



March 19, 2010

Hon. George C. Pratt, Chairman
Harry P. Sacks, Esq., Arbitrator
Mr. Eugene McGovern, Arbitrator

Re: WTC Arbitration No. 2

Gentlemen:

When we wrote to you on February 16th, after carefully reading your January decision, we believed that you were committed to what you identified as the "central purpose" of the Master Development Agreement – to provide for "the redevelopment of the new World Trade Center [which] will result in a world class environment of the highest quality."

We've been denied the opportunity of reading the actual agreement, which we have appealed, but if a world class environment of the highest quality is indeed the central purpose, then anything that makes attaining that goal less likely is debilitating and must automatically be rejected.

Now that the deadline has passed for a meeting of the minds between the PA and SPI, you can pass the buck, as so many before you have done. Or, you can admit that the World Trade Center is on a sorry trajectory to an ever more feeble and irrelevant future, pretensions to repairing the skyline or restoring the space that was lost now abandoned, and use your authority to jumpstart a true recovery.

If there were some inescapable rationale for compounding the tragedy, we would all have to make the best of it. But when there is an alternative that can powerfully address the many challenges to the creation of a robust World Trade Center and that does it in a far more affordable and time-saving manner than the current plan, it is criminal misconduct for officials to dismiss it without inquiry.

Mr. Ward likes to pretend that rebuilding the Twin Towers would mean going backwards and undoing all that has been done. That is preposterous and he knows it. But it costs nothing to go backwards *in our minds* and let go of all the assumptions, so many of them false, that are standing in the way of developing that world class environment of the highest quality. There is no justification for resisting a simple, expedited inquiry into a plan that outperforms the current plan, if that truly is the goal.

We have copied you in on the letter to Attorney General Cuomo and the FOI appeal to the Port Authority, so we won't cover the same ground again. If you really do think "the public" has a "special interest in the completion and success of the Trade Center Redevelopment," you will read every word with interest, because, whether you wish to recognize our "standing" or not, it is hypocritical for officials to continually claim to honor the public and then refuse to recognize that the "public" is not a mere theoretical body, but real people, whose real dollars and real sense give us a real claim to a real World Trade Center – no matter how radical or objectionable our out-of-control officials may find that notion.

As arbitrators, you have sweeping authority, but no right to undermine the public's role in the future of the World Trade Center. You may be "creatures of a contract" but you are, above all, citizens of a country whose well-being will be profoundly affected by your actions. It was as creatures of a contract that you urged the PA and SPI in your December 8, 2009 decision to "complete as quickly as reasonably possible the entire redevelopment project, not only as a revitalized commercial center for New York City, but also as a symbol for the entire nation of the indomitable American spirit and its determination to rise above and overcome the tragedy of 9/11."

If, as creatures of a contract, you refuse to consider the most direct and economical way of achieving that aim, if your words are empty, and you use your position to authorize a sell-out at Ground Zero, then you will be joining a long line of Quislings. Everyone who has had an opportunity along the way to make this situation better, has either failed to act at all or made it worse. There honestly are no terms too harsh to describe the wanton plundering of the people's hope for a World Trade Center that is worthy of the price our nation paid on 9/11 – and will continue to pay.

Therefore, we urge you, preliminary to mandating a solution, to do the public a great service by declaring, now that the deadline has passed, that no further movement between the parties will be considered until ten days have been spent comparing the relative costs and benefits of the current plan, the "Twin Towers II" plan, and the costs of a transition – not by faithful hacks, but by an independent panel that will take the guesswork out of the public's options, while we are at this impasse.

The current failure at the Trade Center is giving us the best chance to get it right since the process began. No one has the authority to commit us to billions more without first giving us the oversight that has been so conspicuously lacking. We have the constitutional right to know what the relative plans would cost, and if, as we expect, **it can be corroborated that the efficiency of constructing one uniform building twice would more than pay for the transition,** then it would be indefensible to suppress that information.

