

# Agency in Tentative Accord With Ground Zero Church

After weeks of bad news, the Port Authority of New York and New Jersey can finally declare a victory at ground zero.

*The authority has reached a tentative agreement to help rebuild St. Nicholas Greek Orthodox Church on Liberty Street, clearing the way for the long-stalled work to begin on the foundation walls at the south end of the 16-acre site.*

If the agreement with the church is approved by the authority's board on Thursday, officials say it would count as a significant step forward for the \$16 billion reconstruction effort, which has been plagued by delays and cost overruns.

The deal would resolve the future of the congregation of the tiny white-washed church, which was crushed in the collapse of the trade center's south tower, and would allow a number of other projects to proceed, including the foundation walls for a bomb-screening center for buses, trucks and cars entering the site.

But it is an expensive victory for the Port Authority, which has agreed to give St. Nicholas \$20 million to build a larger church at the northwest corner of Greenwich and Liberty Streets and a nondenominational hall for visitors to ground zero. Since the church would be built in a park over the screening center, the authority has also agreed to pay up to \$40 million for a blastproof platform and foundation.

Still, the Port Authority identified St.

Nicholas as one of 15 issues that had to be addressed before the reconstruction effort could regain momentum. Three weeks ago, the authority acknowledged publicly for the first time that the transit hub and other elements at ground zero faced delays of up to a year or more and cost overruns in the billions. The authority said it would issue a new timetable and budget in September.

"We're bringing a proposal to the board that will resolve one of the 15 fundamental issues presented in our assessment last month and will allow us to continue to move forward in the rebuilding of the site," Chris Ward, the authority's executive director, said in a statement on Wednesday afternoon.

After years of uncertainty, church leaders said they were elated. Many of the 70 families that were members of St. Nicholas currently worship at SS. Constantine and Helen Cathedral in Downtown Brooklyn.

"It's welcome news," said Nicholas P. Koutsomitis, an architect who prepared the master plan for St. Nicholas. "They're running it through very, very quickly. I hope the rest of the schedule for the job gets the same kind of attention."

Mr. Koutsomitis, who is also the chairman of the Greek Orthodox Archdiocesan Cathedral of the Holy Trinity on the Upper East Side, said that the church's design was incomplete, but that in keeping with Greek

Orthodox tradition, the doors would face west, with the altar at the sanctuary's east end, and that there would almost certainly be a dome, although not a "Byzantine extravaganza."

"It has to be contextual," he said. "The shape has to say Greek Church, but by the same token it has to be welcoming to people of all faiths, or no faith, from an architectural standpoint. It's a tall order."

For nearly 90 years, St. Nicholas occupied a narrow four-story building at 155 Cedar Street, just east of West Street. After the 9/11 attack, Archbishop Demetrios, primate of the Greek Orthodox Church in America, vowed to rebuild and quickly won support from Gov. George E. Pataki and Mayor Michael R. Bloomberg.

But until recently, negotiations have been sporadic. Recently, the authority agreed to put more cash into the deal, doubling its offer to \$20 million. The two sides are still negotiating the exact dimensions of the new church. The authority has agreed to provide St. Nicholas with a parcel at Liberty and Greenwich Streets of up to 8,100 square feet, which is nearly seven times larger than the church's original 1,200-square-foot lot on Cedar Street.

The church and visitors hall would also be far larger than the original, about 24,000 square feet.

The church, Mr. Koutsomitis said,



wants to play an important role in the life of the rebuilt trade center by providing visitors with a place for quiet reflection. St. Nicholas has raised about \$4 million, but the church will cost far more, and some city officials and Port Authority executives have urged that the project be scaled back. Ultimately, the design requires approval by the City Planning Department.

In any event, the tentative agreement will allow the authority to begin work on the vehicle screening center, whose entry ramps will sit under the block bound by Liberty, Cedar, West and Greenwich Streets. Indeed, the authority will vote on Thursday to approve a contract for the first phase of the underground perimeter walls for the screening center, which will also serve as part of the foundation on the south side of the trade center site.

## Barrister wanted 'no Greek jurors' in rape trial

A BARRISTER has tried to exclude Greeks from being jurors in a Victorian rape trial because of a "common misunderstanding" they like anal sex.

John Desmond, a defence barrister for 23 years, initially told a County Court judge his submission was in fairness to the alleged victim, a Greek woman. He told Judge Roy Punshon there was a misunderstanding in the community that "Greeks like anal sex" and that the woman might be seen as compliant and "in fact wanting it".

"That would be doing her a disservice, it wouldn't be fair to either party," Mr Desmond said earlier this month.

When Judge Punshon refused the application — saying he would not have a jury empanelled that excluded Greek people — Mr Desmond then made the application on behalf of his client "in fairness" to him.

Asked by Judge Punshon what the issue was with his client, Mr Desmond replied: "I don't want a Greek juror empathising with a Greek complainant (the woman), your honour."

Judge Punshon responded: "I'm not going to have a jury selected on the basis of race, nationality."

The discussion took place on July 8 as Mr Desmond's client and two other men represented by other barristers prepared to plead not guilty to a number of charges.

The trial ended last week when Mr Desmond's client was acquitted and the other men were found guilty. In a transcript of the exchanges obtained by The Age, Mr Desmond began his submission by telling Judge Punshon it would be appropriate that there be a "general exemption for a category of potential juror to be inquired of in the case here".

Asked by Judge Punshon what was the issue of fairness to the complainant, Mr Desmond replied: "Greeks."

"See, the allegation here, this is a Greek complainant and her nationality will be established on the evidence, your honour, it's part of the narrative and there are allegations here of anal penetration and there's a common misunderstanding in the community that Greeks like anal sex and she might readily then be seen to be compliant and in fact wanting it."

"That would be doing her a disservice, it wouldn't be fair to either party."

Asked by Judge Punshon what he meant by not being fair to either party, Mr Desmond said: "Well, there's a misconception in the community that Greeks readily engage in anal sex."

Judge Punshon: "Is there?"

Mr Desmond: "They (the jurors) should determine this case upon the evidence, not on the misconceptions."

Judge Punshon: "I will tell them that."

Mr Desmond: "We should avoid the risk, your honour."

Judge Punshon: "Pardon?"

Mr Desmond: "We should avoid the risk."

Judge Punshon: "Well, I'm not going to have a jury empanelled where no Greek people can sit on the jury."

Mr Desmond: "Well, it may be there's only two or three on the panel, your honour, I can't ..."

Judge Punshon: "There will be, but I'm not going to exclude someone simply because they are Greek."

The Age is unaware of what the final composition of the jury was.

Steve Butcher  
Article from The Age