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Creative Destruction: Memory, Public Finance, and the State in New York City

Author
Potluri, Keerthi Choudary

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Creative Destruction: Memory, Public Finance, and the State in New York City

by

Keerthi Choudary Potluri

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of the

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Committee in charge:

Professor Samera Esmeir, Co-chair
Professor Michael Watts, Co-chair
Professor Trinh Minh-ha
Professor Thomas Laqueur

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Abstract

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Doctor of Philosophy in Rhetoric

Designated Emphasis in Women, Gender & Sexuality

University of California, Berkeley

Professor Samera Esmeir and Professor Michael Watts, Co-chairs

This dissertation demonstrates how the neoliberal state marshals public finance and public memory to incorporate itself into the contemporary urban landscape. It investigates sites in the built environment where the state deploys public funds to subsidize private construction projects that are fiscally unsound, using the institutional form of the public authority to covertly mediate between itself and the private sector. Combining discursive analysis of news media, funding allocation records, and the sites themselves, it looks at the World Trade Center reconstruction, a bus depot in Harlem, and Freshkills Park in Staten Island, a former landfill, and examines the effects of these projects both on urban space and public memory itself. The dissertation argues that the state uses public funds to inaugurate sites of memory in the city's cultural and political landscape in order to assert its ethical and political legitimacy in a moment when that legitimacy is bound up in its relationship to private capital. This is an unexpected manifestation of what Marx and Schumpeter describe as "creative destruction" – the destruction of capital necessary to the continuation of capitalism – but what the dissertation shows is that this process not only sustains capitalist economy, but also removes democratic participation from planning the built environment while regenerating the state's failing legitimacy in times of fiscal crisis. The dissertation employs historical and archival research on public authorities, including the Port Authority of New York and New Jersey, and qualitative research, such as personal interviews with project planners, neighborhood residents, tourists, state officials, and activists. By showing that state projects of memorialization are central to mediating between private interests and the capitalist state, it contributes to scholarship in state theory, urban planning, and material culture.

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INTRODUCTION

Urbanism … might be defined as the instrumental theory and practice of constructing the city as memorial of itself.[1]

Since the New Deal, we have come to think of public building projects as embodiments of civic spirit and a benevolent state. Today it could be said that the reverse is true, as the visibility of similar public projects in the U.S. has diminished. With the growth of public-private partnerships, the boundary between the two blurs. Given these changes, to what extent do the way new things are built with public funds constitute a reflection of general interest and public good, as argued about the New Deal era? Does this reflection persist amid the conflicts over space and place that characterize the contemporary global city? What work does the neoliberal state accomplish when it finances such projects? If the general interest is no longer central to financing public projects, what work does the state accomplish when financing them? And might this fiscal activity be constitutive of the state itself?

In the midst of an economic recession and active warfare, domestic construction projects in the United States continue to slowly advance, such as levee-repair in New Orleans, work on the San Francisco-Oakland Bay Bridge, and the building of a bicycle boulevard in Austin, TX.[2] Recent U.S. history includes such controversial projects as the Alaskan "bridge to nowhere" made famous on the 2008 presidential campaign trail, which proposed building a $233 million bridge to serve between a town of 8,900 and an island of 50 people and 1 airport. Notably, some of these projects are built on sites of ruins and historical injuries. Yet, the state justification for such public constructions cites an ethical commitment to the public good.

The U.S. is in an infrastructural crisis from which New York City, the setting of this dissertation, is not exempted, with serious threats posed by such things as the aging water drainage pipes in the subway system. Though it is the largest city in the world's largest national economy, it also has the highest income gap of any other U.S. city and contains the poorest county in the country, the Bronx.[3] Building in New York City – one of the most densely-populated and unequal cities in the U.S. – has the potential to serve either the highest capital interests or public interest, often within the same block. Therefore, the funding decisions the state makes also indicate its ideological priorities.

This dissertation investigates the nexus between the state, finance capital, public memory, and the urban built environment of New York City. It probes how the state rhetorically harnesses immaterial categories like ethics and memory to renew itself politically and economically, particularly in times of fiscal crisis. Each chapter identifies sites where the state's legitimacy is called into question and points to the ways "creative destruction" operates as a state-preserving strategy. Creative destruction is typically understood to be the process by which

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[1] Anthony Vidler, *The Architectural Uncanny* (Cambridge, MA: MIT Press, 1992), 179.

[2] The Public Works Administration (PWA) and the Works Progress Administration (WPA) were New Deal-era agencies established to stimulate the American economy in the midst of the Great Depression, existing until 1939 and 1943, respectively. The legacy of the New Deal and these agencies can be noted throughout New York City, but I will be focusing on present-day projects that resemble those taken on by the PWA and WPA.

[3] 1% of the city's population earned 45% of its income in 2007, versus 23.5% nationwide. About 1 million households in the city earn $10,000 per year. Statistics from "City's extreme rich-poor divide" by Bill Sanderson and Amber Sutherland, *New York Post*, Jan 19, 2011.

destruction is instrumental to the regeneration of the economy. The dissertation reveals this process to be regenerative of the state.

Ira Katznelson has most recently argued that the contradictions of contemporary liberalism are rooted in the compromises struck during the New Deal.[4] The championing of a public good is central to state legitimacy yet the pursuit of it runs counter to neoliberal political economy today. Bringing the public authorities borne of the New Deal into the neoliberal present is the goal of this dissertation. I focus on New York City because it offers several sites that bring together such institutions, finance capital, and urban palimpsests of memory, particularly as they call up notions of a commons. It is also the site of exceptional projects, like the National September 11 Memorial Museum, the most expensive museum in human history, constructed amid urban austerity measures, as well as everyday battles for public memory, as at a city bus depot in Harlem.

The project demonstrates how the neoliberal state marshals public finance and public memory to incorporate itself into the contemporary urban landscape. In particular, I investigate sites in the built environment where the state deploys public funds to subsidize private construction projects that are fiscally unsound, using the institutional form of the public authority to covertly mediate between itself and the private sector. Combining discursive analysis of news media, funding allocation records, and the sites themselves, I look at the World Trade Center reconstruction, the National September 11 Memorial and Museum, a bus depot in Harlem, and Freshkills Park in Staten Island, a former landfill, and examine the effects of these projects both on urban space and public memory itself. The dissertation argues that the state uses public funds to inaugurate sites of memory in the city's cultural and political landscape and in the process asserts its ethical and political legitimacy, in a moment when state power maintains an intimate relationship to private capital. This is an unexpected manifestation of what Marx and Schumpeter describe as creative destruction – the destruction of capital necessary to the continuation of the economics of capitalism. What I show is that this process not only sustains capitalist economy, but also removes democratic participation from planning the built environment while regenerating the state's failing legitimacy in times of fiscal crisis.

New York City politics are multi-layered, with many actors of different political affiliations, such as local political figures who do not hold office, city councilmen, MTA officials, state-wide representatives, and even politicians based in Washington. This project does not focus on the specificities of the matrix of actors that inhabit the U.S. state, but instead differentiates between the state as an entity and the exercise of state power by political actors. Many of the people in conversation around the case studies of this dissertation, both officers of the state and concerned citizens, discuss the state as an institution whose purpose is to serve the public good. However, how this good should be implemented is contested and the state thus emerges as a problem. This project therefore asks, as it grapples with the rhetorical elements of such struggle: how does the way the U.S. state parcels out money and builds things influence the production of history – specifically, the way people understand the state over time? In this way, I put state theory in conversation with the specific projects in New York City to suggest a more productive relationship between state-funded projects and the oft-present conflicts of interest that overlap them. As we continue to see, every year, all over the country, territorial inclusion in the nation-state does not guarantee inclusion in the ideological commitments of the state, as much as American political leadership would have citizens believe the contrary. The manifestations of

[4] Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time*, 1st ed. (Liveright, 2013).

ideological exclusion in the built environment are one concrete way to explore this tension between inclusion and exclusion in the nation-state. Beyond the motivations of individual political actors, I am interested in the logic of the contemporary capitalist state that is reflected as a whole. Why is the turning of money into non-productive fixed capital – on top of ruins – desirable for the state's maintenance of state power and the work it is attempting? And how is such work consistent with the idea of a capitalist state apparatus?

The universalizing and socializing effects of the capitalist state mean that as global capitalism evolves, it is ever more important to study how it sustains itself amid crisis and contradiction. Figuring how local government money is connected to federal decisions and actors in Washington is a way of making an immediate problem speak to a broader, more diffuse problem of the relationship between fiscal responsibility and responsibility to the public good, understood broadly. The study of the relationship between local and federal monies contributes to philosophical and theoretical explorations of capital in circulation, of money being made into capital, and the double movement of the U.S. state's vying for power by not only shifting its capital from high concentrations to lower, in a classic Marxist sense, but also doing work on landscapes and memory themselves.

In the background of this project loom the capital changes and redevelopment of New York City, as sketched by historical and current examples, as well as a Marxist reading of urban theory in which a city is endlessly rebuilt to serve class mobility. Its middle-ground, and empirical bulk, addresses the various public agencies involved in the WTC, Fresh Kills, and Harlem sites' development, the reworking of their landscapes through construction and technology, and the specificities of the sites themselves as available through archives, physical visits, and interviews. In the foreground, connecting the various chapters, are the questions of memory, remains, and the state as they emerge from the historical and empirical material.

I employ historical and archival research on public authorities, including the Port Authority of New York and New Jersey, and qualitative research, such as personal interviews with project planners, neighborhood residents, tourists, state officials, and activists. I also incorporate my own observations of the sites in question, offering discursive readings of their material and symbolic dimensions. This blend of site-specific research provides a layered account of politics and political institutions as they work today, as well as of the state and civic rhetoric that defines them, while grounding analysis in the contemporary, place-based materiality of these sites in the city of New York. By showing that state projects of memorialization are central to mediating between private interests and the capitalist state, it contributes to scholarship in state theory, urban planning, and American studies.

Five chapters compose this dissertation. Each of these chapters discusses a particular public building project and facet of state activity: the public versus private, memory, and the moral and ethical. "Destruction/Construction," the first chapter, tells a story of New York City's creative destruction. It synthesizes the city's modern building history, materialist state theory, and financial crisis in the neoliberal era, indicating different ways the state acts in the name of general interest. The chapter points to the moral elements the state mobilizes in times of capitalist crisis and the implications of this mobilization for a theory of the capitalist state.

"Unmeasured Authority" investigates the reconstruction of the World Trade Center, in the aftermaths of 9/11 and the 2008 financial crisis. Under examination are public authorities and their national legacy, with a particular focus on the Port Authority of New York and New Jersey, the owner of the WTC site. The chapter demonstrates how the public authority exercises state power while enjoying a unique financial freedom, rendering this institutional form a particularly

opaque form of state governance. This ambiguity, I argue, affords the state autonomy to bypass the usual juridical checks on its power.

The third chapter, "Wounded Landscapes," discusses ethical commitment in the capitalist state's public portrayals. Through an examination of the 9/11 Memorial and Museum, I theorize the state's official parceling of memory throughout the cultural landscape of the city as paralleling the chaotic, disjointed national experience of dealing with 9/11. I suggest that the state uses non-profitable memory practices to enhance its legitimacy in reaction to its own permeability. The chapter argues that the publicly-financed building at the WTC site is an ethico-political strategy used by the state to simultaneously codify the loss of public space and the ability to experience loss.

The physical remains of 9/11 constitute the subject matter of the fourth chapter as well, entitled "Fresh Kills." It examines the landfill in Staten Island that was the site to which much of the wreckage of the Twin Towers was taken, including unidentified human remains. By studying the landfill's recent conversion to a large city park, the chapter interrogates how the imperatives of state ethics depend on the local built environment and the role that nature, as an analytic term, plays in neutralizing trauma.

The conclusion, "Burial Grounds," moves away from the WTC to show how the work of the state and public authorities continues in other areas of the city. By examining the public protest over plans to expand a bus depot atop an African burial ground in Harlem, I argue that the absence of a sanctioned archive of the burial ground allows the state to ignore the commitment to public memory it champions at other sites. The careful scrutiny of such discourse yields insight into city projects that mobilize, for example, a rhetoric of social partnerships, market incentives, and eco-consciousness that is in fact neoliberal, pro-corporate, and profit-driven.

Each chapter traces one piece of remains after another, drawing out the materiality of loss that accompanies the imperatives of building and rebuilding. The first chapter begins with the ways the state's shift to neoliberal governance mirrors the material process of the creative destruction of New York City. Chapter 2 focuses on the public authority as a central component of the creative destruction of the state, while showing how building, even on ruins – or, in some cases, as in the WTC, *especially* on ruins – is central to state ethics. The ruins of the WTC and their memorialization are traced in Chapter 3, which in turn leads us to Fresh Kills landfill, where some of those ruins persist. The story closes with the pending memorialization of centuries-old African remains in Harlem and the community struggle waged to draw connections between the commemoration of those remains and the state's championing of public history and ethical commitment at the other sites.

In all cases, the materiality of New York City's ground exerts a powerful force. Lower Manhattan, the site of the WTC, and Fresh Kills are both landfill, and the Harlem African burial ground is on sinking ground, subject to erosion from adjacent infrastructure and the constitution of the riverbank it lies on, as well as covered in a layer of landfill. The ground beneath these building projects is itself changeable, shifting as the projects progress. With it, the ruins and remains that ground contains shift, too. A landfill is the condition of possibility to make a memorial, the necessary ground to absorb the ruins that must be cleared to build a structure of memory. The WTC had Fresh Kills – the latter accommodated the ruins of the Twin Towers, including the remains of the humans they housed when they were destroyed. Yet at Freshkills Park, a memorial is again produced to acknowledge the human remains that persist in the landfill, in turn reproducing the same problems of the National September 11 Memorial and

Museum at the landfill once again. We see that refuse, as viscerally embodied by Fresh Kills' trash mounds, but which is also the foundation of the earth upon which the WTC and bus depot stands, is the problem of the remains that persist; remains in the landfill can never be purified from the garbage with which it co-exists. The state attempts to purify these particular aspects of the materiality of loss in New York City by conceptualizing forms of memory that can in turn reproduce its own legitimacy.

Capitalism is always opening up excesses, whether they be demolishing homes for investment by finance capital or the creation of slums to absorb displaced people – or even the expansion of a bus depot, the construction of the most expensive museum in history, or public financing of private real estate interests. How is it that such projects can seem viable to U.S. citizens and the state at a time when unemployment is higher than ever and job creation through infrastructural projects does not offer the hoped-for stimulus? What ideological work has taken place, or continues to, and what reach does state power have that allows these contradictions in spending to continue? Does a publicly-financed project's veneer of an ethical commitment suffice? This dissertation is not an investigation about the need, or lack, for the state's existence, but about excavating its evolution to its present form, through a messy combination of dysfunction and good and bad intentions, while illuminating the complexities in the state's relationship to its own reproduction.

CHAPTER ONE *Destruction/Construction*

Creative destruction is a "perennial gale" in the economy, wrote Joseph Schumpeter.[1] His landmark coining of the term to describe capitalism's essential fact – its incessant destruction of old economic structures to create new ones – elegantly sums up the "evolutionary process" of capitalism, "by nature a form or method of economic change" that can never be stationary.[2] Rife with biological metaphors, Schumpeter's concept of creative destruction is attuned to the adaptive qualities of capitalism. As a system of productive relations, the capitalist economy has an immanent ability to mutate and prevent its implosion. However, the absence of the state from his formulations is a notable one and begs the question that if creative destruction is constitutive of capitalism, does it include the capitalist state as well? Rather than simply reorganize them, capitalism alters the materiality of territorial entities and this dissertation argues that contemporary capitalism effects the materiality of the American state in such a way that aspects of the state are creatively destroyed, particularly its public finances.

Throughout the growth of New York City[3], its builders and reformers viewed the built environment as both "an index and instrument of moral progress in American society."[4] However, today it could be said that the reverse is true. That the way new things are built is a reflection of general interest and public good is at best unclear, with conflicts over space the norm. The universalizing and socializing effects of the capitalist state mean that as global capitalism evolves, it is ever more important to study how it sustains itself amid crisis and contradiction. As such, this chapter focuses on the points of articulation between materialist state theory, the rise of finance capital, and the history of creative destruction in New York, in order to draw out the morality of the state that is constructed alongside and intermingled with its economic imperatives. Throughout, it identifies some places where the state falls apart, even if it appears to come together in the last instance, and points to the ways creative destruction operates as a state-preserving tactic.

The ties between the state and capital are not simply in a co-terminous relationship, one unto the other. There are other elements that do the work of tying them together, and the state's creative destruction allows it to exercise a flexibility and evolution, in the terms of Schumpeter, that signals a fundamental tension with the majority of materialist accounts of the state. As a similar study of the American state remains rare[5], one function of this dissertation is to do offer one, and to develop this it asks what the use of public capital in private New York projects says about the state's attempts to reproduce capital and hegemony. This chapter presents the main elements from which it is built.

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[1] Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper & Brothers, 1947), 84.
[2] Ibid., 83.
[3] Subsequently, 'New York' refers to the City. The state of New York will be specified as such (i.e. New York State).
[4] David Scobey, *Empire City: The Making and Meaning of the New York City Landscape* (Philadelphia: Temple University Press, 2002), 10.
[5] One notable entry in materialist studies of the American state is James O'Connor's *The Fiscal Crisis of the State*, published in 1973 (New York: St. Martin's Press).

Layers of Capital and Ruins in the Empire City

Amid a backdrop of a significant American recession and global financial crises, multi-billion-dollar building projects have been cropping up throughout New York. The sheer scale of Atlantic Yards in Brooklyn and Hudson Yards in Manhattan, a few of the large projects of recent construction and controversy, has been supported by state financing and tax breaks in addition to private investment. Both have been in the public eye for several years, but construction on Hudson Yards, set to be built on MTA-owned land and partially on platforms above still-operating railroads, has yet to begin (it is slated to in mid-to-late 2012). Atlantic Yards is nearing completion, with its first scheduled public event to be a Jay-Z concert in September 2012.[6] The arena alone, to be called the Barclays Center, cost an estimated $1.06 billion, $511 million of which came from the selling of tax-free bonds, with other benefits received including subsidies and eminent domain.[7] While Hudson Yards remains a contested site, its Brooklyn counterpart is currently more publicly visible, due in part to its ongoing construction, its location in the heavily-trafficked heart of Brooklyn, and the demolitions that were necessary for that construction to take place.[8] Similarly, the projects that concern the subsequent chapters of this dissertation – the World Trade Center tower complex, the September 11 Memorial Museum, and the MTA depot on the Harlem African burial ground – have a diverse range of funding sources and notable state subsidies, as well as very different public profiles.

The public and private projects that are happening across the city represent a coalescence of many elements – both the technical and economic aspects of building, but also the social and political exigencies that arise from the intent to build. New York is a city loaded with a past, each layer of built fabric more often than not overlapping with abundant and rich material history. The human processes of the city, over the decades and centuries, have been laid into its soil, lending truth to the saying that all of Manhattan is a burial ground. How do we understand the presence of such sacred space in the middle of a New York teeming with activity and proliferating with many visions of the city's past and future?

This dissertation focuses on projects built on ruins, which are compelling sites because, while evoking past histories, their materiality can simultaneously and concretely call up the ethical commitments of the state. In the urban New York landscape, these ruins are dense, with a multitude of memories and events pressed into a single city block as people come and go and the built environment changes with stunning speed, often not without struggle and discontinuities.[9]

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[6] A native Brooklynite, acclaimed rap artist, and well-known celebrity, Shawn 'Jay-Z' Carter was one of the most visible and outspoken original supporters of the Atlantic Yards project, despite general community sentiment against it. Part-owner of the Brooklyn Nets, the basketball team whose home arena will be the Barclays Center, he has continued to publicly extol the benefits of the project, though his claims, some argue, are quite dubious if not patently false. See Norman Oder, "Jay-Z's hip-hop of distraction," *Salon*, October 25, 2011. http://www.salon.com/2011/10/25/the_jay_z_distraction/

[7] Theresa Agovino, "Atlantic Yards Bonds Sell for $511M," *Crains New York Business,* Dec. 15, 2009.

[8] In the wake of the August 2012 LIBOR rate-fixing scandal, in which Barclays was seriously implicated, the controversy around Atlantic Yards has only magnified. As local New York government prepares lawsuits against Barclays, New York taxes are massively subsidizing the Barclays brand, as its name is affixed all over the arena and is also the new name of the Atlantic-Pacific subway station (a right that also appears to have been heavily subsidized by the MTA).

[9] In *The Production of Space*, Henri Lefebvre writes, "The production of space … acts retroactively upon the past, disclosing aspects and moments of it hitherto uncomprehended. The past appears in a different light, and hence the process whereby that past becomes the present also takes on another aspect" (1992: 65). At its most basic, space gives existence to social relations themselves, with social spaces overlapping and interpenetrating one another,

Such a city block additionally offers a contemporary cross-section of many other elements, including the politics and economics of urban planning, the dynamics of culture, race, and gender, community-based collective memory, and even significant disparities in wealth and living conditions.

The history of New York's cultural landscape, past and present, is strengthened by drawing on the various elements that circulate through it, for it is not simply the physical markers of buildings and sites, or "memory infrastructure,"[10] and their current owners and occupants that convey and channel memory, but also the diverse public processes and expressions of public memory that seep into urban landscape.[11] This dissertation investigates the politics of urban construction and history and how visions of a past and future are imposed by such contingents as neighborhoods, developers, and the media, and how those visions are mediated and processed by the state. The break between memory and history that often comes to the surface through state endeavors of public remembrance in New York is, I argue, an inheritance that forms the urban cultural landscape as well as the future actions of the state. A legacy of environmental determinism – that shaping the city will reshape residents' lives – has colored New York's built history and sometimes occluded public memory in favor of projected improvements to ways of living.

Therefore, it is not only the question of how the political intervenes in the economic, and vice versa, through publicly funded construction that is at stake in this project, but also how those interventions affect, and are affected by, the cultural landscape of the city, of which an important feature is public memory. Attendant to that is the intersection between public good and the state, and the conflict between profit-seeking and ethical commitment in a capitalist state, which is a central exploration of Chapter Four. The dissertation seeks to answer how public discourses of place and memory threaten the discourses and sovereignty of the state, and how such threats are confronted by construction financed publicly, in the name of the state and public good.

These theoretical, sometimes abstract issues are addressed in the particular place of New York and in turn further refined by locating them in specific projects and conflicts.[12] The forms of state as they are represented by the tangled structure of the public authority and municipal bond systems, for example, remain empirical forms and, as such, the purely conceptual realm of the state must remain in constant negotiation with them. Along these lines, this inquiry is informed by cultural political economy, what Bob Jessop describes as a cultural turn in political and economic analysis that fuses critical semiotic work with political economy.[13] Discourse on the capitalist state and the financial mechanisms that have proliferated under its tenure has a history concurrent to the objects that it is concerned with and, accordingly, it is rich, varied, and

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giving each packet of space a 'flaky' quality that may contain many social relationships – including memories -- and is continuously reorganized by new additions, with earlier characteristics of a space potentially affecting later ones, a kind of persistence. This persistence of space alongside its continuous reorganization suggest that the struggle for meaning of a space is a constant one, while acknowledging the resonance that a particular physical place can retain.

[10] Randall Mason, *The Once and Future New York: Historic Preservation and the Modern City* (Minneapolis: University of Minnesota Press, 2009), x.

[11] Dolores Hayden, *The Power of Place: Urban Landscape as Public History* (Cambridge: MIT Press, 1995).

[12] See Timothy Mitchell's *Carbon Democracy: Political Power in the Age of Oil* (New York: Verso, 2011) and *Rule of Experts: Egypt, Techno-Politics, Modernity* (Berkeley: UC Press, 2002) for particularly effective illustrations of this method.

[13] Bob Jessop, "Cultural Political Economy and Critical Policy Studies," *Critical Policy Studies* 3.3-4 (October 2009): 336-356.

long. The careful scrutiny of such discourse yields insight into city projects that mobilize, for example, a rhetoric of social partnerships, market incentives, and eco-consciousness that is in fact neoliberal, pro-corporate, and profit-driven, as is discussed in the next chapter.

Contemporary New York and the U.S. State

The public projects that concern this dissertation belong to New York's particular present-day economic and political climate, characterized by peculiarities not seen elsewhere in the nation or the state. In a twenty-first-century city that contains such towering wealth, it is unsurprising that it also has the largest income gap in the nation, one in which the top 20 percent of earners have an income fifty-two times that of the bottom 20 percent, versus a difference of ten times nation-wide.[14] Perhaps less well-known are that Manhattan's poverty rate is twice that of the national average, at 22 percent, and that the city houses the poorest county in the nation, the Bronx. This county is located a mere fifteen miles north of the skyscrapers and high-flying business deals of the Financial District of the city, the site of income for the top 1% of the city: 90,000 households with an average yearly income of $3.7 million.[15] Amid this stratification, the nation's most important global connections are fused. Saskia Sassen notes that the conditions promoting growth in such global cities as New York "contain as significant components the decline of areas … and the accumulation of government debt and corporate debt."[16] The global city is centralized, strategically serving as a command point in the organization of the wounded world economy, into which it is very tightly integrated.[17] The dominance of global traders in municipal bond markets and real estate[18] yields an intermingling of indigenous New York resources and structures, like land and airspace, with highly mobile global capital, resulting in built entities that often obscure any origin at all.

Politically, the city is more affected by state politics as a whole than many surrounding cities and towns because of the relative size of its economy to its already massive population, but it is also in the city, more than anywhere else in the state, that global capital meets local capital. The building, owning, and renting of expensive high-rise residential and office space is one such site where they converge, for the city economy rests heavily on internal financial speculation and the amenities it requires, which include the construction of buildings themselves as well as a myriad of services. For example, every addition to office space draws in many other interests – banks to finance, developers to assemble, engineers and architects to design, contractors to build, lawyers to protect, insurance companies for titles, electricians to wire, information technologists to network, janitorial labor to clean, restaurants to feed, and local utilities providers for energy and water. Many of these requirements bring in vast amounts of money that are further speculated upon, forming ever-increasing and ever-intricate chains in the city and national economy.

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[14] Kim Moody, *From Welfare State to Real Estate: Regime Change in New York City, 1974 to the Present* (New York: New Press, 2007).
[15] Bill Sanderson and Amber Sutherland, "City's extreme rich-poor divide," *NY Post*, Jan. 19, 2011.
[16] Saskia Sassen, *The Global City: New York, London, Tokyo* (Princeton: Princeton University Press, 1991), 13.
[17] Moody, *Welfare State*, 7.
[18] This is often occurs in the form of a real estate investment trust (REIT), a tax designation that exempts or reduces corporate taxes for publicly traded firms investing in real estate. Today, New York structures are far less likely to be built, financed, owned, managed, and occupied by New Yorkers than they were two decades ago (see Tom Agnotti, *New York for Sale: Community Planning Confronts Global Real Estate* (Cambridge: MIT Press, 2008)).

New York, and particularly Manhattan, experiences change at such speed that instability is a regular feature of its urban fabric, while permanence is difficult for it to retain. Fashions are always in flux, with what is attractive and expensive at one moment becoming undesirable and cheap in the next. When speculation proves profitable there is a boom of investment and development, but once the market is exhausted, real-estate speculators leave the area for another until it becomes attractive for venture once again. Manhattan's central business district (CBD), though it is subject to such vagaries of interest, nonetheless retains a value that is as yet irreplaceable for various industries, particularly those themselves dealing in speculative capital markets, like finance and real estate. In addition to the constant flux of those markets, the city in general is always rapidly changing, in terms of its population, trends, and commercial aspects, for example. Despite or because of its quick turnover of styles, New York has an allure that draws new people in and holds onto many who can afford to remain. The constant changes that today make it an entertainment and lifestyle destination, many wrought by the extreme wealth of its financial elite, can be especially attractive to upwardly-mobile transplants and white-collar workers, now a major force of neighborhood shifts and gentrification throughout the city.

Yet, it is land itself that is the most valuable commodity in this market bursting with profit-generating mechanisms. Since New York's land supply is mostly fixed, only occasionally and marginally expanded by landfills, land values are a top corporate concern, for they are determined not by supply and demand, but by profitability itself. The city's CBD – its site of highest geographical accessibility, and attendantly, profit – is a fourteen-square-mile area south of 60th Street in Manhattan. It contains 286 million square feet of office space, a density of 20.4 million square feet per square mile that is unmatched by any other city in the world.[19] Though land values may not be affected by supply and demand, the market for office space certainly is, along with locational considerations. But in this city, like all cities, speculation is only profitable until it no longer is.

This chapter traces some of the history of New York, focusing on the nineteenth to mid-twentieth centuries, during which the city underwent rapid and profound changes in its built environment. The technology that developed at that time in turn facilitated the evolution of financial markets in the twentieth and twenty-first centuries, ushering in the neoliberal era that continues to unfold. The chapter considers some of the arguments made about and against the state by neoliberalism and engages Marxist theories to illuminate the key role of the state in capitalist modes of production. In particular, the work of Poulantzas is engaged to apply the framework of a state that actively constitutes the economy, rather than simply a juridico-political apparatus that guards it, and it is extended to understand the ethical operations of the state as they unveil themselves through the mechanisms of public finance. Using this framework, relatively recent periods of financial crisis are discussed to round out the history of building and creative destruction that has characterized New York, and to set the foundation for the following chapters, which each discuss a particular public building project and facet of state activity: the public versus private, memory, and the moral and ethical.

[19] Moody, 27-8.

An Era of Changing New York

There is much commentary on New York having no room and no time, about how it defies and pushes out, but is also somehow supremely inclusive. The city is personified as an entity that makes decisions, that has desires and preferences. While it often includes, welcomes, and creates space for a diversity of people and ideas, the demand for the new made by profit-seekers, often in the name of 'progress,' has also cultivated a place where "memories like rats are chased away" by that demand's "ever-rising flood," a city where "there is no room for ghosts or landmarks."[20,21] This spur toward such progress spiked in the nineteenth century, a precipitous increase that would echo the globalization beginning in the late twentieth century. Of the areas affected by Manhattan's northward expansion at this time, including the residence in which he wrote "The Raven" in the 1840s, Edgar Allan Poe proclaims, "these magnificent places are doomed. The spirit of Improvement has withered them with its acrid breath. Streets are already 'mapped' through them, and they are no longer suburban residences, but 'town-lots.'"[22] To grow the economy required the demolition and total reconceiving of residential and commercial spaces, opening new visual and existential terrains, with little incentive to remember what was, when what would be was the preeminent question of public culture during the nineteenth to mid-twentieth century.

Such sentiments as Poe's are typical of writings about New York, past and present, which often note the lack of both an active reckoning with previous history as well as a desire for physical persistence in the 'consciousness' of the city. Some writers mourn this lack, such as Henry James, asserting that the New York at the turn of the twentieth century had no time for history.[23] Others, such as the architect Le Corbusier, a contemporary of James, acknowledge the city's constant replacement of various parts of itself, but celebrate it as a process of becoming and thrilling experimentation. His excitement and James' lament have continued to have their proponents since then, but perhaps with even more fervency as the stakes in the city have grown steeply along with its financial markets. As speculative capital has entered the scene, stakes in the city space grow ever higher because there is huge, lopsided profit in the mix and an even bigger monopoly on the benefits and risks.

It is clear that the expansive stable of opinion about New York contains a generous share of conflict and contradiction. New Yorkers are in the midst of a Baudelarian forest of symbols, since so many different structures and areas of the city have gained symbolic heft as time has passed.[24] These symbols are endlessly fighting with each other "for sun and light, working to kill each other off, melting each other along with themselves into air."[25] Yet, simultaneously, new meanings are always springing up, with the symbolic significance of places changing as their

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[20] Max Page, *The Creative Destruction of Manhattan, 1900-1940 (*Chicago: University of Chicago Press, 2001), 1, quoting John Huneker's *The Pathos of Distance*.

[21] Joanne Reitano's *The Restless City: A Short History of New York from Colonial Times to the Present* (New York: Routledge, 2006) offers a history of New York from the colonial era to 2001, with a focus on its changeable, multifaceted quality, arguing that the city's restlessness has been its greatest asset, preventing outright social chaos and political collapse in the midst of various conflicts. She quotes former mayor Phillip Hone in 1845: "Overturn, overturn, overturn! is the maxim of New York," (1).

[22] Quoted in Michael Nichols, "Houses of Usher: Brief Surveys of a Failing Patch of Manhattan Now Known as the Upper East Side," *Gotham City Blotter*, n.d.

[23] Henry James, *The American Scene* (New York: Harper & Brothers, 1907).

[24] Marshall Berman, *All That is Solid Melts into Air* (New York: Verso, 1982), 289.

[25] Ibid., 289.

previous histories are obscured or forgotten. But a predominating mythology remains: that New York is an impatient and stern, yet big-hearted, embracer of the multitude. The duality of this characterization suggests that the loss of memories and history to the demands of inclusivity and growth are inevitable if New York is to retain the unique attributes that make it great.