We contend that everything about the plan is superior to the depressing project that officials are trying to impose on the site. The authentic skyline would be restored and the entire lost square footage would be recovered within a few years, without dragging the anemic recovery on for the next decade and beyond, while the mixed-use Towers would allow for high-tech office space to be allocated in response to the overall economic climate – pulling the city up, instead of dragging it down. And the ultra-prime residential space would become a magnet for those who live above the financial storm clouds, insulating the property from future downturns.

What are officials offering instead? Either two or three buildings that will be stuffed with government offices paying inflated rents – because, as everyone conveniently ignores, there was no private interest in the boom years; a site that will be under construction for at least a decade at ever higher costs; and a skyline that was a letdown when it included the showy Tower 2 and would now incorporate a long-term, possibly permanent, gash instead. Perhaps it is merely misfeasance. Perhaps those in charge simply have no vision or imagination at all. But either way, they have overstepped their authority by refusing to look into a project that has so much to recommend it.



If there is a solution to the stalemate at Ground Zero that does not require a public bailout of Mr. Silverstein or the further diminishment and crippling of the site, then refusing to investigate it is an unpardonable offense. To pretend that the current project comes anywhere near to making our city “whole” is delusional. The attached “Pros and Cons” present the current options at face value. To go on compounding past mistakes, just to spare bureaucrats the embarrassment of admitting them, is a crime against this generation and the generations to come. It does not need to be.

It is flagrantly corrupt to ignore years of concerted efforts to get officials to question the wisdom and legitimacy of the current project and to then tell the people who are paying for it that they are out of luck because the ill-advised contracts and procurements that were made in spite of those efforts now bind us to a project that is contrary to our best interests. Not so. Contracts can be converted. Reckless waste and deceit are nothing new for Mr. Ward. It is time to awaken from the nightmare.

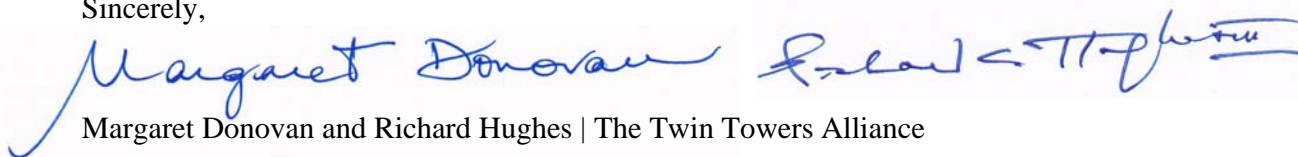
The Twin Towers Alliance petition concludes with the following statement:

“We recognize no financial or political roadblocks that cannot be overcome if rebuilding the Towers is the will of the people. And, we see no conflict between stunning Twin Towers and a noble Memorial, which belong together on this site that means so much to us all.

“We submit that there is only one way to truly heal the skyline of Manhattan and the heart of America: Rebuild the Twin Towers. Doing anything less would leave a permanent scar on the face of New York and diminish a legendary city.”

That we can still heal our land is only possible because of years of dedicated effort on the part of structural engineer Kenneth Gardner. “Twin Towers II” happens to be a meticulous, fully designed, spectacular alternative to the current national disgrace. The re-engineered Twin Towers would incorporate all of the advances the current plan offers, but in a cherished form, instead of ratifying the offense. Why would anyone want to deprive the nation of such a glorious option? Why would anyone choose to sign off on a plan that would cost billions of public dollars more than “Twin Towers II” and add years to the recovery? We encourage you to learn more. You can still choose the high road for all of us.

Sincerely,



Margaret Donovan and Richard Hughes | The Twin Towers Alliance

cc: Professor Alan M. Dershowitz, Attorney General Andrew M. Cuomo, Gov. David A. Paterson, Gov. Chris Christie, Executive Director Christopher O. Ward, Chairman Anthony R. Coscia, Mr. Larry A. Silverstein, Mayor Michael R. Bloomberg, Mr. Jeffrey B. Fager

atts: Pros and Cons Fact Sheet; Jeffrey Dinowitz Op-Ed in NY Daily News 5-26-2008



Nearly a thousand construction workers rallied on March 9th for an end to the stalemate at the WTC. If they realized that there is a far more fitting and *feasible* option to the current plan, they would see how lucky we are that the process has been so slow. Anyone who doubts that they would prefer to be building new Twin Towers instead should ask them.

