

Delay in Lawsuit Over WTC Code Enforcement

By Katia Hetter
STAFF WRITER

The Skyscraper Safety Campaign's lawsuit to require the city's building and fire codes be applied to the new World Trade Center site has been delayed — for now.

The group, made up of victims' families who want the city codes to apply to the Port Authority property, had planned to file suit yesterday.

John Whitehead, chairman of the Lower Manhattan Development Corp., read Newsday's Friday report about the lawsuit and asked for a meeting with the Port Authority and the campaign, the campaign's lawyer said.

"My clients had been trying to get a meeting for months, and he [Whitehead] called on Friday," said lawyer Tom Shanahan. "The request was made that we not file this lawsuit and we agree to have a meeting . . . that this is something that can be worked out without resorting to long-term expensive litigation."

The plaintiffs, which include campaign co-founder Sally Regenhart, Councilman Alan Gerson (D-Lower Manhattan) and Councilwoman Helen Sears (D-Jackson Heights), agreed to meet on Thursday, delaying the filing of their lawsuit until next Monday, said Shanahan.

If the Port Authority doesn't agree to

"the legal jurisdiction of city of New York for purposes of building and fire codes [and] allow for inspection at any time of any of their premises that are commercial in nature," Shanahan said his clients told him to file the lawsuit on Monday.

The LMDC and Port Authority issued a joint statement in response: "The LMDC and Port Authority are committed to ensuring the rebuilding effort upholds both excellence of design and high safety standards. We will be meeting with the Skyscraper Safety Campaign later this week."

A Port Authority official said that one charge made in a draft of the lawsuit — that the Port Authority properties don't allow city Fire Department inspections — isn't true.

The Port Authority did a partial survey of some of the agency's facilities yesterday, and determined there had been recent Fire Department inspections at Port Authority Bus Terminal, John F. Kennedy International Airport and ventilation areas at the Holland and Lincoln tunnels, according to an agency official. The Port Authority official responsible for those inspection records was killed in the Sept. 11 attacks, and the records were destroyed that day, said one Port Authority official.

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Heat's on over fire code WTC families ready suit against Port Authority

By GREG GITTRICH
DAILY NEWS STAFF WRITER

A group of Sept. 11 victims' families threatened yesterday to sue the Port Authority to force the agency to comply with city fire and building codes during the redevelopment of Ground Zero.

As a bistate agency, the PA Skyscraper Safety Campaign has received immunity from local inspections and oversight.

But the families group argued that the PA charter refers only to transit projects and does not extend to the agency's commercial properties.

"We're here today to ask for a very simple thing," said Sally Regenhart, co-chairwoman of the

John Whitehead, chairman of the Lower Manhattan Development Corp., has agreed to arrange talks with the PA this week.

Fireproofing probe

Federal officials looking into the World Trade Center collapse are examining whether the PA used an adequate amount of spray-on fireproofing to protect the towers' steel floor supports and structural columns. The probe will conclude next year.

Some independent experts have said the fireproofing was inadequate, and victims' families are concerned that safety

measures will be overlooked during construction at the site.

Thomas Shanahan, the lead attorney on the lawsuit, said the families are not seeking to delay construction.

"What we seek in this action is to have safer buildings," he said at a news conference near Ground Zero.