At the turn of the nineteenth century, the city's urbanists and bourgeoisie believed New York destined for greatness, what historians have since labeled booster discourse. The city was growing its productive capacities and gaining cultural influence, and boosters envisioned what a great city should look like through a blend of moral environmentalism, the nurturing of capitalist development, and civilizational order.[26] These standards had significant bearing on the shaping of the city, setting a scene of unbalanced development for many decades to come. In the first half of the century, New York was a closely-knit settlement at the southernmost tip of Manhattan, still recovering from the British occupation. However, by the 1850s it had exploded into a city the likes of London and Paris, and the famously palpable energy of the city asserted itself. As the city's heart in Lower Manhattan began to throb relentlessly and furiously, wealthy residents started moving northward, building wide avenues and expansive homes amid parks and squares in order to escape the toil and slums generated by the newly industrialized part of the city, initializing the class segregation and crystallizing the class disparities that would come to characterize every succeeding decade.

Nurturing Capital and Crisis: Civic Order, Public Benefit, and Unbalanced Development

Nowhere has liberal philosophy failed so conspicuously as in its understanding of the problem of change. Fired by an emotional faith in spontaneity, the common-sense attitude toward change [to slow it down and self-protect] was discarded in favor of a mystical readiness to accept the social consequences of economic improvement, whatever they might be.[27]

This expansion northward continued into the twentieth century, but it is important to note that Manhattan's growth was not simply the case of an expanding real estate market trying to accommodate manufacturing and finance – the trade in space itself was a powerful generator of the city's wealth.[28] The symbolism of the city as a financial node of the U.S., as well as a center of wealth, wealth-creation, and renewal, continued to attract population and ever more wealth, elevating space to a premium commodity. Despite material evidence of the opposite, with poverty abounding among the workers fueling the city's industries, New York retained its status as the aspirational destination of the nation and served as a barometer of national progress, health, and power. Its rise as the "capital of capitalism" is well-illustrated by the massive amounts of creative destruction taking place in Manhattan.[29] These include such diverse varieties as privately-financed destruction and rebuilding on Fifth Avenue and the demolition and rebuilding of taller, larger garment factories and other small manufacturing enterprises in what is now Chelsea. The constant renewals of built fabric came hand-in-hand with New York's elevation to the premier bastion of industrial capitalism in the nation and were appropriately chaotic and restless, mirroring the rapid population growth at this time – the highest in the nation

[26] Scobey, *Empire City*.
[27] Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1994 [1944]), 35.
[28] Page, *Creative Destruction*, 30.
[29] Ibid., 31, quoting Kenneth Jackson (1984).

– as well as the desperate drive toward wealth-creation that bore much weight in the city's consciousness.

In the mid- to late nineteenth century, the elites most authoritatively guiding the city's growth were real estate developers, business leaders, and intellectuals and reformers of the gentry – all 'boosters' in some capacity. They ushered in a new urbanism that reflected class-based commitments to appropriate political, associational, and moral communities, an urbanism in which the metropolitan gentry "were assumed to have the highest stake in New York's commercial power and civic order."[30] Scobey argues that this new urbanism helped to shape the class consciousness of the gentry while also being rooted in that very consciousness. By taking on prominent roles in land development and public agencies, gentry were able to further solidify their elite status and collectivity, as well as embed their authority in the built fabric of the city – hegemonic[31] relationships between elites and the city that have persisted in the decades that followed. The change happening in the city and the new landscapes that emerged from them, segregated by class and in which bourgeois New Yorkers recognized one another as elites, encouraged the consolidation of these class bonds. What emerges at this time, according to Scobey, is the construction of class through not only the materiality of economic power, but also the rhetorical influence of moral convictions, symbolic practices, and civic and political activity, with the space of the city serving as both the product of and medium for this interplay. The larger project of shaping the city was to tie popular democracy and bourgeois civic norms to the propulsive growth of capitalist industry without sacrificing them to its flames. Though there was some division between the goals of the gentry and capitalist growth through creative destruction, practically speaking, the systematic embedding of a reimagined democratic bourgeois class authority in the city's new built fabric was an even more exciting prospect.[32]

A wave of reform in the 1880s, lasting through the early 1900s, brought questions of preservation and neighborhood character to over-heated areas like Fifth Avenue and demands of slum clearance to the Lower East Side. Rather than acting as a reaction to modernity, the drive toward preservation in the wealthier areas, in particular, was both a part of city-building and a sign of cultural crisis. The desire to "stabilize urban culture" was an attempt by reformers and city builders, fully committed to the continued expansion of New York and not unsympathetic to the business elite, to battle immigration, radical politics, immorality, and other vagrancies of the street.[33] Preservation was thus not just a movement of antiquarians, but a forward-looking attempt by various reformers to invest in the city's progress – which, at the turn of the century, was committed to capitalist growth and the city's industrial ascendancy, through the preservation of memory in certain parts of the city and its erasure in others.

While areas like uptown Fifth Avenue revealed problems of over-development and excessively rapid change, the Lower East Side, neighborhood to laborers and immigrants, exposed the reverse issue of underdevelopment. The slums endured there and elsewhere as regular occurrences in the city until reformers and the city intervened in the real estate market, accelerating processes of destruction and rebuilding and in turn initiating the displacement of

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[30] Scobey, *Empire City*, 11.

[31] As used by Giovanni Arrighi, in opposition to domination, "hegemony is the *additional* power that accrues to a dominant group by virtue of its capacity to *lead* society in a direction that not only serves the dominant group's interests but is also perceived by subordinate groups as serving a more general interest" (*Adam Smith in Beijing: Lineages of the Twenty-First Century* (New York: Verso, 2007), 149)

[32] Scobey, *Empire City*, 11.

[33] Mason, *Future New York*, xvi.

workers to the boroughs of Brooklyn and the Bronx. However, despite the "dominant vocabulary of social reform" of the period, tenements were only eliminated haphazardly, when a wave of gentrifying fashion moved in their direction, giving reformers a new sense of how they could intervene in the real estate market and assimilate new notions of how places could be rebuilt well into the 1920s.[34]

In *The Creative Destruction of Manhattan, 1900-1940*, Max Page argues that creative destruction is not necessarily inherently bad, but that it shows how economic and social processes of capitalism were inscribed into people's minds, with a persistent tension existing between the creative potential and destructive, corrosive effects of rebuilding. City government's powers and attitudes to city building were evolving during this time as a result of the entrepreneurial creative destruction that erupted at the turn of the century, with slum clearance beginning to emerge as a policy and ideology, bestowing legitimacy on the taking of property for public benefit. By the 1930s, slum clearance became the dominant method of upgrading the city's housing stock, when the federal government made significant interventions via New Deal legislation. Public benefit became the calling card of the big building projects in the following decades, with such projects simultaneously escalating in number and scale.

Legendary planner Robert Moses rose to prominence just as the New Deal infused funding into New York, and he used the money to build projects that he had planned in anticipation of the disbursement. Though never actually elected to public office, he created and led several public authorities that gave him the power to plan and build the city's public works with relative autonomy from the public or state legislature's approval. The New York orientation toward continual progress and the 'new', as seen in previous decades through things like Fifth Avenue's massive creative destruction and the preservation movement that followed, allowed as fierce and unchecked an authority as Moses' to exist because he was able to convince the public that he was the vehicle of impersonal modernist forces. Despite the destruction of neighborhoods by various of his highway projects, Moses ultimately professed to be working for the same values that New Yorkers embraced, so who would be "willing to fight for the sanctity of 'things as they [were]"?[35] Marshall Berman notes the grief "endemic to modern life" that he felt when an Art Deco building on Grand Concourse in the Bronx was destroyed for the Cross-Bronx Expressway, one particularly dark kernel of the obsolescence of the old that Moses' expansive projects demanded.[36] By the 1940s, New York had become the biggest manufacturing center in the U.S., experiencing a building boom that saw the construction of much of the glass and steel towers of Midtown Manhattan and emerging as the most infrastructurally successful major city in the world. Moses' big public works projects and other New Deal-initiated construction, particularly highways and bridges, were lasting symbols of that progress and what was projected to come economically, and even socially. However, what followed in the ensuing decades was quite different, blanketing New York in the darkness only hinted at by Moses' aggressive projects.

The building-up of Midtown Manhattan, which was fed by the infrastructural changes of the 1930s and 1940s, was the harbinger of a movement in U.S. industry and economy toward technological innovation and globalization, as company headquarters and offices began to populate Midtown's towers and manufacturing began to dwindle and relocate to other cities. The intervention of the state as in the New Deal years was supplanted by the preeminence of the

[34] Page, *Creative Destruction*, 76.
[35] Berman, *All That is Solid*, 295.
[36] Ibid., 295.

market, thereby paving the path toward the contemporary era of neoliberal economics and government, with New York serving as its American lodestone.[37]

Neoliberalism and the Contemporary State

Neoliberalism in the present day contends that the state is no longer relevant, as it was in the time of Robert Moses. It allows that New Deal programs, symbolic of an era of massive state intervention, were necessary in the fragile period of nation-building and coherence-seeking that swept post-World War II society, but that similar contemporary implementations by the state are not. Instead, the expansion of the capital market is relied on as a ready source of economic growth that in turn improves the quality of life of all people through its trickle-down effects. This fundamentalism of the market arose as a political project in the 1970s, when a macroeconomic crisis was at work, to consolidate and rebuild class power. It accomplished this not through state projects, but through privatization, with the state serving in a behind-the-scenes capacity, bailing out venture capitalists in crisis. State intervention in the economy waned overall, reaching its nadir in the U.K. and U.S. with the Thatcher and Reagan administrations, and social movements were adamantly challenging capitalist class power.[38] Finance capital and neoliberal policies emerged as solutions to crisis and to reconsolidate the class power of ruling elites.

Based in classical understandings of the state, neoliberal doctrines have the liberation of finance as their endgame, which demands private property rights, free markets, and free trade, institutionally secured through the law, military, and police, for example. Their implementation by the state, helmed by Reagan in the U.S., ushered in a wave of creative destruction, this time of the state's functions and other "prior institutional frameworks and powers (even challenging traditional forms of state sovereignty) but also of divisions of labor, social relations, welfare provisions, technological mixes, ways of life and thought, reproductive activities, attachments to the land and habits of the heart."[39] Levels of moral hazard in the economy were raised, with the high probability of a state bail-out encouraging Wall Street bankers to take high risks. This type of pro-market governance has become even more normalized in recent decades, as the economy has continued to face crisis after crisis sown by such practices.[40]

However, the neoliberal state in practice looks different than it does in theory, and New York City offers an excellent illustration of this through its extensive set of public authorities, which are discussed in detail in Chapter Two. Neoliberal theory calls for the privatization and deregulation of all enterprises run by the state, to the point of creating markets where they never before existed, like in water and health care, and pushing the rationalization of space to new heights.[41] However, despite these tenets emphasizing the state's overall irrelevance regarding the movement of markets, examples to the contrary have been provided throughout all the presidencies of the past several decades. Interventions supporting the interests of business and

[37] Since 1970, the U.S. has spent 1.6 percent of its GDP on transportation infrastructure, the lowest of any developed nation (Council on Foreign Relations 2012).
[38] David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005)
[39] Ibid., 3.
[40] Jamie Peck, *Constructions of Neoliberal Reason* (Oxford: Oxford University Press, 2010), xi.
[41] Derek Gregory, *The Colonial Present* (London: Wiley-Blackwell, 2004).

politics are the so-called exceptions to the neoliberal rule of state that are most commonly seen.[42] Perhaps more noticeably, business interests often collaborate with law-making bodies of state, and this has resulted in pronounced changes to governance itself, which can be characterized as taking on a market rationality of its own.[43] In order to "integrate state decision-making into the dynamics of capital accumulation and the networks of class power,"[44] public-private partnerships (PPPs) have picked up what were previously functions exclusive to the state. Through quasi-governmental entities, like public benefit corporations – the Empire State Development Corporation (ESDC)[45] and the Triborough Bridge and Tunnel Authority are examples in metropolitan New York – the state still takes the financial risk for projects but the profit is usually reaped by the private sector, particularly on the municipal level. On the flip side of PPPs, another result of the neoliberal restructuring of state operations is that local municipal governments and elements of civil society, such as non-profit organizations, have likewise picked up state functions, but usually those without significant potential for financial returns.[46]

These changes under neoliberalism indicate a shift from government, or the state apparatus and its power alone, to governance, combining the power of state and civil society, as Gramsci conceived of it. What remains to be seen is the extent to which Marx's prescience holds true, particularly when he says "the separation of *public works* from the state, and their migration into the domain of the works undertaken by capital itself, indicates the degree to which the real community [social fabric, for Marx] has constituted itself in the form of capital."[47] To better understand the state under capitalism and the shift in function it is undergoing, an investigation of materialist and Marxist state theory, and what it does and does not offer, is necessary.

Materialist Theories of the Capitalist State

While his later work is explicitly concerned with economy and a systematic unveiling of the mechanics and artistry of the capitalist mode of production, the idea of the state appears throughout Marx's earlier writings.[48] He critiques Hegel's claim that the State only pursues the general interest and regulates competition – by limiting monopolies, for example, and providing legal frameworks for contracts and ownership –in order to guarantee the equal rights of all citizens. For Marx, the state is not a neutral arbiter of rights, but a sphere of functions administered against civil society.[49] He notes that bureaucrats who perform state activities use it

[42] For example, George W. Bush imposed tariffs on steel imports to improve his chances of winning Rust Belt swing states in the 2004 presidential election, despite his otherwise ardent support of free markets and trade (see Jennifer Rich, "U.S. Admits that Politics Was Behind Steel Tariffs," *New York Times*, 14 March 2002).
[43] Wendy Brown, "American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization." *Political Theory* 34.6 (December 2006): 690-714.
[44] Harvey, *Neoliberalism*, 76.
[45] The ESDC was the target of a 2011 lawsuit for using funds too much in the private, and not public, interest (Bordeleau v. State, 18 NY 3d 305). See Chapter 2 for a discussion of this.
[46] Agnotti, *New York*.
[47] Karl Marx, *Grundrisse: Outlines of the Critique of Political Economy*, trans. Martin Nicolaus (London: Penguin, 1973), 550.
[48] *Critique of Hegel's Philosophy of Right* and "On the Jewish Question" are some works that particularly focus on the nature of the political and the state.
[49] I use civil society to describe "a system of superstructural institutions that is intermediary between economy and State" (Perry Anderson, "The Antinomies of Antonio Gramsci," *New Left Review* 100 (1976-77): 5-78, 35).

to their private advantage and promotion, with the state giving force to the bourgeois interests of private property under the guise of general interest.

The Eighteenth Brumaire of Louis Bonaparte contains Marx's most sustained examination of the state and lays out the state's political independence from any specific class, but its ultimate service, economically, to the dominance of capital over labor. Writing about the coup in mid-nineteenth-century France, he notes that it is the state apparatus that retained power, not the parties that struggled for it or the incompetent leader that eventually headed it, with a series of political upheavals only serving to perfect the state form. The state emerged as autonomous from the classes contending for power, while the bourgeoisie retained their dominance in relations of production. While the theory of the state that Marx himself offers is not explicitly sketched, it forms the important base – a non-instrumental view of the state in which it is *not* a mere apparatus for any class to wield that yields power, but rather an entity that is strategically harnessed – for subsequent thinkers who theorize the state with a materialist, Marxian understanding of political economy.

The late 1960s through the 1970s saw a resurgence of interest in materialist theories of the state and heated debate of the meaning of Marxist state theory as the capitalist mode of production continued to evolve, and global capitalism was reforming itself in financial and geographical ways, as a crisis of capital accumulation was unfolding. Though similarly intensive studies of Marxist state theory are rare now, this project does not intend to resuscitate the controversies of the debates of the 1970s, but rather will briefly consider its various iterations to better understand the overarching insights of the field.

Prior to the surge of Marxist state theory in that decade, the state was dealt with in Marxist theories of production rather summarily, and the conversation was limited to showing that it acts in the interests of capital and there is often a correspondence of the content of its actions with the interests of the ruling class. Some analyses disregarded the specificity of the political and said that state actions flow from the requirements of capital (reductionism and economic determinism, or formalism), while others insisted solely on the autonomy of the political and the irrelevance of the conditions of accumulation or class struggle (politicism).[50]

The important structuring question of a materialist theorization of the state remains how capitalism makes possible the coinciding of state functions and the interests of the ruling class, and a careful addressing of this problematic is not always found on all sides of the debate. Neo-Ricardian interpretations focus on state expenditure and utilize the surface categories of price, profit, and wages, for example, but reject Marxian categories of surplus value and labor time, to name two, as abstractions without practical significance, and logically maintain a categorical distinction between economics and politics.[51] Critics of this approach note that there are limits to the ability of state expenditure to salve the fissures of capitalism due to its unproductive nature and the ultimately destructive requirements of accumulation.[52] The state derivation debate offers another angle, demanding the need to found the derived political in the originary economic. However, in all these theories, one consistent feature is that the state develops to combat the

[50] For examples of economic determinism, see Mandel 1970 and Luxemburg 1971. For a politicist account, see Habermas 1975.
[51] Holloway, John and Sol Picciotto, eds. *State and Capital: A Marxist Debate* (London: E. Arnold, 1978).
[52] See O'Connor 1973.

tendency of the rate of profit to fall[53], a force that constantly reorganizes and manages capitalist social relations and their economic and political crises.

Within this shared understanding are variations on the state's emergence. One is that the state is needed as a form "alongside and outside bourgeois society" and commodity production to prevent capital's "unrestrainable passion, its werewolf hunger for surplus labor" from destroying labor power, its very basis.[54] It in turn allows property owners to realize their common interest instead of competing, and the state acts in the interests of capital *in general* to protect the health of workers to reproduce labor power, since individual capitalists are unable to do this adequately. The state is necessarily autonomous, acting separately from the rest of society. A second variation is that the state provides infrastructure and the general material conditions of production. These provisions establish and guarantee general legal relations, regulate conflict between labor power and capital, and repress the working class by means of the law, police, and army, if necessary, thereby safeguarding the total national capital in play on the world market. While these explanations align well with the actions we see the state performing today, by locating them at the state's origins they presuppose that the state as a structure can fulfill these functions. The reasons for the state become conjured, in a sense, and its originating purposes applied post-facto, after its evolution in form has been witnessed.

Poulantzas and the Relative Autonomy of the State

These various approaches are briefly mentioned to ultimately note their overlap and underlying unity of purpose, despite the contestation over their differences, but also that despite such shared purpose they are insufficient in offering an understanding of the capitalist state that is alive to its contradictions and inconsistencies in action and form as it mutates and evolves to dodge economic crises and civil challenge. To do so, it is essential to arrive at a materialist understanding of political development that accounts for the economic decisions of the state that challenge the capitalist imperative upon which its origins otherwise rest. One method of attempting this would be a historical analysis of the evolution of capitalist society, including its changing forms of state and its exploitation of workers. However, at this phase of capitalist development and statehood, which is also ever-evolving, a theoretical approach concerned with the character of the political, as offered by Nicos Poulantzas, particularly in his last work, *State, Power, Socialism*, provides a framework with which to open up for inquiry different levels of the state and its superstructure, following Althusser. It is also receptive to the exploration of less material categories – like civil memory and state self-health – that do not find a place within it, but which remain significant to a rich understanding of the state today.[55] Poulantzas offers a way to think about the hegemonic work done by the state and its dominant classes and *the gap between* that work and their class interests. This is important to studying the questions raised by

[53] It falls not because of a statistical rule, but because the fall of profit is the "expression of a social process of class struggle which imposes upon capitalism a necessity of constantly reorganizing its own relations of production." (Holloway and Picciotto, *State*, 26). Or, according to Poulantzas, it is not an empirical and measurable expression of the fall and not always a concrete form, but simply a tendency, and therefore counter-tendencies must be introduced to fight that (*SPS*, 174).
[54] Karl Marx, *Capital Volume 1*, Trans. Ben Fowkes (New York: Vintage, 1977), 252.
[55] Laclau, *Politics and Ideology in Marxist Theory* (London: NLB, 1977)

New York, particularly how the state's contribution of funds to projects has effects reaching well beyond the material.

For Poulantzas, there is no aspect of social life that does not constitute itself in relation to the state in some way. He is the only Marxist state theorist who offers a sustained defense of this throughout his body of work, and his conceptualizing of the state as relatively autonomous offers a way to extricate publicly financed projects at least partially from the capitalist imperative toward accumulation, which allows a more open exploration of it while still maintaining the capitalist state as a central object of study.[56] He acknowledges the fact that a number of state functions, such as social security, cannot be reduced to political domination alone. Why then, he asks, do the bourgeoisie seek to maintain their domination through the state, one which it is by no means always contented with? His formulation, while not providing clear answers about the American state, nonetheless offers the most fruitful extension of Marx and a framework from which to consider its unique contemporary manifestations.

Taking up Marx's suggestion that the state is an entity more complex than an apparatus to be administered by the class in power, for Poulantzas, the state emerges out of an evolution of the economic base as "the condensation of a particular class relationship of forces," and the contradictory relations among various social classes are inscribed in the very materiality and functioning of the state, not externally to it.[57] Power is derived from these relations, ideally concentrated in the state, but is not a quantifiable substance that can be wrested from any particular entity.[58] The state is but one of several institutional entities within a social formation, but it alone is responsible for maintaining the cohesion of an uneasy intermingling of class relations that ultimately constitute it – for the state is not an instrumental Thing or willful Subject, but a structure of relative autonomy from the classes that support it and the rest of civil society in which it intervenes as suits the perpetuation of capitalism in a given social formation, but not from the social relations of production as such.[59] The state is not reducible to class relations, though they always effect it, but it also exhibits a materiality and opacity of its own and cannot be emptied or abstracted into an entity without class struggle. It concentrates within itself the political and ideological relations that are already present in the relations of production – relations of dominance – and thus inscribes them in its very materiality.

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[56] Poulantzas is clear about the state needing to provide some concessionary base for mass consent. He writes: "…even fascism was obliged to undertake a series of positive measures, such as absorption of unemployment, protection and sometimes improvement of the real purchasing power of certain sections of the popular masses, and the introduction of so-called social legislation. (Of course, this did not exclude increased exploitation through a rise in relative surplus-value – quite the contrary.)" (*SPS*, 31). By the end of text, he also suggests that dominated classes can eventually secure real centers of power in the capitalist state itself.

[57] Poulantzas, *SPS*, 257.

[58] Against Foucault's criticism that Marxists ignore the power relations in institutions outside the state, like hospitals and sporting stadiums, Poulantzas included these various apparatuses within the strategic field of the state, rather than external to it. These various entities become partially constituted as political powers by the state, though they may not occupy privileged sites of political power; rather, power is delegated to them by those who do occupy those privileged sites. The state comes to permeate every sphere of society, fundamentally changing the traditionally private nature of those other institutions, because it is the strategic site of organization and center of power of the dominant class' relationship to the dominated classes. The state, however, possesses no power of its own, but the power associated with it has a precise basis, as power always does for Poulantzas, unlike the dispersed, immanent power relations that Foucault suggests cannot be tracked to any particular organizing instance, like the state (*SPS*, 147-9).

[59] Poulantzas, *SPS*, 131.

In other words, the capitalist state represents the political practice of the dominant classes, whose aim is to constitute their economic and political interests as the general public interest, or class unity. How such unity is secured is the bigger question animating Poulantzas' work. With multiple producers competing to accumulate capital, which is itself fractionally divided, the capitalist class cannot politically dominate other classes without the state. He suggests an alliance of classes and fractions is forged, in which one class or fraction is hegemonic. Such an uneasy alliance of "contradictory relations enmeshed within the State" is called a 'power bloc,' a contradictory unity of dominant classes under the leadership of a hegemonic one that appears to 'possess' state power and sway state policy.[60,61] The organization of the dominant classes, and the attendant disorganization of the dominated classes, is the primary political function of the state, for "the State is through and through constituted-divided by class contradictions."[62] Once a hegemonic relationship is established, fractions can collectivize themselves into a force that seeks interest beyond their particular economic ones and thereby cohere the diverse interests of various other classes and fractions, making a bloc. The capitalist state is the major means of cohering the social formation on the national or territorial levels as well, requiring constant state intervention.

It is thus not a monolith, an unfissured entity, but is in fact itself divided, with class contradictions present in its material framework and its organizational patterns "while the State's policy is the result of their functioning within the State."[63] Unlike the rigid state of Lenin, Poulantzas presents the modern capitalist state as a more flexible site of contestation. If the working class does not establish institutional preconditions for exercising its class power, the bourgeoisie will take it instead; it is not a matter of simply seizing control of (capitalist) state machinery, but transforming it from within and coordinating actions within and outside the state. Poulantzas breaks with Althusser's conception of the state as a legal guardian of the self-regulating economic sphere by instead asserting that a class' presence in the State only guarantees some parcel of political power insofar as that class helps ensure the active constitution and reproduction of the economic sphere.

For him, there is a class utilization of the state, not a class' power *over* the state, for it exhibits a material framework that cannot be reduced to political domination but within which such domination is inscribed. This framework originates in relations of production – "the dual relationship of economic property and possession" – and the social division of labor, and it has

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[60] Ibid., 133. Relatedly, Poulantzas on bureaucracy: "According to Marx, Engels and Lenin, the members of the State apparatus, which it is convenient to call the 'bureaucracy' in the general sense, constitute a specific *social category*—not a class. … Their class origin—*class situation*—recedes into the background in relation to that which unifies them—their *class position*: that is to say, the fact that they belong precisely to the State apparatus and that they have as their *objective function* the actualization of the role of the State. This in its turn means that the bureaucracy, as a specific and relatively 'unified' social category, is the 'servant' of the ruling class, not by reason of its class origins, which are divergent, or by reason of its personal relations with the ruling class, but by reason of the fact that its internal unity derives from its actualization of the objective role of the State. The totality of this role itself coincides with the interests of the ruling class. … When Marx designated Bonapartism as the 'religion of the bourgeoisie', in other words as characteristic of *all* forms of the capitalist State, he showed that this State can only truly serve the ruling class in so far as it is relatively autonomous from the diverse fractions of this class, precisely in order to be able to organize the hegemony of the whole of this class" ("Problem of the Capitalist State", *New Left Review* I/58 (1976): 67-78, 13).

[61] In New York, the mayoral administrations of the past several decades have served as shorthand for the political and economic leadership of the city.

[62] Poulantzas, *SPS*, 132.

[63] Ibid.

always been present in the constitution and reproduction of the relations of production.[64] And while the relations of production delimit the field of the state, the state also "has a role of its own in the formation of these same relations."[65] The capitalist state's relative separation from these relations which produce it – unlike, for example, the feudal state which intimately controls them – maps its relation to social classes and class struggle, which for the capitalist state means that state power is that of the bourgeoisie. Therefore, though all of the state's actions are not reducible to political domination, their composition is marked by it. The class powers that are expressed through relations of production are organically articulated to the politico-ideological relations that concretize and legitimize them. Social classes are only distinctions in the social division of labor, which encompasses relations of production and politico-ideological relations. They do not exist prior to their opposition in struggle, so to approach the State with reference to the relations of production is "to chart the original contours of its presence in the class struggle."[66] Poulantzas makes a very Gramscian formulation, though the latter is clearer on the opening created by the fractional unity of the state – that the dominant group's interests prevail "only up to a certain point."[67] It is this ambiguity – the gap between the dominant class' interests and its hegemonic work – that is worth exploring.

Just as there are many states, there is no single or general capitalist interest, but rather many sorts of capital that are divided into fractions managed by a hierarchy of power. A given fraction does not necessarily share identical strategy or interests, and the cohering of complexities into a general interest is contingent on political organization and leadership. Political praxis and its deviations, problems, and kinks are what need to be contended with, instead of simply assuming that capitalism has a long-term managerial effect on state power. What is necessary to maintain accumulation is not ironclad, and as such the gaps that emerge suggest points where the state can destruct and recreate itself without jeopardizing the overall standing of the state or relations of production. Under capitalism, political authority is not embedded in its territorial sites of significance, such as land or the laboring body, as much as it is formally outside them, while constantly intervening in them and in no way actually fully outside or separate. Nonetheless, the state's relative autonomy is necessary to capitalism's survival, since the creative destruction and recurrent crises of the capitalist mode of production could not fully, feasibly sustain the political-ideological system.

Poulantzas' formulations of the state offer a base from which to consider the New York City municipal state, and the U.S. national state, as they have evolved from the 1970s and the actions they have undertaken in the name of the 'general interest.' Whether the general interest as illustrated by their behavior emerges in the Poulantzian sense is to be seen in the specific projects that are analyzed in subsequent chapters.

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[64] Ibid., 26.
[65] Ibid., 25.
[66] Ibid., 27.
[67] "It is true that the State is seen as the organ of one particular group, destined to create favourable conditions for the latter's maximum expansion. But the development and expansion of the particular group are conceived of, and presented, as being the motor force of a universal expansion, of a development of all the "national" energies. In other words, the dominant group is coordinated concretely with the general interests of the subordinate groups, and the life of the State is conceived of as a continuous process of formation and superseding of unstable equilibria (on the juridical plane) between the interests of the fundamental group and those of the subordinate groups -- equilibria in which the interests of the dominant group prevail, but only up to a certain point, i.e. stopping short of narrowly corporate economic interest" (Antonio Gramsci, *Selections from the Prison Notebooks*, Eds. And Trans. Quintin Hoare and Geoffrey Nowell (New York: International Publishers, 1971), 181).

Crisis and Post-Crisis: the Ascendancy of Finance Capital in the State

Indeed, essentially, what is problematic is the fact that the established order is not problematic; and that the question of the legitimacy of the state, and of the order it institutes, does not arise except in crisis situations.[68]

New York's story is one of unbalanced development. While the immediate post-World War II period saw a drastic change of the city's built environment, the following decades were the time of a transforming workforce, with migration in and out of the city.[69] With all its land built upon, the cost of operating in New York grew ever-higher and resulted in the movement of industry from the city center to outer rings of the metropolitan region, such as New Jersey and Westchester County. This industrial exodus was followed by 'white flight,' with middle-class white residents moving to similar regions, or particular neighborhoods in Queens and Brooklyn. Thus, the post-war national ascendancy of the city in the 1940s was followed by the political struggle of the 1950s and 60s, with the emergence of black and Puerto Rican nationalism, women's rights, the antiwar movement, and the growth and organization of the city's enormous public-sector workforce and hospital workers. These forces all expanded the city's notable public provision – including services favorable to the working class, like free education – and added to the social democratic ethos that New York was known for. However, with this evolution of the city and its government also came the faltering of the business elite's influence and its agenda taking a backseat to the city's other concerns as social and fiscal problems came to a head, despite large exemptions of property taxes and the implementaton redevelopment policies favoring corporate and real estate needs. Starting in the 1960s, the city began to collect yearly budget deficits, devising temporary balancing solutions and bottoming out in bankruptcy, with a full-blown budgetary crisis blooming in 1975.[70] Tolls and transit fares were raised, hospitals were closed, tuition was implemented at the City University for the first time in its history, and many city services were cut back, including sanitation, daycare, fire protection, and police patrol.[71] The city's budget grew from $2.7 billion in 1961 to $13.6 billion in 1976, growing at an

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[68] Pierre Bourdieu, "Rethinking the State: Genesis and Structure of the Bureaucratic Field" in *State/Culture*, ed. George Steinmetz (Ithaca: Cornell University Press, 1999), 56.

[69] Due to the Immigration Act of 1965 and the movement of Asians, Caribbeans, and Latin Americans into the U.S.

[70] From 1970 to 1974, the increase of the city's long-term indebtedness was accomplished through the underwriting of municipal bonds by seven city banks. However, in 1974 those banks reversed their decisions by dumping billions of dollars of their bond holdings into the market, eventually leading to a complete collapse of the bond market in 1975. The result was a city that was technically bankrupt and unable to borrow to meet its financial obligations. Causes for such borrowing by the city were not only its social expenditures, but also the "growing practice" of putting large private development projects like the World Trade Center, Battery Park City, and Times Square under state-created authorities, effectively subsidizing CBD development by putting pressure on long-term debt and thereby also magnifying the effects of increased short-term debt (Moody, *Welfare State*, 59). These authorities were tax-exempt even though most of the underlying infrastructure of the projects was paid for by bond-raised city money because despite being private projects, they had public dimensions. Additional tax incentives were given out to lure occupants when the WTC did not fill up, with the lost taxes from the WTC alone estimated at $700 million by 1979. Its reliance on real property taxes was significantly below that of most other large cities, only at a little more than 50 percent of its total local revenue compared to almost 80 percent for the nation's twenty largest cities. Moody suggests that "Had the practice of shifting expenses to the capital budget and of increasing long-term debt to subsidize CBD construction been avoided or discontinued early enough by increasing property tax assessments on commercial and industrial property even fairly modestly, the reliance on short-term, high-interest debt would have been much less, the debt service burden been significantly lightened, and the fiscal crisis quite likely avoided" (55).

