



March 18, 2010

Mr. Darrell Buchbinder
General Counsel | The Port Authority of NY & NJ
255 Park Avenue South – 15th floor
New York, NY 10003

By Email and Certified Mail

Re: Freedom of Information Reference Nos. 11557 and 11589

Dear Mr. Buchbinder,

The Twin Towers Alliance request for a copy of the 2006 “Master Development Agreement” was not the result of idle curiosity or malicious intent. As the leading organization representing the popular will for a real World Trade Center, we are certainly not the spoilers in this sad spectacle. If ever there was a challenge that required more light, not less, this is it. The “too big to fail” doctrine has been discredited everywhere – except where it is at its most damaging to our nation’s confidence – the World Trade Center.

We asked to see the “Master Development Agreement” because it radically changed the face of the World Trade Center, a public holding, in ways we can’t understand without looking into the agreement. That is also the basis of our request for the 7/24/2001 Silverstein lease, which we were surprised was denied. On 9/11/2001, Silverstein Properties had the rights of a leaseholder, nothing more or less. We want to pinpoint precisely how Mr. Silverstein’s status evolved into whatever it is today, because it appears that the public’s handle on the situation deteriorated at the same time. Exempting these two documents, which are so fundamental to the endemic difficulties at the troubled site, because their disclosure “would impair current or future awards or negotiations,” betrays an unsettling lack of propriety and accountability.

One would think we were asking to see state secrets. It is shocking that two documents that had such enormous bearing on the public’s control over property that it had wholly paid for could, under that proviso, *always* be barred from the public domain until it is too late. That is a Soviet-style maneuver that may have been tolerated in more trusting times, but the scathing injury the nation has recently suffered at the hands of its public servants was fair warning. We know now, if we didn’t before, that we cannot trust officials to always do what is best for the people. If letting the public in on the details of the original transfer and the 2006 “Master Development Agreement” would impair negotiations, then it simply stands to reason that those negotiations are not likely to be promoting the highest public good – which is the bedrock for whatever is built.

To be quite frank, it appears we are being swindled. What sound enterprise could be so delicate that public scrutiny would “impair” its stability? Rebuilding the World Trade Center is the most critical development in our nation’s history and we hope that what is built will one day be old and venerable, like the White House or Independence Hall. We can’t afford to do the wrong thing. Public scrutiny at this point is vitally important. Our country will be defined in our own eyes and in the eyes of our friends and foes around the world by what we build on the ashes of the World Trade Center.

The privatization itself is a good example of how fast and loose officials play with what is entrusted to them. In 2001, the claims were that the \$3.2 billion that gave Mr. Silverstein a 99-year lease to our property was going to make the Second Avenue subway a reality – and what do we have to show for it now? Ironically, if only the Silverstein connection had not complicated the post-9/11 landscape, the Governor would likely have had a much tougher time evading and deflecting the public’s call to rebuild the Twin Towers.

In its FOI Policy, the Port Authority claims to recognize that “an informed citizenry enriches the function of government” and that “the activities and decisions of the Port Authority (and its subsidiary corporations) are the public's business.” Just so – but that appears to be mere lip-service. If the PA really felt accountable to the public, you would not be trying to baffle citizens’ good-faith efforts to be fully briefed on the current project (or be spending \$4 billion dollars worth of tolls on a glorified PATH station.) If you, in effect, say that the “public” has hypothetical weight but no real “standing,” then we are going to say that the Port Authority has become a rogue agency, run by rogue bureaucrats, on our tab, and is headed for a reckoning.

All of the so-called top-tier stakeholders, as well as the press and arbitrators, for that matter, have private interests that are at odds with the public’s benefit. So, if we, who have no personal stake in the process, are shut out of performing our rightful role of observer, who is going to guarantee that defects that can still be corrected will not be built into the project instead? Apparently, the Port Authority would be quite satisfied if the answer to that is “no one.” But if the only way to build what you want to build is to suppress inquiry and criticism that would interfere with your agenda, *then you should know you are operating outside of your charter.*

Which brings us to our inquiry into the Port Authority’s title to the World Trade Center. We were informed today that copies of your title to the property will be made available to us. We are not yet privy to the details, but as we see it, saying that the Port Authority is the “owner” of the property is misleading, because its agency status gets completely lost in translation. Private property was condemned and the land was paid for with money collected at the Port Authority tunnels and bridges, not from executive Port Authority paychecks. The land was “taken” to serve a higher public good and that stamped its lawful character.