Inspections okayed

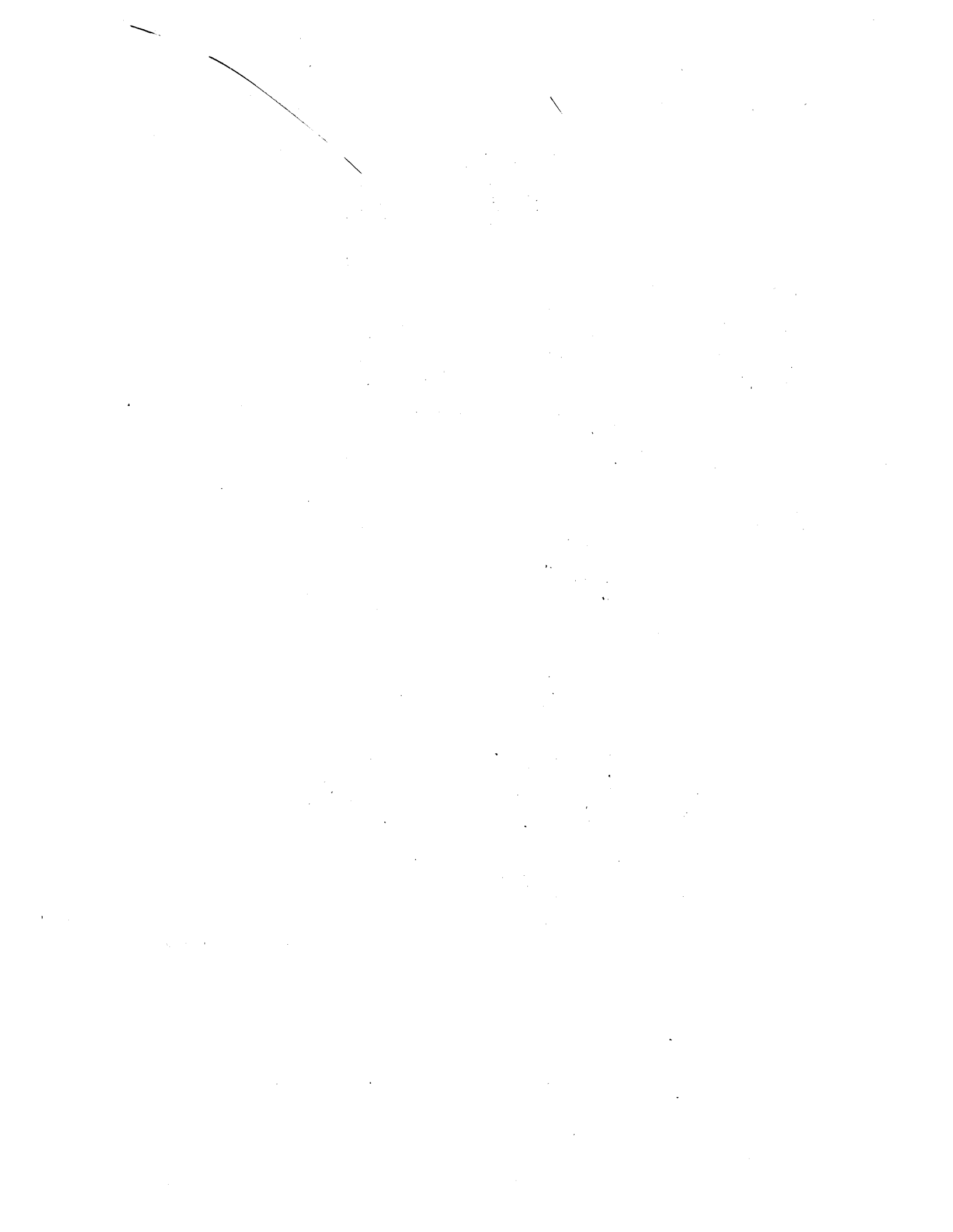
PA spokesman Greg Trevor said the agency does not comment on pending litigation. He did say that it has written agreements with the Fire and Buildings departments to allow for inspections in its buildings.

"The Port Authority is already committed to meeting or exceeding all applicable city building and fire codes," Trevor said.

Officials said the families and the PA could meet Thursday.

The lawsuit — planned by the families, City Councilman Alan Gerson (D-Manhattan), Councilwoman Helen Sears (D-Queens) and Rep. Christopher Shays (R-Conn.) — will go forward if the group isn't satisfied with the PA talks.

"We are reasonable people," Regenhart said. "But it must be understood: We will not waver from our principles."



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Lawsuit Seeks to Subject World Trade Center Redevelopment to City Fire and Building Laws

By Andy Humm

The Skyscraper Safety Campaign, founded by family members of firefighters who died at the World Trade Center catastrophe, is about to file a lawsuit in New York State Supreme Court to require the Port Authority, Lower Manhattan Development Corporation and other developers of the Trade Center site to be legally bound by city fire and building codes.

The Port Authority, a bi-state agency, is not legally required to obey New York City laws and ordinances, but has a policy of "voluntarily" meeting local codes.

Gotham Gazette has obtained a draft copy of the suit, which has been joined by several city and regional elected officials including New York City Councilmembers Alan Gerson, who represents downtown, Christine Quinn (D-3rd district in Manhattan), Helen Sears (D-25th district in Queens), and Congressman Christopher Shays of Connecticut. The Skyscraper Safety Campaign co-chairs Sally Regenhard and Monica Gabrielle and several members have signed on as individuals as well as supporters of the group. Also part of the suit are the Tribeca Community Association, Gateway Plaza Tenants Association, and the Bleeker Area Residents Association, all downtown organizations.

