

NYC Initiative Petition to Amend NYC Charter – under § 37, New York Municipal Home Rule Law

I, the undersigned, do hereby state that I am a resident of and a registered and qualified voter in New York City, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby sign this Petition, as set forth below and on the three additional pages, to enable the contents of this Petition (or an approved summary) to be submitted to the electors of New York City at a general election.

In witness where, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of signer (signature required) (printed name may be added)	Residence	Enter NYC County
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Signature:
/ /08 printed name:.....ZIP

Petition to Create and Fund (1) a NYC Independent Commission with Subpoena Power to Fully Investigate 9/11 and Issue a Report; and (2) a NYC Attorney General to Function Independently of the Commission, to Serve as Litigation Counsel to the Commission and to Enforce Constitutional and Other Rights of Groups of NYC Citizens, Residents, Workers, Homeowners and Small Businesses

WHEREAS, many NYC voters believe that the truth about the events leading up to September 11, 2001 (“9/11”) have not been disclosed to the public and that no legitimate investigation of 9/11 has taken place by any New York City agency or other agency;

WHEREAS, NYC and its citizens, residents, workers, homeowners and businesses have been injured far greater than any other city or area in the United States; and

WHEREAS, NYC citizens, residents, workers, homeowners and small businesses have no publicly-funded agency for civil enforcement of their Constitutional and other rights;

[Note: The Petition is continued on pages 2-4.]

Complete ONE of the following:

(1) STATEMENT OF WITNESS

I, (name of witness) _____ state: I am a duly qualified voter of the City of New York and I am also duly qualified to sign the Petition. I now reside in New York City at (residence address) _____. The individual whose name is subscribed to this Petition sheet containing 1 signature, subscribed the same in my presence on the date above indicated and identified himself/herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

_____/_____/2008 _____
Date **Signature of Witness**

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition sheet to be valid.

County in New York City: _____

(2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the date above indicated before me personally came the NYC voter whose signature appears on this Petition sheet containing 1 signature who signed same in my presence and who being by me duly sworn, said that the foregoing statement made and subscribed by him/her, was true.

_____/_____/2008 _____
Date **Signature and Official Title of Officer Administering Oath**

THE FOLLOWING IS HEREBY DESIRED AND APPROVED AS AN INITIATIVE FOR ADOPTION OF A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER, TO BE PRESENTED TO VOTERS OF THE CITY OF NEW YORK AT A GENERAL ELECTION OF VOTERS:

