

October 16, 2006

Delivered by hand to the office of:
Attorney General Eliot Spitzer
120 Broadway, 22nd Floor
New York City, NY 10271

Formal request for the New York State Attorney General to seek an injunction against further activity at Ground Zero on behalf of the citizens of New York, pending an inquiry into malfeasance on the part of Governor Pataki and the Lower Manhattan Development Corporation in the redevelopment of the World Trade Center.

It remains a widely-held belief among the public that rebuilding the Twin Towers is the fitting response to the devastation of September 11th. **Most citizens of New York, America, and beyond have always preferred the option of rebuilding some version of Twin Towers to any other plan.** Indeed, it can be asserted that any redevelopment of the WTC site that did not restore the legendary skyline of New York ***could not legitimately claim to be*** the World Trade Center. The term was clearly linked with the Twin Towers from its inception and that continues in full force to this day.

We charge Governor Pataki and his appointees at the LMDC with **deceptive practices** in the redevelopment of the site that amount to **using his office against the public good**. They started by making a show of "Listening to the City" and then conducted a mock competition. They set ground rules that amounted to "No Twin Towers Need Apply" and then **made no effort to address the concerns of thousands** who **wrote-in** the Twin Towers as their choice. Surely, listening implies that a response will follow. We believe that they gave no official response to the calls to rebuild because their reasons were indefensible. They **did not want their reasons challenged** and they were not willing to let the court of public opinion rule against them.

That miscalculation rendered all that followed illegitimate. The master site plan that has been on and off the operating table ever since **can never be made worthy of our city and people** because it was based on a fraudulent process. The narrow definition of who was a "stakeholder" willfully ignored the legitimate interests of people who were not directly touched by the attack, but were **nevertheless profoundly affected**.

All the delay in achieving something truly great at the site can be blamed on **unwillingness to let the public participate in the recovery**. The unforgettable unity that was the hallmark of the weeks and months following the attack is still pent up – **waiting to be poured into a true resurgence**. As recently as May of 2005 there was a groundswell of excitement that the mismanagement of the rebuilding process would be swept away in the megawatt aura and undoubted abilities of Donald Trump. It is still common to hear his name linked with a glimmer of hope that the **blocking of the public's will** to see the Twin Towers rise again can be reversed, but he was effectively silenced a year ago.

Those of us who continue to believe that such a glaring injustice can not prevail and who will not be silenced are **mainstream New Yorkers and Americans of every political allegiance**. We are reluctant activists, who would prefer to be minding our own affairs, but are committed to seeing this struggle through. And we are astonished that this is something we have to be involved with at all **or that it even needs doing**. As citizens of the foremost representative democracy in the world we expect our elected officials to represent us – not dismiss us. And certainly, when **our security is intricately linked with a show of spirit and resolve**, undermining that is a serious offense against our body politic.

We have been watching the disheartening developments at Ground Zero with a sense that someone with principles **and** power would eventually come to the rescue, but no one has. We have appealed to the editors of our leading newspapers to let us make the case on their op-ed pages, but we have been ignored. We have appealed to state and local politicians to challenge the status quo, with no success.

We have written to Governor Pataki, pointing out that **the best way to stand out above the presidential crowd and energize a natural bi-partisan constituency** would be to rethink the plan he has backed. Certainly, **rebuilding the World Trade Center by imperial fiat** is not going to endear him to the American people, but he would be an instant hero if he changed direction. When he did a U-turn last year and evicted the International Freedom Center was from the site plan, it was because the Wall Street Journal was willing to give Debra Burlingame a platform to rally the nation. We are well-equipped to do the same, but have been advised that **without a public relations firm** we won't get the chance! Given the gravity of the issue, that is vile. But we recently realized that we don't need a PR firm to bring this

issue the attention that is long overdue – because ***we have an Attorney General in whom we have full faith and who is politically secure enough to act on principle*** – and has made a name for doing just that.

As Attorney General Spitzer commented in the spring of this year, no doubt with authority, the post-9/11 rebuilding effort was **"an Enron-style debacle"** and the LMDC was "an abject failure" that "violated" its "duty to the public." (Frittering away hundreds of millions of dollars in the process.) Now it is clear that Governor Pataki's **plan is to move things as quickly as possible to the point of no return** and has employed the **largely complicit media** to create a sense of unjustifiable inevitability to a plainly unworthy site plan.