The goal of the lawsuit, according to complainants, is not to oppose reconstruction of the World Trade Center site, but to assure that the safest possible building is built at Ground Zero, and see that it is built according to city standards.

Regenhard has said that she feels her son, a probationary fire fighter, died because the World Trade Center towers were built below code. Questions have been raised about the experimental truss design in such a tall building, the quality of the fireproofing around the metal superstructure, and the fact that fire stairs were consolidated rather than spread out. Better design might not have saved the building from collapsing, but may have given occupants more time and opportunity to escape unharmed.

After Councilmember Gerson wrote a letter to the Port Authority saying he was concerned that the destroyed World Trade Center "may not have conformed" with city codes, the Port Authority replied, "Even though state and federal agencies are normally exempted from local laws and ordinances, the Port Authority, as a matter of long-standing policy, voluntarily meets or exceeds local fire and building codes."

The suit seeks to require compliance with these codes rather than make it a voluntary option. Leaving it up to the Port Authority to "voluntarily" meet city fire codes, the draft suit says, "will subject future tenants, visitors, tourists, and emergency personnel of the City of New York to harm including death in the event of future acts of God, terrorist attack, or other emergency situations." The complainants say that it is also a danger to the health and well being of people in the neighborhood and surrounding region.

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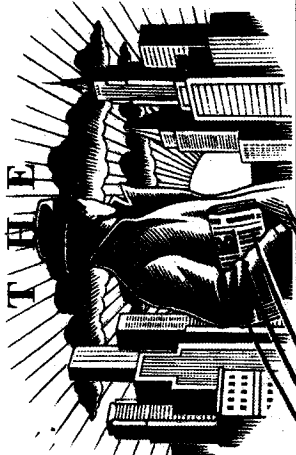
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SILVERSTEIN VOWS TOWERS TO MEET SLEW OF CHECKS

Port Authority Agrees
To Submit New Buildings
To City Inspections

GROUP CALLS IT 'SHAM'

BY BLAIR GOLSON

In an effort to reassure the public that new buildings at the World Trade Center site will meet government-mandated safety standards, the Port Authority and developer Larry Silverstein have agreed in principle to subject their construction projects to several new and independent safety checks, according to a draft of the proposal obtained by *The Observer*.



But members of a post-Sept. 11 advocacy group, whose criticism of Port Authority safety policies helped bring the issue to the fore, labeled the proposal a "sham," citing what they saw as a lack of enforcement powers. The group, the Skyscraper Safety Campaign, vows to continue its battle in the courts.

Under the proposed terms of the agreement, the Port Authority would submit the blueprints of any new construction at Ground Zero to an inde-

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Port Authority Vows New Safeguards

CONTINUED FROM PAGE 1

pendent panel of building-safety experts. In addition, the agency also agreed to subject the buildings to regular inspections and safety-technology updates by another group of independent safety experts. The agency would also initiate an "open-door" policy for inspections by city agencies.

The details of the agreement, brokered in large part by Alan Gerson, a City Council member from lower Manhattan, still are hazy. The agreement has not been formalized, and an official announcement is at least a few weeks off. At the moment, it is unclear who would sit on either of these panels, and exactly what enforcement powers they will have.

The issue of enforcement is a contentious one, as the Port Authority is exempt from city and state safety mandates. And although the agency has long insisted that it has always voluntarily "met or exceeded" government standards, critics charge that lax safety measures may have hastened the collapse of the World Trade Center towers on Sept. 11. Those views gained traction in May, when federal investigators announced that the Port Authority had likely never fire-tested the main structural-support materials used to build the Twin Towers.

Mr. Gerson said he became involved in the talks to help allay the concerns of the Skyscraper Safety Campaign, which was founded after the Sept. 11 attack. The peacemaking effort appears to have failed—at least for now. Sally Regenhard, the co-chair of the group and the mother of firefighter Christian Reganhard, who was killed on Sept. 11, called the proposal a "smoke-and-mirrors P.R. stunt," because the agreement lacks the enforcement powers needed to hold the Port Authority accountable.