[71] Robert W. Bailey, *The Crisis Regime: The MAC, the EFCB, and the Political Impact of the*

average annual rate of 10.2 percent between 1971 and 1975, when the city's economic base was rapidly declining as businesses relocated outside the city.[72]

In response to the city's bankruptcy, the business elite "refined its ability to act as a class" and established more direct control of its interests by organizing cooperative legislative action around defeating bills having to do with consumer protection, labor law reform, and tax, regulatory, and antitrust laws.[73] Various business leaders contributed to a revolution in governance in the city, pushing the state to change its management of its finances in order to bail out the city, but also to unify the capitalist class and support its interests. Under the guidance of several of them, the Emergency Financial Control Board (EFCB) and Municipal Assistance Corporation (MAC) were created to help restructure the city's short-term debts and execute a three-year financial plan that would result in balancing the city's budgets.[74] Simultaneous to the implementation of these financial goals, the governance of the city was also permanently altered. The EFCB and MAC, by directly intervening in the finances and budget, indirectly became "alternative administrations" of overall governance for the city by seeking financial changes with political implications – important parts of 'the crisis regime.'[75] Formed first, the MAC sold its own bonds as a state agency backed by the city's retail sales and stock transfer taxes, but it was a failure, pushing the city toward default. To fight the impending economic short-circuit, the EFCB was created, comprised of city and state political leadership as well as a generous swath of New York's business elite, and it made sure investors from the MAC schemes were repaid, ultimately shifting the city's spending priorities in a direction business had wanted for years. Through the imminent collapse of the city's finances and, attendantly, sections of its bureaucracy and other state apparatuses, the dominant fraction, as represented by the EFCB, was able to rebuild not only the leadership of the state but its very structures, both juridically and politically, in a way that reframed the city's political economics.

The post-industrial shift from manufacturing to finance, insurance, real estate (FIRE), and service sectors, encompassing nonprofit social services and government, overlapped with the aftermath of the crisis. From 1977 to 1987, the increasing importance of finance relative to production, massive migration from Asia and Latin America, rapid technological change, centralization of financial markets, and overall internationalization of the economy affected New York tremendously. The city in the mid-1970s was a kind of rehearsal for the neoliberal reorganization of national priorities that would come to happen under Reagan – the reassertion of the capitalist class's power in the home of global capitalism. Amid all this economic and political foment, the state had to be held financially accountable to the process of capital circulation and surplus value production, and the New York government was disciplined by various forces within the U.S. financial system. The "fiscal disciplining" of New York led the way for promoting financial deregulation and budgetary austerity nation-wide as solutions to property crashes and the collapse of financial institutions in 1973, of which a near-perfect echo is the 2007 crisis and its aftermath.[76] One conclusion that may be drawn is that fiscal crisis offers the

New York City Financial Crisis (Albany: SUNY Press, 1984), 1.
[72] Ken Auletta, *The Streets Were Paved with Gold* (New York: Random House, 1979), 31.
[73] Moody, *Welfare State*, 5.
[74] Bailey, *Crisis Regime*, 2.
[75] Ibid., 8, 10.
[76] David Harvey, *The Limits to Capital* (New York: Verso, 2006 [1982]), x.

means by which the "discipline of capital can ultimately be imposed on any state apparatus that remains within the orbit of capitalist relations of production."[77]

The 1975 crisis offers a sketch of the beginnings of New York's contemporary stage of political economy. The take-off of financial and speculative capital – central to the financial crisis of 2007 – also began at this time, and it is important that the state's activities in New York are theorized with those events in mind. The city, post-crisis, becomes defined by the crisis and its legacy of state reorganization. Julian Brash describes two variations on how the crisis has normalized itself in New York today. One is its ever-presence, in which the post-crisis regime is in permanent fiscal difficulty, experiencing constant budget shortfalls and attended by crisis rhetoric that encourages the continuance of the post-crisis consensus.[78] With a heavy reliance on taxes generated by the FIRE industries, which are susceptible to booms and busts and a simultaneous array of tax cuts and abatements – fixtures of New York policies today – public funds are precariously underfed. The financial health of post-crisis New York rests on the success of its "economic monoculture" – a double-edged sword that is its strength and vulnerability.[79]

The second way the 1975 crisis has normalized itself is rooted in the law. In response to the crisis, city law was written ordaining that the budget be balanced. As Brash puts it,

> A temporally discrete political intervention was transformed into a naturalized legal fact, one that pushes city policy in accordance with the budgetary probity demanded by the post-fiscal crisis consensus. The crisis has become legalized. [Mayor] Bloomberg periodically demonstrates this when, faced with questions about controversial proposals like raising taxes or cutting services – he often says only this: 'The law requires us to balance the budget.'[80]

He continues:

> In fact crisis, of such great discursive benefit to the victors in the struggles of the 1970s, has been normalized. … The city's political leaders have made calls for a return to normalcy. The municipal markets show no immediate sign of depriving the city of needed capital. Corporate capital shows no sign of abandoning the city. The post-fiscal crisis consensus remains in place. The new 'crisis' remains on the plane of moral discourse, and therefore virtual (though by no means ineffectual).[81]

The post-crisis period is dominated by a "morality of austerity," made more acceptable by the city government's appeal to unity when, according to Brash, it actually serves to obscure other maneuvers.[82] Such demands for unity through austerity make redistribution, or a new reorganization, harder to demand. The ethic of shared sacrifice demanded by austerity forecloses redistribution in lieu of the more 'equal' action of sweeping cuts in the untargeted, general interest. The legal imperative to balance the budget in the post-crisis city offers an ethical excuse and rhetorical tool to demand generalized austerity, even if the budget does not actually get balanced. As Brash points out, the moral dimension of crisis purposefully obscures its

[77] Ibid., 153.
[78] Julian Brash, "Invoking Fiscal Crisis: Moral Discourse and Politics in NYC," *Social Text* 21:3 (2003): 59-83.
[79] Ibid., 77.
[80] Ibid., 77.
[81] Ibid., 78.
[82] Ibid., 75.

political nature, and this is an element that gets replayed in the 2008 consumer debt crisis as well.[83] The 2008 crisis has not been shown to alter the state's attitudes to capital and finance, nor reorganized key leadership, in any easily discernible ways.[84, 85]

Austerity is patently ineffective for recovery, but finance capital is opposed to state management of the economy through public expenditure.[86] Though American finance capital has no objections to $13 trillion of state support to stabilize itself, it begins to cite the virtues of austerity once the question of public finance for resuscitating the economy is raised. In this era of the hegemony of finance, where the dominant fraction of the state is the elite of the financial world, Keynesian state intervention in managing demand recedes as the elites themselves evolve different wants from the state. I suggest that in the case of the American state today the dominant group, which is billionaires rich through finance and speculative capital, wants to be served differently by the state, because something else – other than capital accumulation – is at stake.

The question that remains is what exactly is sought through the state that is only partially related to the continued accumulation of capital, for without the exogenous stimulus of state expenditure, or further geographic expansion, to sustain it, capitalism as it exists now is bound to weaken. Prabhat Patnaik writes that the elite push for austerity because they are fearful that a proactive state correction of the economy would undermine the global market's confidence in them.[87] The dynamics at play here are even more complicated, however, because if there is in fact a loss of confidence in the capitalist elite, then the state's intended revival of the economy through a stimulus may not actually encourage private investment and spending (the expected stabilizers that a stimulus generates) which in turn leads to the requirement of a prolonged stimulus. However, there is another element to consider, for the stimulus resources required by the state are borrowed by it through financiers in exchange for government securities. The finance elite's opinion of the state's creditworthiness thus comes under scrutiny, suggesting the loss of confidence of the elite in the state. Ultimately, their mutual success is intimately intertwined.

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[83] In 2008, the crisis began in the United States, in New York, and spread worldwide. As subprime mortages defaulted en masse, Lehman Brothers, an investment bank, filed the largest bankruptcy filing in U.S. history, at $600 billion in assets on September 15, 2008. AIG, an insurer, nearly collapsed until it was bailed out by the federal government with $182 billion, the largest federal bailout in history. It is still soon to analyze its long-term effects on the city's decision-making, especially since 2011 saw a second wave of crisis in the form of sovereign debt and the effects of that are still playing out across Europe.

[84] Michael Bloomberg is still in office. One policy that he implemented in the wake of the crisis was an amendment to the term-limit law, so that he could run for a third term in 2009. Admittedly, this is a significant political move, and I delve into its meaning more in Chapter 2, in relation to his role as the first 'CEO mayor.'

[85] The construction projects I look at were proposed before the crisis, and despite the city's struggles with deficits and massive debt since then, they remain on the table, or are already partly constructed.

[86] The Great Depression of the 1930s marked the beginning of a new exogenous stimulus for capitalism: state expenditure, as exemplified by the New Deal and its many programs that included some social welfare measures. Patnaik argues that state intervention in demand management has now also run its course as a desired economic stimulus, because the emergence of international finance capital has diminished the scope it can have (Prabhat Patnaik, 'Austerity Versus Stimulus,' *Monthly Review*, Sep. 21, 2011). However, it must be noted that both types of stimulus assume the beneficial potential of state expenditure, and thus an attendant beneficence, and disregard of profit, by the state.

[87] Patnaik, *Austerity*.

Toward an Ethical State?

In the aftermath of the crisis, scholars, activists, and the public alike have located a certain imperative in the state to confront finance capital, to ensure that it does not become bound by the caprices of the financial elite. Disregarding for a moment the fact that they are inextricably tied, this demand is important to consider, specifically in regard to how it resonates with Marx and his mention of "political life's moments of special concern for itself."[88] He posits an allegorical morality that crucially keeps the political community and the state in balance. This allegorical morality is described in Rousseau's *The Social Contract* as the individual's desire to substitute physical, independent existence for a limited, moral one that necessitates membership in a greater whole rather than independence. Though Marx does not mention the particular workings of his conception of morality and how it gains its force, perhaps it can be extended to the dominant group's wranglings with other dominated groups within the state. In order to fight fiscal stimulus, which is a threat to the dominant fraction's power in the state as well as an overall threat to the stability of the state, the morality of austerity is mobilized and, in a surprising turn, idealizes the political.

Once again, it is useful to return to a variation on the concept of fractional unity, this time in the work of Carl Schmitt, best-known for theorizing the concept of the political. He writes,

> If state unity becomes problematic in the reality of social life, this leads to a condition unbearable for every citizen, for because of this the normal situation vanishes and with it the presumption of every ethical and legal norm. The concept of state ethics then gains a new content, and a new task emerges: consciously bringing about that unity – the duty to collaborate on realizing a bit of concrete, real order and returning the situation to normal. Then besides the *state's duty*, that lies in subordination to ethical norms, and besides the *duties towards the state*, another, very different duty of state ethics emerges: that is, the *duty for a state.*[89]

For him, ethics emerges in the properly-made distinction between friend and enemy, arguing against a universal set of ethical values to which politics must be subject. The fundamental decision that any political order makes will be one that establishes a normal situation from a state of exception or conflict, and its glue is its ethic. Considering New York's financial crises of the past few decades, and the influence of the dominant fraction in the state throughout the city's history, one can note that the state has not been in the normal situation when the interests of the dominant fraction were threatened in any way. However, as the constituents of power and the harnessers of the state, it is vital for the dominant fraction to idealize the political, as it were, and try to maintain a normal situation through the assertion of hegemonic fractional unity. Therefore, the duty for the state that Schmitt suggests emerges, despite a loss of confidence in its present strategic use. Such loss of confidence eventually is overturned in the wake of a crisis, and moments of creative destruction rebuild the state in a way more suitable to maintaining unity.

The moral dimension animated by the state, post-crisis, is something that extends beyond financial discourse and into the built fabric and landscape of the city, much like the boosterism

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[88] Karl Marx, "On the Jewish Question," in *The Marx-Engels Reader*, ed. Robert Tucker (New York: Norton & Company, 1978), 30.

[89] Carl Schmitt, "State Ethics and the Pluralist State," in *Weimar: A Jurisprudence of Crisis*, eds. Arthur Jacobson and Bernhard Schlink (Berkeley: University of California Press, 2000 [1930]), 312.

of the bourgeoisie in the nineteenth century. As in the earlier eras of industrial New York, a use and abuse of collective memories by the city's builders – political, ideological, economic, physical – continues. The moral call to unity and austerity plays on the aspirational soul and history of New York, and a perpetual kindling of what kind of place it could be, and *is*, become closely bound up in the buildings that get constructed, as we will see now with the new World Trade Center.

CHAPTER TWO *Unmeasured Authority*

[The Port Authority] was an entity unlike anything ever before seen in the United States.[90]

The first World Trade Center's two towers were completed in 1973 and felled in 2001. Construction on the first of its replacements is slated to finish in late 2013. Where there were two nearly-twinned towers on the sixteen-acre WTC site, there are now four new towers as well as the National September 11th Memorial and Museum. Those sixteen acres, out of New York City's 205,951, are the site of the nation's most famous ruins.[91] Famous because they are contemporary, exceptional in a U.S. city, and highly symbolic, they occupy a place in the memory of most adults around the world living today. In New York, the footprints of those ruins remain, now memorialized in stone, steel, lights, and water as the 9/11 Memorial. The footprints – square depressions, "roughly corresponding" to the roof plans of the towers, honed from the buildings' battered foundations – have shaped the future of the sixteen acres they occupy, as well as that of the surrounding landscape of Lower Manhattan.[92] Not only delimiting the memorial space, the footprints have inspired a concrete plan to follow for future capital investment and construction, as this chapter details. They are the beginning of everything else that has happened in and around the site. The footprints have had their effect through the mediation of the Port Authority of New York and New Jersey, and hence of the state. As the chapter shows, the relationship between urban reconstruction and state formation is mobilized by what seem to be non-state actors, or by something that we cannot quite classify as state or non-state – the Port Authority.

"Reflecting Absence," the jury-selected winning memorial plan, is composed of an 8-acre field of trees in which the footprints are marked by two square reflecting pools, each "large voids, open and visible reminders of the absence."[93] At the perimeters of these pools, the names of the dead are inscribed on bronze panels. The WTC Memorial Jury noted that the design "made the voids left by the destruction the primary symbols of our loss."[94] This symbolic value generated by the footprints is manifold, marking their work in the state-sanctioned memorialization process, in private healing and mourning, and in the reimagining of the site. Beyond their memorial value, the footprints also have become the starting point for the reconfiguration of Lower Manhattan's retail, residential, and commercial spheres, structuring the flow of people and capital around the WTC site and greater Lower Manhattan. They are emblematic of the past loss of lives that occurred at the site, but are also the platform from which the other WTC buildings – including 1 WTC, the once-named Freedom Tower – and a revised financial landscape can be launched. The footprints do both memorializing and financial work. The reflection of absence paradoxically functioned to assert that the American nation-state was resilient and powerful enough to recover from the decimation of one of its economic centers,

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[90] Jameson Doig, *Empire on the Hudson: Entrepreneurial Vision and Political Power at the Port of New York Authority* (New York: Columbia University Press, 2001), xviii.
[91] Philip Nobel, *Sixteen Acres: Architecture and the Outrageous Struggle for the Future of Ground Zero* (New York: Macmillan, 2005).
[92] Philip Nobel, "Memory Holes," *Metropolis Magazine*, September 2011, http://www.metropolismag.com/September-2011/Memory-Holes/.
[93] Michael Arad and Peter Walker, "'Reflecting Absence' design statement," 2001.
[94] "WTC Memorial Jury Statement for Winning Design." January 13, 2004. http://www.wtcsitememorial.org/about_jury_txt.html

both economically and geopolitically. The precise images of the footprints presented a tangible, physical symbol – a ground zero – that called for triumphal repair by the injured nation-state. In this way, the footprints no longer remain only to facilitate mourning and healing, a grappling with 9/11's pain, but are mobilized as what I call "markers of public authority" – symbols of justification for rebuilding a nearly $3 billion financial tower with state funds and are, in turn, hegemonic devices that reassert American imperialism and capitalism.

I call them "markers of public authority" because those charged sixteen acres are owned by the Port Authority of New York and New Jersey, an agency of the two states; the twin-towered WTC symbolized the power of the Port Authority's structural framework. The Port Authority's marquee construction, the Twin Towers were the biggest construction project of their time and remained iconic structures, emblematic of national and financial power as well as the Port Authority's own ability to be an organization capable of such grand ventures. Their remaining footprints, huge, square, and gaping, are footprints in the technical sense, the traces of two edifices. They are the markers of 9/11, the event, yet they are also the marks of a particularly old and potent public authority and that authority's plans for the future of the site. They are the work of the planners and actors making them, bearing the authorship of the Port Authority.

This chapter asks: do the footprints of the Twin Towers, and their memorialization as such, act as crystallizations of the state's ethical commitments? In replacing the Twin Towers with 1 WTC, how does the Port Authority uniquely manage to mobilize economy and ethics while serving as a key, *third* actor in the network of public-private relationships between the state and private sector?

The common critique of public authorities, including the Port Authority, is their perversion of democracy and constitutional non-compliance.[95] By maintaining a separation from constitutional checks and balances, issuing revenue-backed debt (in violation of the Constitution's full faith and credit clause for indebtedness), and operating without institutionalized oversight, public authorities are seen to pervert democracy through their very contradicting of the Constitution. That particular approach to democracy – positing a normative ideal against which the operations of public authorities are evaluated as if they are external, not constitutive, of democracy – is not the main concern of this chapter. Instead, the chapter investigates the inclusion of public authorities in the general state structure. It discusses the role public authorities play in modern American government and their conflict with the espoused principles of that government. It asks: what does the elision of public authorities' functioning and the elision of their difference – while they remain singular in their structures, relative to the rest of government – do for the state? The state acts through them in "shadowed," "backdoor" ways, in alliance with the private sector, in order to offer concrete public goods. Precisely how does it do so while also presenting an image of itself as functioning singularly, even as it relies on quasi-state structures and extra-state principles to maintain this image? This chapter theorizes this procedure as one aspect of the technology of "creative destruction" examined in Chapter One.

The conflict with principles of government that is signaled by public authorities is not simply a contradiction with the Constitution. Instead, it signals something about how the state functions through the Constitution and about how democracy functions. A central component of healthy democratic functioning is a benevolent state, one that is ethically committed to equality and public good. By subverting constitutional principles via public authorities, an image of the

[95] Axelrod 1992; Stanton and Moe 2002; Doig 2001; Brodsky 2009; Karlin 2013; DiNapoli in Spector 2013.

state's health is maintained and democracy is buoyed. What emerges from the footprints is a publicly-funded project that helps unveil the shadow government of extra-state authority. This authority is characterized by an ambiguous location between public and private forces, yet the concrete, actual processes of decision-making and construction that the Port Authority is engaged in, which I discuss in this chapter, expose a more productive relation between public, private, and ambiguous third.

In the case of public authorities, a fully-functioning image of the state is constructed through the obfuscation of debt, the reliance on experts in the face of democratic inefficiency, and the corporate business form of agencies that are public in both name and guiding principles. In other words, by delegating its expected functions to the extra-state public authority form, the state is simultaneously destroying its standing as, and potential to ever be, a successful democratic state *and* building an image of a state invested in the public good that does not necessarily exist in actual form. Public authorities do not subvert American democracy, but are constitutive of it. They do not represent a "disintegration of government," but constitute it, and this has consequences on the question of democracy.

As the evidence in this chapter shows, public authorities, rather than simply disintegrate government, offer an institutional ambiguity and flexible organization that is adaptive to capital, responding to market trends and consumer demands. They also offer a way to deal with regional issues that respect no political boundaries. They go places that the state, proper, cannot. An investigation in 1990 by the New York State Commission on Government Integrity called public authorities an "insiders' game" in which it was "difficult to get at the most rudimentary information."[96] Despite more recent attempts to shed light on their doings, which this chapter discusses, the public's understanding of authorities is itself constituted by shadow.

I use the footprints to mark a discursive break with the enormous event that is 9/11 by localizing and grounding the analysis of the WTC in the materiality of the site itself and the effects that materiality has had upon the built environment neighboring it. This chapter discusses the Port Authority's[97] relationship to the footprints of the Twin Towers and what that relationship illuminates about the agency and the public authority form more generally. I argue that in the face of destruction, like that viscerally exemplified by the footprints, the Port Authority, as it rebuilds its material losses with 1 WTC, rebuilds the state itself. The three sets of actors that come together in the footprints – public (state), private (financial), and ambiguous third (public authority) – are also responsible for the reconstruction plan that has emerged at the site. I argue that the Port Authority secures a bridge to the private sector for the state and that through this bridging, the state claims the ethical. The ethical commitment of the Port Authority to rebuild the WTC is revealed to be that of the state, as it colored by the private sector. Uncovering this transmutation of the bearer of the ethical commitment helps us to more clearly see both the state and what symbolizes recovery for it.

This chapter develops this argument through the following steps. First, the present-day WTC site is introduced, as is the climate of Lower Manhattan. The history of public authorities in the U.S. is then sketched, with an emphasis on New York's particular encounter with them. In order to understand how the Port Authority authored the footprints themselves, we must

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[96] Quoted in Donald Axelrod, *Shadow Government: the Hidden World of Public Authorities and How They Control $1 Trillion of* Your *Money* (New York: Wiley, 1992), 105.

[97] Note regarding terminology and abbreviations: PNYA – pre-19xx; PANYNJ – 19xx-present; Port Authority refers to the organization as an entire historical entity.

understand the history of the organization, and the chapter addresses its unique origins. The final section of the chapter analyzes the actions of the Port Authority at the WTC site over the past dozen years, and offers a way to think the capitalist state's ethical commitment through the workings of the quasi-state Port Authority.

The built environment and the state: reconstructing the World Trade Center

1 WTC, designed primarily by New York firm Skidmore, Owings & Merrill and consulting design partner David Childs, generated outcry over its lone tower, its original, reactionary name (changed by Port Authority ex-director Chris Ward), and the design itself, which some critics have called paranoid and alienating. The 104-story tower reached a 1,776-foot height on May 9, 2013, when a spire was added to the top of the construction. The building is owned by the Port Authority, with the private Durst Organization holding a ten percent stake in it. It is an ambitious commercial real estate venture, with over 55,000 square feet of retail in addition to millions in office space, yet it is the symbolism of the building that the designers and media focus on. According to Childs, "it will serve as the marker of the 9/11 memorial on the skyline," implying a calling up of the memorial whenever a person catches sight of the tower.[98] Alternate designs for 1 WTC included THINK architectural team's more explicit focus on symbolism and memory, a vision of latticed "scaffolds erected to protect the ghosts of the lost twin towers."[99] The latticework would reach taller than the original towers and surround the footprints without touching them, preserving them for a memorial. The footprints emerge in this design and the winning design, among others, but what is unique about THINK's design is that it is not focused on office space, unlike the eight other designs offered for Ground Zero. Ten million square feet was Silverstein's non-negotiable number for office space, "at a time when the city already [had] millions of square feet of unused office space, when a proposed World Trade Center [had] no potential tenant, and no one [knew] whether a single corporation will venture back to that site to move into a skyscraper."[100] THINK accommodates it in smaller buildings around the perimeter of the footprints, with the designers citing the primacy of New York City's cultural need, rather than economic one.[101] The latticed towers were designed to serve a role like that of the Eiffel Tower – an empty building to become the symbol of a city.

Silverstein famously signed a 99-year lease on the WTC just weeks before 9/11, under whose terms he would pay the Port Authority $3.2 billion over the tenure of the lease. The lease required him to rebuild and the insurance payouts he received were crucial to that. On public land, yet built by a private citizen for personal profit with subsidies from the state, Silverstein's millions of feet in office space are unique. Reporter Eliot Brown notes that "the quest to rebuild has repeatedly demanded new public assistance as the years have added up since 9/11, both for the [site] infrastructure and for the private office towers planned by Silverstein."[102] In 2010, a deal was struck to fix a financing gap, with the city, state, and Port Authority putting in $210

[98] Joann Gonchar, "A controversial tower rises at ground zero," *Architectural Record*, September 2011.
[99] C. Carr, "Design for Living: Could The World Trade Center Become The World Cultural Center?," *Village Voice*, Dec. 24, 2002.
[100] Jeff Byles, "Let Libeskind Be Libeskind," *Village Voice,* Oct. 12, 2004.
[101] Carr, "Design For Living"
[102] Eliot Brown, "Subsidy City: The Real Public Costs of the World Trade Center Towers," *New York Observer*, April 5, 2010.

million in equity, $390 million in less risky debt coverage, and more than $400 million in rent abatements. This public assistance was not the first public contribution to get the private office towers built, but the fourth, preceded by $2.6 billion in tax-free Liberty bonds in 2002 (over $600 million in revenue lost), a large-scale Lower Manhattan reconstruction plan with special breaks for WTC in 2005, and new leases in 2006 by the city government and Port Authority on office spaces that are far more expensive than they would usually pay. Brown notes that "at each point, the implication was that the market would not bring these towers up on [its] own, so the public needed to step in with aid to clear a path for construction. And at the discussion of each round of assistance, the decision to add on a new subsidy had some rationality, with officials saying they were too entrenched to start over and rethink the broader plan."[103] Between subsidies, assumptions of risk, and other incentives, the various forms of public assistance on the towers total over $2 billion. The amount of public assistance for the private WTC towers is exceptional, and far more than was ever advertised when the rebuilding plan was sold to the public.

Cost overruns on public infrastructure are common to public-private partnerships. Initial development plans are proposed to the public with promises of particular, stable subsidy levels and expected long-term gains from rent. Yet conditions change and costs nearly always only increase. Once it seems too late to shelve a deal, a developer in turn requires more aid and the public sector becomes the default source for it – and the public sector is in a difficult position to refuse when the completion of a public building project (that is, of course, being built privately) hangs in the balance. In Lower Manhattan, subsidized commercial office space for private profit has fallen under the aegis of public authorities – the Port Authority, primarily, as well as newer, smaller agencies like the Lower Manhattan Development Corporation (LMDC) and the Lower Manhattan Cultural Council (LMCC). Yet who will own the WTC? It is being built for private profit, yet the public elements of it are also undeniably palpable – in its symbolism and its material presence and ramifications.

With this heady mix of public, private, authority, and state, the lines between them are blurry. Ambiguous jurisdictions and grey areas abound. If the state is trying to crystallize its ethical commitment to public good by financing projects with some kind of public dimension, whether it is publicly-owned or not, then what does this tell us about state power? It is revealing, and through an investigation of the cultural use of funds, not just fiscal policies, new insights into the capitalist state and political economy can come to light.

In a 10-year anniversary address of 9/11, New York City Mayor Mike Bloomberg asserted the full revitalization of Lower Manhattan, the neighborhood that extends out from the footprints. He announced that there were more businesses there in 2011 than in 2001, and more people living in Lower Manhattan than since 1920, making the ongoing revitalization of the neighborhood "one of the greatest comeback stories in American history" and standing as "our greatest moment to those we lost on 9/11 and to our unshakeable faith in the moral imperative of protecting and preserving a free, open, democratic society."[104] Soon after 9/11, plans for redevelopment of the WTC were underway, but so were plans to make "the WTC Site and Downtown a World-Class Retail Destination."[105] When every new resident, business, student,

[103] Ibid.
[104] Michael Bloomberg, Mayoral Address, September 6, 2011.
[105] Urban Land Institute, *Lower Manhattan Retail Summit, New York, New York: a Strategy for Making the World Trade Center Site and Downtown a World-class Retail Destination, October 5-8, 2004* (Washington, D.C: Urban Land Institute, 2005).

and house of worship honors the spirit of those lost and "the values that define our city, and … the Constitution that sustains our great nation," as Bloomberg declares, we are confronted with the blurring of honoring spirits with the simple fact of pursuing personal, economic interests.

When Droga5, a large advertising and marketing agency, decided to relocate its headquarters from Midtown to a Silverstein Properties-owned office building in Lower Manhattan, it made the headlines of business news. Governor Cuomo and Mayor Bloomberg are quoted widely, saying that Droga5's move downtown is part of the resurgence of Lower Manhattan as a business destination. Yet it is important to remember that the deal was sweetened by city and state grants to stimulate job growth in Lower Manhattan. Droga5 partnered with the Empire State Development Corporation and NYC Economic Development Corporation, both public authorities, as well as the World Trade Center Job Creation & Retention Program, in order to obtain funds to finance the creation of 154 new jobs by 2017 and, by extension, to soften the impact of relocation costs.[106]

According to the Downtown Alliance, more than 390 companies have relocated to Lower Manhattan since 2005, representing a wide array of industries. The footprints of the Twin Towers take on a different resonance in consideration of these relocations. Philip Nobel argues that the acceptance of the footprints as sacred ground – what he calls "ghettoizing the locus of sanctity" – was essential for big business.[107] With memory harbored at the site via the memorial, it was installed and stabilized, clearing the way for the resumption of commerce around it.

New York City is home to several other large, subsidized construction projects, such as Yankee Stadium and Atlantic Yards. The WTC is an especially interesting object of study, however, due to its custodian: the Port Authority. One of the oldest public authorities in the country, it has a complex history which begins nearly a century ago. Additionally, the WTC is most explicitly tied to national memory and trauma, while retaining a deeply local resonance as well.[108] The mega-engineering that has taken place and continues to unfold at these various sites unveils ruins. We need to return to the history of the public authority organizational form to begin understanding how the Port Authority has been able to cultivate its unique relationship with the site.

Public authorities: what they are and their history

Public authorities are also known as government corporations and special districts.[109] An English institution grafted onto American public administration in the early 20th century, the idea behind public authorities is empowering an agency to sell bonds in order to construct particular public works. When a building project is completed, tolls or fees are charged until the bonds are paid off, at which point the agency would typically be shut down and turn its public work completely over to the state. Public authorities are autonomous government agencies with independent decision-making power, as well as independent financial resources, yet they are neither part of traditional local city or county governments nor segments of state or federal government. Instead, they are part of the government with operations distinct from all other governmental arms. Public corporations modeled after private firms, their goal is bringing

[106] Daniel Geiger, "Ad firm quaruples space in move downtown," *Crain's New York Business*, July 25, 2013.
[107] Nobel, "Memory Holes."
[108] Atlantic Yards is also a site of memory and trauma, but it is a much less well-known one.
[109] Axelrod, *Shadow Government*, 15.

market incentives and business-administrative techniques to the public sphere.[110] In 1947, political scientist and public administration expert Luther Gulick offered a definition broad enough to encompass the diversity that we see today: "An authority is a government business corporation set up outside of the normal structure of traditional government so that it can give continuity, business efficiency, and elastic management to the construction or operation of a self-supporting or revenue-producing public enterprise."[111] The New York State Comptroller's Office calls public authorities corporate instruments of the State created by the Legislature to further public interests.[112]

Public authorities today control many essential services, including transportation, housing, water, sewage, power, education, and hospitals, as they have for several decades. The exact number of public authorities is virtually unknown, but it is in the tens of thousands.[113] Information on them is sparse, scattered throughout the nation, "the *terra incognita* of government."[114] With enormous debt, rivaling that of the federal government, and similarly high operating costs that are substantially borne by the state primarily through tax-free bonds, public authorities are nonetheless rarely subject to the electoral or legislative systems and have thereby been at odds with the constitutional foundations of U.S. government for decades. Free from the surveillance and general oversight that the state turns on parts of itself and its citizenry, public authorities instead assemble a 'shadow government' alongside the entities we typically recognize as government, argues Donald Axelrod, one of few scholars to do research on public authorities within the past 25 years.

While the study of public authorities has languished, the authorities themselves have continued to grow in size and debt. A definitive agreement on the characteristics of the public authority, or special district or government corporation, does not exist.[115] It is the fastest-growing form of government in the U.S. yet also the least understood.[116] The titles of agency, system, fund, bank, trust, district, board, commission, and company, among others, all describe public authorities, making them slippery entities to pin down. Their definition by the U.S. Bureau of the Census, which is responsible for keeping track of the data of governmental units, does not include the word 'state,' and specifies a substantial independence from government.

Ideologically, public authorities can trace a lineage originating in American Progressivism. Public enterprise was at an apex of popularity in the early 20th century and Louise Dyble notes that "their creation was an expedient means of achieving public ownership and active government."[117] While many scholars point to the functional qualities of public authorities, such as their "pragmatic" problem-solving, their ideological appeal was – and

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[110] Louise Dyble, *Paying the Toll: Local Power, Regional Politics, and the Golden Gate Bridge* (Philadelphia: University of Pennsylvania Press, 2009), 4.
[111] Quoted in Axelrod, *Shadow Government*, 14.
[112] "Public Authorities," Office of the New York State Comptroller, accessed May 15, 2013, http://www.osc.state.ny.us/pubauth/
[113] According to one source, they numbered around 35,000 in 1992, while another puts the number at 35,356 in 2002, with the latter figure not including the increasing numbers of authorities that are legally and financially independent but are governed by ex officio boards and therefore not counted by the census (Axelrod, *Shadow Government*; Dyble, *Paying*).
[114] Axelrod, *Shadow Government,* iii.
[115] Special districts are smaller single-purpose municipal corps with a "pervasive influence on everyday life" versus authorities which are bigger (Dyble, *Paying*). This chapter encompasses all of them under 'public authorities.'
[116] Axelrod, *Shadow Government*; Dyble, *Paying*, 5.
[117] Dyble, *Paying*, 220 n12.

remains – a powerful element for their supporters.[118] Progressive theorists blamed corruption on faulty governmental structures that allowed private economic interests to dominate politics, and instead sought, via public authorities, a corporate, hierarchical structure that was adapted to serve public interest instead of private profit. Woodrow Wilson, one of the most outspoken Progressives, wrote in 1887 that government programs could best carry out their plans if their leaders were given "large powers and unhampered discretion," warning against the opposite tendency of distributing power widely to ensure democratic accountability. He argued that if power is "dealt out in shares to many, it is obscured … and if it be obscured, it is made irresponsible."[119] This account of power is reflected by the mandarins that run public authorities, with accomplished bureaucrats serving as the heads of most agencies.