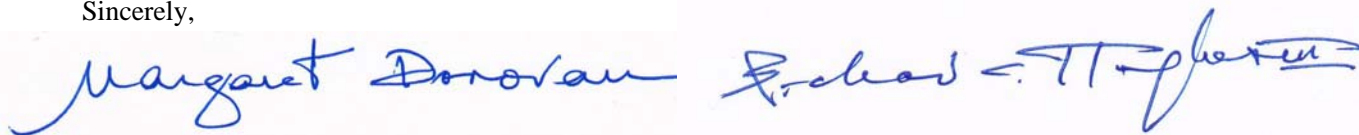
So the question is how did something that was acknowledged as a prime public asset prior to 9/11 suddenly belong to everyone *but* the public after 9/11? What instrument conveyed our legitimate rights to those with absolutely no superior claim? None. The World Trade Center is still public property – not in the abstract sense – but in the legal sense – and to the extent that that was changed by the MDA, the people are certainly entitled to know about it. Furthermore, once billions of taxpayer dollars came to the rescue, the World Trade Center only became more of a public asset, not less of one. But now, instead of belonging simply to the citizens of New York and New Jersey, every American has a rightful voice in the future of Ground Zero.

Officials love to complicate the picture, but the truth is that not one of the nineteen agencies or other stakeholders can trump the public’s legitimate role. You acknowledge – wink-wink – that your “activities and decisions” are “the public's business.” But “the public” is not some sort of disembodied, metaphysical entity – everyone-but-no-one – that you can misrepresent and marginalize to your hearts’ content. The public is any individual or organization that can make a credible claim to give fellow citizens a voice – and may not be casually dismissed.

Your appeals process asks that we provide “the reasons why the requester is entitled, under the Freedom of Information – Policy and Procedures, to access to or copies of the record requested.” In considering how to best do that, we did a Google search for “Twin Towers” to establish where we placed. While the results are dynamic and shift daily, on the morning of March 17, 2010, we placed first out of 2,890,000 entries – above the Wikipedia “World Trade Center” entry and the National September 11 Memorial and Museum website. That ranking came at the price of 15,000 man-hours and hundreds of thousands of words written to convey to officialdom the frustration of the people of this nation who feel betrayed by the way those who were put in office to serve the common good have hijacked the rebuilding and recovery process.

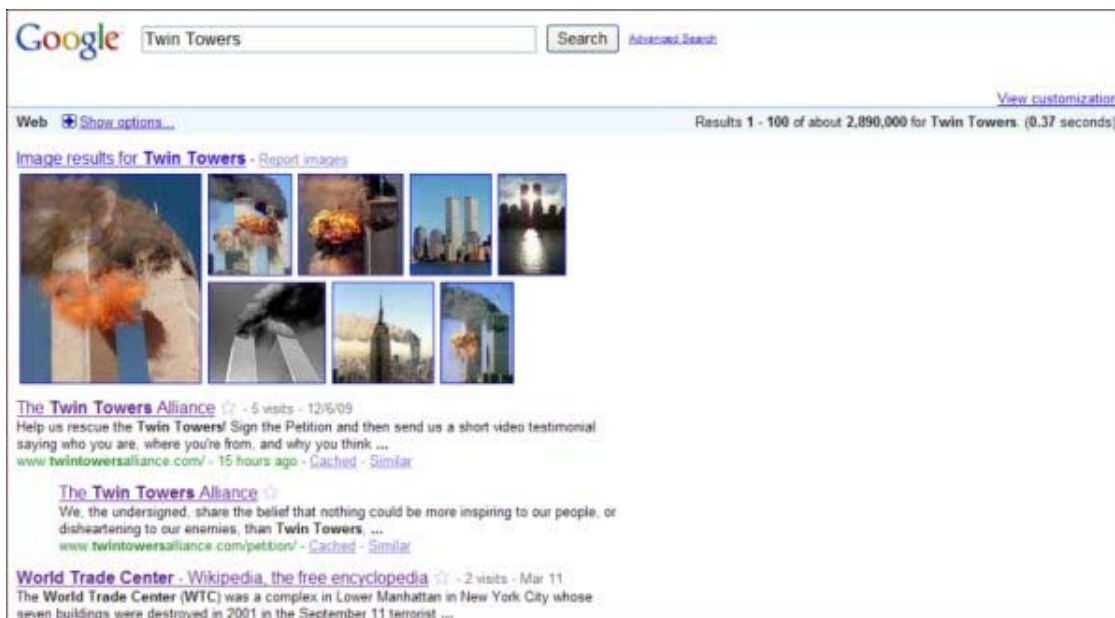
We therefore reject the notion that you are authorized to deny our requests with the ridiculous claim that, in essence, the public has to be protected from itself. And you are certainly in no position to accuse us of threatening the public's best interests, unless you can show that you are actually engaged in protecting the public's best interests, which we are ready to demonstrate is decidedly not the case. The Freedom of Information Act supports us; you have no credible reason to deny 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, Hon. George C. Pratt, Harry P. Sacks, Esq., Mr. Eugene McGovern, Mr. Jeffrey B. Fager



The Twin Towers Alliance Petition

“We, the undersigned, share the belief that nothing could be more inspiring to our people, or disheartening to our enemies, than Twin Towers, at least as tall as before in every respect, soaring above Ground Zero.

“We believe that the devastation of September 11, 2001 clouded the picture long after the rubble was cleared away and that a thorough public examination of the rebuilding option is overdue and now required before proceeding on an unalterable course.

“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.”