Tuesday hearing to decide whether or not the case of a New York City firefighter who survived the 9/11 terrorist attacks will be heard before a jury. The American Center for Law and Justice (ACLJ) filed suit on behalf of the firefighter, who opposes the mosque.

The ACLJ argued today in New York Supreme Court that the building that would be replaced by the Ground Zero mosque must be preserved.

"This site, in the shadow of the Twin Towers where landing gear from one of the hijacked planes landed, is part of sacred, hallowed ground and not the place to build a mosque," says Brett Joshpe, counsel for the ACLJ. "Attempting to do so deeply offends many Americans—including family and friends of the 9/11 victims—and is simply wrong."

The ACLJ filed suit against the city, naming the New York City's Landmarks Preservation Commission (LPC), the New York City Department of Buildings, Mayor Michael Bloomberg, and the mosque's developers.

The defendants filed a motion to dismiss, but the ACLJ argued

that the LPC abused its discretion by declining to landmark the building that would be replaced by the mosque, a building that was severely damaged on 9/11 but remained standing. The ACLJ alleges that political pressure from Mayor Bloomberg's office caused the LPC to act in contravention of prior precedent and to treat the subject building different from nearly identical buildings in the past.

Bloomberg nor the LPC could not immediately be reached for comment.

"Because of the political correctness surrounding a proposed mosque at the site, the Landmarks Commission deviated from its own procedures and succumbed to pressure from the Mayor's office in failing to landmark the building at issue," Joshpe says.

New York City already has landmarked 148 similar buildings. The ACLJ calls the city's rationale for not landmarking the building "the very definition of arbitrary and capricious."

Attorney Virginia Waters represented the city. According to WNYC, New York's flagship radio station, Waters argued, "The court must defer to the agency's decision, and the agency's decision was that it wasn't closely connected to September 11." Adam Leitman Bailey represented Park51 developer Sharif El-Gamal, which is building the proposed mosque and Islamic center.

Judge Paul G. Feinman said he would rule on the lawsuit within a month.