

NEWS

Judge Tosses Suit Against N.Y.C. Islamic Center

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(CBS News) — A judge in New York has dismissed a lawsuit that tried to block an Islamic community center from opening near the World Trade Center site.

The New York Times reports that a lawsuit brought by a former firefighter seeking to block construction of the center was tossed out.

Timothy Brown had sought to reverse a decision by the city's Landmarks Preservation Commission denying landmark status to a 150-year-old building that developers want to demolish to make room for the Park 51 community center, which will include a mosque.

In Friday's decision, State Supreme Court Justice Paul G. Feinman wrote that Brown lacked any special legal standing on the fate of the building.

Adam Leitman Bailey, a lawyer for the center's developer, told the Times the judge's decision was "a victory for America."

"Despite the tempest of religious hatred, the judge flexed our Constitution's muscles enforcing the very bedrock of our democracy," **Bailey** told the Times.

Battles over real estate and development deals are nothing new in New York City. But this particular battle has at its core the very deep-seated emotions tied to the attacks here almost 10 years ago, on September 11, 2001.

It was about one year ago when anger at the proposed mosque erupted in lower Manhattan, reports CBS News correspondent Michelle Miller. But it hadn't always been that way. Six months earlier, in December 2009, The New York Times ran a story about the proposal. It went unnoticed.

But months later, the conservative blogger Pamela Geller wrote, "What could be more insulting and humiliating than a monster mosque in the shadow of the World Trade Center?" That sparked the protests. Soon, the issue went national.

"This is a slap to those innocent victims who were murdered that day on 9/11," former Alaska Gov. Sarah Palin said on Fox News in August 2010.

By September, Florida minister Terry Jones grabbed headlines when he threatened to burn the Quran if the center wasn't moved.

The debate divided even the relatives of World Trade Center victims. Ken and Diane Fairben lost their son Keith, a first responder.

"I understand that they should have a place to pray, an educational center. I have no problems with that whatsoever, but not there. Definitely not there!" Ken Fairben said.

Donna Marsh O'Connor, whose pregnant daughter Vanessa was killed, disagreed.

"I don't want to live in an Islamophobic America," she said. "I am not afraid of my neighbor, and I don't want to be afraid of my neighbors."

New York Mayor Michael Bloomberg took a strong stance in the face of fierce opposition, saying, "If we shut down a mosque and community center because it is two blocks away from the site where freedom was attacked, I think it would be a sad day for America."

But as the rhetoric cooled, the developer of the site continued to move ahead. He says completion of the project is years away.