As an insulated agency of government, the public authority is oftentimes viewed as an affront to democratic principles. Its relative autonomy from both constitutional accountability mechanisms and their unique financial structure separate them from the average units of the state, as I suggested in the previous chapter. The U.S. Constitution prohibits debt in many states, particularly New York. Public authorities enable a way to get around such prohibitions with "creative" and "innovative" financing, which is a euphemism for obfuscation, according to detractors. They become the "chosen instruments" for navigating the politics of debt, operating with two main techniques: to call accumulated debt "authority debt," and never state or local debt, or to never call it debt at all, in turn raising the potential for defaults.[120] On the other hand, others argue that a public authority, at least in transportation and terminals, is more like a factory than a school. The decision on where to place an airport and how big it should be, for example, should depend on elected officials and voters. However, advocates of public authorities assert that certain other matters – how to construct it, bringing aircraft in and out, routing ground traffic outside the airport, security, etc. – should be decided mainly by experts, not by public vote or public officials, lest the public make decisions not in its best interest.

A conflict with democratic principles, and a sidestepping of U.S. Constitutional ones, animates the controversial status of public authorities. These ongoing conflicts can be credited to authorities' remarkable ability to adapt to a given political context while still defending their underlying interests. Public authorities have developed their own kind of culture and each exercises a distinct repertoire of behavior that shapes their goals and the priorities of their decision-makers.[121] However, public authorities have had some central issues since their beginnings in the U.S. and that persist today, as we will see with the Port Authority.

There are three primary targets for critics of public authorities: the decentralization and bureaucratization of the state that they both represent and encourage; their generation of a cost burden that disproportionately affects the non-wealthy; and the lack of accountability and voter approval in their decision-making. The advance of bureaucratization is a familiar critique of government, raised most famously by Weber, and public authorities embody the key qualities of such rationalization, including the ability to fight off reform and protect their interests as individual agencies.[122] Due to the independent power each one has, an authority could mobilize

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[118] One of most important scholars of public authorities, Annemarie Hauck Walsh, subscribes to a functionalist understanding.
[119] Quoted in Doig, *Hudson*, 14-15.
[120] Axelrod, *Shadow Government*, 36.
[121] Dyble, *Paying*, 207, 203. She notes the "compelling culture" of the Golden Gate Bridge and Highway District, one that developed over time.
[122] Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978).

its resources and live on indefinitely, despite unpopularity among voters. In alliance with other local governments, authorities are capable of forming a protective fortress around a decentralized form of government, especially in metropolitan areas.

The stakes of an ever-encroaching bureaucratization include the foreclosure of democratic possibility. In the case of public authorities, the question becomes whether public decisions have been removed too far from the democratic process. Bureaucracy has been the basic organizational form of the contemporary U.S. state since well before the rise of public authorities and, if Weber's critique of the state in general (under all political formations, not just democracy) is accepted, the recognition of the legitimacy of the state – and, in turn, public authorities – cannot be understood as a free act. Refining Weber's formulation, Pierre Bourdieu contends that the state monopolizes both physical and symbolic violence, relying on a pre-reflexive agreement and offering one explanation why public authorities persist as the so-called "fourth branch" of government. Instead of bureaucrats usurping the universal, which is the traditional Marxist interpretation of bureaucracy, Bourdieu suggests that the "obligatory reference to the values of neutrality and disinterested loyalty to the public good" have very real effects which "impose themselves with increasing force upon the functionaries of the state as the history of the long work of symbolic construction unfolds whereby the official representation of the state as the site of universality and of service to the general interest is invented and imposed."[123] This work is accomplished with the bureaucratic field itself, aligning both the explicit purported function of public authorities and the state's symbolic construction and legitimacy. Only in crisis does this legitimacy get questioned.

Now, more than ever before, there is a growing reliance on public authorities by states.[124] As federal and state debts mount, public authorities offer a way to address the problem of debt limits, by telling the city or state that they will not be affected because the authority has sole responsibility for its bonds. The authority's projects are to "pay for themselves."[125] However, the reality of authority financing is far more complex and insidious, despite taglines that claim otherwise.

Public authorities generate a cost burden that is borne by the public, particularly the less wealthy. The bulk of this rests in the fact that they pay for themselves through user fees. At the time of their creation, the fees were only intended to be charged until the authority was paid off, at which point the authority would be disbanded and control of the utility in question would be completely handed over to the state. However, Robert Moses turned this around and inaugurated the continuation of such fees, keeping authorities running even after they were paid off. In addition, he began a practice of trading in old bonds for new ones to raise more money and build more projects; this way he (or any other builder, though they were rare in his era) would no longer need to go to city, state, or federal governments for funds. Between the late 1930s and late 1950s, he took over or created 12 of these new breeds of public authority – for parks, tunnels, highways, and more – integrating them into a powerful extra-state machine and doing so by bringing thousands of businessmen and politicians into its workings and making them rich in the process.

While bondholders were able to avoid state and local taxes on their interest, this tax-break was subsidized by taxpayers through fees and, of course, taxes. As federal taxpayers, the

[123] Bourdieu, "Rethinking the State," 52.
[124] "Public Authorities by the Numbers," Office of the State of New York Comptroller, March 2013, http://www.osc.state.ny.us/reports/pubauth/public_authorities_btn_2013.pdf.
[125] Dyble, *Paying*, 25.

public as a whole shoulders the cost of authorities by exempting interest on municipal bonds from U.S. taxes. The average person's taxes subsidize the biggest authorities in the country, and her fees pay for the burgeoning costs of all authorities. Such fees include utilities fees, such as for water and gas, and bridge tolls. State and local taxpayers "pay three times": by subsidizing state and local tax breaks, by subsidizing federal tax breaks, and by paying fees.[126] While the Tax Reform Act of 1986 cut the amount of tax exemption, losses in revenue on municipal bonds were still in the billions, per year, in 1992. However, the most adversely affected are poor and working-class people – user fees cut more deeply into their incomes, disproportionately. Tax reduction benefits the rich who are able to join the municipal bond market in the first place.

Other winners in the public authorities world are its big supporters: brokerage houses, law firms, financial advisers, banks that sell and underwrite bonds, bond-rating organizations, bond insurance firms, building contractors, real estate developers, engineering and architectural firms, insurance companies, and labor unions that do large-scale construction projects. It is thus that authorities become "beehives of political patronage" and hide the realities of state and local finances.[127] Bond investors are winners as well, though their tax-free interest also comes with risk of defaults and advance refunding of bond issues that could jeopardize their holdings and gains. It is among this assemblage of interests that deals for projects are usually negotiated, instead of competitively bid for. An "extraordinary reliance" on such negotiated deals has raised charges, time and again, of "undue political pressure, unnecessary high costs, and unfairness."[128] However, as with the example of airport construction mentioned earlier, many claim that bond issues are so complex that they require unusual expertise, approaches, and fees; thus time is saved to negotiate with the most qualified firm rather than open it up to a bidding process. While time is saved, the costs for projects escalate and remain borne by the general public. Additionally, issuing private contracts acts as a kind of concealing device that keeps certain expenditures from the public.

Marshall Berman compares Moses' networked machine of public authorities to U.S. Steel and Standard Oil, all of them "triumphs of modern art … system[s] in perpetual motion." Yet, it also "…carries the contradiction between 'the public' and the people so far that in the end not even the people at the system's center – not even Moses himself – had the authority to shape the system and control its ever-expanding moves."[129] The unelected heads of public authorities, like Moses and Felix Rohatyn of M.A.C., outrivaled governors and mayors in the exercise of power, yet grew organizations whose debt obligations, and ability to attract ever more debt, became unmanageable.

Perhaps the most widely-voiced critique of public authorities, because it is the most apparent, is the lack of accountability and voter approval that public authorities enjoy. Authorities are managed by professional administrators, who "have all of the independent initiative of corporate executives" yet remain insulated from public opinion and electoral politics.[130] In general, their governing boards are appointed rather than elected; while in theory, citizens are shareholders of these government businesses, their operations are designed to deflect public curiosity. Most public authorities are authorized to issue bonds, without voter approval, and the debt service for these bonds is usually supported by tolls and fees. In certain cases, such

[126] Axelrod, *Shadow Government*, 143.
[127] Ibid., 142.
[128] Ibid., 146.
[129] Berman, *All That Is Solid,* 306.
[130] Dyble, *Paying*, 4.

as in New York State, the state also assigns specific revenue streams to an authority to pay debt service. Each authority has varying levels of autonomy from the state, based on its particular legislative mandate. Some authorities are entirely self-supporting and operate fully outside the budget process, rendering their operations nearly opaque, while others rely on state appropriations to fund operations, which offers a modicum of transparency. Many authorities conduct business outside of the usual oversight and accountability requirements for operations including, but not limited to, employment practices, contracts and procurement procedures, and financial reporting, as well as appointments to an authority's board of directors, given by elected officials for varying terms.[131] There is no public voting or discussion about these procedures.

State comptrollers and auditors, the source of much of the data on public authorities, are often considered "toothless watchdogs," who are effectively unable to loosen authorities from the protection of whichever group may be controlling and protecting them, such as the governor's office.[132] Arguments to retain authorities' independence cite the need to keep them out of politics, backing a clear demand with a vague, obfuscating rationale. The question of where accountability lies remains unclear. As former New York Governor Hugh L. Carey, who investigated the Urban Development Corporation (UDC) in particular, as well as other authorities, declared that "public authorities in New York have been allowed to create debt obligations without adequate consideration, supervision or control by the executive and legislative branches of govt."[133]

It is for this reason that various scholars, journalists, and political figures have declared public authorities a shadow government.[134] As the story of the Port Authority shows, the creators of the first public authorities were politicians who sought a way to deal with pressing problems, like housing and transport, which were not being addressed by the system that existed. It is incorrect to claim that public authorities originated in a conspiracy to siphon public funds. However, as they exist now, they have failed in numerous ways, including an uncontrolled debt burden potentially nearing $1 trillion, money laundering, regressive fees that burden the poor, bail outs for bankrupt authorities, corruption, subversion of the statutory missions of authorities with new, often dubious, ventures, misleading voters, and failing to monitor the performance and costs of authorities.

Disciplining authorities: New York's encounter with public authorities

New York has had a leading role in disciplining authorities. The public authority as a state institution was subject to state discipline, and discipline is one such site that shows the encounter between the two. Axelrod similarly notes the need for a framework of accountability that explicitly spells out the relationship between government and public authorities. As public authorities serve many indispensable functions today – from water provision to road maintenance – bringing them squarely into the realm of government would need to be done without gutting or smothering them. Various states have attempted to discipline authorities, with methods including giving the governor veto power (New Jersey), creating central agencies to monitor debt (Texas, Kentucky, California), creating special units in budget offices to oversee authority

[131] "Public Authorities."
[132] Axelrod, *Shadow Government*, 93.
[133] Ibid., 95.
[134] See Axelrod 1992, Seiler 2010, Brodsky 2009, and NJ Governor Christie's 'Shadow Government Reform Act.'

budgets (New York), conducting full-scale audits (Illinois), and simply restricting the number of public authorities (Wisconsin).[135]

Different judicial and legislative attempts have been made to rein in authorities, as well. The federal Government Corporation Control Act of 1945 was the last and only major nation-wide attempt to regulate authorities. New York, however, has displayed great willingness to change unchecked authority power, with notable attempts of varying degrees of success beginning in the 1970s. The Public Authorities Control Commission was created to oversee authorities on behalf of the governor and legislature, with a litany of recommendations, including getting rid of moral obligation bonds and accountability by the boards. It failed, however, and only was able to write a report due to the governor and legislature turning down its proposals, "which would have had the effect of upsetting a well-established patronage system and cozy relationships with private groups that thrived on authorities."[136]

Instead, the PACC was disbanded and token oversight was established with the Public Authorities Control Board (PACB) in 1976. Still in operation, it only monitors a portion of New York's authorities.[137] It approves bond issues for that portion, but it does not review the feasibility of projects or the performance of authorities. A statement against public authorities was issued in a 1986 *Newsday* by former chairman of the UDC William J. Stern, who broke with then-Governor Mario Cuomo, and it would mark a change in momentum for reform. Stern writes,

> Two arguments have always been given for establishing authorities: They insulate public activities from overt political pressures and they can issue tax-exempt securities and thus circumvent the borrowing constraints placed on the regular state government. In recent years, the credibility of these arguments has been shattered.
>
> Management of public authorities is rife with inefficiency and patronage without the accountability required of elected officials. Moreover, the ability of public authorities to circumvent borrowing constraints led directly to the state's fiscal crisis in 1975. Currently, the debt of the public authorities is 6 ½ times the size of the state's general fund debt. Is it any wonder NY has the lowest credit rating of any state?
>
> Authorities are all vehicles for the redistribution of income. They shift wealth from the average taxpayer to those who are best at accessing and manipulating government – usually more affluent New Yorkers. The worst aspect of this 'upward redistribution' is that it tackles state problems in an indirect and ultimately ineffective fashion.[138]

This statement began a press frenzy that swung the Assembly Committee on Corporations, Authorities, and Commissions into words of its own in 1987, voiced by its chairman, Oliver Koppel: "Public authorities have taken on a character and life of their own. Sometimes they become fiefdoms of individuals. They also transcend individuals because of self-perpetuating entities that try to insulate themselves from political influences and people."[139] However, no real reform took off.

The past decade has seen the most reform activity, specifically with the 2005 Public Authorities Accountability Act (PAAA) which increased reporting and auditing requirements on

[135] Internationally, France has implemented performance contracts.
[136] Axelrod, *Shadow Government*, 95.
[137] Mainly those financed by moral obligation debt.
[138] Quoted in Axelrod, *Shadow Government*, 97.
[139] NYS Assembly Committee of Public Authorities and Corporations Report, Jan. 1987.

public authorities, called for board member training and the disclosure of executive salaries, required each authority to adopt a code of ethics and to make their annual reports available online, and restricted their power to dispose of real property for less than fair market value or without public bidding. The reporting requirements remain in place today, but with high rates of noncompliance. Of filed reports, more than 18% had significant data errors and were sent back to the authorities for corrections. Mistakes included: incorrect entries for the amount of debt retired during the year and inaccurate staffing, salary and compensation information. In addition to these new obligations, the PAAA also created the Authorities Budget Office (ABO).

The ABO, originally created to conduct studies and analyses, gained many new responsibilities with the 2009 Public Authorities Reform Act (PARA), including the establishment of a definition for public authorities, the development of a comprehensive inventory of authorities, the collection of their mission statements, and the review of their potential for consolidation or elimination – in other words, a taking-stock and possible-revamp of New York's authorities. Notably, the act also clarified that board members have fiduciary duty to carry out their responsibilities with a reasonable degree of diligence, care, skill, and independence. Hailed as one of the most significant reform measures in decades by government watchdog groups, PARA gave the ABO the power to initiate formal investigations, subpoena authorities, and publicly censure noncompliant authorities and suspend or remove board members.[140] The bill's chief sponsor – former Assemblyman Richard Brodsky, who spent months battling the city over the legality of $3 billion in public financing for the new Yankee Stadium – noted that if PARA had been in effect earlier, many authority negotiations would have been forced into greater transparency. He notes that "The authorities are the real true source of state debt …. Nobody knew what they did or who was in control."[141] While the reforms in New York have undoubtedly shed more light on authorities, it is uncertain whether the fundamental problems with authorities will be ameliorated. Comptrollers and auditors can only recommend, not command, change, so their impact remains to be seen, unlike bond-rating and bond insurance companies who have immediate disciplinary measures at hand. [142] This is particularly true when the judiciary is under political pressure to keep funds flowing for public projects. Is Axelrod to be believed when he writes that, "Not for a moment will elected officials dismember their own creatures when they serve political and policy ends and are the only means of leapfrogging over constitutions, laws, and voter resistance"?[143]

The New York State Comptroller's office notes outright that, as of 2009, over 94 percent of all State-funded debt outstanding was issued by public authorities without voter approval.[144]

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[140] Nicholas Confessore, "Paterson Signs Bill to Rein in State's Free-Spending Public Authorities," *The New York Times*, December 12, 2009.

[141] Richard Brodsky, "The Public Authorities Reform Act of 2009 Bringing Transparency, Accountability, and a System of Checks and Balances to New York's Shadow Governments," *Government, Law and Policy Journal* 11, no. 2 (Fall 2009): 23–4.

[142] After the 1975 financial crisis in New York City, Congress attempted to give SEC the same power to regulate municipal bonds that it had with corporate securities. However, Congress caved to pressure against that – coming from state and local governments, authorities themselves, and the municipal bond industry – and created the Muni Securities Rulemaking Board as a weak compromise. Still operating today, it regulates brokers and dealers but does not control official statements (prospectuses) or the bond offerings of public authorities and governments. Composed of representatives from the security industry, MSRB is "essentially a self-regulating body. Such full financial disclosure as exists is entirely voluntary on the part of authorities and governments. Even timid federal attempts to improve financial reporting have failed." (Axelrod, *Shadow Government*, 117)

[143] Axelrod, *Shadow Government,* 117.

[144] "Public Authorities."

New York City issues more bonds than any public authority or state and local government in the U.S., second only to the federal government.[145] Collectively, New York State's public authorities spend more than $50 billion annually, and have nearly $250 billion in debt outstanding.[146] In 2011, the most recent year for which data is available, 44 state authorities reported generating $21.8 billion in revenue from fees, rents, tolls and other service charges, but ended the year with $141.9 billion in outstanding debt, of which 36.7 percent was issued on behalf of state government. In 2011 alone, state public authorities issued more than $14 billion in new debt. At the same time, local public authorities issued $14.5 billion in debt, and ended the year with $91.4 billion in outstanding debt.[147]

According to the ABO's 2009 report, its first after PARA, authorities range from the huge MTA, which employs more than 74,000 workers, to small agencies like the Nassau County Interim Finance Authority, which has five workers. More than 80 agencies, like the Seneca Tobacco Asset Securitization Corporation, have no staff whatsoever. In 2009, ABO identified 130 authorities that seemed to be performing no functions and should be dissolved.[148]

For many critics of public authorities, the tendency of states to use authorities as 'cash cows' is a severe problem. This was particularly true of New York in the 1990s, in the wake of a recession that gave authorities new access to resources. Where once states bailed out authorities, authorities were involuntarily opening their treasuries to states, further blurring accountability. Cuomo diverted $2 billion in authority reserves and surpluses to the general fund of the state over a four-year period, as well as billed the authorities for services that were rendered by the state, like bond issuance and budgeting, and sold Attica Correctional Facility to UDC for $200 million. Last year, 2012, Cuomo used over half a billion dollars in authority money to pay ongoing state bills. The use of authorities as cash cows was also true of M.A.C. and New York City after the 1975 crisis, at which time over $4 billion was transferred from M.A.C. to the city. Important to note is that none of this redistribution of authority funds took place with open budgeting and appropriation processes. The main players were, and continue to be, the governor, the mayor, and the heads of authorities.[149] It is telling that New York City Mayor Mike Bloomberg sought to block PARA in 2009.

New York relies heavily on public authority funds, acquired through debt issues without voter approval, in order to pay its own expenses and provide services to its constituents. In his 2013-14 budget proposal, Cuomo wants to create a new bond financing program backed by sales tax revenue. State Comptroller Thomas DiNapoli believes it will increase back-door borrowing, but Cuomo's administration counters that New York has always relied on authorities for some of its general funding.[150] There are considerable issues at stake in this tendency toward so-called backdoor financing, or situations in which authority money is used for the state's general fund and expenses. When states take and utilize authority funds, the burden of running government shifts from the general taxpayer to the user of authority services, bringing us once again to the uneven burden authorities place on lower-income people in general. The second issue that this tendency raises is the existence of surpluses in the first place. Public authorities are not profit-

[145] Axelrod, *Shadow Government,* 150.
[146] "Public Authorities by the Numbers."
[147] Authorities Budget Office, "2012 Annual Report on Public Authorities in New York State," July 1, 2012, http://www.abo.ny.gov/reports/annualreports/ABO2012AnnualReport.pdf.
[148] Stephen Ceasar, "A Magnifying Glass on Public Authorities," *City Room*, July 12, 2010,.
[149] Axelrod, *Shadow Government*, 114.
[150] Rick Karlin, "Study Warns of Debt Pileup", *Albany Times Union,* March 6, 2013.

making enterprises. Why not lower fees, or pay off bonds earlier to reduce the debt load? Why not eliminate fees altogether once the bonds are paid off? This inclination of the state to shift ever more functions over to authorities – force-feeding their cash cows – is one of the animating problems of this dissertation.

The Port Authority: from powerful engine to empty vessel

From before its birth to its present incarnations, the Port Authority has undergone many transformations. One of the oldest and largest of the world's specialized regional governments, its early history is singular:

> …a vigorous engine of economic vitality – a public organization both marvelous and disturbing to behold. Marvelous, because it had accomplished great feats of engineering and carried them forward under a banner of interstate cooperation, with unexpected speed and without direct burden to the taxpayer. Yet disquieting, when measured by important American values, because the new agency avoided close democratic controls and *symbolized – indeed endorsed, showed the benefits of – efficiency as a goal, a goal that might best be achieved if democracy in its usual forms were put "on hold."*[151]

The Port Authority, while still the PNYA, achieved efficiency previously unseen from an agency affiliated with the state. FDR backed the PNYA and had called its "disinterested and capable service" a model for all government agencies, with its methods pointing toward a more "honorable administration" of government affairs.[152] Under FDR's approval, the PNYA became a partial model for the Tennessee Valley Authority and hundreds of other state and locally-created public authorities in the 1930s. The quote from Doig above calls up American democracy and its arrest by the authority's operations, yet it is in fact efficiency that emerges as an American value for FDR. The threat to democratic principles remains the main thread of criticisms of public authorities, coming from the public, government, and scholars alike.

According to Doig, the Port Authority's story exemplifies certain themes in American political development: the recurring attempt to build "nonpolitical" government agencies fueled by technical expertise and efficiency; a public willingness to approve executive decisions by government officials in the name of cohering the political system and addressing social problems; a tendency – at times contradictory – of relying on incentive-driven capitalism and individual self-interest in order to spur economic development, with government programs designed to cater to these market forces; and an overarching optimism that the American people and political system could find a winning solution to even the most daunting of problems.[153]

The early 20th century saw the Port of New York booming, facilitating the huge amounts of trade pushing the city's growth into the largest in the country. However, overcrowding and congestion in the New York harbor precipitated its decline in 1920. Aging docks and piers were unable to handle the modern vessels flooding the harbor, now the world's busiest. Additionally, it was not designed for direct rail-water shipment, with most railroads terminating in New Jersey but 90% of docking facilities in New York City, and such shuttling between the two via barges

[151] Doig, *Hudson*, 2, my emphasis.
[152] Quoted in Doig, *Hudson*, 2.
[153] Doig, *Hudson*, 5.

added to operating costs. As the New York harbor's traffic waned, other, more modern ports were being built along the eastern U.S. seaboard and gaining increasing shares of maritime trade.

In response to this decline, the states of New York and New Jersey cooperatively undertook the development of the Port of New York Authority (PNYA) in 1921, an entity "unlike anything ever before seen in the United States."[154] Originally suggested in 1918 by Julius Henry Cohen, the counsel of the joint commission was created to explore ways out of the political and legal conflict between the states spurred by port crowding. A powerful bi-state agency was proposed to improve terminals and associated transportation facilities, and it would be allowed to issue bonds and charge fees for its services. Over the next several decades, the agency would grow immensely and construct many large-scale projects, but in a form very different from its first conception.

Immediately prior to taking the presidency in 1913, Woodrow Wilson served as governor of New Jersey and was an avid proponent of vigorous and experimental state activity, alongside the importance of capitalism, individualism, and competition in cultivating individual success and a healthy society. Such themes were important in the birth of the PNYA, shaping its rhetoric and, often, its reality.[155] Unsurprisingly, the primary support for the creation of the regional port authority came from business leaders, who hoped the agency would be able to overcome political and geographic obstacles that they found injurious to commercial expansion and profit. The question then becomes how an agency can overcome such obstacles without subverting or manipulating the law. What did the PNYA have to become in order to achieve these tasks?

Between 1918 and 1921, Cohen's design for the PNYA was mostly dismantled. Originally conceived as a powerful engine for modernizing the port district, it was transformed into a "nearly empty shell," with too little power or funds to carry out the missions it was tasked with, primary of which was the enhancement of cooperative bi-state planning and the development and implementation of improvements to the region's rail-freight system.[156]

Cohen's original proposal in 1918 allotted huge powers to the PNYA. After initial approvals by the two state legislatures, and a two-thirds vote by the region's citizens (conducted through local governments), the agency could issue regulations governing construction, commercial transactions, and other Port District activities, as well as block state actions inconsistent with a plan for the comprehensive development of the Port area. He designed it for independent action, with unsalaried commissioners to be appointed for six-year overlapping terms so that the Authority's policies could not be altered by the states' replacement of officials. Its revenues were to be drawn from its own self-supporting projects, to insulate it from the states' monetary control, and the governors were given no review or veto power over decisions.[157] Jameson Doig, a historian of the Port of New York, writes of Cohen's vision:

> With these safeguards for its independence, coupled with its substantial regulatory and operating powers, the PNYA would be an exemplar of the reformer's vision: insulated from intraregional

[154] Ibid., xvi.
[155] Ibid., 7.
[156] Ibid., 11.
[157] In Cohen's plan, the agency could float bonds secured by the income from its operations and backed by its own revenues (as well as the rents and tolls charged for its piers, warehouses, etc.), instead of the usual siphoning off of port development funds to unrelated city and state purposes. He did not give taxing power to the PNYA, because it was unlikely that a taxing district would have the political independence he wanted for the agency. If the banking community did not endorse the PNYA's bonds based only on its revenues, the states could guarantee the bonds as a fallback option only, to avoid the risk that state credit would having a controlling effect on the PNYA's activities.

> jealousies and the many vagaries of politics, the Authority's skilled staff of engineers and planners would analyze, monitor, and shape the modernization of the Port and the economic growth of the surrounding region, guided only by principles of efficiency and the public interest.[158]

In this way, it would thus realize the reformist hopes of Wilson and other Progressive types, which were oriented toward efficiency and a stronger central government. Commissioners would ideally be "distinguished members of the business and legal communities – men and women who would have the fortitude to defend the agency's integrity against pressures from state officials."[159] However, the relation between these institutions and the state is not a fixed one. Any change that occurs would necessarily be internal to the relationship, with actors trying to negotiate the terms from within the relationship, as the WTC rebuilding shows.

Even more precautions were in place in Cohen's draft. Once state legislatures approved plans for port development, no change could thereafter be made except by approval of the agency. States could not make grants of land within the Port District without agency approval, as substantial parcels of land in the port area were owned by the states themselves. Perhaps most significantly, Cohen's proposal was innovative in its allowing of a voting role for cities and towns in the port district, but with only New York City, containing more than half of the district population, able to block the PNYA's policies on its own. Other towns and cities could not stop decisions, even if they combined, and the courts could be turned to by the PNYA and its findings would be binding, even if one-third to all of the cities and towns other than New York City were opposed. Any violation of an approved PNYA regulation by an individual, city, or corporation would result in a fine up to $5000 or imprisonment.

However, Cohen's plan for a well-insulated, powerful PNYA did not survive. State and local officials "raised the banner of 'democracy' and the necessity for 'public accountability'" and the original idea emerged after three drafts and two years as something very different.[160] It was well-received by some, who believed doing the quick work of maintaining the commercial supremacy of the harbor required that an "autocratic head" be vested with "well nigh absolute" power, as espoused by an editorial in *The Brooklyn Eagle*, but it was nonetheless systematically dismantled by the mayor John Hylan, taking over from reformer John Purroy Mitchel. Hylan campaigned against government reform and so-called efficiency experts, both of which were supported by patronage-based local government. After public meetings and private hearings by a bi-state review commission hobbled Cohen's design, all its regulatory and enforcement powers were stripped. No changes were permitted except by and with approval of the legislatures, regulations would all have to be approved by both state legislatures, and all railroad and terminal activities would be under the control of the states' utility commissions that would in turn treat the PNYA like a private corporation. Additionally, the PNYA could not acquire or operate transport projects without the approval of a comprehensive plan by both state legislatures. The message sent by Hylan's reforms was clear: the states and their legislatures were calling the shots, not the agency itself. What emerged is a public authority that did not offer much of a threat to the existing pattern of state power and prerogatives.

Though Cohen's vision was not accepted, it still colors our perception of the Port Authority as autonomous. It remains with the Port Authority today, even though the idea was

[158] Doig, *Hudson*, 49.
[159] Ibid., 51.
[160] Ibid., 49.

abandoned. The autonomy of the agency was viciously opposed by the state, but yet it was maintained by the state, as we see in today's Port Authority, which does not bear any visible presence of the state. This invisibility of the state, I argue, is how democracy maintains itself. The state uses the public authority form to do certain work for it without implicating itself, with the public authority serving as the constitutive outside of the state. The public authority becomes a site the state disavows, yet it remains constitutive of it and internal to it.[161]

New York Governor Nathan Miller, however, who found local New York City government inefficient and incompetent, defended state intervention in municipal affairs and tempered New York City officials' opposition to Cohen's vision. Regarding the original design's dismantling, he said, "The municipalities have been created by the States. They are the mere creatures of the State, and when it becomes necessary for the State to step in to rescue those people in their own interests, the State not only has the power, but, in my judgment, it is the moral duty of the State to do it."[162] For Miller as for Cohen, the city municipality was not the heart of government, as many of the city's politicians argued.

Woodrow Wilson wrote in an 1887 article on administration that "Our duty is to supply the best possible life to a *federal* organization, to systems within systems; to make town, city, county, state, and federal governments live with a like strength … keeping each unquestionably its own master and yet making all interdependent and co-operative."[163] The federal state and city meld, but only if each state were permitted to remold its economic practices and institutions – to adapt them to changing social and economic needs. Such arguments for experimentation and interdependence are exemplified by the Port Authority's successful defense of tax-exempt municipal bonds, which became a key force in protecting the ability of cities and states nationwide to finance their preferred capital needs. The Port Authority was also the first agency to rely on revenue bonds and user payments (rather than general taxes) to carry out large capital projects. After its first decade of success, the model was put into widespread use, such as with the Tennessee Valley Authority, across the U.S. and abroad. Thus, many things about Cohen's proposal remained.

To create a draft for the PNYA, Cohen had drawn upon international legal principles, because he found American states very successful at retaining their complete and independent sovereignty in all matters except those expressly delegated to the federal government. For Cohen, any questions between states were treated as questions between nations, abiding by the canons of international law in discernible ways, and so he thought it useful to build the inter-state agency with an attention to the sovereignty that individual states vehemently clung to. Reflecting this, his plan illustrated the Progressive impulse of insulating and concentrating

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[161] There have been efforts within state theory and other disciplines to rethink the state's image as an entrenched rationalized administrative form of political organization. Anthropologists of the state take a few approaches – one of which is to track the presence of the state in local life, looking for signs of administrative and hierarchical rationalities that provide seemingly ordered links with the political and regulatory apparatus of a central bureaucratic state. Analyzing those manifestations as culturally informed appropriations of the modern liberal state's forms, however, leads to a conceptually dispersed picture of the state. In a pointed contrast, another anthropological view offers that state power is always unstable. Legal scholars have argued that some of the state's work gets carried out informally, such as in the case of neighborhood justice centers, where the public-private distinction is made ambiguous in its relation to state law. It has also been argued, by Timothy Mitchell and other political economists and geographers, that the state is a structural effect of the practices – such as public-private partnerships – that are arranged to produce an effect of a legal framework.

[162] Quoted in Doig, *Hudson*, 68.

[163] Ibid., 362, original emphasis.

political power, one that could withstand the fierce independence of the states and their unwillingness to be governed or monitored. The PNYA was to be an entity with a power exceeding that of any individual state, as well as another, qualitatively different one, one more akin to the federal government's power to make top-down decrees.

Thus, the PNYA was to be a very powerful independent agency, one that could harness the power of the states as well as its own newly-created autonomous powers. Cohen's plan channeled the early Progressive era of reform advocating the insulation of government agencies from, according to Wilson, "the hurry and strife of politics," in order to better operate according to principles of business, with top officials given "large powers and unhampered discretion" to carry out their duties.[164] Hylan's new vision of the PNYA blunted this power, yet gave it a huge geographic scope. The Port District, then and today, extends in 25 miles in all directions from the Statue of Liberty, yielding 1,500 square miles of land and water in New York and New Jersey, including New York City, Newark, Jersey City, and 300 other smaller cities and towns in seventeen counties. In 1920, within this area the international trade made up over 40% of the nation's total and it contained over 8 million people. The PNYA was to patrol this terrain, plan the modernization of the piers, and improve overall efficiency of trade in the area. Under the Port Compact, which received the consent of Congress in 1921, it had the power to build, buy, lease, operate, and levy use charges for terminal and transport facilities in the Port District.

