

WTC Families for Proper Burial, Inc.

History: The Situation

In the days following the WTC attacks, the wreckage from the WTC site was taken to the Fresh Kills Landfill for recovery of visually identifiable body parts and personal effects. At the same time, steel and other recyclables were retrieved and significant debris was removed and reserved for future museum exhibits. During the recovery process, the final siftings, called "the fines," came through a " $\frac{1}{4}$ " grate. These "fines" included particles of human tissue, bone fragments and cremated remains. Our visit to Fresh Kills, while the site was still operational, seemed to confirm the respect and care given to this recovery process. At that time, families and a representative from U.S. Senator Jon Corzine's office, Deb Curto, were told that the fines had been kept separate from existing landfill garbage by a layer of millings. We also were told these fines could be retrieved for a proper burial. Shortly after this visit, a message to us from Mayor Bloomberg's liaison to the families stated that she had been told the same during two separate visits to Fresh Kills. However, subsequent visits revealed that these fines had not been respectfully maintained and instead had been bulldozed into the garbage dump.

Arthur & Arlene Russo and Kurt & Diane Horning founded WTC Families for Proper Burial, Inc. to address the issue of proper burial of these remains. Maureen and William Bosco joined us, establishing New York chapters. Our requests to attend meetings with other 9/11 family representatives and Mayor Bloomberg were denied, as were attempts to have our proper burial issue put into the agenda for these meetings.

The City is planning to cap the garbage dump that comprises Hills 1 and 9 at the landfill. Closing it to grade means dumping an additional four or five feet of dirt on the area where the WTC victims' remains have been dumped. On August 10, 2004, the City gave tacit agreement to keep us informed of any changes to the Fresh Kills WTC area. Instead, 36 hours later, without notice, they began dumping another foot of dirt over the 40-acre area. We discovered this action on Sept. 9, 2004, too late to stop their action.

Persons and organizations we have contacted:

1. See attached list of organizations and persons who have endorsed our mission.
2. President Bush. We have been in contact through Margaret Grant, Special Assistant to the President, Office of Intergovernmental Affairs (202-456-2896). While Ms. Grant seemed sympathetic, to date the President has not responded directly to us, and no assistance has been given.
3. Governor Pataki. We have met with the Governor and have been in continued contact with Douglas W. Blais, Assistant to the Governor for NYC issues (212-681-4621). Mr. Blais assured us that the Governor agreed with our mission. As yet we have no tangible proof of that support.
4. The LMDC. They claimed that they have no jurisdiction and have deferred to Mayor Bloomberg. They continued to call the WTC material "debris" even though we have asked them to use a less insulting term since it contains the remains of our loved ones. We have written to each member of the Board—none has responded.
5. Mayor Bloomberg. He met with two members of our group for 10 minutes on April 15, 2003, and has refused to meet with any of us again. On July 19, 2004, after

waiting two years for a reply, a letter from Jonathan Greenspun, delivered at a City Planning Board Commission meeting, stated that the Mayor did not support the efforts of our organization. A certified mail letter requesting a meeting with the Mayor to clarify what we see as misunderstandings in his letter to us has never been answered. We hired legal counsel and issued a tort claim notice. Meetings between NY City attorneys and our counsel have not proved fruitful.

6. We have sent Freedom of Information letters to The Department of Sanitation. After several months, we received irrelevant or incomplete documents including information containing private information about workers at Fresh Kills (a list of names, phone numbers, addresses and Social Security numbers of workers who called in sick during the recovery operations). FOI Letters were sent to the Army Corps of Engineers with the same inadequate results. A letter to the FBI resulted in a response three months later that they have no records concerning Fresh Kills. Attempts to secure documents from the NY Public Library were unsuccessful due to mysteriously missing documents.
7. We have visited the offices of US Senators and Congresspersons in attempts to gather their support. Many have responded positively.
8. We have spoken to many organizations. At one City Planning Commission sponsored meeting on Staten Island concerning proposed plans for Fresh Kills, the people in attendance applauded our position. The most recent "open" public meeting held by The City Planning Commission on Staten Island excluded any discussion of the "west mound" of Fresh Kills, and banned any response to our questions. We have attended the NY Sanitation & Solid Waste Management Committee meeting of the NY City Council, NY Community Board meetings, LMDC information

sessions, NY Civic Alliance meetings, and have given testimony at each.