We see no reason to believe that that point has been reached and trust in the office of the Attorney General to prevent that from ever happening. For these reasons, and others enumerated below, **we are calling on Attorney General Spitzer to initiate a class-action suit on behalf of the people of New York**, based upon plausible evidence of wrongdoing on the part of the governor and his appointees **AND to secure an injunction** against any further steps that are **inconsistent with the public good** pending discovery. Whatever **sovereign immunity** protects the government from being held accountable for its malfeasance **should not extend to giving it and its officers carte blanche to continue to abuse their power** once challenged.

While it may be politically inconvenient, we are relying on Mr. Spitzer's pledge to decide which fights to take on based on the standard of **"is it right or wrong."** Since he could spend a lifetime doing battle on behalf of the people and **never come across another issue as worthy of his advocacy**, we are confident that he will not turn away from it or sidestep the issue. The official website of the Attorney General's office promises that the **"People's Lawyer is dedicated to aggressively prosecuting and defending the interests of all New Yorkers"** and we trust that extends to those of us who have been locked out of the World Trade Center redevelopment.

What's more, now that it has been reported that Governor Pataki is trying to limit the next governor's discretion over the site plan, which would be **one more maneuver to thwart the will of the people**, we are confident that the Attorney General will rise to this challenge and use this appeal from the citizenry to prevent the governor from his shameful objective. In the interests of moving forward, we are perfectly willing to concede that the aftermath of 9/11 was so disorienting that **inevitable mistakes in judgment**

were made. We recognize that our people and leaders suffered from post-traumatic stress. But glaring irregularities point to **a pattern of subterfuge** that can be easily established and **rises to the level of blatant official misconduct, malfeasance, and dereliction of duty on the part of the governor and his appointees,** who have violated their oath to serve the public good and have shown contempt for the democratic process, pandering to special interests, while **overriding and subverting the public will.**

Governor Pataki suggests that the latest additions to a patently uninspired site plan are stunning. **What is really stunning** is how entirely unresponsive our officials have been to the legitimate input of the population at large on something we care about so deeply.

We are certain that as long we persevere we can prevail – and must. Otherwise, if we let those behind the current development **get away with their arrogant, self-serving agenda,** then what is built in place of the Twin Towers will be a trophy for the Bin Ladens of this world and **proof that the citizens of New York and America have lost their voice and become irrelevant.** It will be the beginning of the end for a once great city and country, if we lose sight of what matters at the very worst possible time.

The citizens of New York and people everywhere do not share the eagerness of editorial board writers to **see something built, no matter how unacceptable.** While the massive PR onslaught has convinced most people that we are stuck with the current plan, we are confident that **a whiff of hope would energize the population to speak out** once and for all.

Mayor Bloomberg's pat reply to any and all objections is that you can't please everyone and the time for talk is over. But stonewalling cannot change the fact that he and the governor could please most people **if they wanted to** by rebuilding the Twin Towers and that the time for talk may be over, but **now it's time for them to listen. The mock forums** where the general public's input was solicited and then dismissed **amounts to fraud and should disqualify all that resulted from going forward** pending investigation.

Columnist Nicole Gelinas wrote: "**It is shocking - almost inconceivable - that we haven't snatched back from our enemies what belongs to us.** Americans always understood the Twin Towers. They were us: stark capitalism, power and beauty without explanation or apology." *Save Us From "Freedom"* | NY Post 5-5-05.

After five long years, many have given up and reconciled themselves to **diminished expectations in the name of progress**. How pathetic in the city that claims to be the Capital of the World. But there are others who will uphold the principles involved for as long as it takes and will not relent.

The attack on the World Trade Center was **an attack on America** executed in New York and **what we build on the ashes will affect all Americans**. We do not say that the voice of the people should have been the only factor to consider, but it should have played a significant role in the debate. Instead, it played virtually none. And that has to be redressed for real progress to occur.

As recently as the "Aftershock" forum last month at Pace University, a question from the audience asking why we are not rebuilding the Twin Towers was met with much sputtering and when turned over to LMDC head Stefan Pryor the best he could come up with is that there is "a moral imperative to restore the street grid." We didn't think they had a better excuse, but it is a chilling response. Try it out on New Yorkers. Ask them if they know why we are not rebuilding the Twin Towers and then tell them.