- 1.. The title of this local law is “Act to Create a Temporary Independent Commission to Investigate 9/11 and a Temporary Independent Office of the NYC Attorney General to Enforce Group Rights of New York City residents”.
- 2.. An independent temporary NYC commission (the “Commission”) is hereby created to investigate the events leading up to 9/11/01 (“9/11”) and to issue subpoenas for documents and testimony, take and record testimony, and issue one or more reports concerning 9/11, including any activities attempting to hide, cover up, impede or obstruct any investigation into these 9/11 events. The duty of the Commission will be to conduct a comprehensive, fact-driven investigation following wherever the facts may lead and prepare and publish a report relating to the events that took place on 9/11, as well as related events before and after the attacks on 9/11.
- 3.. An independent temporary NYC Attorney General (the “NYCAG”) is hereby created to represent the Commission in court proceedings when retained to do so by the Commission and to enforce the rights of groups of individuals created under civil laws, and to commence and pursue legal actions to recover moneys owed to NYC.
- 4.. The Commission shall consist of 9 Commissioners (with others to be appointed by majority vote of the Commission members to bring the Commission up to as many as 12 members and to fill any vacancies thereafter.) By reason of the resignation of the originally-designated Commissioners, to name the new panel of 9 Commissioners, or if additional Commissioners or candidates are needed to fill Commission vacancies, a selection panel of 3 persons will be named by Carl E. Person from individuals who have published a book, film, magazine article or website about 9/11 to draw up a list of additional candidates and appoint Commissioners to fill any such additional vacancies.
- 5.. The Commission shall act by majority vote.
- 6.. The Commission (and its Commissioners, attorneys and investigators in the name of the Commission) shall have the power to issue subpoenas and to apply to the appropriate federal, state, out-of-state or foreign court for issuance of subpoenas for service upon persons, corporations, agencies or others beyond the subpoena power granted to the Commission.
- 7.. The NYCAG shall be attorney Carl E. Person, an antitrust and civil rights lawyer and member of the New York bar since 1962, having his residence and office in New York, NY. In the event of his death, incapacity, resignation or other disqualification, his successor shall be appointed by majority vote of the Commission.
- 8.. The Commission and NYCAG shall have no authority to act beyond 5 years from the date of their creation by the voters of NYC, except by extension of term and financing through NYC legislation enacted by the City Council or Mayor, or by vote of the electorate at a general election, pursuant to appropriate statute such as Section 37 of the Municipal Home Rule Law or Section 40 of the New York City Charter or other law.
- 9.. The Commission shall have a budget of \$10,000,000 per year and the NYCAG shall have a budget of \$2,500,000 per year, for use in their respective activities). Financing shall be as described in the Plan annexed as Appendix A hereto. Each check drawn by the Commission is to require the signatures of at least 2 of the Commissioners; and each check of the NYCAG is to require signature of the NYCAG. Both the Commission and the NYCAG are to have their respective finances audited each year by an independent public accounting firm.
- 10.. The NYCAG is expected within the first year or two of operations to take in more net revenue through settlements of actions (brought to enforce the rights of groups of NYC residents) than the cost of running the NYCAG. Some of the settlement proceeds are expected to be paid to injured persons on whose behalf the litigation was brought. It is anticipated that, within 1-2 years, the NYCAG will provide net revenues for New York City during its 5-year period of operation. One of the main areas for the NYCAG will be to protect NYC’s job base and to sue companies, financial groups or others that remove jobs or job benefits from NYC in violation of federal or state law, or breach their agreements with any NYC agency. Also, the Commission and NYCAG will work to analyze and enforce the rights to health care services and compensation of police, firefighters, other first responders, local residents and others who have suffered from the 9/11 attacks. Revenues raised by the NYCAG in its actions and activities unrelated to 9/11 may be used to fund the work of the Commission.
- 11.. The Commission will not be involved in any of the activities of the NYCAG unrelated to its 9/11 investigation.
- 12.. As a law-enforcement agency, the Commission and the NYCAG shall have the right not to publicly disclose activities of a secret or confidential nature and shall have the duty of recording the taking of testimony by film or video, and the duty of providing an opportunity for C-Span and other television networks, stations and programs to broadcast Commission proceedings on a live or other basis.
- 13.. The Commission shall have a duty to maintain the number of Commissioners at no less than nine and up to twelve and to fill vacancies promptly.
- 14.. Each Commissioner and the NYCAG shall be paid a base annual salary of \$112,500 (or such other base salary as is then being paid to members of the New York City Council) and the same benefits received by such members, plus reimbursement of out-of-pocket expenses actually incurred on behalf of the Commission or NYCAG; economy air and train fares to and from a Commissioner’s residence outside of New York City (or beyond a 50-mile radius from the Commission’s office) shall be considered reimbursable expenses up to \$20,000 per year.

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15.. Commissioners shall not be required to maintain a residence in New York City or New York State.

16.. The Commissioners and the NYCAG are not required to devote 100% or substantially all of their time to the work of the Commission or NYCAG, and it is expected that Commissioners and the NYCAG will be able to continue with non-conflicting activities including teaching, writing, consulting, Internet activities, and other.

17.. The Commission by a majority vote shall have the right, as a special prosecutor, to seek and prosecute an indictment in any of the Supreme Courts located in the City of New York, and if this provision for any reason shall be held unconstitutional or in violation of law then the Commission shall have the power to seek the appointment of a special prosecutor under Section 701 of the New York County Law.

18.. The Commission shall have the power to seek the appointment of a special prosecutor anywhere within New York State or in any other State, country or jurisdiction.

19.. The Commission as an investigative and prosecutorial office of New York City shall enjoy the same immunities, privileges and prosecutorial discretion granted under law to elected prosecutors, and it is intended that, as far as New York law permits, the NYCAG shall have the same power and authority to enforce civil law within NYC as the NYS Attorney General has within New York State.

20.. No New York City employee, past or present, shall have the right to avoid testifying before the Commission based on any prior agreements not to disclose or testify with any officials or agencies of New York City or other governmental agency; the Commission has the power to maintain secrecy and confidentiality of testimony or other disclosures where appropriate.

21.. The Commission and the NYCAG shall have the power to promulgate policy, rules and procedures, and to hire and fire clerical and other employees, attorneys, accountants, paralegals, experts, consultants and others in performance of their respective duties.

22.. The Commission shall have the power to enter into contracts; and to create and enforce rules.

23.. This law shall be construed liberally to enable the Commission to conduct an independent investigation into 9/11, issue one or more reports on the Commission's investigation, create one or more websites to provide public information about the work of the Commission and to prosecute anyone for alleged criminal conduct under the standards appropriate to elected prosecutors in New York State, and to seek appointment of special prosecutors when appropriate, and to enable the NYCAG to function for New York City with the same authority and power (to the extent authorized by law) as the New York State Attorney General functions for all of New York State.

24.. If any provision of this law is held to be unconstitutional or invalid for any reason, the remaining provisions shall be in no manner affected thereby but shall remain in full force and effect.