However, because it was prohibited from levying taxes, it was unclear how the newly-formed PNYA would obtain the resources to build, buy, and expand. The solution offered was bond issuing, a solution that would come to shape the PNYA indefinitely and decisively. The only power that remained with the PNYA after the dismantling of Cohen's 1918 draft was the power to borrow money upon its own bonds. Therefore, things that got built, like piers, were paid for by leasers. Leasers would contribute the revenue to pay off operating expenses, which we see still to this day with the WTC. While Cohen's proposal had given the PNYA the regulatory powers to encourage, and even force, the railroads and the cities to yield their narrow, competitive perspectives when they conflicted with the PNYA's prescribed development of the Port District, the PNYA that emerged was only able to exert influence through its bonds. Its bonds could only be sold if investors believed the PNYA could operate the new projects while breaking even, with a slight surplus, and that would only be possible if private interests, including the railroads, agreed to use these new facilities and cities of the Port District agreed not to build competing ones.[165] This limited power contributed to its failure throughout the 1920s to coordinate rails, modernize piers, and build tunnels.

Thus, Hylan's revision to Cohen's original plan was not immediately successful, struggling throughout the first decade of its existence. The railroad plan failed and was scrapped in 1931. However, its failure did not spell the end for the PNYA due to its construction as "a sort of empty vessel," into which various ideas on inter-state transportation issues might be offered and allowed to incubate or perish. "And so," writes Doig, "*it became a target of opportunity, and an object of affection,* for individuals and groups in the surrounding communities – and inside the agency – who saw the PNYA as an instrument to use in achieving their own goals."[166] Despite the initial failures of the revised plan, the PNYA grew to achieve some of Cohen's original aims for it, including stable management and financial stability. Over successive decades these came at the expense of local democracy and thoughtful urban planning,

[164] Quoted in Doig, *Hudson*, 54.
[165] Doig, *Hudson*, 71.
[166] Ibid., 11, my emphasis.

with Robert Moses only the most visible of officials run amok in Port Authority funds and building socially-exclusive projects with them.

In the 1950s, then-Governor of New York David Rockefeller[167] and other business leaders began exploring ways to revitalize lower Manhattan and, in consultation with Port Authority staff, began to draft a world trade and financial center development. Under the Port Compact of 1921, the Port Authority could not acquire property, or finance or construct facilities like office buildings, but the agency's interest in the project was high. A report compiled by the agency in 1961 – at the business coalition's request – concluded that a trade center "would offer 'greatly improved coordination' of world trade activities" but that its surpluses would be so marginal that the project to build it could only be undertaken by a public agency.[168] Then-Executive Director Austin Tobin used the Port Authority's power of eminent domain to seize the sixteen-acre site and erect the Twin Towers, frustrating the city's private real estate developers, who were angry that a regional transportation agency would flood the city with more than ten million square feet of office space for lease. Rockefeller was able to justify the Port Authority's central role in the trade center project by relying on its "world trade" theme and a plan for the Twin Towers was unveiled in 1964. The 110-story buildings displaced the Empire State Building as the world's tallest skyscraper. Thus, the WTC was born. However, its price kept escalating, from $355 million to $575 million by 1966, with costs escalating every year until they topped $1 billion. Paralleling today, many outlets expressed concern that the WTC would divert the Port Authority's resources away from public transportation needs.

The PNYA became the Port Authority of New York and New Jersey (PANYNJ; heretofore called the Port Authority) in 1972, to quite belatedly reflect its bi-state standing.[169] By 1997, then-Governor Pataki wanted to break the agency up into small pieces. In its first several decades, the Port Authority found success, providing support for the idea that democratic accountability could be met through deeds and rational planning, rather than sensitivity to immediate public demands. However, as Doig notes, "it is an unsteady brew, requiring that supervising officials, in this case the two governors, demonstrate a kind of disciplined oversight – resisting the natural tendency of elected leaders to use the agency for short-term political gain, while at the same time monitoring the agency's proposals in relation to the governors' broad policy goals."[170] The evolution of the Port Authority from the original design to its current, businesslike version leaves it prone to business and short-term gain by the governors appointed its heads, as several decisions made at the new WTC site further show.

Officially, the Port Authority is "authorized and directed to plan, develop and operate terminals and other facilities of transportation and commerce, and to advance projects in the general fields of transportation, economic development and world trade that contribute to promoting and protecting the commerce and economy of the Port District."[171] Its subsidiary agencies are New York and New Jersey Railroad Corporation, Newark Legal and Communications Center Urban Renewal Corporation, Port Authority Trans-Hudson Corporation (PATH Corp.), and WTC Retail LLC.

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[167] He created around 230 public authorities while governor of New York, 1959-1973.

[168] Doig, *Hudson*, 382.

[169] Interestingly, the PNYA was the first government agency to have the word 'authority' in its title, which Cohen took from the Port of London Authority, created in 1908 (Ibid., 422n8). Previously, in the U.S., semi-independent regulatory or operating units of government were usually called boards or commissions.

[170] Ibid., 23.

[171] "Port Authority of New York & New Jersey," Office of the New York State Comptroller, accessed May 15, 2013, http://www.osc.state.ny.us/pubauth/data/authorities/PANYNJ.pdf

The Port Authority is run by twelve unpaid commissioners, six appointed by each state's governor, serving for overlapping six-year terms. The governors retain the right to veto his/her state's commissioners. Board meetings are public. Traditionally, the board chair is a New Jersey commissioner, and the executive director — effectively the agency's C.E.O. — is selected by the New York governor. The agency has nearly 7,000 employees, and a purview that includes all three major New York regional airports, cross-Hudson bridges and tunnels, PATH trains, and the WTC site. The WTC site has been a dominant presence in the Port Authority's board meeting minutes since 2001. Despite its problems, many argue that no viable substitute exists for the Port Authority and for addressing interstate, interregional, intraregional issues.[172]

The evolved Port Authority and the new World Trade Center

The current Executive Director of the Port Authority is Patrick J. Foye, a Cuomo appointee. His predecessor Chris Ward, who served in the post from 2008 to 2011 under the appointing of David Paterson, is largely credited with jump-starting the stalled WTC building projects. However, despite his record of port and airport improvements, as well as consistently flat budgets, he faced criticism from both New York and New Jersey leadership for the cost overruns at the WTC site.[173] In the audit of the Port Authority, released on January 31, 2012, he was repeatedly referred to negatively, though never by name and only as the "previous executive director." However, Ward was well-liked and respected by the public and those following the rebuilding closely, since his leadership marked a notable turnaround in the progress of the site. From its beginning until 2008, building made little notable headway, mired in delays, re-designs, and escalating costs. When Ward took over the agency, there was a marked shift in momentum, with him releasing a thirty-four page document that outlined all the problems with the site, only a month after taking his new position. During his three-year tenure, Ward negotiated a financing deal with Silverstein on the various towers at the site, brokered a lease for 1 million square feet of office space in 1 WTC with Condé Nast, the magazine publisher, and reworked the PATH hub design with its architect Santiago Calatrava in such a way that $600 million could be saved and its completion speeded.[174]

1 WTC is the most expensive office tower in the world, costing over $3.8 billion, and the tallest tower in North America.[175] It was first proposed to cost $2 billion. Its high costs are attributed to the heavily reinforced, windowless podium that the building sits atop, as well as the thick core of concrete and steel around its elevator shafts, both expensive, unusual security features. By comparison, the Burj Khalifa in Dubai – also known as the world's tallest skyscraper – cost $1.5 billion to build. Formerly known as the Freedom Tower, until Ward scrapped the title, 1 WTC is the marquee office building of the site.

A minority share of the tower – about 10 percent equity – was sold to the Durst Group in 2010, when the estimated value of the tower was pegged at $2 billion. Because estimates for completing the tower rose past $3 billion, the Port Authority struck the deal with the city real estate developer to get help finishing and managing the tower. Durst paid the Port Authority

[172] Axelrod, *Shadow Government*; Doig, *Hudson*.
[173] "Outgoing Port Authority Executive Director Receives Mixed Reviews after 3-year Tenure," *The Star-Ledger - NJ.com*, accessed August 19, 2013, no author.
[174] Scott Raab, "The Truth About the World Trade Center," *Esquire*, April 2013.
[175] Eliot Brown, "Tower Rises, And So Does Its Price Tag," *Wall Street Journal*, January 30, 2012.

$100 million for the equity share, as well as a $15 million management contract that gave Durst 75 percent of any money saved by cutting construction costs up to $12 million and 50 percent of those thereafter.[176] Durst unsurprisingly found costs to cut, compromising elements of architect David Childs' design (which itself was the result of a drawn-out battle with site architect Daniel Libeskind). As of May 2013, 1 WTC is still struggling to find tenants. Because of the high cost to build, starting rents are $70 per square foot, up to $80, versus an average of $60 elsewhere in the city.

Cost increases are attributed to leasing expenses, unexpected construction costs, financing costs, and fees to consultants and Durst. The total site cost estimate in February 2012 was almost $15 billion, compared with the $11 billion estimated in 2008. The Port Authority is bearing most of the costs for the overall WTC site, funded through its main source of income, its have long been planned, including airport improvements, in order to keep the WTC site afloat and ever-so-slowly progressing.[177] Costs of the project have reverberated in the New York and New Jersey region as increased tolls and neglected infrastructure projects. From 2012 to 2015, a rise of 56% in tolls was announced by the Port Authority, which openly admitted that such increases were needed to cover higher-than-expected costs at the site. The WTC continues to dominate the Port Authority's budget, over a decade after rebuilding began.

Liberty Bonds

Site building is also being financed by $4.6-$4.9 billion in insurance payouts, distributed among the Port Authority and its affiliates, as well as by bank loans and tax exempt debt provided by the federal government. The latter comes in the form of Liberty Bonds, instated by the federal government after September 11 to aid in rebuilding and encourage developers to return to lower Manhattan. In the years since, the Liberty Bond program has given out tax exemptions on $8 billion in debt to help build over a dozen apartment and office towers. Liberty Bonds were first sold in the U.S. as war bonds during World War I. Purchasing the bonds then was a symbol of patriotic duty, with even Charlie Chaplin making a film promoting their purchase. Today, they are federally-authorized bonds awarded to private developers for real estate construction in the wake of September 11 and do not have any presence elsewhere in the country.

Most of the largest Liberty Bonds awarded went to the WTC site: to Silverstein, $475 million for 7 WTC and $2.59 billion for 2, 3, and 4 WTC, and $700 million to the Port Authority for 1 WTC.[178] However, the Liberty Bonds were not only awarded to rebuild the site. $1.65 billion went to Goldman Sachs for its 200 West Street building in lower Manhattan. Rounding out the top ten awarded were five other downtown projects, with bonds ranging from $100 to $200 million. Somewhat confusingly, other awards were given to buildings nowhere near the neighborhood, including $650 million to the Durst Group for the Bank of American building in Midtown and $90.8 million to build the Bank of New York Mellon building in Brooklyn.[179]

After September 11, the federal government – George W. Bush and Congress – awarded $20.5 billion in aid to rebuild, with almost $8 billion of that allocated to Liberty Bonds. However, no government – neither federal, state, or local – guaranteed repayment of the bonds, which are exempt from all taxes. Though the bonds are 1% lower interest than standard bonds,

[176] Raab, "The Truth About the World Trade Center."
[177] Brown, "Tower Rises, And So Does Its Price Tag."
[178] Eliot Brown, "Liberty Bonds Stalled," *Wall Street Journal*, September 13, 2010.
[179] Nicole Gelinas, "Liberty Misspent," *New York Post*, September 6, 2011.

investors prefer to buy the Liberty Bonds because their savings on taxes ultimately yield more profit.[180] The federal government gave up $1.2 billion in tax revenue for this purpose, while state and local gave up tens of millions. Interestingly, state senators did not ask for aid in another form, even though the Port Authority can already borrow tax-exempt. Instead of using the majority of the bonds to defray 1 WTC costs, Bloomberg and then-governor George Pataki chose the other companies to give the bonds to. Only 59 percent – $3.8 billion of the $6.4 billion in Liberty Bonds issued since 2003 – went to the WTC rebuilding, and most of that was given to Silverstein.

In an email, Silverstein emphasizes the importance of such federal funding for office space, saying "the Liberty Bonds made available to the World Trade Center site are only enough to support rebuilding a little less than 60 percent of the office space lost on 9/11. In an ideal world, more such resources would be made available to help jump-start construction of the remaining 40 percent of the office space that was destroyed by terrorists."[181] Liberty Bonds are "ideal" for office space, and they are a resource that is not abundant enough for the office space that must be replaced, according to him. The presumptive need to replace office space and the necessary role of the state in it are juxtaposed in his statement.

The Silverstein and Port Authority Deal

Silverstein Properties is currently building two towers on the site and plans to build a third when it has a tenant. Silverstein famously signed a 99-year lease on the WTC site just weeks before the towers were destroyed. He has always maintained that he was contractually obliged to rebuild 10 million feet of office space, particularly when charges for different building – such as residential – were raised, but the Port Authority took over the 1 WTC project from Silverstein Properties in November 2006. The Port Authority is also going to help Silverstein finance 3 WTC when he finds tenants.

The shift in rebuilding was done in order to make the project financeable and feasible. However, it cost the Port Authority and New York state $1 billion to take it over. Though Silverstein "gave back" the tower and one other building to the Port Authority – about 38 percent of the 10 million square feet he had the rights to – he still built it, for a fee of at least $21 million that was completely unaffected by any escalating building costs. It was a solid victory for Silverstein, who was able to receive the majority of Liberty Bonds and still build and manage the other towers on the site. In 2005, Bloomberg asked a news panel if one could "imagine the stink" if Silverstein were given "half a billion dollars or a billion dollars in profit to get him out?"[182] That is essentially what happened in this deal. Though Silverstein had to give up some of his insurance proceeds, they were only proportionate to the land he lost, yet he also lost $200 million in rent payments for development rights to 1 WTC, which he no longer has. He will also give up 15 percent of profits if he sells or recapitalizes any of towers that he has.

However, the victory for Silverstein came not only in the fees but also in turning the responsibility of renting the tower over to the Port Authority. It is an extremely risky building project, but Silverstein's responsibility ends as soon as it is finished and his fee is collected. No one involved has yet released how much this deal will cost in public dollars, but the Port Authority is paying for the cost of 1 WTC's construction, which is nearly $4 billion. Some of the cost is being directly contributed by the state, about $250 million, and some comes from

[180] Ibid.
[181] Brown, "Liberty Bonds Stalled."
[182] Matthew Schuerman, "Silverstein May Have Gotten Best Of His Zero Deal," *New York Observer*, May 8, 2006.

Silverstein's insurance payout. But eventually, the Port Authority plans to recoup its costs by renting space in the tower to tenants. Chris Ward's signing of Condé Nast was significant, but the remaining prospective tenants are government agencies relocating from other parts of Manhattan – which is not necessarily as encouraging a real estate development as one would want in the face of such staggering expenses.[183]

Journalist Matt Schueurman considers Bloomberg's "half a billion dollars or a billion dollars" a fair estimate for the added cost borne by the Port Authority to take over 1 WTC.[184] Such an expenditure by the Port Authority leads some, such as business group the Partnership for New York City, to call the deal an implicit acknowledgment that the tower is more of a political statement than a business proposition, as well as that the tower requires public subsidy and public ownership in order to rise.[185] Responsibility for a tower so political cannot be left to the private sector, but it is unclear whether it is because of the financial implications (though surely the private sector could raise the needed funds) or the symbolic weight of the rebuilding that in turn demands a moral contribution. Former Port Authority chairman David Samson offers some insight. He said, at a 2011 board meeting, "We are also rebuilding the WTC site as a symbol of our nation's success, strength and resilience, and as an economic force for the New York/New Jersey region. Of course, it is our moral obligation to the families of the victims lost that day that we rebuild, and we have committed more than $11 billion for the project."[186] The moral obligation to rebuild is the agency's to bear and the financing and owning of a tower – even with added expenses from buying it from Silverstein – offer some movement toward that obligation's fulfillment. As tower architect David Childs notes,

> I used to walk over there and look at the site and think about it. People would go in and look down and it was sad. Now they go and they look up and they're smiling. There is this piece that says, 'We did it' — and that's what that tall tower is. People fly over it, they drive, they come across on the ferry and they look at it and they feel good. They smile. I feel good about that. We came back and we rebuilt it, and we should feel good about it.[187]

The insurance payout Silverstein won in 2004, to rebuild what he was contractually obligated to, made him the single most important person in the WTC site's redevelopment, because it gave him not only the right to build but also the private funds to do so.[188] If he had not received the insurance payouts he needed, the Port Authority was rumored to be drawing up contingency plans for the $10 million in monthly lease payments that they relied on from Silverstein. The tower would have presumably been financed by another developer, though how this would have turned out is not at all clear. Silverstein never publicly offered to give up the tower, and instead the media portrays the deal as emanating exclusively from the Port Authority.

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[183] In 2006, Pataki pledged that the state would act as a real-estate broker, guaranteeing one million square feet rented, with candidates primarily being federal agencies, including the F.B.I. and the Secret Service. This is despite the fact that the WTC remains a target for attacks, a quality former mayor Rudy Giuliani ignored when placing the city's Office of Emergency Management and their response center in one of the Twin Towers. The Port Authority and the City of New York will rent 1.2 million square feet in one of the other towers.

[184] Schuerman, "Silverstein May Have Gotten Best Of His Zero Deal."

[185] Ibid.

[186] Port Authority Chairman Samson's Comments Delivered at the Port Authority Board Meeting, Aug 19, 2011. Press Release. http://www.panynj.gov/press-room/press-item.cfm?headLine_id=1446

[187] Raab, "The Truth About the World Trade Center."

Preserving 1 WTC had many detractors, whose criticisms ranged from the unnecessary addition of office space into a saturated market, to the public subsidy of that office space, to the fact that the market (i.e. Silverstein) – and not the Port Authority – should have redesigned 1 WTC to be more commercially viable. In these critiques, the mantle of symbolism does not play a part. The Port Authority does not plan to make a profit out of the site – only to recoup its costs. As Robert Yaro, head of the Regional Plan Association and the Civic Alliance to Rebuild Downtown New York, two organizations focused on planning and infrastructure in and around the city, says of the WTC site and the main tower: "It was as much about making a political statement as it was an economic decision. … This is not a project that's standing on its own--it was never intended to be."[189]

Marshall Berman says that Robert Moses loved the public, but not as people. His great modernist achievements of the 1930s were followed by a steady decline in high-quality projects, which Berman locates in the rise of public authorities in the years following. Now able to raise virtually unlimited sums of money to build with, Moses' ego ran far afield and resulted in projects, vast in size and number, which were unaccountable to public wishes.[190] Several decades later, Bloomberg's major mayoral campaign tactic in 2001 was to make his self-made billionaire status into an asset for the city, claiming that what New York City needed was a tycoon who would use private sector management techniques to make city politics and projects more efficient and accountable. Yet twelve years later, after three terms in office, a different outcome has emerged. Under his tenure, for example, the annual borrowing costs of the New York City Department of Environmental Protection (DEP), responsible for the city's water, shot up by 176 percent to $1.37 billion, driven by cost overruns on building projects. Bloomberg epitomizes the public-private partnership, both in his person and in his official activities.

Chris Ward himself concedes that with big projects, local officials often rush to name costs before they know exactly how much they will actually run. Almost always, low estimates define what the public thinks project costs will be, both in the DEP case and with the WTC site. Ward's successor, Foye, echoes a similar sentiment, with the lowballing of public works' costs having hurt the credibility of public agencies. Though he does not mention the Port Authority by name, its implication in his statement is clear. He proclaims that, "As Governor Cuomo [Foye's appointer] has said, the public sector must be accountable and transparent to the public. … Multi-billion-dollar projects by starchitects that don't yield a substantial social return equivalent to the amounts invested don't cut it anymore."[191] After enduring fire for the past decade over cost overruns and massive delays, the Port Authority has taken efforts to reform its fiscal health and public image.

Attempts to Improve and the Port Authority Audit

The Port Authority raised PATH fares and tolls at its Hudson River crossings, with one increase taking effect in September 2011, another in December 2012, and the next to take effect December 1, 2013. When the American Automobile Association (AAA) filed a lawsuit against the Port Authority to overturn the hikes, asserting that the WTC was not a transportation expense, the Port Authority changed its story, instead saying that the hikes were to support interstate transportation rather than its original claim of offsetting WTC cost overruns. However,

[189] Brown, "Tower Rises, and So Does its Price Tag."
[190] Berman, *All That is Solid*, 305.
[191] Quoted in Dan Rosenblum, "Foye Says an Era of Lowballing Public-works Costs and Overpaying 'Starchitects' Is over" Capital New York, May 14, 2012.

in a press conference Cuomo stressed that the WTC site was always the reason for the hikes, contradicting the very agency he heads. He said:

> You know, New York City papers, frankly, "Oh, come on it's only $500 million?" … Oh, it's only $500 million? Go tell Albany it's only $500 million, go tell Syracuse it's only $500 million, go tell Rochester it's only $500 million? Go tell Binghamton it's only $500 million. It's more money than they've gotten from the state in a decade! Only $500, only $400, only $300. You know, we wasted a tremendous amount of money there. … the answer can't be, 'Whoops, sorry, we blew another $500 million, we'll just raise the tolls.' The taxpayer, the tollpayer, is not an endless, bottomless well for government to dip into to cure their incompetence.[192]

Such waffling has been one of the reasons suspicion of the Port Authority has grown more recently. In the years immediately after 9/11, the Port Authority was regarded as not being very forthcoming about its plans for the site. One particular facet of those plans – a bus depot in the bathtub of the foundations, which is regarded as a burial ground by many victims' families – was especially reviled and the Port Authority was criticized for undertaking a plan that "[made] sense to nobody except the Port Authority," as I will discuss in the following chapter.[193]

Such suspicion and public outcry over the Port Authority's decision-making and progress on the WTC site spurred the agency's Board of Commissioners to order an audit. Released on January 31, 2012, it tabulated cost overruns of $4 billion since the 2008 recalibration of costs.[194] At 1 WTC, overruns were about $850 million, while those at the Memorial totaled about $833 million. The audit focuses heavily on "costs spent on behalf of third-party stakeholders" and the collectability of those funds.[195] However, multiple commentators note that the audit is extremely vague, both in causes of overspending and audit methodology.[196] For example, Port Authority said the cost of opening the memorial by 9/11/2011, the tenth anniversary, was $500 million, but details are never provided in the audit or in interviews. Steve Cuozzo, the *New York Post* WTC columnist, says all that is definitely learned is that the Port Authority is a "big, badly managed, fat-in-the-middle agency given to cost overruns, inefficiency and accountable to no one."[197] The Board of Commissioners said that part of the cause of the cost overruns was a lack of transparency, but there are no further details, such as the relationship between the lack of transparency and cost overruns.

The audit was done in the wake of the toll and fare hikes to mollify constituents, and thereby shifting anger toward outgoing Executive Director Chris Ward. Ward good-naturedly noted that,

> Government has to reinvent itself all the time.… Good for them for raising questions about the Port Authority. All I can say is, imagine what the audit would be, what the conclusions would be if the world looked at the site on the 10th year anniversary and it wasn't complete and President

[192] Dana Rubinstein, "Now Cuomo Says the Port Authority Hikes Were About Ground Zero After All," Capital New York, June 4, 2012.
[193] Karrie Jacobs, "Strange Bedfellows," *Metropolis Magazine*, June 2003.
[194] The company hired to conduct the audit, Navigant Consulting, is being audited by city comptroller John Liu as of June 2013, due to suspicious activity, including exorbitant charges, unexplained travel expenses, and billable work in areas in which it does not specialize.
[195] Dana Rubinstein, "With Chris Christie Under Scrutiny for Patronage, the P.A. Releases a Long-touted Audit Quietly," *Capital New York*, February 7, 2012.
[196] Ibid.,; Steve Cuozzo, "This 'audit' Is a Crock," *New York Post*, February 7, 2012..
[197] Cuozzo, "This 'audit.'"

> Obama was working his way through an incomplete site and the families were there and it's been 10 years and the memorial was not done.[198]

The mandates that Ward faced while director, particularly to open the memorial by September 2011, were elided as the evasive actions he may have taken were more closely scrutinized. According to a former Port Authority planning director and his assistant, who worked there from 2007 to 2010, short-term political agendas are causing the Port Authority to "indulge in excesses" beyond its mission.[199] It is important to note that governors can veto budgetary and key decisions. The agency has an entrenched dual-power structure where each state's governor acts through his representative. The former employees say that the Board of Commissioners gets bypassed and governors' wishes are relayed directly to staff – not the independent leaders envisioned in the Port Authority's creation. The agency then becomes a vehicle for governors – heads of states – to act without voter approval.

In an attempt to improve transparency, the Port Authority cited new economic development plans and tax-increment financing to fund projects based on future tax projections. Among the new plans, says Foye, is an increase in public-private partnerships, including at LaGuardia Airport (NY), Newark Airport (NJ), and the Goethals Bridge replacement. The Port Authority also put all Freedom of Information Act (FOIA) requests from 2011 online. They have continued to put up successive years, though whether it is comprehensive is unclear. Some of the requests that are up are not fulfilled, with the Port Authority representatives citing the absence of that information in their records. However, they are difficult to sort through, scanned as images and thus making them non-machine-readable and, attendantly, searchable. The Port Authority has also opted not to remove the personal information of people making the requests, which may affect a person's decision to make a FOIA request in the first instance.

However, despite these passes at increased transparency and conveying a high-functioning cooperative agency, the Port Authority's decisions appear to be the governors', and with regards to the WTC site, nearly always it is the New York governor making the calls. Pataki essentially handpicked Libeskind's "Memory Foundations" site plan in 2003, when he was still governor. And so it is to the footprints that we return.

Conclusion: mobilizations of memory

Public-private partnerships emerge at the WTC site in a slightly unusual way – through the "melding of memory and profit," the "theme of the site."[200] 1 WTC is heavily fortified and security is very tight, excluding the general public; the memorial is difficult to enter, requiring a reservation and heavy security clearance; the museum will cost upwards of $20 for admission; and Towers 2, 3, and 4 are home to high-end shopping. The expensive cost to build the site is reflected in the space itself – public space must pay for itself, somehow, whether through fees, retail, or contained admittance policies. The footprints re-emerge here as entities that generate

[198] Daniel Geiger, "Chris Ward Responds to Port Authority Audit and New Role as Dragados Exec," *New York Observer*, February 14, 2012.
[199] Richard W. Roper and Linda Bentz, "Politics Running Roughshod over the Port Authority of NY/NJ," *New Jersey Star Ledger*, March 15, 2012.
[200] Michael Sorkin, "Smoke and Mirrors," *Architectural Record*, September 2011.

the memorial yet also dictate the economy of the rest of the site. The memorial is based off the footprints, and its location and cost have governed the other decisions at the site to some extent.

Philip Nobel analogizes the conflation of the place of the Twin Towers' destruction and the day it happened – represented in the tourist's query of "how do we get to nine eleven?" – with the footprints and the WTC tower.[201] "Nine eleven" is inadequate to describing the experience of the day of the attacks or the physical site itself, just as the sanctity of the footprints is simply a "product of the rampant political opportunism that drove and defined the redevelopment process."[202] When then-governor Pataki declared the unending sacrality of the footprints in summer 2002, it was a forced concession, Nobel notes. An election was coming that fall and perceived inaction at the site had been politically flexed by Cuomo, Pataki's opponent, months before. Pataki's enshrining of the footprints, therefore, was a reaction to victims' families vocally demanding a much larger space for the memorial and the positive political attention Cuomo had drawn to himself in response to these demands. Pataki used his role as the head of the Port Authority to unilaterally choose a design for the site that emphasized the footprints, which had become his political calling card for re-election.

While President Obama may write of the site, "We remember. We rebuild. We come back stronger!," as he inscribed on the Presidential Beam installed in 1 WTC in August 2012 and which was also signed by Michelle Obama, Cuomo, Christie, and Bloomberg, the 'we' of his statement has another resonance.[203] The shadow of the state is installed into the tower itself, a performance of the creative destruction of the state in the Port Authority.

[201] Nobel, "Memory Holes."
[202] Ibid.
[203] "Beam Signed By President Obama Installed at World Trade Center | The White House," accessed August 20, 2013, http://www.whitehouse.gov/blog/2012/08/02/beam-signed-president-obama-installed-world-trade-center.

CHAPTER THREE *Wounded Landscapes*

And again, the empty space that was, I now saw and admitted, the obvious: the ruins of the World Trade Center. The place had become a metonym of its disaster: I remembered a tourist who once asked me how he could get to 9/11: not the site of the events of 9/11 but 9/11 itself, the date petrified into broken stones. I moved closer. It was walled in with wood and chain link, but otherwise nothing announced its significance.[204]

Basically and radically, any valid memorial is less a reminder of the past than an invocation of the Redeemer, of the Forthcoming, of the messiah/Mahdi/Christ, with whose coming all memorials are going to become irrelevant.[205]

"9/11" is today figured as a wound to the nation, and it has been since the localized events of September 11, 2001, in New York City, Shanksville, P.A., and Washington, D.C. This figuring as a wound especially resonates with the wreckage of the September 11 attacks on the World Trade Center in New York, where the ground at which the Twin Towers once met their foundations was opened, creating indelible passages into the earth that remain central to understandings of 9/11. The names "Ground Zero" and "sacred ground" further evoke a marking or wounding at the World Trade Center (WTC) site. Yet, in the final instance, what 9/11 refers to is ambiguous. It is a date, but without year, repeating itself annually. It is also a near-duplicate of the North American emergency telephone number. Its reference to the events of September 11, 2001 and their afterlives is 9/11's normalized use today. As Derrida asserted about the name in October 2001, 9/11 is a metonym for that which we do not know, that which we do not know how to qualify or name; he identifies terror and trauma as that which is beyond language and which the open designation of 9/11 is needed to hold.[206]

Language becomes a crucial tool for naming what cannot be named. Names index the unspeakable without describing it and they compel repetition, offering figures to mobilize around. Once naturalized in the social and political lexicon, they are repeated without question of the meaning behind the figure. Yet 9/11 is a figure that announces that we do not know what we are talking about, and its ambiguity echoes the instability of our understandings of the events of the day, as well as those that followed.[207] In re-locating what is behind the figure of 9/11, this chapter examines the reconstruction of the WTC site and its effects on the grammars of governance and space in the city, considering the ways that rebuilding, design, and museal practices reorient public space, public memory, and state power. In particular, this chapter focuses on the official memorialization of 9/11 by following the work of the visual, economic, and memorial discourses at the National September 11 Memorial and Museum and that work's inextricable links to the state. Despite the ambiguity of the meaning of the figure 9/11, there are

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[204] Teju Cole, *Open City* (New York: Random House, 2012), 52.
[205] Jalal Toufic, *Undeserving Lebanon* (Forthcoming Books, 2007), 19.
[206] Giovanna Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, (Chicago: University of Chicago Press, 2003).
[207] Even before language entered the scene, immediately after the planes hit the Twin Towers, TV stations played images of the planes striking over and over, without words or explanation of what was happening. It was only hours later that the caption "Attack on America," among others, accompanied the images.

efforts to fix it. This chapter shows how the memorial plaza is part of what is held in the figure, enhancing and expanding it at the site of memorialization.

As Peter Marcuse writes about the original WTC, "the private sector may have been behind what was done," with David Rockefeller promoting the WTC concept in order to shore up Chase Manhattan's real estate investment in Lower Manhattan, yet its development was not moved forward by the market, but by the state.[208] In the 1960s, the site was condemned by the state, and about 800 small businesses and the 30,000 jobs they provided were displaced through eminent domain. City streets were closed to create a superblock, and the WTC planning and design was paid for by the state. After it was built, the demand for its space was so low that the state leased the space back to itself. A similar pattern is at work at the reconstructed site today, with market forces having moved companies to New Jersey, downtown Brooklyn, and Midtown Manhattan, and Silverstein and the Port Authority still attempting to fill the offices of their respective buildings. The Port Authority and the Lower Manhattan Development Corporation, a public authority that shares the stage with the Port Authority, are not acting according to market-driven incentives, but are following the private sector's pushes. Marcuse, too, notes today's parallels with the WTC past: "When it is in its interests to do so, the private sector operates in the public sphere, market be damned, and that is what is in the offing here."[209] The authority by which these actors operate illustrate a reconfiguration of state power over the past several decades that has favored a corporate model of governance and luxury real estate developments.

In a post-Giuliani New York, a city altered by the vigorous privatization and deregulation of state enterprises, big redevelopment projects have defined the landscape. This post-1990s "Bloombergification" of New York City has shifted the public narrative away from cultural history and public memorials and toward real estate values. Thus, the building of the 9/11 memorial plaza has a historical relevance not only within the tradition of museal and memory studies, but also as part of this transformation of New York into what Julian Brash calls "the luxury city."[210] It is a city that is structured not simply by production or local communities, but by circuits of capital incorporating real estate values and speculation, the service economy, and global financial markets, which in turn become localized zones of production.

