



TWIN TOWERS ALLIANCE

WHAT THE PEOPLE WANT — WHAT NEW YORK NEEDS — WHAT AMERICA DESERVES

January 6, 2011

Marjorie B. Landa
General Counsel
NYC Department of Investigation
80 Maiden Lane, 18th Floor
New York, NY 10038

Re: FOIL Appeal Decision | January 3, 2011

Dear Ms. Landa,

Your belated reply to our appeal was disappointing. Underlying all our efforts at the Twin Towers Alliance is the confidence that our system of government will reward the dedicated and well-informed efforts of citizens to preserve their rights and advance the public good.

We believe that the Founders intended that the general public be empowered with the means to wrestle with abuses of power directly. The Freedom of Information Law embodies that principle, but our uniform experience has been that its intent – the “achievement of a more informed electorate and a more responsible and responsive officialdom” [Westchester News v. Kimball, 50 NY 2d 575, 579 (1980)] – is routinely undermined by a spirit of obstruction and contempt on the part of our public servants in New York City and New York State – as if it is only fitting that the Empire State be run by imperial fiat and financed by public tribute.

It has been quite a challenge to maintain our faith in government in a state that is notorious for its banana republic-style governance. But we continue to approach each official we contact with the presumption that they will be the exception to the rule. And even though we have been let down time after time, we are comforted knowing that the historical record we are building will surely speak for itself. We are confident that using the law to frustrate vital public inquiry in order to shield wrongdoing will backfire on those who think so little of their oath of office and of the public’s right to know.

In September, 2007, Bronx Assemblyman Jeffrey Dinowitz posted the following notice on his website: “I have asked the New York City Department of Investigations (DOI) to launch an inquiry into the Croton water filtration plant scandal. Billions in cost overruns, possible conflicts of interest, and negligent technical preparation have plagued this massive boondoggle from Day 1. I have been joined by Councilman Oliver Koppell, Congressman Eliot Engel, State Senators Eric Schneiderman and Jeff Klein, Councilwoman Helen Diane Foster, and community residents in insisting that the DOI investigate this ongoing scandal that surrounds the construction in Van Cortlandt Park.”

But your “careful consideration” of our appeal led you to conclude that the public has no right to know why the DOI dismissed such a compelling request for an investigation into “billions in cost overruns, possible conflicts of interest, and negligent technical preparation” at the water treatment plant. You are satisfied that some unsubstantiated charges in a 69-page report, which is jammed with disturbing and substantiated accounts, require you to overlook the damage that was done to millions of people – instead of conducting an independent inquiry or even explaining your actions.

If Christopher Ward and the others involved thought they would be vindicated, they would have supported the investigation, instead of seeing that it was squelched. But charges that they engaged in a “disturbing pattern of distortion” were based on words and actions that are on the record – not on speculation. That is what got our attention to begin with, because precisely the same pattern of distortion and official contempt has disfigured the Trade Center. Only after reading your reply did we realize how similar the two swindles at the largest and second-largest construction projects in the state really are. Getting to the bottom of one would likely clear up the other as well because it is the same cast of characters, the same disdain for the public, and the same toothless oversight.

Just last July, Assemblyman Dinowitz maintained, “I personally think that this whole project merited a criminal investigation.” So who can the public go to to examine the evidence and look into well-founded speculation if not the Department of Investigations? “Deliberative material” was not the subject of our inquiry. We clearly were not asking for officials’ “impressions, recommendations, or opinions.” The selective nature of your decision was telling.

But your answer did give an eloquent account between the lines of what is really at work here. You clearly assumed that you would not have to answer for such an indefensible decision. Perhaps that is because, as Mr. Dinowitz noted in 2009, “the Mayor controls the Manhattan media” – or, as *New York Magazine* elegantly put it in October, 2009, “Mike Bloomberg Owns This Town.”

Even those running a banana republic would be embarrassed to admit that a 69-page publicly-funded report was dead-on-arrival. Anyone who buys into the Bloomberg Administration’s claims of transparency need only look into this matter to get a startling awakening – unless they choose to remain asleep. But perhaps, now that Eric Schneiderman has a mandate to root out public corruption, he will look into it on behalf of the people of New York – because official misconduct is pernicious and must be challenged above and before all else.

To use the Freedom of Information Law in such a blatantly dishonest manner is playing with fire because the Dinowitz report contains unmistakable evidence of corruption. Failure to address that deserves a full-fledged investigation. We will do our best to promote this past due inquiry.

Sincerely,



Margaret Donovan | The Twin Towers Alliance

cc: Michael Bloomberg, Mayor of the City of New York
Christine Quinn, New York City Council Speaker
Eric Schneidermann, New York Attorney General
Robert Freeman, Executive Director, the Committee for Open Government
Jeffrey Dinowitz, New York State Assembly Member