The American people are at the mercy of New York's profoundly corrupt government and a sadly complicit media. But there must be someone with the character to tell it like it is...

Reasons to build "Twin Towers II"

- That is what most Americans want.
- Because we are NOT terror-ized. The Israelis teach that counter-terrorism begins with erasing the evidence of terrorist gains. The current dismal project would be a giant trophy in the propaganda showcase of global jihadism.
- New, mixed-use Twin Towers would be far more cost-effective, time-saving, and, in the end, rewarding than the current plan. World-class Towers beside an inspiring memorial would yield a far more valuable asset.
- Even after factoring in the transition costs, the current plan would cost billions of public dollars more than "Twin Towers II" and add years to the recovery – for what?
- The money already budgeted for the "Freedom Tower" would pay for one Twin Tower and the money already budgeted for the transit "hub" would pay for the other.
- Mr. Silverstein is our tenant and he signed a contract on 7/24/01 promising to rebuild the Twin Towers if they were ever destroyed.
- What right does a public agency have to spend \$4 billion-plus on a glorified PATH station?
- It could be in construction within a few months and would be finished years ahead of the current schedule, due to the far greater efficiency of building one uniform floorplate.
- The latest Port Authority offer to Silverstein Properties would cost New York City of hundreds of millions of tax dollars – for what?
- What authority do public officials have to refuse to consider a plan that would save billions of dollars and years of time – especially when the result would be what the people really want?

Reasons to build the "Twin Towers II" Memorial

- The "Twin Towers II" memorial is far more popular with both 9/11 Families and the public at large than "Reflecting Absence."
- It would cost hundreds of millions less to build and would not require \$50,000,000-plus in annual contributions to operate.
- It would incorporate the progress that has been made on the museum and could be built on top of the concrete that has been poured for the current memorial. And, because it faces onto West Street, it would not have to close while the rest of the site is under construction.
- "Reflecting Absence" is the ultimate anti-memorial. The message of the thundering falls disappearing down the drain is apparent – we are nothing but helpless victims of overwhelming forces beyond our control.

- It doesn't take much imagination to realize that the roar of 20,000 gallons of water an hour would be a morbid echo of the crashing towers, over which people would have to shout to be heard.
- The "Twin Towers II" Memorial is life-affirming. The tragic relic that stood throughout the valiant rescue and recovery efforts framed by the gleaming Twin Towers rising beyond it would be the ultimate metaphor for the triumphant human spirit.
- The circle of flags around the footprints would represent every nation that lost a citizen. The circles would symbolize our unity in overcoming and the deathlessness of life. And the peal of the orchestral carillon of bells is the sound that has uplifted broken hearts for centuries, in dramatic contrast to the thunderous falls.

Consequences of building "Twin Towers II"

- Greenwich Street would not run through the World Trade Center.
- There would not be a giant tombstone and two or three random towers in the skyline.
- The transit "hub" would have an Opera House above it, instead of a billion-dollar canopy.

There is only one way to get to the truth – an independent analysis of what "Twin Towers II" offers, what the current plan can provide, and the cost of each. The failure at the Trade Center is giving us the best chance to get it right since the process began. We can see where the process is taking us. The facts above speak for themselves – and so will the end result.

Public officials at state, local, and national levels have no business spending the public's money to downgrade the World Trade Center – especially in spite of the evidence of a far more popular and feasible option. It's not their prerogative. *It is beyond the scope of their authority.*

We believe that many politicians and journalists agree, but are afraid to take a stand. Perhaps seeing how badly the current plan has failed will give them courage. Maybe love of country will inspire them. Or maybe the picture below will remind them that some people go out on a limb every day, while so many of the rest of us live behind walls of excuses and regrets.