The emphasis on the processes of rebuilding inexorably draws us to the wound requiring the care of memory and physical rehabilitation. Yet, who or what is wounded – what is the site of trauma? If it is as Jenny Edkins writes, that "trauma time collided with the time of the state, the time of capitalism, the time of routine," producing "a curious unknown time, a time with no end in sight," what may be learned about the state, trauma, and capitalism as their collisions are untangled?[211] And what, if rebuilding on wounded landscapes is popularly conceived of as a process of trying to harmonize the commemoration of trauma with political stakes, do the co-presences of the state, trauma, and capitalism in the process of rebuilding at the WTC site tell us about one another?[212] I argue that in the wake of its failure to protect citizens from being killed

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[208] Peter Marcuse, "What Kind of Planning After September 11? The Market, the Stakeholders, Consensus—or…?" in *After the World Trade Center: Rethinking New York City*, eds. Michael Sorkin and Sharon Zukin, Routledge: New York, 2002, 153-162.
[209] Ibid., 157.
[210] Julian Brash, *Bloomberg's New York: Class and Governance in the Luxury City* (Athens: University of Georgia Press, 2011).
[211] Jenny Edkins, *Trauma and the Memory of Politics* (New York: Cambridge University Press: 2003), 233.
[212] This argument about rebuilding is given by David Simpson in *9/11: The Culture of Commemoration* (Chicago: University of Chicago Press, 2006), who cites this process of harmonization as old as human building itself.

and as a reaction to shame over its own permeability, the capitalist state uses non-profitable memory practices to shore up its political legitimacy.

Wendy Brown describes an ethical gap between economy and political life motivated by the legitimacy crisis faced by the capitalist state. The state can bypass possibilities of such a crisis through strategic actions that shore up its perceived independence from the market economy, a condition of its legitimacy as a state. Overt state bailouts and subsidies, such as those of the 2008 U.S. financial crisis, clearly demonstrate state allegiance to particular social and economic interests and threaten to reveal the state as a capitalist one. They can thus be tempered by the ethical gap, by which the state can call upon such moral and political principles as equality and freedom that configure a different vision of political life than the market economy within which they inevitably fall, as I argued in Chapter 2. Non-profitable memory practices may seem to contradict the capitalist state yet they indicate what Brown writes about the ethical gap. In this chapter, I argue that the U.S. capitalist state operates within this ethical gap, depicting itself in an ethical frame and only enhancing the legitimacy of the capitalist state.[213]

To consider the ethical gap in another way, we can look to Pierre Bourdieu, who writes, "A possible point of departure for reflections on ethics is the existence of universally witnessed, metadiscursive or metapractical, second-order strategies that agents employ in order to appear (in act or intention) to conform to a universal rule, even when their practice is at variance with perfect obedience to the rule or when it does not have perfect obedience to the rule as its principle."[214] It is within this frame that this chapter approaches the state, offering an intervention in theorizations of the state, with the state's memory practices at the WTC site serving as a lever with which to do such work. Following Bourdieu, I argue that operating within the ethical gap further serves to codify the loss of the ability to experience loss and the chaotic, disjointed national experience of dealing with 9/11. My argument departs from architectural and cultural critiques of the memorial plaza, which encompass its severity in comparison to other contemporary memorials, the museum's underground location, and, of course, its cost, as well as the larger critique all of these others indicate: that the memorial plaza monopolizes mourning and is simply an example of the public being failed by the state. Instead, this chapter is mobilized by what the memorial plaza *does* and unravels both the explicit and implicit claims about what that work is, unearthing conflicts of memory and the retrenchment of the state.

This chapter shows how the memorial plaza induces vertigo and overwhelm in its visitors, sensations that still dominate the public and state understanding of 9/11 and the WTC destruction. Whether or not the memorial plaza is a mourning place is secondary to what it exposes: the chaotic, disjointed national experience of dealing with 9/11. Despite its fraught process, the construction of the memorial and museum has been a compensatory project attempting to lend legitimacy to the state in the wake of economic and political crisis. Ideologies of healing, patriotism, and the nation inform the multiple projects on the WTC site, as well as

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Departing from Simpson, this chapter considers rebuilding outside this frame of harmonization, pointing to a targeted political activity.

[213] The distinction between morality and ethics was described by Nietzsche as that between a set of values versus a mode of relating, respectively. Similarly, Hegel defines morality as the point of view of the acting individual and ethics as the living reality of morals and institutions. I engage this view of ethics here, with ethics being the broad contours of the rules that comprise morality.

[214] Pierre Bourdieu, *Practical Reason*: *On the Theory of Action* (Stanford: Stanford University Press, 1998), 141.

dominate the media and public discourses concerning the memorial and museum. However, whether such projects have been successful or not is less at issue than the fact of the constant retrenchment of the state through such projects. This chapter sidesteps a sole focus on the ideological elements at work in order to unearth the retrenchment of the state through its ethical norms, vis-à-vis the city and post-9/11. Even though the state is an Enlightenment object that has been thoroughly deconstructed, it is nonetheless still at work. In the neoliberal era, it is impossible to discuss the state's work apart from political economy and, as such, I consider the role of finance in the reconstruction and memorialization processes, specifically through the method of close-reading micro-details that emerge from those processes. By following the various techniques utilized at the memorial plaza, the chapter shows how codifications of space and memory become installed in the urban landscape to reproduce the state.

As Chapter 2 discusses, the public authority form – which encompasses the Port Authority of New York and New Jersey and the Lower Manhattan Development Corporation, two of the key players at the WTC site – is a structurally opaque entity that subverts democratic principles as spelled out in the Constitution. This chapter probes the calling-upon of such principles by the public authorities rebuilding the WTC site as support for decisions made at the site. It also shows how relying on those principles to gesture toward inclusion actually results in the memorial plaza codifying exclusion in the city's public spaces. Critic Adam Gopnik notes that, "It was always going to be hard to distinguish its clumpings of trees, benches, and memorial fountains from the ornamental bumps and abscesses that are the standard skirtings of Manhattan pillar-in-the-plaza construction. Shadowed by a big, cheerful building, their presence becomes one more of the site's contradictions: a memorial park that in some ways resembles a conventional plaza 'amenity.'"[215] If the memorial resembles a plaza amenity, are all public parks around skyscrapers always-already a memorial, with the 9/11 memorial plaza just a bigger version? And does the memorial plaza, alongside other POPS, reconcile us to our exclusion from the private buildings that enable their creation? I argue that the memorial plaza parallels the privately-owned public spaces (POPS) scattered throughout New York City, a purported public space modulated by the private, corporate office towers surrounding it. Setting aside the narrative of 9/11 that the memorial plaza proposes, the chapter shows that the plaza consolidates state power through the simple fact of its materiality and occupation of space in neoliberal New York City.

This chapter makes four intertwined arguments – that the state reveals its commitment to ethical remembrance through the figure of 9/11; that in the face of shame over its permeability, the state shores up its legitimacy through the ethical gap; that the memorial plaza codifies the loss of the ability to experience loss while also reflecting the chaotic, disjointed national experience of 9/11; and that, despite its public financing, the memorial plaza concretizes the demise of public space in New York City. All four are revealed by tracing the ethical work of the capitalist state in a site where this is particularly evident, the reconstructed WTC site. Thus, the ethical mantle of memory ties them together, gathering the practices of the state that call on ethics as they physically transform the WTC site. The chapter uncovers a homology between the actors investing in the plaza and the memorial and museum themselves, which affects not only the experience of the plaza but also the shaping of the archive at the museum.

Since September 11, 2001, many accounts dealing with the day and its aftermath have been given, in written texts, conversationally and in speeches, and through artistic expression of

[215] Adam Gopnik, "Stones and Bones," *The New Yorker*, July 7, 2014.

all kinds. They have considered the motivations behind the attacks, government conspiracies, and the best options for moving forward at the site, environmentally, infrastructurally, economically, culturally, and personally, as well as the controversies surrounding their implementation. They offer up the testimonies of witnesses, politicians, and experts of various fields. The wealth of information on the attacks of that day, and their local, national, and global impact in the days that followed, gives this chapter much of its form. However, the chapter departs from much of that work by focusing specifically on the rhetoric of the site, the effects of the memorial plaza, and its role in cultivating the relationship between cultural memory and the state. Those aspects, coupled with the framing power of the discourse *around* the WTC, are the core of this chapter. What follows highlights these particular valences of 9/11's prismatic story and asserts that there are critical insights to be gained from such valences that go beyond the all-too-common refrains that the rebuilding process is complicated and public space will always be contested. Instead, it explores how creative destruction reterritorializes memory and ruins, codifying them in the new WTC site.

The memorial

Immediately after the attacks on the Twin Towers on 9/11, there were several calls for preserving the ruinous site entirely, as a memorial. However, they quietly disappeared in the successive months. The proposals of the Lower Manhattan Development Corporation (LMDC), created in the aftermath of 9/11 to manage the reconstruction of the site, instead uniformly called for huge office and retail spaces, with little acknowledgment of the once-heralded sacredness, or what some call aura, of the ruins.[216] This aura has been wound tightly into the politics of the site, the two unlike entities emerging as inextricably bound to the other. The site is saturated with memory of life before 9/11, of the daily interactions of people and capital that occurred there. However, it is also inundated with memory of its destruction and the present absence of the life that used to occupy it. As the construction of 1 WTC, the 9/11 Memorial, and other buildings on the site finishes, there are several new flows of activity populating the site, multiplying interactions with the persistent aura of 9/11's destruction. The aura is not what remains, but what interacts with the present.

Daniel Libeskind, the architect of the site's master plan, though not of any of the buildings themselves, says that "from the beginning, the core of the site—a place where people perished—was sacred, a characterization commencing immediately after the attacks and recurring consistently since then when politically convenient.[217] The 9/11 memorial had to be the site's centerpiece, a space for reflection that incorporated the chasms left by the towers' collapse."[218] "Reflecting Absence," the jury-selected winning memorial design of an international competition, is composed of an eight-acre "field of trees" in which are situated two square, one-acre pools housing large, rushing waterfalls. The pools mark the "footprints" of the

[216] Michael Sorkin, *Starting From Zero: Meditations on Reconstructing New York* (New York: Routledge, 2003).
[217] Carl Krebs of Davis Brody Bond: "You don't just drift across into the tower footprints. … You are entering *somewhat* sacred ground within a very important and *even sacred* site as a whole." Quoted in Lesyle Davis, Alicia Desantis, Graham Roberts, and Matt Ruby, "A New Story Told at Ground Zero," *New York Times*, May 14, 2014, my italics.
[218] Daniel Libeskind, "'10 Years Later, Achievements and Challenges' Gallery," *Crain's New York Business*, September 9, 2011. http://www.crainsnewyork.com/gallery/20110909/GALLERIES/909009999/8#ixzz1ablLWbCd

Twin Towers, each "large voids, open and visible reminders of the absence."[219] At the edge of these pools, the names of victims are inscribed on walls at the water's edge. On the perimeter of the site, five skyscrapers ring the memorial and museum currently under construction. Libeskind claims that what is emerging at the site "reaffirms New Yorkers' democratic spirit, intrinsic optimism and determination to embrace the future."[220]

Other people have argued that nothing should have been built at the site, leaving it, and its "natural auratic throw," intact.[221] Instead, the memorial plaza's schema serves to signal the large tower, 1 WTC, looming above everything in the city, an architectural investment contributing to the global skyline and the architectural competition it generates. This chapter is a study of the scopic orders that circulate at the site and how they interact with the work of the state in (1) controlling the market for space; (2) establishing a state ethics; (3) undermining or bolstering the state form via the ideologies represented in the built environment; and (4) attempting a mending of the public, the state, and the subject through reparative, memorial architecture. The chapter explores the multiple senses in which these investigations all reflect the wounding precipitated by 9/11, as well as how wounding has been mobilized to open an ethical gap between capitalist economy and polity in contemporary New York City.

To do so, we must first look to the materiality of the memorial plaza itself. Today, the WTC site spreads over several blocks of Lower Manhattan, with buildings distributed among six blocks of varying sizes. Prior to the destruction of the Twin Towers, the WTC site complex created a massive superblock, interrupting and completely blocking off Greenwich and Fulton Streets. Those streets are unblocked in the new site, restoring the street grid – one of the site plan's much-heralded features. The memorial plaza encompasses the two waterfalls-in-pools, as well as strips of trees throughout. The museum pavilion, a mostly-glass two-story-tall structure, is located roughly between the pools, and two smaller structures for underground ventilation abut the western edge of the memorial plaza. 1 WTC and 7 WTC sit to the north of the memorial plaza and where the Twin Towers were located, with 2 WTC – designed by Foster & Partners and to be the second-tallest building in New York City – and a proposed performing arts center to join the northern cluster. Bordering the eastern side of the plaza are 3 WTC, 4 WTC, and the above-ground portion of the Santiago Calatrava-designed, new transportation hub. 5 WTC will sit a bit further from the plaza than most of the other structures, to the south. As of now, 4 WTC, a well-received skyscraper designed by Fumihiko Maki, and 7 WTC, an office tower which shares architect David Childs with 1 WTC, are the only two buildings, other than the museum, that are finished and operational. Both are entirely owned, developed, and operated by Silverstein Properties, and the Port Authority is 4 WTC's major tenant.

The arrangement of the site follows a simple geometry, with the pools, trees, museum, and transportation hub in the center and the office towers surrounding them on three of four sides of the square site plot. Occupying the largest percentage of ground area at the WTC site, the memorial spreads over approximately half of the site's sixteen acres. However, whether it is the centerpiece of the site, as Libeskind proposes, remains debatable, dependent on one's subject-position and geographical location on the site. The pools and plaza are built of enormous quantities of steel and concrete, shades of cool grey studded with 400 trees. 8,151 tons of steel were used in the memorial's construction, more than what was used to build the Eiffel Tower.

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[219] Michael Arad and Peter Walker, "'Reflecting Absence' design statement," www.wtcsitememorial.org/fin7.html (2001).
[220] Libeskind, "'10 Years Later.'"
[221] Sorkin, *Starting From Zero*.

Bronze slabs surround the pools, engraved with the names of those killed in terrorist attacks at the WTC, the Pentagon, and near Shanksville, PA on February 26, 1993 (six people) and 9/11 (2,977 people). The waterfalls descending into each pool are the largest man-made waterfalls in the nation, pumping 52,000 gallons of water per minute, though the memorial is seeking a Gold LEED certification for green building, design, and construction from the U.S. Green Building Council. Such statistics are featured in a dedicated website created by the memorial foundation, focused entirely on numerical factoids about the memorial, from the number of granite panels lining each pool (3,968) and the number of teachers who have taken part in educational programs (12, 800).[222] Numbers, as celebrated in the website and other promotional materials, express something for the memorial foundation, not least of which is a spectacular quality. The poetics of such an embrace of numbers, however, lurks elsewhere behind the cheer of their declaration, as we will see when we explore the numerical presence at the museum.

The surfaces of the skyscrapers surrounding the memorial are predominantly constructed of reflective glass, copying and echoing the memorial plaza and each other in myriad angles. The WTC site is a spectacular space in this and several other ways, from the large size of the pools to the staggering height of the skyscrapers – all conspire to dazzle the eye and ear. While the skyscraper is the architectural form that embodies spectacular capitalist space, the memorial also shares in some of the skyscraper's effects, albeit in a less startlingly vertical fashion. The size of the pools is amplified by the furiously rushing waterfalls occupying them. To a hearing-abled person, the noise that the waterfalls generate is impossible to ignore, with the tremendous volume of water ceaselessly falling in a dull roar. By evening, the memorial pools are dramatically lit, a vivid display. The memorial was clearly designed with a display of size in mind, with the designers indicating that the "enormity" of the pools was intended to emphasize the "vast scope of the destruction."[223]

Architect David Childs noted that his shiny, reflective 1 WTC, now nearing completion, "will serve as the marker of the 9/11 memorial on the skyline."[224] Whether this is true or not is anyone's guess, but its inverse has been occurring since 1 WTC, edging the memorial, began going up: the memorial serves to signal the towers surrounding it. Though the memorial is the focal point in the WTC site plan and, from the ground, exhibits spectacular qualities, the memorial is nevertheless not necessarily the centerpiece. One enters the memorial plaza and, in viewing either of the pools, is surrounded by the skyscrapers, most immediately 1 WTC and 4 WTC. There is a symmetry to the site that favors the perimeter, where the skyscrapers reside, and the height of the towers coupled with their mirrored exteriors creates an effect that fragments the purported center, the memorial. Even the museum's entry pavilion is constructed primarily of reflective glass, allowing visitors to look out to the memorial and already, within its first weeks, drawing people outside the building to peer into the pavilion, close enough to press their bodies against the glass. But perhaps even more significantly, the glass allows those inside to look through the pavilion's ceiling to view 1 WTC. The new tower is visible *through* the museum, giving it omnipresence as visitors attempt to engage the past towers at the museum and memorial.

In preliminary outreach on memorial planning in 2001-2002, participants said they desired a "beautiful, calming, neutral place of sacred ground." They also "hoped for an uplifting

[222] "By the Numbers," National September 11 Memorial Foundation, accessed May 20, 2014, http://nsm-911memorial.cloudapp.net/
[223] Arad and Walker, "'Reflecting Absence' design statement."
[224] Gonchar, "A Controversial Tower."

and optimistic process that was celebratory of the rebirth of downtown Manhattan," while also memorializing "heroism, resilience, and sacrifice" and the loss experienced by downtown communities.[225] Some opposed a war memorial (typically, a built structure like an obelisk or wall), while others supported one. Some thought the former WTC's main plaza should be the memorial's site, while others supported the footprint approach. Some wanted to keep the WTC artifacts at the site, others wanted them transported to other memorial sites. What emerged from the preliminary outreach was a desire for a social, fluid experience – "a place for stories" as opposed to "just another granite fountain."[226] From this, one can infer that a successful rebuilding of the site, including the memorial itself, would incorporate this social, fluid dimension; this also resonates with the recommendations of much contemporary urban theory and city planning. Libeskind calls his WTC site master plan a "tour de force of democracy," a cultural response to September 11 distinguished from the "myriad" other political and economic responses.[227] It is, according to him, a space that commemorates the past and moves New York into the future. According to others, who include architects and community members, the site is a place that is anything but democratic.[228]

One such voice comes from New York New Visions, a coalition of 21 national and local architecture, design, and planning agencies, representing 30,000 individuals and 350 NYC-based professionals, civic leaders, and "concerned citizens" engaged in a "pro-bono effort to address the issues surrounding the rebuilding of Lower Manhattan."[229] Its initial response to the Port Authority and Lower Manhattan Development Corporation (LMDC) plans for redevelopment was very critical. A few months prior to its critique, NYNV wrote a report offering guidelines for the rebuilding process, comprised of seven key principles, the first of which was the necessity for an open memorial process. The report noted that a "successful rebuilding" of Lower Manhattan, "if carried out with sufficient high purpose, would also be a memorial in itself."[230] NYNV suggested a process under transparent public leadership, unlike the opacity of the LMDC, and urged the acquisition of funding from the federal government, as well as the government's recognition of the WTC site as one of national significance, for presumably financial and symbolic reasons. There was not a clear distinction between successful redevelopment of the WTC area and the building of a successful memorial. Other than the first rebuilding principle emphasizing an open memorial process, the reconstruction of the site was approached holistically, with an implied fluidity at the site. However, what has emerged today is something quite different.

The towers in themselves are monuments to capital and nation if not expressly memorials to what was lost on 9/11, all of them expensive and 1 WTC deliberately built to a 1,776-foot height to echo the year of America's independence from England. They are disarming, generating "a state of complacent daydreaming," as has long been the affective function of skyscrapers. In the wake of disaster, particularly the destruction of the Twin Towers, the

[225] Sorkin, *Starting From Zero*.
[226] ibid.
[227] Libeskind 2011.
[228] Kimmelman 2014; Gopnik 2014; Sorkin 2011 & 2013.
[229] "Rebuilding Principles," New York New Visions, accessed May 4, 2014, http://nynv.aiga.org/pdfs/NYNV_Principles_1.pdf..
[230] Ibid. Though the statement echoes corporate interests, it is possible that they are trying to point to something different. However, a 'successful rebuilding' remains ambiguous. Successful how? NYNV is still reproducing the voices of the state in certain respects but emphasizes the need for "deepening our understanding of the tragedy" and educating "the future." Temporalities collide here, too, offering a counterpoint to the official narrative.

ruination that haunts capitalism manifests itself. The next-coming, future ruination continues its haunting with new skyscrapers, a fetish of global capitalism par excellence. If the fetish is "an object that conceals the void," then the relationship between the new WTC towers, the memorial pools, and the devastation they sit upon is complicated when we consider which ruins and which fetishes the state is trying to mediate through the official memorialization process.[231] The ruins of the Twin Towers are the remnants of what used to be state property, privately profited-from, and they become public as they become ruins. The ruins restore unknowability, and unpossessibility, to space. They belong to everyone and to no one, the suggestion of a commons, yet the Port Authority, LMDC, and other state functionaries have been quick to turn those ruins into formally designed space, made private through an infusion of public money, as I discussed in Chapter 2. Why?

The initiation of site construction in 2006 with One WTC, the premier tower, positioned economic forces as the primary actors in the processes of progress and healing. The committees deciding the fate of the WTC site inaugurated that schema of value almost immediately after September 11th, making their plans to build more towers known to the public in early 2002. These economic forces assumed the ruins of the footprints as the platform from which the new towers could be launched. The ruins, and the pain, suffering, and wrongdoing they represented, are now enshrined in the museum, serving also as symbols of justification for retaliation via foreign wars and for rebuilding financial towers with billions of public funds. Thus scars, absence, and ruins were mobilized not only in search of mourning and healing, but also as hegemonic devices that reasserted the symbolism of American capitalism – skyscrapers. The ruins of the site were to be triumphed over, to assert that the American nation-state was resilient and powerful enough to recover from the decimation of one of its economic centers. What is offered is a stabilized remembrance, conflicting with the instability the gaze encounters with the material ruins. In this moment of the instability of the gaze, the state's investment in the visual, economic, and memory discourses at the site comes together, and the site's materiality, its relationship to nationhood, and the vagueness of the enemy share a correlation toward the unstable. This instability is important, and I will return to it in the final section of this chapter.

A new public authority for Lower Manhattan: the LMDC

Though the Port Authority owns the WTC site's land, another public authority was established in November 2001 to manage the rebuilding of the site: the LMDC. It was also tasked with generally overseeing the revitalization of Lower Manhattan. It is a subsidiary of Empire State Development Corporation, another public authority that shaped Times Square redevelopment, as discussed in Chapter 1. Served by sixteen board members, eight appointed by the New York Governor and eight appointed by the Mayor of the City, the LMDC is the vehicle for coordinating planning and allocating federal aid, with board appointments weighted toward business executives and high-up officials from other public development agencies.[232] In short, it is a state and city agency responsible for allocating federal funds. The board members at its creation did not include any architects, planners, cultural leaders, educators, or families of 9/11 victims. Of its eleven members, there were four Wall Street executives (including an ex-director of Goldman Sachs), three former Giuliani administrators, one friend of George W. Bush, one

[231] Slavoj Žižek, *Less Than Nothing: Hegel and the Shadow of Dialectical Materialism* (London: Verso, 2012), 46.
[232] William Sites, *Remaking New York* (Minneapolis: University of Minnesota Press, 2003), 167.

construction union leader, one downtown resident, and one person of color, an African American of unspecified professional affiliation. They were overwhelmingly "captains of industry," illuminating the role that the LMDC's creators intended for the agency: a public authority that could "get things done" in the tradition of the Port Authority's origins and Robert Moses' legacy.[233] An outside city planner was also added, chosen opaquely, according to architect and critic Michael Sorkin. The LMDC's major activity, the WTC Memorial and Redevelopment Plan, was funded through HUD grants under a $2.783 billion appropriation from US Congress for recovery at the site. Armed with the powers of eminent domain and to override most local zoning and land-use regulations, the LMDC is a potent entity through which federal reconstruction and recovery funds, as well as state aid, were funneled through as they made their way to the WTC site.

Unlike the Port Authority, a nearly century-old bi-state public authority, the LMDC is a contemporary authority with a narrower scope – revitalizing Lower Manhattan post-9/11 – and much-narrower practical activities, which have mostly involved managing funds and redeveloping the WTC site. The members of the LMDC and the other actors at the site have not always agreed, and the WTC site is an artifact of that. The site offers a way through which we can in fact memorialize the battles at the site. The LMDC supported a plan by Larry Silverstein, the site leaseholder, to quickly rebuild an office tower on an adjacent parcel of land while the main planning process was still in progress, indicating the agency's prioritization of replacing lost office space, perhaps spurred by the Port Authority's desire to generate $120 million in revenue annually. The six design plans commissioned and unveiled by the LMDC in July 2002 all centered on commercial office and retail spaces, an expression of the rise of the privatization of urban planning via the public-private partnership embodied by the LMDC. Around the same time, a civic alliance of over seventy-five business, government, community, and civic groups was convened by the Regional Plan Association, and it reached one unequivocal conclusion: that more public involvement was necessary in the reshaping of Lower Manhattan. Chastened by the alliance's efforts, the LMDC and Port Authority began again, with a new outreach campaign, and city officials also began pressing the Port Authority to trade control of the WTC site for the land under Kennedy and LaGuardia airports, which the Port Authority was renting from the city, signaling an attempt to make the site more overtly public through a city-guided development process, which could be subject to land-use laws mandating community participation. The trade, initiated by Mayor Bloomberg, failed, with the Port Authority remaining the client of the reconstruction projects and Silverstein the lease-holding private developer with a vested interest in the client's decisions.

Architecture critic Herbert Muschamp suggests that the LMDC, the vehicle of such machinations, is deserving of more scrutiny than the "small" plans that were proffered by it.[234] Since the Koch mayoral administration throughout the 1980s, the city's Department of City Planning has deteriorated into a de facto economic development engine, which already exists in the forms of the Economic Development Corporation and the ESDC as well as various business improvement districts (BIDs), such as the Alliance for Downtown New York, which have also subsumed planning within profit-making, commercial agendas, making the LMDC multiply redundant, according to Muschamp. The LMDC must justify its existence by appearing uniquely suited to its assigned tasks, relying on strategies intended to bolster its image of expertise,

[233] Marcuse, "What Kind of Planning," 154.
[234] Herbert Muschamp, "An Agency's Ideology Is Unsuited to Its Task," *New York Times*, July 17, 2002.

including "cultural programming" and patterns of secrecy.[235] Yet the fundamental authority by which it, and others like it, operates is illustrative of a reconfiguration of state power in the past several decades that has favored a corporate model of governance and luxury real estate developments (see Chapter 1).

The memorial competition required competitors to submit designs within a narrow set of limits. Designs were to recognize each individual who died, house unidentified remains, offer a contemplative space, and acknowledge those who contributed to "rescue, recovery and healing." The general stipulation of the memorial design contributions was that they have "enduring and universal symbolism" and be unique and historically authentic.[236] Requests from politicians and LMDC administrators were overlaid upon the formal requirements, and they consisted of the physical expression of liberty and democracy and that the memorial "reaffirm life itself" and the "universal ideal of American freedom," rather than only honoring the dead.[237] Thus, the competition itself circumscribed the parameters of any viable memorial, and those parameters required an emphasis on nation and democracy, while playing on the event's global significance, simultaneously offering a site of remembrance and a future-oriented scene.

The official selection committee was decided upon by the LMDC and comprised of thirteen members, one of whom had a loved one killed in the attacks, with the remaining dozen a mix of artists, architects, philanthropists, and politicians. Arad and Walker's "Reflecting Absence" was chosen from 5,201 entries from around the world. The competition opened in April 2003 and the plans for "Reflecting Absence" were unveiled in January 2004. The memorial was required to abide by parameters established by Libeskind, the winner of the competition to design the overall site plan. A multi-phase process beginning in July 2002 and ending nearly a year later, the site plan competition was far more contested than the memorial selection. Initially, the LMDC released six "preliminary design concepts," followed by the solicitation of a land use plan for the site. Seven teams, culled from 406 entries, were selected by the LMDC, and they offered nine designs in total (with the THINK team offering three plans). Upon release of the plans was a period of public outreach, with an exhibit of the designs at the World Financial Center Winter Garden its most widely-attended public event. Designs were also placed online, drawing millions of virtual visitors, according to the LMDC.[238] In February 2003, two designs were made finalists: Libeskind's and THINK's, shared elements of which were skyscrapers, famous architects, and 10 million square feet of office space (the amount demanded by Silverstein). The LMDC and the Port Authority – the implementer of the plan and the owner of the site – made the announcement.

The centerpiece of THINK's plan was two 1,665-foot towers, built in a lattice-work design inspired by the Eiffel Tower. Within the latticed towers, buildings would be constructed, including a museum, a performing arts center, and other public spaces. The selection committee chose the plan but the decision was reversed by Governor Pataki, who was quoted as saying "Those towers look like death to me. … There's no goddamn way I'm going to build those skeletons."[239] Libeskind's design was ultimately the one chosen by Pataki. Despite the Port

[235] For example, two of the six plans were prepared by Peterson Littenberg, a New York firm retained independently by Alexander Garvin, the LMDC's chief planner at the time.
[236] "About the Memorial Competition," Lower Manhattan Development Corporation, accessed May 2, 2014. www.wtcsitememorial.org/about/html.
[237] Simpson, *9/11*, 75.
[238] "The Plan for Lower Manhattan," Lower Manhattan Development Corporation, accessed May 7, 2014, http://www.renewnyc.com/plan_des_dev/wtc_site/
[239] Nobel, *Sixteen Acres*.

Authority's site ownership and responsibility for implementing the site plan, the decision-maker was the Governor. Pataki is largely responsible for what exists at the site today, with his personal preference taking a significant role in representing the state, politically and aesthetically.

Financing of the memorial and museum

Despite its name as a "national" monument, being something owned by the public, the National September 11 Memorial and Museum is actually a private, not-for-profit entity. A public-private partnership has been established to fund it, with various fundraising campaigns and public monies financing it. In addition to $350 million raised in April 2008, $250 million was contributed by the LMDC (for the Memorial & Museum), $80 million by the State of New York (for the full cost of the Museum Pavilion), and additional funds by The Port Authority of New York & New Jersey.[240] To date, the memorial foundation has raised over $470 million.[241] The building costs for the memorial and museum total over $800 million, and the memorial and museum together will have a $63 million annual operating budget.[242] Other comparable memorials have cost much, much less – the Oklahoma City bombing memorial cost $29.1 million and the World War II memorial, considered excessive at its time, cost $175 million. Actual costs for the memorial and museum have been more than double those projected at the project's conception. Their annual maintenance is enormously expensive compared to other nationally significant memorials, like the Vietnam Veterans Memorial, whose maintenance cost in 2011 was $140,000.[243] Some reasons for the expense are the structural challenges of building over an active rail line, security costs, and so-called 'starchitect' fees.

In October 2006, Bloomberg became chairman of the board of the National September 11 Memorial & Museum, after cost projections reached upward of $1 billion and the building processes had repeatedly stalled. His purported goals were to rein in costs, collect pledged donations, including $10 million from American Express, and re-start the stalled building. At the time, critics called him an aspiring "emperor of 9/11."[244] Upon joining the board, he made a personal loan of $15 million, at a low rate of 0.3 percent interest, and then began courting other donors, promising them that the museum would get completed.

The memorial and museum pledged to raise its budget privately but has decided to lobby for city, state, and federal funding. At this time, it is expected that two-thirds of the operating budget will come from museum admission fees ($24 a person for non-family), gift shop sales (of such items as commemorative stones, coins, books, and necklaces), and concessions, with the other third coming from annual fundraising. The museum admission fees are expected to replace the foundation's biggest revenue stream until now, donations and transaction fees collected when visitors book timed tickets for the memorial plaza. The ticket sales and concessions are expected

[240] "Public-Private Partnership," National September 11 Memorial and Museum, accessed May 15, 2014, https://www.911memorial.org/public-private-partnership

[241] Jennifer Maloney, "Both Monumental and Intimate: 9/11 Museum Shares Many Stories, *Wall Street Journal*, May 14, 2014.

[242] Jennifer Maloney and Eliot Brown, "9/11 Museum is Delayed," *Wall Street Journal*, November 21, 2011.

[243] "2011 Annual Report," Vietnam Veterans Memorial Fund, accessed May 7, 2014, http://www.vvmf.org/userfiles/files/PDF/2011%20Annual%20Report%20FINAL.pdf. All expenses in 2011, including programming and special events, totaled about $12 million.