In closing, there is **still good reason to believe** that the best memorial to all that we lost and to all we have still to protect is to rebuild the Twin Towers – and **five years of the wrong plan for the wrong reasons is long enough**.

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Narrative in support of these allegations and the request for a remedy:

The LMDC has conducted a disinformation campaign aimed at deceiving the public. Its website is rife with misleading information regarding the selection and rebuilding process. **If they were a public corporation they would be on their way to prison.**

Their central claim that "Public Input Shapes the Process" is a blatantly disingenuous statement, which we assert is part of an official design to **subvert the fitting redevelopment** of the World Trade Center. The following statement is an example of the **official mendacity** intended to lull the public into believing that their input guided the rebuilding process:

"Since its inception, LMDC has received an unprecedented amount of public comment from all over the world regarding the rebuilding of the World Trade Center site, the creation of a permanent memorial, and the revitalization of Lower Manhattan. During the comment period in the first phase of the planning process for the World Trade Center site, LMDC **received over 10,000 comments from around the world.** During the Plans in Progress campaign, LMDC **received over 15,000 comments** on the Innovative Design Study for the World Trade Center site and the draft Memorial Mission Statement and Program."

The outpouring from around the world, which continues to the present, is **heart-wrenching testimony to the stake everyone feels in the rebuilding** of the World Trade Center and **damning evidence** that people were led to believe that their input was valued when it was worthless.

The bizarre truth was if they were hoping for new Twin Towers their preference had been **rendered irrelevant** within days of the destruction and they needn't have bothered to write. That was when an unelected elite, who felt some sort of mystical "imperative" to restore the pre-WTC street grid, moved into action to exert their behind-the-scenes influence over our future. They saw our tragedy as their opportunity and mounted a mission to correct the multitude of "wrongs" they imagined had resulted from the creation of the World Trade Center. Even though their views are not shared by the general public, **their prejudices went unchallenged** and proliferated as journalists repeated the personal opinions as oracular wisdom.

By January 2002, LMDC Chairman John Whitehead was busy creating the deceptive impression that to rebuild on the former scale was undesirable: "I think there is a developing consensus – among everybody I've talked to – that it is not either practical or appropriate to build another 100-story building," Mr. Whitehead said. Since the contemporaneous accounts **of the man on the street** reported that he or she wanted to restore what had been violated and objected to the symbolic implications of failing to do so, Mr. Whitehead's public comments made clear that **he was not talking to the people who had elected the governor that appointed him.**

His LMDC went on to hold a specious competition that was **missing the one design most people looked for** – new Twin Towers. The official requirement that at least Greenwich Street would be slammed through the superblock spelled the **end of the true World Trade Center** and everything that followed after that was **disconnected to what the public wanted.**

The first round of the competition was greeted with public disdain and led to a surreal process detached from the heart of the city. **And to this day they have not won the citizens' hearts.** Most people had no faith in the process and did not get involved. Those who did get involved and pressed for Twin Towers were marginalized and their opinions were trivialized. Finally, two semi-finalist designs were selected. When the public was polled it voted for "Neither", but of those that chose one or the other, **our governor awarded the prize to the design that finished last.**

In the years since, a **massive disinformation campaign** has presented black as white and droned on that we got what we asked for. It is safe to conclude that anyone that parrots these untruths is either willfully ignorant or downright malicious.

John Whitehead said in the *Public Dialogue Report of April 2005* "**The public input** received from these activities formulated **the guiding principles** for the recovery and rebuilding of the WTC site and lower Manhattan, and continue to guide the overall rebuilding process." A lie. A total fabrication.

And the result is a complex that now needs to shuffle government offices around, at further untold and **wholly unnecessary Federal and State taxpayer expense** – to attract the mandated occupancy requirements in order to raise the funds to proceed. Not because prospective tenants

are reluctant to sign on to the ironically named Freedom Tower out of fear, but because the moribund project lacks the excitement that would be generated by raising safer and better Twin Towers. There is **nothing the people can do about the incompetence** that resulted in the wasting of many tens of millions of dollars and resulted in a still barren pit, other than hold those who **did not exercise strenuous oversight** accountable at the ballot box.