Otherwise, if all it takes to defeat the will of the American people is enough money and power, our future does not look bright. Do we actually have a government of, by, and for the American people, whose just power is derived from the consent of the governed – or don't we? The World Trade Center is going to give us the answer to that question – whether we like it or not.



Giving Christopher Ward Port Authority job like fox guarding henhouse

BY Jeffrey Dinowitz

Monday, May 26th 2008, 11:45 PM

It is unfortunate that former [New York City Department of Environmental Protection \(DEP\) Commissioner Christopher Ward](#) has been nominated by Gov. Paterson to be the next executive director of the [Port Authority of New York and New Jersey](#).

His résumé when he was previously at the Port Authority includes creating disruptive and expensive projects with cost overruns (JFK AirTrain and Ground Zero recovery and demolition), and while at the DEP, masterminding one of the city's biggest boondoggles and growing scandals - construction of the Croton Water Treatment Plant in Van Cortlandt Park.

In order to get the filtration plant approved, Ward told elected officials and the public the cost of building under the Mosholu Golf Course would be cheaper

than building aboveground on an industrial site in [Westchester](#) - "... maybe upwards of 300 to 500 million dollars."

Now five years later, with another expected exorbitant hike in water rates, the astronomical cost of the project has risen to \$3 billion and is being investigated by the City Controller.

Also, Ward promised the filtration project would bring [Bronx](#) jobs, knowing full-well - and the DEP's own documents indicated - that geographical hiring was not going to be possible.

Also, the plant will be using the antiquated and inefficient "dissolved air flotation" technology instead of the current industry standard of membrane filtration. It has made costs considerably more expensive and meant unnecessary destruction of many more acres of precious parkland.

Not to be overlooked is more than a million gallons of groundwater this mammoth hole is flushing daily into the city's already overflowing sewer system.

Either Ward's DEP committed the unforgivable sin of not knowing this environmental disaster was going to

Advertisement



Creating Wealth with Real Estate

Learn How to Generate a Lifetime of Wealth!
Let Robert G. Allen, NY Times Best Seller, show you how.

RealEstateWealthSecret.com

happen, or he kept the information off the list of project negatives to keep the approval process moving forward. Is this someone we want in charge of the Port Authority's ecological restoration?

To understand why the former DEP commissioner pushed this underground quagmire, just follow the money. Who stood to gain the most? Why the contractors who would do the digging and dirt hauling, of course. Not the least of which is the [Schiafone Construction Company](#) which would have had limited tunnel work at the Westchester site, but is now enjoying a \$300 million Bronx contract while the head of its tunnel operations is under federal indictment.

So no one should be surprised that just over a year after leaving the DEP - insuring that the letter (but not the spirit) of the city's conflict of interest rules would not be violated - Ward became the head of the [General Contractors Association of New York](#), where he continued his advocacy, not for the general public, but on behalf of those contractors, just as he did while DEP commissioner.

At the Port Authority, one of his first tasks would be to review and develop plans for

rebuilding Ground Zero. Our citizens need this sacred ground to reflect the lost lives of loved ones, not a fast-paced developer/contractor whose priority is to make a profit for his former associates.

I am concerned that with the appointment of Christopher Ward as the head of the Port Authority the needs of special interests will come ahead of the interests of the citizens of [New York](#) and [New Jersey](#), and the infrastructure and ecology of the port, just as the interests of New Yorkers, took a backseat with his \$3 billion filtration plant boondoggle.

State Assemblyman Jeffrey Dinowitz represents the 81st Assembly District covering [Riverdale](#), [Kingsbridge](#), [Van Cortlandt Village](#), [Norwood](#), [Woodlawn](#) and [Wakefield](#).

Advertisement



Save up to **\$500**
on your auto insurance.

AUTOINSURE **USA**

Get A Free Quote
AutoinsureUSA.net

The advertisement features a dark SUV on the left, a large white circle containing the text 'Save up to \$500 on your auto insurance.', and a red button with a white play icon on the right. The background is a light gray road with white dashed lines curving into the distance.