[244] Maggie Haberman, "Michael Bloomberg and the path to 9/11 museum," *Politico*, May 12, 2014.

to cover about two-thirds of the annual operating budget of the foundation, with a gap of about $20 million remaining that must be funded by private donations. In summer 2014, shortly after the museum's opening, the construction fences around the memorial plaza will be removed, making the memorial open freely to the public and eliminating the timed ticket system and its accompanying income stream.[245]

Attempts to gain city and federal funding have been unsuccessful thus far, with Bloomberg – chairman of the memorial foundation – saying that the September 11 attacks were a national event and Congress should therefore fund the museum. In his speech at the museum's opening, Bloomberg urged people to contact their Congressional representatives to complain about the lack of federal funding for the Memorial Foundation's $63 million annual operating budget. Unlike other major cultural institutions, including the national Holocaust and Pearl Harbor museums, the museum does not have an endowment or government funding, and Bloomberg's indictment of the federal government's withholding of funding is simultaneously an attribution of guilt for the public's suffering of the $24 admission fee, as well as, more implicitly, the burden faced by the museum to draw visitors with such a cost for admission. Daniel Inouye, a Hawaii senator, introduced a bill in 2011 to have Congress provide up to $20 million per year in federal funding to the memorial and museum foundation and which would also allow the National Park Service to take control of the memorial grounds site if the New York and New Jersey governors approved it. The bill was blocked by another senator, who argued for equivalent cuts in the federal budget and asked for the city and state to commit funds first. New York senators Kirsten Gillibrand and Charles Schumer have been crafting a revised funding bill in 2014. The foundation is also seeking a federal subsidy for security costs – an issue that seems to lend itself to government funding more than other costs – which total $10-12 million per year. Part of the operating expenses of the memorial and museum – a nonprofit entity – include the salaries of its employees. The top eleven officials make at least $190,000 a year, with four of them making over $300,000, thus requiring $2.8 million in salaries for less than a dozen people.[246]

While the Port Authority does not own or operate the memorial or museum, it is building the museum and has contributed hundreds of millions to the construction of its infrastructure. Generally, the foundation is responsible for the cost of the memorial and museum and the Port Authority is handling the costs of site-wide infrastructure. The memorial is so expensive that the Port Authority, not known for its frugality, is demanding $150 million from the memorial foundation to cover its own outlays.[247] It has also said that the memorial foundation owes it $156 million in construction costs for the museum.[248] Prior to that request, it also threatened to shut down funding for the museum if the museum did not pay a larger share of the infrastructure costs, with Port Authority officials expressing concern that the museum didn't have enough money to finish the job. However, the museum countered that the Port Authority was responsible for the cost overruns and believed it was instead owed more than $100 million because of the delays. Beginning in September 2011, the Port Authority stopped approving new contracts and contract extensions; the issues were arbitrated outside of court. Such disputes over cost overruns are responsible for the delays on the museum's opening, which was originally scheduled for September 2012, a year after that of the memorial.

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[245] Jennifer Maloney, "9/11 Memorial Sets $24 Ticket Price," *Wall Street Journal,* January 23, 2014.
[246] Graham Rayman, "9/11: The Winners," *The Village Voice,* August 31, 2011.
[247] Ibid.
[248] Maloney and Brown, "9/11 Museum is Delayed."

This brutal argument over who was to finish the museum indicates that government spending is ethically imperative only to a point. What the acceptable amount of spending should be remains unclear, however. The Port Authority clearly announced in 2011, through its former Chairman Peter Samson, who resigned in March 2014 amid scandal: "We are … rebuilding the World Trade Center site as a symbol of our nation's success, strength and resilience, and as an economic force for the New York/New Jersey region. Of course, it is our moral obligation to the families of the victims lost that day that we rebuild, and we have committed more than $11 billion for the project."[249] The crux of the project is the knotty intersection of success and progress in economic terms and the reification of 9/11 as a painful wound to the nation. Samson expresses morality in capitalistic terms. Instead of giving money to the families of the deceased, the memorial and museum become the focus, and attendant diversion, of giving funds.

Some families have spoken out against the costs of the memorial and museum, calling it a "memorial-industrial complex characterized by gross mismanagement, bloated salaries and out-of-control spending" that would be better served by the National Parks Service's management.[250] One group, 9/11 Parents and Families of Firefighters and WTC Victims, has been especially critical of the memorial foundation, noting that, as of 2012, the Port Authority agreed to take only $50 million of the $300 million owed to it by the foundation, leaving the balance for taxpayers "to pick up the tab for the cost overruns by a private foundation."[251] The group is similarly critical of Inouye's Congressional bill that would give the foundation $20 million annually. What emerges is a picture of a memorial foundation that is not only sitting on funds, but also misusing them, and thus not in need – or, implicitly, deserving – of state financial assistance.

The museum

The other half of the memorial plaza is what is officially titled the "National September 11 Memorial Museum."[252] Opened in May 2014, officials estimate more than 2.5 million visitors at the museum per year. As of July 10, 2014, it has had 400,000 visitors since its opening.[253] Lead architect of the museum is Davis Brody Bond, a Lower Manhattan firm which also designed other "important public memorial complexes" including the Martin Luther King Jr. Center in Atlanta and the Civil Rights Institute in Birmingham, Alabama.[254] It encompasses 110,000 square feet of gallery space, all located underground. The entryway to the museum – the Memorial Museum Pavilion – has its own, separate architect, Snøhetta, a global firm with offices in Oslo and New York.[255]

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[249] "Port Authority Chairman Samson's Comments Delivered Today at the Port Authority Board Meeting," PANYNJ Press Release, Aug. 19, 2011.

[250] Graham Rayman, "9/11 Family Group Wants National Park Service to Take Over WTC Memorial," *Village Voice*, June 12, 2012.

[251] Ibid.

[252] Though official nomenclature is inconsistent, sometimes switching to 9/11 Memorial Museum or September 11 Memorial Museum, this is the most common assignation.

[253] National September 11 Memorial & Museum email communication, July 10, 2014.

[254] "Museum Architects," National September 11 Memorial and Museum, accessed May 15, 2014, https://www.911memorial.org/museum-architects.

[255] This is interesting for two reasons. One, the chosen firm embodies global movement of capital and design. Second, the threshold to the museum is marked in a way that exposes the blurriness between the memorial and the

The museum is tasked with several things: honoring the dead and survivors, preserving the archaeological site and artifacts, and offering a "comprehensible explanation of a once inconceivable occurrence."[256] Overlaying these tasks is the necessity of speaking to different audiences, including those who witnessed the attacks in New York City and elsewhere in the U.S., international witnesses, and youth and young adults. Alice Greenwald was appointed director of the museum in 2006, after working at the U.S. Holocaust Memorial Museum in Washington, D.C. for nineteen years, part of which time she spent as its associate director. Of the September 11 museum, she says "It's not always an authoritative museum. It's about collective memory."[257] One member of her cabinet of nine advisers, who meet 2-3 times a year, said the overriding question for him is what message visitors would take away: "Are they going to leave with any sense of why this happened and its consequences? Or will they be moved solely by the sheer power of the catastrophe? If it's only the latter, then the museum is a failure."[258] The official mission of the museum is:

> …to bear solemn witness to the terrorist attacks of September 11, 2001 and February 26, 1993. The Museum honors the nearly 3,000 victims of these attacks and all those who risked their lives to save others. It further recognizes the thousands who survived and all who demonstrated extraordinary compassion in the aftermath. Demonstrating the consequences of terrorism on individual lives and its impact on communities at the local, national, and international levels, the Museum attests to the triumph of human dignity over human depravity and affirms an unwavering commitment to the fundamental value of human life.[259]

These two expectations of the museum – that of the cabinet member and the official statement – conflict, with the former emphasizing a sense of historicity and the latter, the act of remembering the dead and an ambiguous triumphalism. The *why* of 9/11 is notably missing from the official mission and is one of the features distinguishing descriptions of the task of the memorial from that of the museum.

The mathematics of collective memory

Thus, we see that the museum has a role to fill that is distinct from the memorial, at which there is no mention of the terrorist attacks that destroyed the Twin Towers. Yet the museum is still attempting to avoid any active politicization, exemplified not only by its mission statement but also its constitution and curation. One example of the museum's active avoidance of explicit politics is the strategic utilization of technology in its exhibits, especially that called "Timescape." Particular moments are highlighted when an array of relevant news articles is projected on a wall. The actual selection of which moments to highlight has been delegated to a statistical algorithm, for the precise reason of avoiding a political conflict over the content of the exhibit at any given time. The founder of Local Projects, the coders of the algorithm used, says that "the system lets the curators say they haven't set an agenda" and sometimes includes

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museum, moving the 7-story tall, trident-shaped structures from the façade of the Twin Towers indoors. They also mark a threshold beyond which bodies are interred.

[256] Patricia Cohen, "Sept. 11 Memorial Museum's Fraught Task – To Tell the Truth," *New York Times,* June 2, 2012.

[257] Ibid.

[258] ibid.

[259] "The Mission," National September 11 Memorial and Museum, accessed April 20, 2014, https://www.911memorial.org/mission.

"nothing that a curator would have put in."[260, 261] The algorithm sifts through news articles, uncovering 9/11-related bits of information and connecting them, with the goal being the extraction of insights about current affairs. It is a mechanization of the contextualizing of history. Unlike a curator, the algorithm purportedly does not over- or under-emphasize any themes – "it simply shows events for what they are, in news headlines."[262]

In order to evaluate this claim, we must consider the mathematics at work more generally. An algorithm is a structured description of how to calculate a particular value, such as credit-scoring, or find a solution to a task – here, the selection and organization of information referencing 9/11. While the neutrality of using an algorithm is championed by the museum and certain reviewers, such an assertion elides the value judgments inherent to the very building of an algorithm. These include the selection of method (how the collected data is mapped), the setting of parameters (how the data is mined), and how misclassifications are dealt with. None of these are neutral or impartial, but instead active decisions made by a person exercising his or her particular values and ethical and epistemological judgment. In the case of "Timescape," the onus of the ethical is deflected from the museum to Local Projects. Perhaps most starkly, the timeline begins on September 11, 2001, a kind of big-bang historicization of the event and what conditioned it before and after the towers were destroyed. Local Projects' describes its algorithmic approach as "narrative future-proofing," creating an exhibit – and, by extension, a museum – that resists obsolescence through the intelligence of the algorithm, as well as its ability to incorporate future events and news articles and "make sense" of them.[263] The use of data here reformulates collective memory, intimately intertwining computer code with remembering.

The neutrality proposed by the museum and Local Projects raises questions about the parameters within which the museum's assumed visitors fit. "Timescape" offers a mythical idea of a narrative without any narrative stakes and thereby anticipates a specific kind of subjectivity. The exhibit lends itself to a normative subject to whom the proffered narrative would make sense, such as a tourist from middle-America – a "neutral" visitor who consumes this picture of America and 9/11 that does not forthrightly ostracize or offend anyone, a picture of sanitized context. What gets stifled is the complexity and diversity of historical experience – including individual encounters, politics, and interpretations – that cannot be encompassed in the ethics of algorithms. The algorithm is meant to subdue the challenges of "too much" meaning, which includes the many ways of experiencing mourning, grief, and rage.

This subdual of those challenges is achieved with different tactics in other parts of the museum. One of the museum's primary exhibits, and the largest in terms of artifacts presented, is the "Historical Exhibition." It is a chronological representation of the events comprising the response to and recovery from the attacks, beginning at 8:46 am on September 11, when the first plane hit the North Tower, and ending May 30, 2002, when the final object was cleared from the site. Other events on the timeline include the advent of the Patriot Act, the assemblage of the 9/11 Commission, and September 12, 2001 – the start of war in Afghanistan. The exhibit is comprised of several connected galleries that snake along a mostly-prescribed path, each room crammed with video, audio, photo, and other salvaged artifacts of the site. The materials used to

[260] Cliff Kuang, "The Near-Impossible Challenge of Designing the 9/11 Museum," *Wired*, May 14, 2014.
[261] Geoff Manaugh, "The Algorithms at the Heart of the New September 11 Memorial Museum," *Gizmodo*, May 14, 2014. http://gizmodo.com/the-algorithm-at-the-heart-of-the-new-september-11-memo-1576067926
[262] Kuang, "Near-Impossible."
[263] Manaugh, "Algorithms at the Heart."

document the event number upwards of 10,000, and advisory signs and tissue boxes accompany particularly sensitive imagery.

Similarly to "Timescape," but without an explicit utilization of algorithms to do so, the "Historical Exhibition" presents a narrative that appears to shy away from active, potentially-inflammatory curatorial decision-making merely by the sheer number of materials used to recount 9/11, minute by minute in some sections of the timeline. The firm Thinc, which designed the exhibition, said that, "We don't ever want to re-create that day … It's not about screams and sirens. You're at the site, but you never lose sense of the fact that you're there today, not back then. The there and then of the day comes through testimony, not immersive experience, which would be sensationalizing and exploitative, and potentially traumatizing."[264] What the exhibit offers in lieu of such immersive experience is a barrage of the markers of witnessing – documentation of what was seen, the ways it was recorded, the crowdsourcing of witnesses' experiences (represented in an audio exhibit visitors must cross through toward the entrance to the larger exhibits).

The act of witnessing organizes and distributes "customary historical truths and judgments" as "resources of social, political, and moral influence."[265] In this way, it is a discursive practice that is not dependent on direct witnessing of an event, but simply on the technologically reproduced or enhanced experience of witnessing, as many of the crowdsourced exhibits offer. The witness becomes virtually present and, gathered in large numbers, creates a familiar past, "organiz[ing] a discursive window on the past through which audiences are given to understand historical chronology and potentially steer its trajectory toward the ends of symbolic, if not procedural, justice."[266] Bearing witness through technology – a simulation of witnessing – reproduces acts of witnessing instead of witnesses and testimonies. The process is a simulation and reproduction of a particular view of the event – by emphasizing an 'experience' for visitors, the sheer existence of some witnesses/testimonies (and their diversity) are necessarily foreclosed. Michel Foucault notes this phenomenon as well, with discourse acting not as an allegory or document, or a sign of something else, but as a monument – "discourse in its own volume."[267] The emphasis on witnessing and first-hand accounts at the museum is not the apolitical, intrinsically truthful – or authentic, or authoritative – distribution of history, but a way of producing and distributing particular formations of historical truth necessary to the operations of "social, political, and moral power."[268]

The datalogical shift marked by the museum's utilization of technological curation and its reliance on a sheer quantity of exhibition material – data – parallels the memorial foundation's celebration of numerical statistics at the memorial in promotional materials. It also marks the temporal specificities of a 21st-century museum, in which such technologies "do not simply refract or record an event, but become the event by materially transcribing a political code onto the built environment, cultural memory and the politicized body, and by immersing spectator-participants in fear provoking simulations of space-time actuality."[269] This datalogical shift maps

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[264] Justin Davidson, "Getting to 9/11," *New York*, May 14, 2014.
[265] Bradford Vivian, "Witnessing Time: Rhetorical Form, Public Culture, and Popular Historical Education," *Rhetoric Society Quarterly*, 44:3 (2014), 204-219.
[266] Ibid., 207.
[267] Michel Foucault, *The Archaeology of Knowledge and The Discourse on Language*. Trans. A. M. Sheridan Smith (New York: Vintage, 1982), 155.
[268] Ibid.
[269] Allen Feldman, "On the Actuarial Gaze: From 9/11 to Abu Ghraib," in *The Visual Culture Reader*, *3rd edition*, ed. Nicholas Mirzoeff (New York: Routledge, 2013), 163-180, 164.

a larger question around capital and memory more generally: does the accumulation of data help justify the costs invested into a project? And does it offer a "better" way to remember, or help prove the accuracy of one way in particular? The museum, through its curatorial decisions, gives a linear chronology to what was, and continues to be, an unstructured, fragmented group of events. Such a narrativization is in no small part achieved by the careful arrangement of a large quantity of material, following a calendrical timeline, with temporal fragments of the 9/11 attack assembled as a narrative, offering an origin point – a rational beginning – for the "Global War on Terrorism."

Museal remains

There are two other main exhibitions, the "Memorial Exhibition," containing portraits of nearly every person who died, and the "Foundation Hall," which showcases the slurry wall that remained through the destruction of the attacks, as well as the "Last Column," a sixty-ton, forty-foot-tall steel beam that bears personal memorials and missing posters placed there by rescue personnel and other site workers and that was the last piece of steel to leave the site during cleanup. Another important piece of the museum, yet off-limits to the general public, is its collection of about 14,000 human remains whose DNA is too badly damaged for current identification tests. Enclosed in a repository controlled by the city medical examiner, the remains will be sealed off from everyone except family members, awaiting advances in technology that will enable their identification. Of the 2,753 people reported missing at the WTC, 1,115 people (41 percent of the total), have not been identified, and the city medical examiner's office holds 7,930 unidentified remains, which is 36 percent of all recovered remains.

Some families want to keep the remains at bedrock. However, many others have spoken out against the placing of the remains below ground, offended by sharing the resting place of loved ones with strangers visiting the museum, as well as the prospect of descending seventy feet below ground to reach the remains. Seventeen family members have filed a suit against the city to reopen the decision, arguing that it is degrading to inter the remains in an underground museum. In the 2011 lawsuit, plaintiffs claimed that neither the city nor September 11 Memorial and Museum consulted families over the decision to place the remains of the dead under the museum. One plaintiff says, "it is dishonorable, disrespectful and inappropriate to place the remains in a private museum with an entrance fee," and request the moving of the remains to an above-ground memorial separate from the museum.[270] The families lost the lawsuit, whose primary objective was to obtain a list of addresses for the families of the 2,749 deceased, in order to poll them about the museum's decision to house the remains underground; while spokespeople for the museum say that families have been repeatedly consulted, several of the families filing suit said they have not. An appeal is currently underway. City officials have said that a private "reflection room" will be available to families at the repository, and that the repository will be entirely closed to the public.

On May 10, 2014, the unidentified remains were moved in a "ceremonial transfer" to the museum repository, where the city medical examiner's office continues to maintain exclusive jurisdiction over the remains. The remains were held in three metal, coffin-sized military transfer cases draped in American flags, one case each carried by a New York Police Department

[270] Graham Rayman, "9/11 Families Sue City Over Plans To Put Remains At Museum," *Village Voice*, August 19, 2011.

vehicle, a Fire Department truck, and a Port Authority Police Emergency Service Unit. A few dozen families attended the transfer, with some relatives wearing black gags over their mouths in protest over the lack of consultation in the decision to move the remains to what is likely to become a major tourist attraction. One gag-wearer, a retired deputy fire chief who lost his firefighter son, says the museum repository will be a "dog and pony show," for the reason that tour guides are likely to announce that "'Behind that wall are the victims of 9/11.'"[271] And, because the remains are not actually entombed but in the care and storage of the chief medical examiner's office, they are subject to removal for testing, which is an ever-present threat to the notion of a tomb or final resting place.

Others have protested the decision as it relates to a curatorial feature of the museum: the inscription of a Virgil quote – "No day shall erase you from the memory of time" – on the outer wall of the repository. From Book 9 of the *Aeneid*, the "you" of the quotation refers to two Trojan warriors who are lovers, Nisus and Euryalus. The quote is culled from a scene following a night ambush of an enemy camp, where the two lovers slaughter their sleeping enemies until the ground is covered in "warm black gore." As they flee the murder site, the two are ambushed by a returning enemy troop and brutally killed (their heads impaled on spears), with Nisus first escaping mortal peril only to realize he has been separated from Euryalus and thus dying alongside his lover in an attempt to save him. The *Aeneid* as a whole is a nationalist epic about state-building, following the journey of Trojan hero Aeneas as he winds up in Italy to realize his destiny of laying the foundation of what will become Rome. The slaughter of the sleeping enemy enacted by Nisus and Euryalus is valorized as a part of this narrative.

The central sentiment of the quotation inscribed at the museum refers to the fortune the two warriors had in dying together, a sentiment commonly found suitable for military deaths. Yet the quotation's original context renders it inappropriate for remembering thousands of civilians indiscriminately killed, argue many scholars and commentators.[272][273] The museum has known for years that many classicists disagreed with the use of the quote in the museum, and it has since decided to remove the word "Aeneid" from the inscription to distance the quote from its original context, presumably, and suggesting that the quotation was meant as a "high-sounding," stand-alone phrase that would not invite visitors to further reflection or emotion drawn from context.[274] Greenwald says that the quotation speaks to the indelibility of our memories and its choice for the wall was based not on the "classic story"'s narrative but the "reference to a single day not being able to erase the memory of those we love."[275]

Thus, the museum ends up engaging in an open disregard for cultural history. Despite its private, not-for-profit status, it serves the public and considers itself on track to join the ranks of the vital cultural institutions of the city and nation. However, it simultaneously asserts the acceptability of functionalizing and literalizing artistic work. In turn, it distances the museum

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[271] Stephen Farrell, "In 'Ceremonial Transfer,' Remains of 9/11 Victims Are Moved to Memorial," *NY Times*, May 10, 2014.
[272] David W. Dunlap, "A Memorial Inscription's Grim Origins," *NY Times*, April 2, 2014.
[273] Though many military personnel were also killed, as foundation President and CEO Joe Daniels` notes in an email on Memorial Day, 2014: "The 9/11 Memorial shares a special connection with the United States military; so many answered the call to serve in response to the 9/11 attacks, and it is an honor to welcome servicemen and women to the Memorial on this special day. It is our duty as a nation to remember the fallen and to ensure the valor of those who protect us is never forgotten. Please join me as we salute those who have been lost defending our freedoms and recognize all who have served and continue to serve."
[274] Caroline Alexander, "Out of Context," *NY Times*, April 6, 2011.
[275] Dunlap, "Grim Origins."

from the intended work of similar institutions, both in its failure to "facilitat[e] learning" and offer an accurate historical record.[276] Instead, it aims to affirm "universal lessons in human rights, justice, and morality," irrespective of the diversity of the personal experiences, temporalities, politics, and possible interpolations at the site.[277] In its quest to not only memorialize 9/11, but also call attention to "the absolute illegitimacy of indiscriminate murder" – a quote from Greenwald in her 'Message from the Museum Director,' which we shall revisit later in this chapter – the museum methods take on an imprecision.[278]

The Virgil quote is engraved on $40 key chains being sold in the museum gift shop, which some family members call a marketing of the headstone of their loved ones. The gift shop has publicly come under fire from many people, being called "crass commercialism on a literally sacred site."[279] Such crass commercialism was also attributed to George W. Bush who asked for "continued participation and confidence in the American economy," immediately after 9/11, ensuring that the best way for American people to combat terror was to start shopping again. However, several other memorial sites have gift shops, including the USS Arizona Memorial, Arlington National Cemetery, and the Oklahoma City National Memorial & Museum, and American museums almost always have an attendant gift shop. These sites are also known tourist attractions, yet most criticisms of the 9/11 museum gift shop rest on the shop's making of the museum into a tourist attraction.

The museum's gift shop raises questions beyond whether it should exist. Where does the desire to own something from the site come from – is it capitalist conditioning or a mnemonic impulse? And how does its presence affect memory of the event? There is a capitalization of memory in the gift shop, as well as of the quote. Mourning and remembering is prescribed through not only the museum but the gift shop as well, and doing so in the correct way implies the necessity of buying a key chain, or ornamental rock, or coffee mug, or hooded sweatshirt, to remember the experience of the museum, if not 9/11. 9/11 is funneled through the museum, and the museum is funneled through the gift shop, culminating in a Port Authority Police Department magnet stuck to a visitor's refrigerator at home.

Ruins, aura, and spectacular materiality

Until 2011, roughly 1,200 artifacts from the WTC site were housed in Hangar 17 at JFK Airport. The various remains include pieces of steel composing the towers, small items like clothing and golf balls from the shops from the underground mall, and entire aid vehicles, warped by the fire. Chosen in the frenetic days after the collapse of the towers, the items in the hangar only represented about one percent of the 1.8 million tons of debris removed from the site and were selected as tokens of 9/11 that could be distributed to memorials around the country.

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[276] "Message from the Museum Director," National September 11 Memorial and Museum, accessed June 18, 2014, http://www.911memorial.org/message-museum-director

[277] Vivian, "Witnessing Time," 214.

[278] "Message From the Museum Director," National September 11 Memorial and Museum, accessed April 10, 2014, http://www.911memorial.org/message-museum-director. My italics. This version no longer available online and has been replaced by a message written after the museum's opening. Archived version available at: https://web.archive.org/web/20130712163814/https://www.911memorial.org/message-museum-director

[279] Abby Phillip, "Families Infuriated by 'Crass Commercialism' of 9/11 Gift Shop," *Washington Post*, May 19, 2014.

Much of the towers, and the people inside them, was pulverized into dust by the pressure of tremendous heat and weight, and the hangar contained two large blocks of material that are cross-sections of four floors, compressed by similar extremes of force. The blocks are now housed in the museum, as are several other large relics from the site, including the "Last Column." The museum commissioned Spanish photographer Francesc Torres to photograph the hangar every day of April 2009, and his photos of individual objects and broad views of the hangar were collected in a book as well as exhibited in New York, London, Barcelona, and Madrid.[280]

The "Last Column" was featured in Torres' photographs, and the column is shown lying flat and supported on steel beams brought in for the purpose, lending it an iconic or even artistic value. It was also the first object moved from the hangar into the museum, which had to be built to accommodate its height. This artifact of capital – a skyscraper's support beam – determined the form taken by the museum meant to remember the deaths that occurred in the WTC. Draped in an American flag when moved from the cleanup site to the hangar, nearly all accounts describe it as being "ceremonially removed." Soon after its arrival at the hangar, the rusted and burned skin of the beam began to flake and conservators urgently re-attached the loosened chips, an aestheticization of a ruin that raises questions about the museum's politics of time. As Hal Foster notes, an ambiguity between artifact and sacralized relic pervades the hangar and its objects; the preservation of the column's chips, in particular, suggests it veers into the latter category.

While the museum at first glance seems to be involved in a process of remembering that embraces the ruins of the site, the display of the ruins is a fixing and classifying – and aestheticizing – of those ruins. The hazy status of objects at the hangar crosses into the museum as well, with objects in the formal museum setting expressing an ambiguity between historical, museal artifact and monumental sculpture. The tridents of the façade of the Twin Towers are the first such object to greet visitors upon entering the museum, towering and rusted, demanding an audience. The understanding of 9/11 that emerges from the museum is of damage to property, and capital more generally, that must be mourned. The museum's exhibitions feature mangled steel and cement and, occasionally, suggestions of bodies. The question the museum begs is why this is mournable and why such destruction of materiality demands preservation – its consideration brings the place of finance capital in this story into relief.

In his review of the museum, critic Holland Cotter calls the prevailing story presented by the museum as framed in moral terms, angels versus devils, as well as closely resembling the devotional quality of a religious pilgrimage, with the personal artifacts of those killed on 9/11 becoming iconic, sanctified, miraculous.[281] Such artifacts include eyeglasses, a stray shoe, and the red bandana worn as a mask by a civilian who perished after helping several others escape one of the towers.[282] Infrastructural elements like the tridents, slurry wall, and "Survivor's Staircase" also retain the same miraculous framing aura within the museum, made awesome by virtue of their preservation through the otherwise-complete destruction of the towers. Yet there

[280] The book is called *Memory Remains: 9/11 Artifacts at Hangar 17* (National Geographic: 2011). The photographic exhibit retained the same title and featured images blown up on 8 x 14 foot screens.
[281] Holland Cotter, "The 9/11 Story Told at Bedrock, Powerful as a Punch to the Gut," *NY Times*, May 14, 2014.
[282] Several artifacts are also archived online at the Governor's website (http://www.governor.ny.gov/911artifacts), complete with images and descriptions. The page features the 9/11 memorial logo and a large banner that says "New York Remembers." The same page also contains a prominent block of mangled Latin text – a lorem ipsum, a placeholder for text used in web design – indicating that the page remains unfinished.

is something to these ruins that overflows their museal lodging, an aura that is conjured up and which, if it does not quite "act as an antidote to the fixed, classified, and commodified" memories of formal commemorative spaces, at least stimulates a "form of remembering which is inarticulate, sensual, and conjectural."[283] They also inspire the design of the museum itself, with the ramp leading from the entry pavilion to the underground gallery space of the museum being inspired by an access road used during recovery that "eventually took on a sacral aura."[284] The resonance of such ruins is found in the evocation of a prior whole, and their size is able to overwhelm the parameters of the museum's framing. Yet what they are intended to call up for visitors – officially, it is to "honor victims" and "bear solemn witness to" and examine "the implications of" the attacks – does not readily lend itself to the artifacts themselves. The "Last Column," in particular, is housed in the museum to "encourage reflection on the foundations of resilience, hope, and community with which we might build our collective future."[285] The discursive and phenomenological connections are not visceral, yielding an unclear interpretive lens. Thus, while the artifacts are remarkable in themselves, the way they are offered up by the museum is disjointed from an experiential understanding of them, mirroring the disjointed, exceptionalist narratives of 9/11 that have dictated the memory of 9/11 both in New York and nationally.[286]

"Understanding 9/11"

Unlike other American museums commemorating tragedy, the September 11 museum is opening relatively soon after the event in question. The Holocaust Museum in Washington, D.C., for example, opened in 1993, many decades after the events and thereby offering historical distance and perspective. The goal of the September 11 museum, according to Amy Weisser, the vice president for exhibitions, is to remind visitors of what happened, rather than tell them, since the museum's creators are aware that visitors experienced the event. Instead of having people relive the day, says Weisser, the museum intends to "put their experiences in a larger context" and that it is "a major part of setting the ongoing narrative … in many ways writing the initial history of 9/11."[287] Architectural historian Charles Jencks notes that "a building becomes iconic …when it is part of an unfolding media event that takes time. … A necessary ritual … in a secular society, only the newspapers, magazines, and TV can engender the proper aura, establish legitimacy, create taboos, and define what can be said and felt and what is unacceptable."[288] I extend this attribution of iconicity to the museum itself, which, through the intense publicity surrounding its planning and construction, has been elevated to iconic status rapidly, along with 1 WTC. An icon, from the Greek *eikon*, is literally a likeness or image, as the Twin Towers were an icon of Western capitalism to its destroyers. The more commonly-used meaning of icon today, in computing, is also relevant to building, Charles Jencks tells us, as it signals the

[283] Tim Edensor, "The ghosts of industrial ruins: ordering and disordering memory in excessive space," *Environment and Planning D: Society and Space* 2005, volume 23, pages 829-849.
[284] Cotter, "Punch to the Gut."
[285] "Foundation Hall," National September 11 Memorial and Museum, accessed May 30, 2014, www.911memorial.org/foundation-hall.
[286] See Marita Sturken, *Tourists of History* (Durham: Duke University Press, 2007) for the erasure of the Oklahome City bombing in the wake of 9/11.
[287] Liz Stinson, "Get a Look at the 9/11 Museum, Finally Opening This Summer," *Wired*, Feb. 28, 2014.
[288] Charles Jencks, *The Iconic Building, 1st ed.* (New York: Rizzoli, 2005), 71.

compressibility of the iconic building. Like a recycle bin icon has a similarity to its function of storing waste, an iconic building can be shrunk down to postage stamp-sized brand image. In the case of the 9/11 memorial plaza, the icon representing it is two graphic black squares placed diagonally, mirroring the memorial pools. The Twin Towers were commonly represented as two graphic black rectangles side by side. Lastly, perhaps most importantly, iconic buildings often "carry out a function regarded as important."[289] This attribution of importance happens in a variety of ways, but a major one is its part in a media event that unfolds over many months, required to engender the necessary aura, legitimacy, and definitions of the building. The museum's status as an icon and cultural object has become a major part of the "ongoing narrative" Weisser seeks to develop within its walls, now an inextricable part of the "initial history of 9/11."

Though some family members want the museum to focus on remembrance of the deceased, many others desire an "unbiased" portrayal of the history of the attacks. Refrains of telling the full story[290], including the failures alongside the successes, echo through the words of family members interviewed by Graham Rayman in 2008. However, optimism for an "honest discussion of 9/11" is low, with some people commenting that "'political correctness'" will hinder a historically accurate depiction of the events on the ground, which includes "'the disastrous breakdown in communication, the lack of planning, the fact that the city was not prepared, the flaws in the towers' design.'"[291] One firefighter who lost his brother-in-law remarks that the museum should focus on the "'terror and horror, what happened and who did it, and the bravery and magnificence,'" as well as the failures and "'lack of preparedness,'" for they were all a "''part of that day, part of that story.'"[292] Scholars and experts from various technical fields also advocate for "the full story." As Glenn Corbett, a professor of protection management, says, the museum must address whether we are "'going to pretend there were no flaws, or are we going to tell the true story?'"[293] Such flaws, according to Corbett, include radio failures and design flaws in the Twin Towers that were exposed in the attacks.

The thread that emerges from such voices is the importance of offering as many elements of 9/11 as possible, so that museum visitors can not only remember the event but also think critically and draw their own conclusions upon leaving the museum. Yet the possible avenues of examination are far-reaching and often involve large city institutions and players, such as the Fire Department of NY, Giuliani, Bloomberg, Pataki, and the Port Authority itself, which all have an interest in particular portrayals of 9/11. In March 2002, Rudy Giuliani noted that we would have to "remember September 11 in its reality" because "censor[ing] it too much … find[ing] too many euphemisms for what happened" would render people incapable of reliving it and "therefore motivat[ing] them to prevent it from happening in the future."[294] Lee Ielpi, a

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[289] Ibid., 22.

[290] "The full story" is a kind of appeal to narrative form while advocating for a "story" that would absolutely collapse under such pressure – were it to "honor" each and every aspect of a story. "Full" emerges as a kind of empiricism, echoing that of the museum's exhibitions. Can "fullness" ever be "fit" into a story?

[291] Graham Rayman, "Should the New 9/11 Museum Tell the Whole Truth? Victims' families say yes." *The Village Voice*, September 10, 2008.

[292] Ibid.

[293] ibid.

