

# **Defending Democracy, History, and Union Square (one zap at a time)**

**by Benjamin Shepard**

Throughout world cities, public space is embattled in a struggle between a liberatory vision of urban space as place to play, plan and reimagine our lives and a vision of urban citizenship as consumer behavior. Here, a vision of a democratic right to the city contrasts with a view of public space as growth machine. This is a battle taking place around the world. No place is this battle clearer than in Union Square where the city plans to privatize this land marked public space, transforming one of the last places in town to have a demonstration, into a restaurant. Through this conflict, one can trace the lines of a class war between “corporate control of public space” and a do-it-yourself movement aimed at unleashing a new “liberatory urbanism” for a new century

June 18th, a group of us met up to outreach to Council Person Rosie Mendez and Speaker Chris Quinn at the annual LGBT Pride event at City Hall. The doors of City Hall were open for what looked like a cocktail party. One of our folks was asked to leave when she went inside.

We passed out flyers, which suggest Rosie and Quinn are involved with ‘extortion’ and ‘corruption’ (see below). We asked everyone entering City Hall to request that Rosie help in save Union Square from being turned into a restaurant.

Some didn’t know much about the issue. Others gave snide comments. One man who had had a few cocktails asked that we not stand on the City Hall steps. It is always strange when someone asks you not to engage in the most basic of democratic rights - petitioning a member of our government for a redress of grievances – at City Hall. I talked with a few about the ways freedom of assembly had helped queers get where they are. There was a time when queer activists spent more time on the streets pushing politicians than on the inside hobnobbing with elected officials. This was the story with Gay Liberation Front, Gay Activist Alliance, ACT UP, and so many others. And they achieved profound social change.

The issue at hand was the privatization of Union Square. Emma Goldman preached for abortion rights there in 1916. The eight hour work day was won here. And in 1997, the park achieved landmark status. “Union Square Park has been designated a national historic landmark,” a plaque in the square reads. “The site possess national significance in commemorating the United States of America. Here workers exercised their rights to free speech and assembly and on September 5, 1882, observed the first Labor Day.” Citizens from all walks of life instinctively converged in this public space to find solace and community after the terrorist attacks of September 2001. Soon though, the Pavilion is designated to be a private upscale restaurant.

And queer leaders have always organized to defend the space. In December 1999, over 1000 homeless activists converged to fight Rudy Giuliani's homeless policies. January 2000, I spent the night in the North end of the square with City Council members Christine Quinn and Margarita Lopez, as well as Sylvia Rivera. The Giuliani administration was planning to arrest anyone sleeping or even laying their head in a public space. While Rivera was famous for decades of queer activism, she told me she considered sleeping in the street that night to protest cutbacks on homeless services was one of the most important things she had ever done. "We're not free till everyone is free..." Rivera maintained. "Part of our mission statement is to be out there for all oppressed people." Rivera, Quinn and company saw the attack as a thinly veiled threat to freedom of assembly. And plan fell apart. Without space for public assembly, there is little possibility for public assembly. If a restaurant had been up in 2000, we might not have been able to fight off this plan. Already there are very few places to gather for a demonstration. Bryant Park is like a club. We saw what happened when UFPJ wanted to organize a rally in Central Park in 2004. The City sided in favor of protecting the grass rather than public assembly. Without accessible public space, its hard to imagine a space for free public assembly.

This why it was strange that Quinn and Rosie Mendez, who now sits where Lopez once sat in City Council, have supported the privatization of this public space. Rosie Mendez was one of the most articulate opponents of the plan. August 11th, 2005 she wrote the following note to Parks Commissioner Benepe:

Privatization of the pavilion: A commercial venture within the pavilion would take away over 2,000 sq. ft. of scarce space needed by the public and the community would be deprived of the long-awaited opportunity to reinstate multipurpose public uses of the pavilion rather than commercial ones. They could include: public forums, children's events, activities (even a summer camp), staging of concerts, a platform for rallies, shelter, as a breezeway on which people could relax and eat their lunches – activities that serve young and old, rich and poor, the many, rather than the few.

The north Plaza as a zone for open assembly and free speech: There is great concern regarding the potential restriction of free assembly and free speech, should a restaurant be located on the park's border facing the north Plaza. It is very likely that the concessionaires would be unwilling to close-down business in the event of a protest or large gathering outside of their establishment. Police are likely to be called upon to keep crowds away. As a consequence, the rights of the concessionaire, using public space for private gain, would be protected over the rights of the public.

Yet, when an anonymous donor showed up and offered seven million to renovate the space, with a small caveat about a restaurant, Rosie opened the door for trojan horse to privatize our public commons. Anxious to keep deal quiet, the city rushed to start construction without public approval.