"If Mr. Gerson thinks this will mean anything, he's sorely misguided," Ms. Regenhard said. "The history of the Port Authority has been that these people are above the law. You could give the Port Authority a book full of violations, and they could just put it in their circular file."

'The history of the Port Authority has been that these people are above the law.'

—Sally Regenhard

The Skyscraper Safety Campaign filed a lawsuit in July to force the Port Authority to be subject to city and state building and fire codes, but a State Supreme Court justice dismissed the case in December. The group's lawyer, Thomas Shanahan, said that Mr. Gerson's proposal didn't meet his clients' demands, and that he would very likely continue the battle in court with an appeal of the December ruling. "We feel the judge erred when he said that firemen who have to go into these buildings that aren't conforming to the code have no standing to challenge the Port Authority," he said.

The Skyscraper Safety Campaign also said that it's working with U.S. Representatives Christopher Shays, a Republican from Connecticut, and Carolyn Maloney, a Manhattan Democrat, to draft legislation that would make the Port Authority subject to the enforcement of the city's buildings and fire departments. Mr. Shays' chief of staff, Betsy Hawkings, said that both Mr. Shays and Ms. Maloney are working in concert with several New York state legislators to amend the Port Authority's charter toward that end. She declined to name the legislators.

"If the Port Authority really meets or exceeds the requirements of building and fire departments' safety codes, they shouldn't be concerned about legal enforcement," said Ms. Hawkings.

Mr. Gerson, for his part, praised the Port Authority for its willing-



Critics charge that lax safety measures at the Port Authority contributed to the collapse of the Twin Towers on Sept. 11.

ness to come to the table, but conceded that the proposal in its current incarnation is somewhat less than ironclad when it comes to enforcing the findings of the two proposed oversight groups.

"We're negotiating and investigating that," Mr. Gerson said of the latter issue, "and I believe we'll be able to come up with an adequate enforcement mechanism."

The Port Authority largely declined to comment on the proposal, noting that any agreement is not official yet.

"We've had very constructive discussions with Councilman Gerson on a whole host of issues, including peer review," said Steve Coleman, an agency spokesman. "Nothing has been finalized, and we're still working out the details."

Representatives for Mr. Silverstein could not be reached by press time.

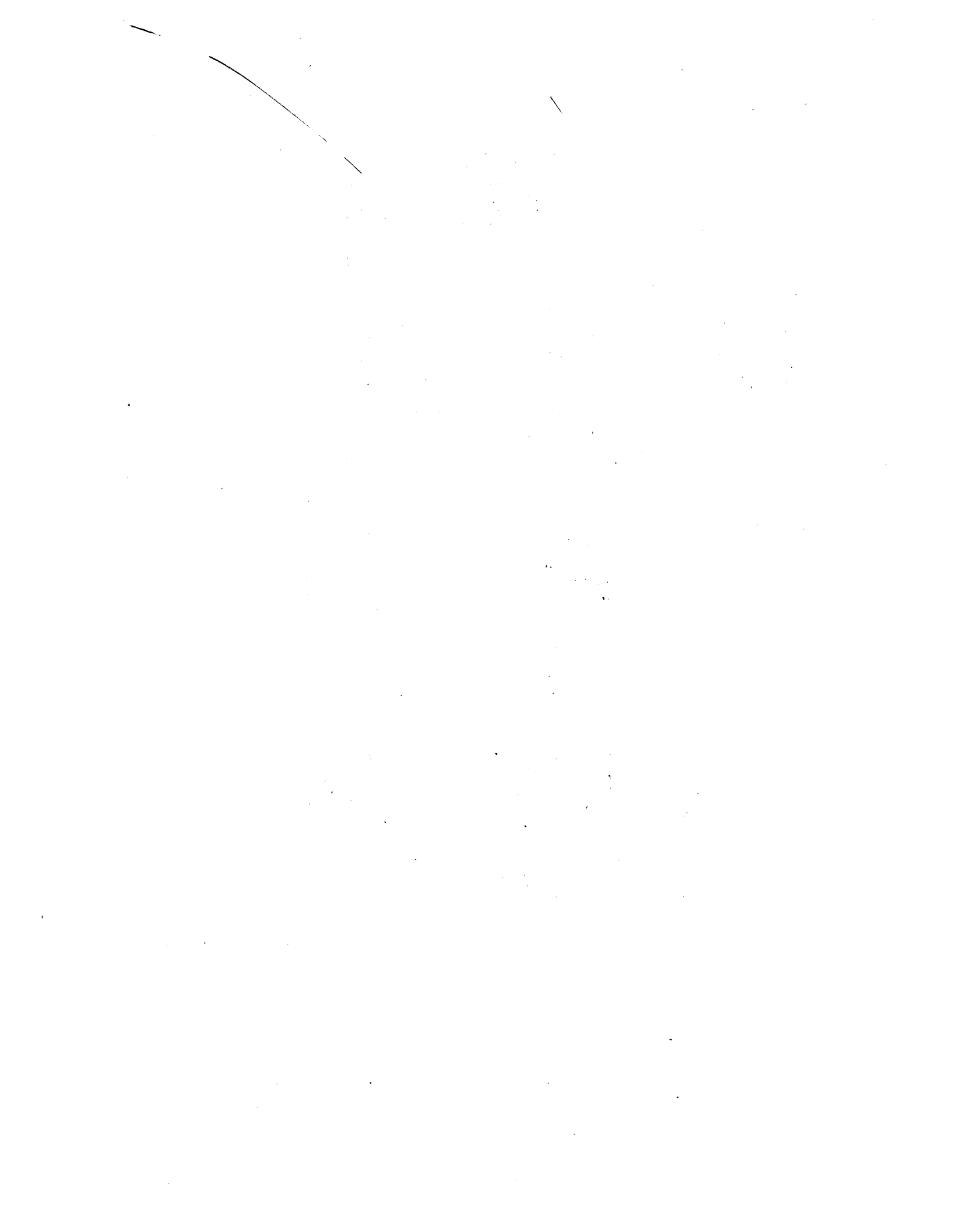
City Council member Christine Quinn, who helped broker the agreement along with Council member Helen Sears, said that despite the apparent immediate lack of enforceability, the agreement represents a significant step forward.