But going forward, in this matter that means so much to virtually everyone, **we can demand that what is done with our money, on our land, in our name reflect what we want!** We can demand that anything that deviates from that position be given the most careful scrutiny. And **we can demand that the current foundation of lies and contempt for our opinion and values be publicly exposed and those who fostered it be stripped of the right to proceed.**

Finally, let it be noted that the public record of the rebuilding program is rich in instances that point to a gross violation of the public's trust. Those of us who have **worked hard to keep blowing on the embers** of the public's hopes of ever seeing the real World Trade Center again, lack the time and formidable resources needed to truly get to the bottom of this. No doubt, historians will dissect and reveal the sorry truth of what took place.

But we are adamant that the burden of preventing a terrible mistake from being made should not rest on a few citizens, and **hold that by bringing this to the attention of our Attorney General we are taking the proper steps necessary** for the truth to be discovered and to form the bedrock of all future building at the site of the World Trade Center. **A true consensus will not be hard to achieve once the hidden agendas are exposed.**

We are confident that will result in a development **we can all be proud of.**

Attachments

- I. **Spreadsheet of Twin Towers Alliance signatures** under the categories that prominently relate to New York citizens, in order to establish our right to call upon Attorney General Spitzer for relief.

One of the categories lumps the residents of New York and New Jersey together, as the Port Authority constituencies, and there is no way to separate them. No doubt there are also New Yorkers in a couple of the remaining categories, but in any event, what we are providing should be sufficient to establish our authority and initiate an action.

The Twin Towers Alliance website has received almost no promotion in the media so the true number of supporters of rebuilding is anyone's guess, but anecdotal evidence would suggest the figure is in the millions.

Please note that when people sign our petition they are told that their "email will not be shared or used for any other purpose than to establish that your signature is unique and for occasional reports on our activities." Therefore, we are not including the addresses, even though we could safely assume that revealing them in this appeal would be consistent with the individuals' wishes. But, we will contact them in the meantime, asking anyone who would like to opt-out to let us know and will be in a position to submit the addresses early in November, if requested to do so.

- II. **TTA Press Releases**, in descending order, which chronicle a flagrant history of official (and journalistic) malpractice.

- III. **An opinion written by a college student in Georgia**. To read how deeply he cares about this issue and how significant he believes it to be for all Americans is inspiring. He sent it out to many of the leading newspapers, certain that at least one of them would let him speak for the millions who share his conviction. We hoped along with him, but were not surprised at the lack of response from those who only pretend to serve the public good. His words eloquently express why we will never accept anything less than the World Trade Center we deserve.

- IV. **The opinion of a professional woman and resident of Manhattan**, which was submitted to the Wall Street Journal and shared with us. What characterizes both of these opinions and many of the selected comments referred to below is the strength of their convictions and ideals, which are full-blown and well-informed. Their positions deserve official comment.

Front Pocket-

"The Debate That Never Took Place" | Selected comments from the TTA site. The comments from people around the country and the world reflect a point-of-view that has not yet been officially addressed! If they are right, and if everyone who has had enough spirit to sign our petition is right, then there is a lot more at stake than real estate interests, or the conceit of city "planners", or the pandering of politicians. Also included is the stirring comment that a man who lost his wife on 9/11 submitted to the LMDC.

We have never maintained that public opinion was the only thing to consider, but it should have played a major part in a debate that NEVER TOOK PLACE and to build anything until it does take place is a clear dereliction of duty. What could be more important than to do the right thing at the WTC and who can legitimately say what that is without an HONEST national referendum? There is ample evidence to suggest that whether a vote were held in New York or the country at large, the Twin Towers would easily win the popular vote. SO WHY DOESN'T THAT MATTER?

Back Pocket-

It's Not Too Late To Do The Right Thing | The Empire State Building took 14 months to erect and once this issue is given the attention it deserves there are a number of worthy concepts of new Twin Towers, in various stages of readiness, for review. We are including a printout of questions and answers related to the popular Belton-Gardner model, because the answers shed light on the various elements now in play. In the near future the Twin Towers Alliance will create a page of links to some of the exciting plans and concepts which are a breath of fresh air in a very musty backroom.

Review of this submission will reveal that there is a clear imperative to correct course and that we are actually much closer to the goal of restoring the beloved New York skyline than most realize.

Thank you.