Few heard about the plan to transform this public commons into a private restaurant. There was little to no room for input. Even the New York State Assembly was precluded from deliberations on the transformation of the space. Geoffrey Croft, the president of NYC Park Advocates, works with and the Union Square Community Coalition. He has been involved with the battle of over Union Square from the very beginning. For Croft, there are two key issues here. The community around Union Square has the lowest concentration of public parks and play areas and the highest concentration of restaurants in the city. Croft points to the concept of alienation, an 18th century common law doctrine. "If you are going to use park land for a non-park purpose, you have to get state alienation approval," Croft explains. "The city tries to get away with as much as possible without it. Its a tactic and that happened in this case." Thus, when Judge Jane Solomon, a New York State Supreme Court Judge, heard about this procedural oversight, she put an indefinite stay on the development of the North End of the Square. Ruling in favor of the injunction, the Judge noted the Court was keeping in place a provision "prohibiting work on the restaurant and comfort station..." No one knows how long the injunction will last. "The real problem here is that the city does not protect its park land," Croft explains. "That's the job of elected officials. In this case, there is a great deal of public support," Croft concludes.

June 5th, we held a rally to fight the privatization of the park and to make our presence known at a meeting of the Union Square Business Improvement District, held near the square. Several actors reenacted historic moments in the park. I was assigned to play George Washington, who brought his exhausted Continental Army to converge on the spot 1883 when the British finally left the island. Doing my best colonial Virginia accent, I declared that in the name of democracy and liberty, this army had fought empire and beaten tyranny. I pointed out the statue of my buddy French General Marquis de Lafayette, who fought in both ours and the French revolutionary wars, who declared, "Humanity has won its battle. Liberty now has a country" after the war. And recalled that I had presided over the Philadelphia Convention which drafted the US Constitution in 1787. I talked about the First Amendment written for this constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Yet, for this amendment to be real, there has to be a place for genuine public assembly. The Continental Army did not fight for a tyranny of the Empire only to replace it with the upscale restaurants in this space. For democracy to thrive, there must be something in between the market and government. Everyone joined me in cheering: "Beat back the Bid! Beat Back the Bid! Parks for the Public!"

When Rosie heard about a scheduled rally she made a brief appearance. In between jeers

and boos, Mendez tried to explain why she shifted her position. Dressed in black, her hands shaking, and acting the part of a leader who had betrayed her supporters Mendez read us a paper on her new position on the square. "How about no restaurant," one activist screamed. Mendez made the case that all renovations, including one million procured from her predecessor on the Council Margarita Lopez, would be lost without the privatization scheme. Yet, there is little to indicate this is the case

For more about the June 5th rally see:

HYPERLINK "[http://www.thevillager.com/villager\\_267/washingtonandroberson.html](http://www.thevillager.com/villager_267/washingtonandroberson.html)" [A full review of the June 5 rally by The Villager](#)

HYPERLINK "<http://saveunionsquare2008.blogspot.com/2008/05/union-square-renovation-faq.html>" [A point by point response to the Mendez position on Union Square](#)

Mendez left before she could take any of our questions.

Last year, activists from the Radical Homosexual Agenda zapped council speaker Chris Quinn over her support of restrictive parade permit rules during the LGBT day at City Hall. This year the plan was to take the message straight to this community to ask for their help and perhaps speak with speaker Quinn or Mendez.

We stood on the City Hall steps passing out flyers and one man said, well if you want Rosie, there she is. Mendez was just walking through the City Hall security. With my two daughters, one on my back the other in two, I walked up to Mendez, thanked her for coming to our June 5 event and said my girls and I do not need another restaurant, we need a open and accessible Union Square. I handed Mendez our flyer (with the story of the anonymous bidder and the words 'extortion!' 'corruption!'). And let her know, it is more important for my daughters to grow up in a city with civil liberties than to have another restaurant or restricted play space. She started to walk away. Now facing her back, I keep pleading, 'Rosie, you've always done the right thing in the past. Please help us save Union Square. Please Rosie, we need a space for democracy. Not another restaurant. Please Rosie, its not too late.' As Rosie walks, she gives me another uncomfortable look. Fifty or sixty people are now watching. She asks that I contact her. I said, "I already have and have not heard back from you. Please Rosie, don't let this happen to Union Square!" Her discomfort was transparent. Yet, the question is will she act now that there is a restraining order on development of the park.

Saveunionsquare2008 is not going anywhere. As she walked away, Mendez looked more and more ashamed of herself. She should be. All those who have tried to do this to the park, should be. We need democracy, not another restaurant. This is not NYC inc. It is a place where so much of our history has been written and won. Yet, the physical remains of

these victories, of the battles of the revolutionary war are hard to find. One is hard pressed to find remains of the war for independence which was waged here. The goal of Saveunionsquare2008 is to challenge the steamroller of big real estate homogenizing the cultural landscape, the corporate whitewashing of our history. Throughout the mid-1990's, the Disney Company tried to create an amusement park on a Civil War battle field in Virginia – yet they lost that battle. They won when they successfully lobbied New York's Mayor to shut Times Square's red light district in exchange for Disney's business there. Now it appears their vision of blandified urban space is expanding from in concentric circles from 42nd street. In Mayor Bloomberg's New York, corporate profits are posited against the City's urban color, the boogie woogie of our democratic public spaces. New Yorkers live, eat, and play in public space. Union Square is our Hyde Park. We can easily make it thrive. Saveunionsquare2008 ain't going anywhere.

If we play this right, the city just might start to feel like a democracy again. We're at the Northwest end of Union Square at 5 PM every Wednesday, reading, chatting, and inviting passers by to recite the First Amendment. Smiles come over people's faces when they stand up and read the words, "Congress shall make no law..." Its our democracy. Use it or lose it.