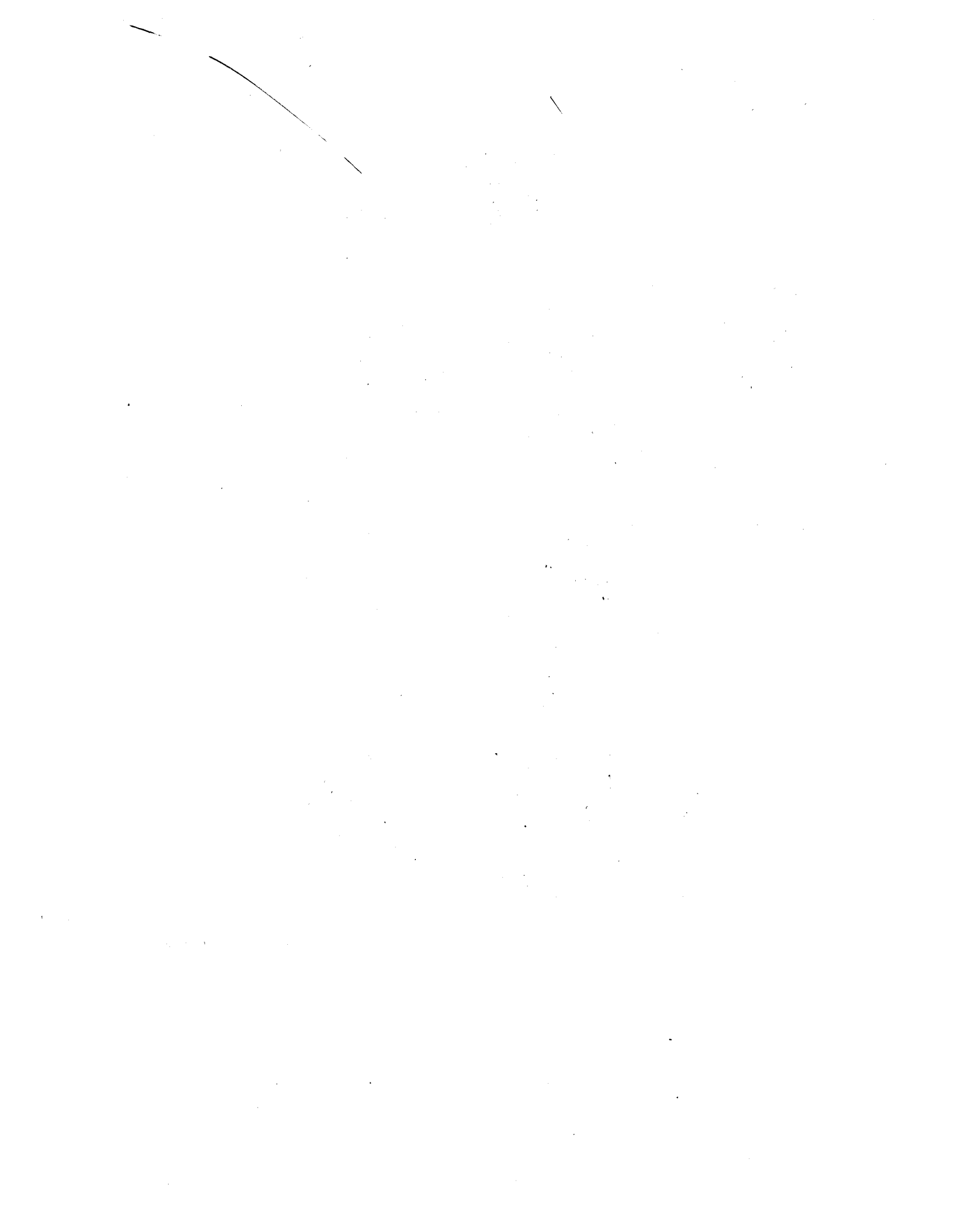
"I don't think the Port Authority would have agreed to meeting building codes if they didn't mean to live up to it," she said. "It's a type of thing where you could show very easily if they weren't living up to their end of the bargain."