APPENDIX A

Plan for Financing the Commission and NYCAG

(Submitted in Support of the Petition pursuant to ¶ 11 of Section 37 of the NY Municipal Home Rule Law)

The NYCAG is to be a temporary independent agency for NYC expected to create a positive cash flow by the end of the second year of operations. This projection is based on the experience of the New York State Attorney General who from 2003 to 2006 obtained lawsuit settlements amounting to at least \$7 billion. Probably 40% of such settlements related to NYC residents or businesses. The NYCAG plans to commence actions on behalf of citizens, residents, workers, homeowners and small businesses of NYC to enforce Constitutional and other rights not otherwise being enforced by any government, including actions to protect the job base in NYC.

The activities of the Commission and the NYCAG are to be financed in this order of priority:

1.. Tax deductible or other contributions to the Commission from individuals, non-profits and others throughout the United States and internationally interested in having an independent 9/11 investigation.

2.. Surplus of NYC, stated by Major Bloomberg on 4/26/07 is an estimated \$ 4.4 billion for NYC. Source: <http://www.bloomberg.com/apps/news?pid=20601103&sid=aQGzvjuGBuCo&refer=us> A maximum of two years of expenses (amounting to a total of \$20,000,000) would be taken from this surplus, if available. It is anticipated that this money would be returned to New York City during the 3rd through 5th years of operations, through income derived by activities described in ¶¶ 5-6 below.

3.. In the event the surplus is unavailable to finance the Commission and NYCAG, the Commission and NYCAG will operate through deferral of salaries, and in vacant office space owned or controlled by NYC or space made available for free or deferred rent through one or more religious or other non-profit organizations in New York City, until such time as funding is obtained from any of the sources described below.

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4.. Sale of surplus real estate owned by New York City, with NYC determining what real estate should be allocated for such purpose. During June, 2006, the NYC Department of Citywide Administrative Services sold approximately 40 real estate parcels for a total of \$17,713,000. NYC has many hundreds of surplus real estate parcels remaining unsold. NYC has approximately 15,000 unsold parcels, according to www.signonsandiego.com/news/reports/watchdog/20050918-9999-lz1n18land.html. This NYC agency would sell the allocated real estate parcels and turn the proceeds over to the Commission and NYCAG.

5.. Collection of moneys (sometimes called “clawbacks”) owed to NYC by reason of tax abatements or other subsidies given by NYC to various businesses in NYC and a failure of the recipient to fulfill job-creation or other promises in the agreement. These actions would be commenced by the NYCAG on behalf of NYC, with any proceeds in excess of the budgetary requirements of the Commission and NYCAG for the following 12 months being turned over to the NYC Department of Finance, as unrestricted revenues.

6.. Settlement proceeds of other actions commenced by the NYCAG to enforce Constitutional and other rights of NYC citizens, residents, workers, homeowners and small businesses. From 2003 to 2006, NYS Attorney General Spitzer obtained settlements amounting to at least \$7 billion. NYS Attorney General Andrew M. Cuomo took office in January, 2007 and through April 17, 2007 made settlements of \$2,500,000, \$2,000,000 and \$2,000,000 with 3 student loan companies, also he settled with 8 universities for undisclosed amounts and/or terms, and has served subpoenas on 13 additional student loan companies and scores of universities, in what seems to be an industry scam to result in something close to \$100,000,000 in settlements for New York State by the end of 2007. New York City should be obtaining an interest in these and other NYS Attorney General suits by having its own (NYC) Attorney General office to commence actions against companies or persons causing injury to NYC citizens, residents, workers, homeowners and small businesses, the persons who are least able to fend for themselves.

It is anticipated that by the end of the second full year of operations, the NYCAG will have net revenues (after making payments to injured individuals or companies) from the activities described in paragraphs 5-6 above that exceed the combined expenses of the Commission and NYCAG. Revenues in excess of the combined needs of the Commission and NYCAG will be turned over to the NYC Department of Finance, as unrestricted revenue, 12 months after the year in which any annual surplus is established. For example, if in year two of operations a surplus is established, the surplus will be paid over by the NYCAG to New York City at the end of year 3 if the surplus is not needed for operations during the third year.

Availability of Additional Information about the Petition, the Initiative Process, the NYCAG and the Individuals Involved

Additional information about this Petition, the Initiative Process and the individuals involved is available at www.nyc911ballotinitiative.org or www.real911investigation.org. Copies of the Petition may be downloaded.

WHERE TO MAIL THE ORIGINAL SIGNED PETITION

Please mail the Petition (as signed by 2 NYC registered voters; or 1 NYC registered voter and a NYS notary public) to:

NYC 911 Ballot Initiative
325 W. 45th Street – Suite 201
New York NY 10036-3803

[end of petition]