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## Empty seats are hard sell

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Walmart passed up a chance to take a seat at yesterday's raucous City Council hearing on the mega-retailer's latest push to break into the Big Apple — drawing a Bronx cheer from lawmakers.

City Council Speaker Christine Quinn, a longtime opponent of Walmart, yesterday chided the nation's top retailer for turning tail when it came time to explain its business practices before city lawmakers.

Three seats set aside for witnesses on all sides of the issue never saw a Walmart exec sit in them.

"Today would've been a great opportunity for Walmart to present its argument and its evidence about itself as a company," said Quinn, adding that the retailer could have used the hearing to refute claims that it drives small stores out of business, that it's anti-union and that it avoids paying for health insurance.

But Walmart fired back by saying that the council's cards were stacked against the chain.

"Our decision to not attend today's hearing has nothing to do with our willingness to answer questions," Walmart spokesman Steven Restivo said, "and everything to do with the hypothetical nature of the proceedings and the fact that it ignored the impact of the hundreds of similarly sized stores that exist in the city today."

The retailer is said to be eyeing a site in the East New York section of Brooklyn — a location that would not likely require any City Council oversight. Restivo would only say Walmart is exploring sites in the city.

The hearing followed a City Hall rally attended by roughly 300 union members shouting anti-Walmart slogans. At the hearing, Walmart backers showed up with boxes of petitions signed by New Yorkers who want the store to open here.

Bedford-Stuyvesant activist Tony Herbert, who is working with the nonprofit "Walmart 2 New York City" campaign, said the council is too hard on Walmart. "Folks in our community need jobs," he said.

Council leaders trumpeted testimony from a University of Illinois professor who said a study he conducted in Chicago — one of Walmart's first forays into a major city — found 56 of 306 companies within four miles of the Walmart outlet went out of business over two years.

Professor <sup>UIC</sup>David Merriman did not classify Walmart as a job-killer — saying new jobs at the retailer offset jobs lost at other stores — and he took offense at the council pegging him as "anti-Walmart."

Mayor Bloomberg yesterday defended Walmart's right to open in the city.

"In most cities, big-box stores have not destroyed small businesses," he said.

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