Experts on fire safety were less convinced. Vincent Dunn, a retired deputy chief of the Fire Department of New York and author of three books on fire emergencies, said that there's no reason why the Port Authority shouldn't have to adhere to the same safety standards as any other commercial landlord in the city. He also discounted the value of agreements which the Port Authority has made with the FD-NY regarding the agency's compliance with city and state codes.

"Right now we inspect the building, but we don't have enforcement power," he said. "We send a referral notice to the Port Authority, and it doesn't have the powers of a normal enforcement. We can't issue a summons."

Mr. Gerson said the composition of the peer-review group would be determined by "relevant community leaders" or "uniformed agencies," along with various safety experts. The second oversight group—which would be responsible for keeping the building's safety standards up to date—would be composed of people appointed by similar types of entities.





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Lawsuit seeks enhanced WTC fire safety

By Phil Hirschhorn
CNN
Tuesday, July 1, 2003 Posted: 12:53 PM EDT (1653 GMT)

NEW YORK (CNN) -- A group pushing for better skyscraper safety has filed a lawsuit seeking enhanced fire safety measures in buildings constructed at the World Trade Center site.

The Skyscraper Safety Campaign filed its complaint in New York State Supreme Court on Monday, hoping that a judge might order the site's owner, the Port Authority of New York and New Jersey, to comply with building and fire codes that apply to private landlords.

The Port Authority, a transportation agency founded in 1921, is exempt from those codes, but says it follows them anyway, submitting, for example, to unannounced inspections at all its properties.

The SSC was founded by Sally Regenhard, whose son, Christian, was one of 343 firefighters killed responding to the September 11, 2001, terrorist attack on the 110-story towers, which withstood the initial impact of Boeing 767 jets, but collapsed within two hours after super-hot fires.

The Uniformed Fire Officers Association joined the lawsuit, which also sues the Lower Manhattan Development Corp., which is overseeing the rebuilding process, and Silverstein Properties, run by Larry Silverstein, the trade center leaseholder who hopes to develop as many as five new towers on the 16-acre site over the next decade.

"We're not trying to slow anything down," said Tom Shanahan, the



A model shows Daniel Libeskind's winning proposal for the World Trade Center site.

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“We're not trying to slow anything down.”
— Tom Shanahan, the plaintiffs' attorney

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plaintiffs' attorney. "The goal is to build a safer city for the people who are going to work in and visit those buildings and the people who will live in the area surrounding them."

New York Gov. George Pataki has called for groundbreaking next summer on the trade center rebuilding plan designed by architect Daniel Libeskind.

Libeskind's plan, chosen by the LMDC, features a 1,776-foot tower, 400 feet taller than the twin towers, with 2 million square feet of office space filling its first 70 floors and an observatory and sky restaurant above.