9. We have circulated a petition which to date has over 57,000 signatures—representing all 50 States, Washington D.C., Puerto Rico and 46 foreign nations. We have delivered the petitions to Governor Pataki, Mayor Bloomberg, and Amanda Burten, and intend to deliver copies to President Bush.
10. We have visited Fresh Kills on a regular basis on fact-finding and situation monitoring visits. The DOS has continued to be supportive of these visits, though we have never been permitted to bring journalists or professional photographers with us. Our most recent visit was on Friday, September 2, 2005.
11. We have had press coverage resulting in magazine and newspaper articles in NY, NJ, and various other states, Scotland, Japan, England, and Canada. We have had TV coverage on cable and major stations throughout the world, and have been heard on radio in the United States, Canada and Europe. We also advertised our mission on a billboard on Routes 1/9 in NJ that had been donated to our cause.
12. We have written letters to each US Governor (some responses indicated support; others indicated a reluctance to confront NY on a perceived “jurisdictional” issue). We wrote to the Embassies of each country that lost nationals. Those who responded were shocked by the callous action; the most responsive have been The United Kingdom and Japan. Letters were written to all members of the NY City Council. Only two responded; both were positive. Letters to the Port Authority of NY and NJ have resulted in positive dialogue with Director Seymour, Assistant Director Cifelli and Chairman Coscia.

13. The NJ Legislature introduced a bill requiring the proper burial of the remains. This bill was passed unanimously by both houses and signed into law by Governor McGreevey on Dec. 24, 2003. Similar legislation (S4049) was introduced by NY Senator Morahan and passed by the NY Senate. Assemblyman Karben introduced a companion bill (A6814), which was "lost" and therefore not subject to an Assembly vote.
14. Having reached an impasse in trying to meet with the Mayor of New York City, and realizing the timeliness of our complaint, we felt compelled to file a suit against the City of New York for the retrieval and proper burial of all those victims killed on September 11, 2001 at the World Trade Center. This suit, filed on August 15, 2005, **DOES NOT** ask for any compensatory damages. No financial compensation is included; the suit requires only remedy to the wrong committed against the dead and the surviving families.
15. To date (September 5, 2005) there has been no response from the City of New York to our suit.

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Endorsements for WTC Families for Proper Burial, Inc.

- NY Governor Pataki
- NY Rockland County Legislature
- Several NY State Legislators
- NY City Councilman Vallone
- NJ League of Municipalities
- NJ State Assembly (unanimous)
- NJ State Senate (unanimous)
- NJ Governor McGreevey

- NJ State FMBA (entire membership)
- NJ Patrolman's Benevolent Association (entire membership)
- NJ American Legion and Auxiliary (entire membership)
- Rockland County, NY American Legion (Kearsing & Edwards Post 1600)
- NJ VFW (entire membership)
- Pride to a Nation
- Daughters' Day and Sons' Day Foundation (whose board includes Laura Bush)
- National Aviation Disaster Association/Foundation
- Coalition of 9/11 Families
- Hispanic Victims' Group
- WTC United Family Group
- NJ Knights of Columbus (65,000 membership)
- 15 US Senators (from both political parties)
- Several U.S. Assemblypersons (from both political parties)
- Several U.S. State Governors
- The Enlisted Association of the United States and National Guard Association of New Jersey
- The National Convention of the Episcopal Church
- The United Church of Christ
- Roman Catholic Archdiocese of Newark, NJ
- Roman Catholic Diocese of Metuchen, NJ
- Chancery, Roman Catholic Diocese of New York, NY
- Rabbi Laurence W. Groffman, Congregation B'NAI JESHURUN, NJ
- Communications Workers of America
- The Freemasons of 9-11-01
- Canadian Firefighters organizations
- Catholic League For Religious and Civil Rights
- Over 58,000 individual signatories to our petition (online and handwritten)