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Intense fires

The call for better fire safety measures stems from the belief that such improvements might have saved some of the nearly 3,000 lives lost in the trade center terror attack.

A study by the American Society of Civil Engineers, first reported last year on a PBS "NOVA" program titled "Why the Towers Fell," found that the planes' impact blew away fire-retardant foam that coated the towers' steel beams.

Steel floor trusses that connected the towers' load-bearing outer walls to the inner core were weakened by the fires, sparked by jet fuel, which reached more than 1,700-degrees.

According to the engineers' study, the intense fires caused the floor trusses to sag and fall, contributing to the towers' upper floors pancaking into the lower ones.

The study also found lightweight, fire-resistant drywall that surrounded the elevator banks and emergency stairwells in the towers' core were damaged by the plane crashes, exposing the core to the same fires and rendering most stairwells impassable.

The United Nations, diplomatic missions, federal government buildings, and buildings belonging to other government authorities, such as the Port Authority, are not required to comply with city building codes.

After the first terrorist attack on the twin towers -- the 1993 truck bombing -- the Port Authority entered into a "memorandum of understanding" with the city stipulating regular fire department inspections and buildings department reviews of plans for new construction.

Discussions over a new memorandum are under way.

Greg Trevor, a spokesman for the Port Authority, said: "We are saddened and disappointed that they have decided to break off discussions, because we share the same goals -- to ensure that the buildings at the World Trade Center site meet and exceed building and fire codes and to make them a national model for safety and security."

Shanahan said: "If they meet or exceed the codes, then they should have no problem consenting to the jurisdiction, which means submission of the plans and regular inspections by New York City's fire and buildings department personnel."

Connecticut Rep. Christopher Shays is a plaintiff in the suit, urging that any new buildings be subjected to local, state, and federal building, fire, and safety codes

that are strictly enforced.

The Port Authority had 2,100 staffers in the towers on the morning of September 11, 2001, and lost 75 -- half of them uniformed police officers helping other people escape.

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Port Authority Hit With Lawsuit Demanding It Adhere to City Codes

By JULIA LEVY

Staff Reporter of the Sun

The Skyscraper Safety Campaign has been begging the Port Authority to follow New York City's building code and fire safety regulations for 18 months. Yesterday, the group gave up on dialogue and went to court.

The campaign joined downtown residents and lawmakers to file suit against the Port Authority of New York and New Jersey, Silverstein Properties, and the Lower Manhattan Development Corporation.

"We cannot change the past," said the campaign's co-founder, Sally Regenhard. "But we can influence the future."

She said no New York City building should be above the city's regulations.

The Port Authority — which is exempt from local building and fire codes because of its status as a bi-state agency — contends the rules it follows are more stringent than the city's regulations. Moreover, it says it has allowed the fire department to do random checks of its facilities and issue recommendations since 1993.

The group that sued says the Port Authority shouldn't be so opposed to binding itself legally to following local rules if it already goes above and beyond those rules.

The suit, filed in state Supreme Court in Manhattan, contends that the Port Authority's charter should only exempt it from fire safety and building rules when it acts as a transit authority — not when it acts as a

commercial landlord, as it does at the trade center site.

The Lower Manhattan Development Corporation helped hold off a lawsuit for about a month, as it encouraged dialogue between the parties.

'We cannot change the past. But we can influence the future.'

LMDC president Kevin Rampe said yesterday he thought the dialogue was "encouraging," and was "discouraged by the fact that they've decided to move forward with the lawsuit."

A Port Authority spokesman, Greg Trevor, said he was "saddened and disappointed" that the group broke off discussions. He refused to comment on the pending legislation.

Mayor Bloomberg told reporters it seems like the Skyscraper Safety Campaign's suit is making a valid point.

"I've always thought the city should be in control of anything that goes on in the city," he said. "But when you start to change the relationship between state agencies and the city, it's a complicated thing."

He said it's up to the state Legislature to decide if the Port Authority should have to follow New York City laws.

Group to Sue Port Authority

Wants WTC site plans voided

By Katia Hetter

STAFF WRITER

A group of Sept. 11 victims' families wants the newest World Trade Center site plans to be declared "illegal, null and void," a danger to lower Manhattan and future rescue workers, according to the draft of a lawsuit against the Port Authority of New York and New Jersey and others.

Although the Port Authority has enjoyed immunity from local fire and building safety codes, the lawsuit asks that the agency be ordered to follow those regulations in the redevelopment of Ground Zero. The suit they plan to file Monday claims the agency's role as a commercial landlord isn't protected under the two-state agency's immunity from local codes.

"A government agency that operates a commercial office building should be held to the same standards as the private sector," said attorney Thomas Shanahan, lead attorney on the lawsuit. "There is no reason for immunity to be attached to a commercial landlord. The Port should have no problem with that because they say they meet or exceed the code already."

The lawsuit, to be filed by the Skyscraper Safety Campaign families group, Councilman Alan Gerson (D-Lower Manhattan) and Councilwoman Helen Sears (D-Jackson Heights), doesn't ask for any money beyond legal fees. "If you build in the city of New York, you should be in compliance with the building regulations," Sears said. "When you don't have to do it, there's something wrong."

But the lawsuit does seek to require

that the redevelopment plans be approved by the New York and New Jersey state legislatures and the New York City Council, and includes other Port Authority commercial buildings such as 111 8th Ave., in the court order.

A Port Authority spokesman declined to comment on the proposed lawsuit, which is also being filed against the Lower Manhattan Development Corp., trade center leaseholder Silverstein Properties, trade center retail leaseholder Westfield Group, Marriott Hotel Services, trade center architecture firm Studio Daniel Libeskind and Brookfield Properties.

"The Port Authority's policy is that we do not comment on pending litigation," said Port Authority spokesman Greg Trevor, who had not yet seen the complaint. He said the Port Authority is committed to meeting or exceeding all city building and fire codes under existing agreement with the city.

The agency can't prove it is meeting or exceeding local code requirements, says Skyscraper Safety Campaign chairwoman Sally Regenhard, who lost her firefighter son, Christian, in the attacks.

"There is no documentation of inspections, the Port Authority doesn't allow the FDNY [to inspect], so the codes are not enforced even if they do follow them voluntarily," Regenhard said. "That building was a death trap. If we allow the Port Authority to build again with the same immunity to building and fire codes, who's to say they won't build another death trap?"

**Architect Revises Plans;
Plea in Grant Scam, Page A17**

STYLE

Report: 9/11 Detainees Mistreated

CITES BROOKLYN FACILITY FOR 'UNDULY HARSH' TREATMENT

By COLIN MINER

Staff Reporter of the Sun

Federal correction officers at the Metropolitan Detention Center in Brooklyn subjected immigrants detained in the wake of the attacks on the World Trade Center and Pentagon to "a pattern of physical and verbal abuse," according to a report released yesterday.

The report — by the Justice Department's inspector general, Glenn Fine — found "significant problems" with how the department treated the nearly 1,000 people who were rounded up as part of the investigation into the attacks.

Besides the abuse at the Brooklyn facility, the report cited unnecessarily long delays in clearing innocent people and poor communication between different components of the Justice Department.

"While our review recognized the enormous challenges and difficult circumstances confronting the Department in responding to the terrorist attacks, we found significant problems in the way the detainees were handled, Mr. Fine wrote.

Within the strictures of bureaucratic language, the report was sharply critical of the handling of the detainees within the federal detention system.

The report also backs up the claims of many activists who have charged that detainees held in Brooklyn were denied their civil rights and treated harshly.

"Our review found that 84 Sept. 11 detainees were housed in Brooklyn under highly restrictive conditions," according to the nearly 200-page report. "These conditions included 'lock down' for at least 23 hours per day; escort procedures that included a 'four-man hold' with handcuffs, leg irons, and heavy chains any time the detainees were moved outside their cells; and a limit of one legal telephone call per week and one social call per month."

Mr. Fine also discovered that officials in Brooklyn told people trying to locate detainees that the person about whom they inquired "was not held at the facility when, in fact, the opposite was true."

The study also said restrictions on telephone use prevented some detainees from timely access to lawyers and, in some cases, were kept in their cell 23 hours a day with two lights shining on them at all times.

The report documents infighting between the Federal Bureau of Investigation and the Immigration Service and suggests nearly two dozen changes to the system of how immigrants suspected of violating the law are processed in the future.

Mr. Fine, in his report, refers to the conditions in Brooklyn as "unduly harsh."

The probe, which was started after numerous complaints of civil rights violations, also examined conditions at the Passaic County Jail in Paterson, N.J.