[294] *9/11*, directors Jules Naudet, Gedeon Naudet, and James Hanlon, Goldfish Pictures/Silverstar Productions, 2002. Broadcast on CBS March 10, 2002.

founder of the Tribute Center[295] and memorial board member, lost his son on 9/11. He similarly advocates a view hinging on the "obligation to inform [visitors]…about the effects of hatred and intolerance."[296]

However, the museum has been criticized for encouraging those very effects. One piece has been the primary target, a video about the rise of Al-Qaeda. A six-minute film projected onto a wall in the museum, "The Rise of al-Qaeda" was made by commission for the museum. The film's use of "Islamist," "jihadist," and "Islamic terrorism" without clear explanation of their distinction from peaceful Islam is the primary target of critique, as well as an overall inflammatory tone that skews the Islamic faith in an antagonistic light. Criticism of it came both from its internal interfaith advisory group, as well as from a group of 400 academics that petitioned the museum to review the film and its terminology. Both group's requests were rejected by the museum, leading to the resignation of the advisory group's sole Muslim member. It signals a particular ideology of censorship: tolerance means censoring too much is not acceptable, but a little bit of censorship is fine. The marshaling of the "reality" of 9/11 into representation is revealed as a task that necessitates such rules, paralleling the depoliticization of Virgil quote at the repository.

As museums do and have done, the 9/11 Memorial Museum is manufacturing an experience of the real and an experience of the entity that is 9/11, and this is further complicated by its slippage into the terrain of memorial and the profit-driven original purpose of the WTC site. The understanding of 9/11 that emerges from the museum is of damage to property, and capital more generally, that must be mourned. The museum's exhibitions feature mangled steel and cement and, occasionally, suggestions of bodies. The question the museum begs is why this is mournable and why such destruction of materiality demands preservation. What is displayed in the museum is wreckage – a 47,000-pound piece of antenna tower, a heat-warped ambulance, an elevator motor. The wreckage is comprised of mundane objects, things one rarely notices on the day-to-day, yet these remnants become relics of the Twin Towers. In their destruction and separation from their original context, and their subsequent archivization, the remnants become evocative, and the museum uses them to specific effect. They become symbolic of 9/11 and, unexpectedly, the "promise of a world in which it should be impossible for people to … get caught in the vortex of terrorism."[297] The remnants-cum-relics offer a display of wounding and triumph, an invitation to view the damage of the attacks as well as the strength that enabled that damage's preservation, curation, and display.

The attempt to "understand 9/11" leads to an archivization of everything, including the incredible destruction of the day's events. Missing persons are archived through their photographs and family remembrances made public in the museum. Even the dead, and the fragments and dust of their bodies in the museum's repository, if only available to the Medical Examiner's team and family, are awaiting identification with future technologies that can facilitate their subsequent archivization. A neoliberal scopic regime manifesting in the museum extends those of the Enlightenment, with obsessive archivization serving to colonize 9/11 in its

[295] The 9/11 Tribute Center opened in 2006, a project of the September 11 Families' Association, a federal nonprofit organization. The Center emphasizes the sharing of personal stories of 9/11 told by those who were at the site or whose family members were affected. It is located near Ground Zero in the space of a former deli, and offers exhibits and programs in addition to twice-daily walking tours. It has no affiliation with the 9/11 memorial foundation, but received funding from both the Port Authority and LMDC.
[296] Rayman, "Should the New 9/11 Museum Tell the Whole Truth?"
[297] "Message From the Museum Director," accessed April 10, 2014.

attempt to tell a version of the "full story" and also mark an ending to the aggression illuminated by 9/11. We will not be caught in the vortex of terrorism once again because of the reassurance of the archive effect: the risk is over, because it already took place and has been archived. Echoing the 9/11 maxim to "Never Forget," the museum assures us we will never forget and thereby never have to experience such trauma again. In this way, we also "thus deny the irresistible foreboding that the worst has not taken place, not yet."[298] Instead, tissue boxes are discreetly placed near particularly sensitive displays, such as photographs of people jumping from the towers, and the museum's visitors are expected to mourn and be viscerally affected by the documentation of the event past.

There is a slipperiness in the distinctions between the memorial and the museum. The memorial complex as a whole is called the National September 11 Memorial and Museum, while the museum in particular is the September 11 Memorial Museum. From the late twentieth century on, the "memorial museum" has become an increasingly common designation, with the U.S. Holocaust Memorial Museum, Alice Greenwald's former place of employment, and Hiroshima's Peace Memorial Museum as other widely-visited examples.[299] A memorial museum distinguishes itself from typical museums by performing narratives – be they of an 'educational' quality, providing historical information, or more personal, offering up artifacts of individuals and sketching stories of people that occupied the site of the tragedy in question – on a site of memory. It allows visitors to construct the living-out of the possible lives of the dead, versus the dwelling in loss that spaces like cemeteries more readily lend themselves to.

In Greenwald's pre-opening "Director's Message," included on the museum's website prior to late-May 2014, there is a slippage and overlap of the words memorial and museum. She writes that "memorials are the way people make promises to the future about the past," and assigns this task to the museum in the next sentence.[300] Is this because the museum picks up some of the work the memorial does not attempt or successfully undertake? A museum creates a narrative, while a memorial is a fixed point that the public can return to. In the case of the 9/11 Memorial Museum, there is a sense that it is "memorializing" the past, yet a tension with the future and a sense of progress remains. According to Dipesh Chakrabarty, museums of late democracies are "opening out to questions of the embodied and the lived," which echoes the experiential qualities the memorial's designers sought to evoke.[301] Their predecessors, on the other hand, aimed for historical analysis and objectivity. Yet the 9/11 Memorial Museum is attempting to offer just that, with its timelines, photographs of each person dead, and the extensive display of 9/11 media coverage. In fact, it's all about knowing, or recording, 9/11. When purchasing tickets online, there is an option to also purchase a guided tour called "Understanding 9/11," which doubles the cost of admission. Greenwald's message and nearly every other statement from those involved in the museum's conception and realization cite the importance of offering such an understanding to the museum's visitors and its centrality to the mission of the museum. Yet the museum does not feature that kind of work, with the headlines of "Timescape" and occasional mentions of conspiracy theorists and tensions between security and civil liberties being its only examples.[302] There is no mention of the events precipitated by

[298] Borradori, *Conversations*, 188-9. "the matter is closed! it's all on record! it's all been recorded!"
[299] Paul Williams, *Memorial Museums: The Global Rush to Commemorate Atrocities* (New York: Bloomsbury Academic, 2007).
[300] "Message From the Museum Director," accessed April 10, 2014.
[301] Dipesh Chakrabarty, "Museums in Late Democracies," *Humanities Research*, Vol IX: 1 (2002), 5-12, 11.
[302] Davidson, "Getting to 9/11."

9/11, including detentions, torture, drone raids, and 9/11 politicking by U.S. politicians, including Giuliani and Bush.

The desire to write the "initial story" of the event was one motivation to build the museum with such unusual pace. Yet, as elided in the museum itself, the intertwining of 9/11, the invasions of Afghanistan and Iraq, and the speed with which the museum and memorial were built is crucial. Securing immediate support for the invasions required a mythologization of the event itself, and aligns with the correlation argued by Paul Virilio – that the question of war is summed up in the question of speed of everything that surrounds it.[303] The question of speed also implicates mourning, particularly in the context of 9/11. Derrida writes that engaging the memory of a deceased person right after her death is in fact the antipathy of mourning. Committing something to memory with haste serves to center the remembering-person as the point of reference, a speedy appropriation of the other and the other's epitaph into an autobiographical discourse.[304] A 'speaking of' the deceased in mourning does not preserve the memory of the deceased as much as write the narrative or autobiography of the mourner, which is the National September 11 Memorial Foundation, LMDC, and Port Authority in the case of the museum.

The crisis temporality of 9/11

The potential for destruction and defacement is the monument's most important quality. Yet the museum's monumental artifacts are indoors, guarded, not open. In its incarnation as the Twin Towers, the WTC was a publicly-accessible monument to America and global capital, and in its destruction, it is rendered archival, demanding preservation. What is the promise to the future from the past that these preserved remnants offer?

On one of the walls of the museum is a quotation from remarks made by the twins' architect, Minoru Yamasaki, on their dedication and opening in 1973, declaring the WTC a "monument to world peace" and destined to become a representation of "man's ability to find greatness." When someone visits the site a century from now, the memory generated will not be an experiential one, based in a live experience of 9/11, but in the synergy of the museum's offerings and popular and individual understandings. The state is often the actor that generates memory for the future, and its contribution of money to the museum is one way it satisfies this role. The museum's political vision, according to Greenwald, is its "promise to the future about the past." In her Director's Message on the museum website, Greenwald says that in remembering victims and honoring rescue workers, the museum explores the "very real impact of terrorism" in peoples' lives and underscores the "absolute illegitimacy of indiscriminate murder." "As *custodian of memory*," she writes, "the Museum is taking on the *mantle of moral authority* that will define its continuing and evolving role [in perpetuity]."[305] This mantle, according to Greenwald, means that the museum "embodies the promise of a world in which it should be impossible for people to go to work in the morning only to get caught in the vortex of terrorism ... the kind of world we want to bequeath." It also encompasses the definition of "what it means to be a human being."[306] Here is an instance of explicit ethical authority and imperative.

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[303] Paul Virilio and Sylvere Lotringer, *Pure War*, Semiotext(e): New York, 1983.
[304] Jacques Derrida, *Mémoires for Paul De Man* (New York: Columbia University Press, 1986).
[305] "Message From the Museum Director," accessed April 10, 2014. My italics.
[306] ibid.

Such moral authority serves to underscore the "absolute illegitimacy of indiscriminate murder," a gesture toward peace that carries within it the museum's justification for and support of targeted, discriminate murder. Importantly, however, the nationalist narrative of the museum keeps the enemy in question veiled, though the war waged against it has been public and enduring.

In this way, a crisis temporality emerges as central to the museum's understanding of itself. At the memorial and museum, there is an enfolding of time, a funneling of the past (the event), into the present and projected future. Simultaneously, a sense of infinitude exists alongside a truncation of the meanings of 9/11 that the museum exhibits. A temporal promise is inherent to the museum and memorial, and the politics of form and representation condition it. The memorial plaza is a representation of triumph, healing, and mourning into the future, with the desire to communicate into perpetuity emphasized by the Memorial Foundation's official statements. These are well-encapsulated by Memorial Foundation president Joe Daniels when he says that its creators "want this museum to make the world a better place."[307] Yet, are the foundation, the LMDC, the Port Authority, and the state itself equipped to take on this endeavor?[308]

We return to the question of speed and that with which 1 WTC and the memorial plaza, in particular, were constructed. Societal temporality is brought into flux with the speedy construction, a shift in patterns of collective memory that have governed American public history and space for a long time previous. The rapid call for rebuilding, and its attendant design and contract competitions, funding politics, and public rhetoric, had the effect of "saturating immediacy" with the installation of official representations of 9/11.[309] With such saturation comes destruction and elision – of alternative discourses, memorials, and commemorations. With an estimated 2.5 million visitors at the museum alone this year, there is a sense of coming and out, packing a maximum saturation of experiencing, and 'understanding,' 9/11 into a short visit. The parallels to airports – the other marquee projects of the Port Authority – are striking, particularly because many New Yorkers say they do not want to visit the museum, though they understand why it exists – it is meant for others, for the state, for history.

The converting of the wounds of the Twin Towers to a single skyscraper, the tallest in the nation, is a use of speed to shore up the masculinity of New York City and the nation, a compensation for the wound opened.[310] The importance of 9/11 as an attack on American soil has been widely acknowledged, with connections commonly made to the Japanese attack on Pearl Harbor in 1941. However, the Twin Towers were commercial office towers and Pearl Harbor was a military base. Their conflation – or at least, comparison – unveils certain popular characterizations of both the WTC and the attacks of 9/11; the WTC, similar to the Pentagon and Pearl Harbor, becomes a body of the state, even when its ownership and generation by the Port Authority and LMDC is disregarded.

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[307] Jennifer Maloney, "Both Monumental and Intimate."

[308] This echoes Dipesh Chakrabarty, who notes in his work on the anthropocene that he is not yet adequately able to represent the scale with which he is attempting to wrangle (geologic time).

[309] Virilio and Lotringer, *Pure War*, 60.

[310] For more on the relationship between masculinity, whiteness, modernity, and speed, see Julian Carter, *The Heart of Whiteness: Normal Sexuality and Race in America, 1880–1940*, Duke University Press: Durham, 2007.

Conclusion: rallying memory and finance

The first piece of public architecture at Ground Zero was the viewing platform installed at the edge of the site on December 27, 2011. Designed by a team of high-profile architects, including Diller + Scofidio, the viewing platform was inspired by the private viewing platform constructed earlier for victims' families, a simple and plain plywood structure that took the flowers, letters, and tags of mourning into its crevices and onto its surfaces. The public platform, on the corner of Fulton Street and Broadway, was similarly bare to promote messages and mementos.

The platform was built to regulate the chaos that fell on the site after the towers, with large masses of people attempting to gain views of the site, climbing fences for a glimpse. It was a viewing platform to view the wound, a carefully designed and built platform to survey the construction in progress. A moment outside of the Twin Towers but not yet the memorial or office towers, it is the wound, an opening of horror and patriotism, extinguished and also teeming with activity. Said Giuliani, denying people access to it would have been like "denying people access to other sites of historic significance, like Gettysburg or Normandy."[311]

Echoing similar sentiments, the May 15, 2014 museum dedication ceremony ended with a performance of Aaron Copeland's "Fanfare for the Common Man," perhaps most popularly known as the theme music from the film *2001: A Space Odyssey*. Bloomberg called the dramatic selection fitting and enduring. At the press conference the day before, he argued that the museum's opening would be "an important day in our city and our country, and … the civilized world, where we value each other's beliefs and rights to express ourselves." The museum, according to him, is a "testament to how we can overcome anything if we stand together as one. It tells the story of how after the attacks our city and nation and people across the world came together and emerged stronger than ever."[312] The emphasis on unity and strength on the local, national, and global scales is nothing new, but it overlays another, more revealing one: that of the importance of the state's narrative freedom.

In comments given by Giuliani on the viewing platform's opening day, his final mayoral address, he similarly stresses that "… we shouldn't think about the site out there, right beyond us, as a site for economic development," he said. "You've got to think about it from the point of view of a soaring, beautiful memorial. If we do that part right, then the economic development will just happen. Millions of people will come here, and you'll have all the economic development you want."[313] Rather than continue the straightforward story of business-as-usual at the WTC site, Giuliani urges a monument, one that soars and – according to his vision – communicates something wholly different, while remaining economically viable. Bloomberg and Giuliani both stress the quality of the story to be told by the site and by the state and public's engagement with it; it is to be an uplifting story, a positive engagement, a relationship to the site – especially the memorial and museum – that is reparative politically and economically.

It is useful to consider the reparative functions of the state alongside the complex relationship between states and corporations. State-corporate hybrids and collaborations have long been common, characterizing many colonial enterprises, but modernist discourse emphasized the symbolic differentiation between the state and the corporation. Marxist state theory argues that liberal states fundamentally serve capitalist economic relations, as discussed in

[311] Diane Cardwell, "First Viewing Platform Opens to the Public," *New York Times*, December 30, 2001.
[312] NY News TV 2 broadcast, May 15, 2014.
[313] Elizabeth Greenspan, *The Battle for Ground Zero* (New York: Palgrave Macmillan, 2013).

Chapter 1, and much of what has been witnessed at the WTC site reconstruction has provided backing for this assertion. Yet, the question of the distinction between economy and polity, and the history of modern liberal states promising to be a protection against ferocious capitalist excesses, remain. While Bloomberg and Giuliani do not say anything that counters Marxist state theory, their emphasis on moral rhetoric and something beyond the economic, especially in Giuliani's case, offers a point of pause. Wendy Brown writes that the state "provides webbing for the social body dismembered by liberal individualism," while simultaneously administering those same subjects.[314] The concurrent repair of capitalism and individualism's damages takes economic, administrative, and legislative forms and, I argue, requires the backing of the state's ethical claims. Though moral neutrality is ideologically central to neoliberal political rationality and market control of the state, I argue that the WTC memorial plaza shows us that the ethical gap between economy and polity that liberalism was able to harbor still remains in neoliberal New York City. On one hand, the state attempts to close the ethical gap, in line with neoliberal imperatives. Yet on the other, it strives to maintain it by financing and facilitating the building of memorial plaza, ostensible site of public space and public memory, as a method of governance that operates through the reterritorialization of memory. There is a resulting tension between the two strategies of the state.

At the WTC site, the Port Authority and LMDC, as well as the federal government, have fed huge amounts of funding to the private interests running the WTC that are legally responsible for the towers' reconstruction. However, in exchange for this financial gift, they are also able to claim an ethical stance in rebuilding the site, in addition to creating a public memorial plaza. As I have argued in this chapter, this claim for an ethical stance reproduces the legitimacy and power of the state, which the Twin Towers' destruction exposed as permeable. The memorial plaza as it exists now is a state-sanctioned mourning place for this destruction, yet the sensations and experiences it induces in visitors – of overwhelm and vigilance, for example – serve to expose the unresolved, chaotic relationship to 9/11 that is still in effect in New York City and nationally. The inability of the memorial plaza to offer a mourning place or contemplative space to all who visit is a failure to do the very thing it is tasked with. Such failure serves to foreground the state's shame at its permeable legitimacy and its subsequent shoring up of legitimacy, and a visit to the memorial or museum induces this feeling, if one experiences the memorial or museum correctly and as one should. It is to experience 9/11 in hyperreality and recognize that the experience could not be otherwise in light of the still-disjointed, still-roiling condition of 9/11 in public discourse and public life. The memorial plaza performs its own failure, staging environments aboveground, on the ground, and underground where we are led to think a wound has been addressed, when it remains ever-open. Public debate has centered on whether the memorial and museum work or do not, but that question in fact enables both to be true, because the memorial and museum work through their own failure to stage the state and its reproduction.

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Scholars of monuments write that the obliteration of a site of trauma by a built monument "stems from the wish to hide violence and forget tragedy."[315] However, at the 9/11 memorial and

[314] Wendy Brown, *States of Injury* (Princeton: Princeton University Press, 1995), 17.
[315] Kenneth Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy* (Austin: University of Texas Press, 1997), 174.

museum, the physical signs of the attacks – all of the artifacts of Ground Zero, the architectural remains and footprints of the Twin Towers – are preserved. These remnants of the destroyed buildings and killed people expose vulnerability yet encase it in a memorial and museum whose costs have no precedent. This exposure of vulnerability, of failure to protect its citizens, is crystallized through these particular memory practices, "as if only by rapidly assuming responsibility for their 'failure' to protect their citizens could the sovereignty of states be reinstated."[316]

Yet the enshrining of the Twin Towers' ruins is also an embracing of that failure and powerlessness, thereby choosing to construct New York City and the U.S. as exceptional – U.S. exceptionalism has been commonly proffered to explain the attacks. The memorial plaza becomes a way of highlighting the U.S.'s status as a chosen nation, exceptional in its quality of life and values, and the emphasis on future temporalities, on a future-rhetoric, in memorial foundation documents becomes more intriguing when considered in this light.[317] If the U.S.'s exceptionalism is cited as a reason for 9/11, then the attacks emerge as deserved, generating shame in those citing exceptionalism, particularly the state. As this chapter argues, this movement is a creative destruction of the state, with a morality springing from and compensating powerlessness in a way not dissimilar to Nietzschean *ressentiment*. The ethical imperative to remember and rebuild emerges in a moment of state crisis as a compensatory measure, to counteract an incapacity for action (such as the failed wars launched post-9/11) and critique a certain kind of power, in order to secure the ground of truth and regain something of what was lost. A public, shared deference for 9/11 as a wound and event deserving remembrance, cultivated through the construction of the memorial plaza, serves as a method of moral governing, to make successive wars guarding U.S. exceptionalism more palatable. In other words, the mobilization of memory provides an occasion to construct a sense of reality via the symbolic coordinates of the memorial plaza.

What does it really mean to have the experience of the waterfalls, steel and granite of the memorial, the evening lights, the cavernous, yet crowded, underground space of the museum? The meaning of these structures and how they relate to the actors of the state and the memorial foundation is bound to change as long as they remain, but the visceral experiences of the structures persist. The waterfalls are anti-reflection, with the mirrored skyscrapers surrounding the plaza more reflective than the Reflecting Pools themselves. The waterfalls, and the huge tower reflecting them, are willfully large and raucous. The overstuffed exhibitions of the museum, anxiously forcing a narrative, are even less coherent, instead expressing a liminality between market and mourning, document and monument, and memory and consumption. Ultimately, it resonates strongest with the latter grouping, as a museum that prescribes consuming 9/11 as a way to understand it, which in turn is the prescribed form of mourning.

At the beginning of the memorialization process, Libeskind acknowledged that "Whatever is built will have to acknowledge the permanent loss. This emptiness will remain and cannot be obliterated by any building."[318] What has manifested at the memorial plaza twelve years later is far from his original plan. We have seen numbers exert an ethical weight at the plaza, whether through building statistics, including the volume of materials, and the widespread

[316] Edkins, *Trauma and the Memory of Politics*, 217.
[317] In 1941, Hawaii was still a U.S. territory, so the WTC attack can be considered the first attack on "national" territory since 1812.
[318] Daniel Libeskind, "Stone and Spirit," in *A New World Trade Center, Design Proposals from Leading Architects Worldwide*, ed. Max Protech (New York: Regan Books, 2002), 85.

use of algorithms, in the face of an inability to mourn. The reterritorialization of memory through such means has had a variety of effects, an intended one of which is to create an environment of security in which similar attacks won't happen again. Through the investment expressed through large quantities, sums, and figures, the memorial and museum and the state attempt to shore up an image of strength and protection, ensuring a continuation of the social contract, despite the inability to offer guarantees of an unimpeachable national boundary. The base of 1 WTC is essentially a bunker, the museum has airport-level security for entrance, and the memorial is heavily policed, to the point where children are prohibited from standing on the low granite plinths that serve as benches and running is out of the question. There are no garbage cans if people bring food (vendors are not allowed to sell any there), and singing and demonstrations are not permitted.

Such securitization suggests that mourning loss is not the primary aim at the site. Instead, the memorial plaza is a codification of injury, casting the masterminds of the new WTC site as "neutral arbiters of injury rather than as themselves invested with the power to injure."[319] Spontaneous memorials at the site have become criminalized, for the most part, as have certain configurations of "expressive activity," demanding the question: why does the state criminalize expressions of grief?[320] This chapter argues that such criminalization is in service of preserving the state form, as is the overall outcome of the memorial plaza. At its expense, there is the loss of the ability to experience loss, which the memorial plaza not only engenders but performs.

On top of this loss of the ability to mourn freely, the memorial plaza also codifies the loss of public space. Unlike other major American memorials, the 9/11 memorial and museum also serve "as the forecourt for an office development and as public space for Lower Manhattan."[321] Prior to its 9/11, the WTC site was a vast, wind-swept plaza that was not on a human scale. Today, even with the memorial's field of trees, the site retains that unsettlingly-larger-than-life feel. It was only in the interim between the two iterations of the site that people were pulled to those sixteen acres. The ruins of the destroyed towers generated a public space unlike the built plazas they were sandwiched between. The ruins served as a source of inclusion, retroactively showing that the original WTC actually did belong to everyone, even though only certain people were allowed through the towers' doors. Upon the shuttling of the ruins to Fresh Kills, to Hangar 17 at JFK, and to the museum, and upon the paving of the remains of those ruins, the WTC site loses the feeling of commons it temporarily had while its vulnerabilities were vividly exposed and distinctions between what was public versus private were blurred. In its rebuilding, the WTC site becomes yet another skyscraper's concession to public amenities, mirroring all those privately-owned public spaces of New York City – except that it is publicly-owned land. The memorial plaza's existence reminds us of what was lost, while showing us that its loss is permanent. The closest to public space we get is a public memorial to private people that organizes the names of those people according to the company they worked for. The state changes what the city and memory look like, with the inscriptions of the names of the dead a

[319] Brown, *States of Injury*, 27.

[320] "The Port Authority has divided the site into locations where expressive activity is allowed. If you are part of a group of 25 or more people, you must submit in person an application for a permit for an expressive activity no more than seven days before and no less than 36 hours before the expressive activity is to take place. All participants must wear badges that list the location and time they are permitted to exercise their right to free speech" (Kristine F. Miller, *Designs on the Public: The Private Lives of New York's Public Spaces* (Minneapolis: University of Minnesota Press, 2007), 142).

[321] Michael Kimmelman, "Finding Space for the Living at a Memorial," *New York Times*, May 29, 2014.

reminder of the market's rule and ultimate role in the entrenchment of privatization and fragmented public life in the city.

CHAPTER FOUR *Fresh Kills*

Every space of daily life, every site at which women and men bodily engage in everyday practice, every meaning-filled location of the quotidian, is riddled with the unspeakable. Every local and wider geography of human activity has its counterpart geographies of the unspeakable. Every conjunction of situated practice, circulating discourses, and power relations is one with the (re)production of the unspeakable. The unspeakable is, in short, a constant presence. A constant presence that in one way or another bespeaks an absence, a silence, an invisibility.[322]

Anything that might be something is placed in a black bucket. Jewelry and other items are photographed, cataloged, and stored away by the property clerk's office of the Police Department. Human remains are kept in a refrigerated trailer, then driven to the medical examiner's office.[323]

The memorialized remains of the Twin Towers housed at the National September 11 Memorial and Museum remind us of what was lost on September 11, 2001, without creating a successful site of mourning – or public space understood more broadly – in the process. Yet there is a potential counternarrative to this story, found in a former landfill a stone's throw from Ground Zero. A huge park and wetlands conservation area, three times the size of Central Park, is rising in Staten Island: a conversion of Fresh Kills landfill into Freshkills Park. Contrasting the fights for space characterizing Lower Manhattan, Freshkills Park will be expansive, open, and, by all accounts, a public space par excellence. The 'openness' of the natural appears to offer an immediate distinction from the restrictions at the memorial plaza, an open expanse for public leisure unencumbered by the demands of securitization in the city. Fresh Kills Landfill was owned and operated by the New York City Department of Sanitation (DSNY) and now the city-owned site is managed by the New York City Department of Parks and Recreation (henceforth referred to as the Parks Department).

More recently Fresh Kills has come to be known as where the detritus of Ground Zero was sorted, no longer the bearer of an exclusively trash-laden history. Two million tons of wreckage from the WTC site was shipped by barge from Lower Manhattan to the expansive Staten Island location. It included construction rubble, personal artifacts, and human remains, the traces of which now linger in and over the landfill-become-park. Some ruins from the site deemed worth preserving were taken to Hangar 17 at JFK Airport, approximately one percent of the wreckage, of which an even smaller fraction was installed in the 9/11 Memorial Museum as exhibits. A 9/11 memorial is projected to rise at Freshkills Park in 2020, in an earthwork style.

This chapter explores the after-remains of the WTC destruction, as they are brought into relief by the city's reimagining of Fresh Kills. By examining the existing archive of the park still mostly yet-to-be-built, it gathers the displaced remains of the story formally closed at the September 11 memorial plaza. Legal, political, and cultural issues concerning the memory of 9/11 all gather at Fresh Kills, intersecting with contemporary state imperatives toward a green modernity, both as a political-economic strategy and a related cultural projection of American public good. Paralleling the relationships of ethics and the state in previous chapters – the public

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[322] Allan Pred, *The Past is Not Dead: Facts, Fictions and Enduring Racial Stereotypes* (Minneapolis: University of Minnesota Press, 2004), 147.
[323] Dan Barry, "Sifting the Last Tons of Sept. 11 Debris," *New York Times*, May 14, 2002.

authority serving as the bearer of ethical commitment, bridging the state and private interests in Chapter 2; the possible ethical gap between economy and polity interrogated in Chapter 3 – this chapter explores the public park as an ethical formation that can be formally detached from the materiality of the WTC, while remaining inextricably tied to it.

A puzzle stems from a gap between the various sites in this dissertation: the state produces itself differently, and has a different role, at each site, while ruins and remains continue to be central at all of the them. In the case of Fresh Kills, memorialization and the state's conceptualization of the site, as a whole, is necessary to make the ethical state. The park is now conceived in tandem with the making of the ethical state, which is officially correcting its past failures through its conceptualization of Freshkills Park. This chapter argues that the landfill reveals what the memorialization work at the National September 11 Memorial and Museum does not allow us to see: that memorialization in fact supplements the material mixing of remains and debris at the sites. The materiality of the mixing of remains and debris is the constitutive other of the ethical work attempted by the state in processes of memorialization. The constitutive other of the WTC site is, in turn, the landfill – the place that reminds us of the brutal materiality of disaster and its place in the work of memorializing, precisely because of its associations with waste and the collection of refuse. A memorial at Freshkills Park had to be envisioned to overcome that brutal materiality – ethical work had to supplement it. I argue that the intervention of the state's conceptualization of a memorial makes possible that which is impossible – the separating of remains from debris, ashes from dirt – at least as far as the law and the state are concerned. I also argue that the undiscovered remains represent yet another site for the failure of mourning, as the September 11 memorial plaza does, because those remains do not allow closure for the families attempting to mourn their dead.

At Fresh Kills, we are confronted with the pure materiality of garbage and memory buried *within* it – taking the form of landfilled human remains and WTC site artifacts. On the other hand, at the 9/11 memorial plaza the ruins and public memory are memorialized. The juxtaposition of memorialized and landfilled memories of destruction is a point from which I build a theory of the state. At Fresh Kills, we encounter the destruction of garbage in addition to the manipulation of remains, as well as a different conception of building than what we have seen at the other sites discussed in this dissertation. The remains in the ground of Fresh Kills do not do ethical work in the way of the memorialized remains at the memorial plaza, but do material work to make the state's infrastructure through their enforced persistence at the site. I argue that the materiality of ruins, in this case, is crucial to making the state at the moment when the state's ethical work reaches its limits: that is, when memorialization fails to circumscribe those ruins. In this way, the Fresh Kills site delves ever-further into considering the materiality of loss generated by 9/11.

The chapter traces the conceptualization of the Fresh Kills site as a park and as art by the state, in particular exploring the mixing of ruins and dirt at the site and the state's efforts to conceptually purify those ruins, while they remain forever mixed despite these efforts. To uncover these processes, the chapter traces the history of the site from its beginnings as a landfill to the landfill's politically-motivated closure. It then explores the sorting of WTC remains at the site and ends with an examination of current operations converting the landfill into parkland and a WTC memorial. The chapter asks how such operations contribute to the ethical and material production of the state, interrogating the literal overcoming of garbage at Fresh Kills that produces memorials, orders nature, and legitimates the state.

Fifty years of trash

Fresh Kills landfill was active from 1948 through March 2001, when its operations ceased due to years of protest and a trash volume that was "getting out of hand."[324] The landfill handled all of New York's trash, which helped make it the tallest point on the Eastern Seaboard during its active operations. It occupies about four square miles, over 2,200 acres, and, as is oft-cited, is three times the size of Central Park. Four trash mounds occupy about half of the site, together comprising the largest man-made structure in the world and holding more waste than anywhere else on land – 150 million tons.[325]

Until its conversion into a landfill, Fresh Kills was a tidal marsh known as Todt Hill. In 1917, it became home to the Metropolitan By-Products Company, a waste handling, resource recovery plant, but it was shuttered in just one year after being declared a nuisance by the New York City Board of Health. With the rise of mass consumption in the 1920s, both the volume of trash and new packing materials dramatically magnified the need for local waste management, as the practice of ocean dumping (sending garbage out to sea on barges) was defiling local shores. Attempts to expand Rikers Island's use as a dumping ground were rebuffed by Robert Moses, who didn't want the waste site within the line of vision of visitors to the World's Fair in Queens; he tasked Sanitation Commissioner William Carey with solving New York's trash problem. Carey pioneered the landfill method of waste disposal in New York in 1939, which had the dual advantages of modulating odor, by burying garbage under soil, and *creating* new real estate out of the salt marshes. By 1940, a filling project was underway on Staten Island, with Moses attempting to build a park at Great Kills. Poor maintenance of the landfill, resulting in exposed garbage and a rat problem on Staten Island, meant that Moses' 1945 proposal for another landfill at Fresh Kills was unsurprisingly met with public protest. It was only by calling the land "presently valueless" that Moses and Staten Island Borough President Cornelius Hall were able to convince voters that Fresh Kills' development would be beneficial and only temporary, until the city's trash incinerators were overhauled.[326] As New York historian Ted Steinberg writes, "Fresh Kills had made the leap from a wild and untamed marsh into a place of no earthly use whatsoever, a move that consigned the vast wetland to the dust heap of history before the first garbage scow had even arrived," a decision that had "a veneer of inevitability" imparted by the logic of industrialization in post-war New York.[327]

The dredging of Fresh Kills' marshes began in 1947, with the first barges of trash arriving shortly after in 1948. When, by 1951, the city hadn't made progress on its incineration system, Hall and Moses resolved to make Fresh Kills a more permanent operation, hoping to add highways, parks, and industrial and commercial development in the process. By the 1960s, most of the tidal marshes in had been filled, beginning a process of mounding existing landfills. This process would eventually contribute to creating the world's largest landfill, alongside the increase in trash material spurred by the decline of municipal garbage incineration at the end of the decade. Upon first visiting it in 1970, former sanitation commissioner Samuel Kearing noted

[324] Thomas Kostigen, *You Are Here* (New York, NY: HarperOne, 2008), 124.
[325] Kostigen, *Here*, 123; Jennifer Scappettone, "Garbage Arcadia: Digging for Choruses in Fresh Kills," in *Terrain Vague: Interstices at the Edge of the Pale*, eds. Manuela Mariani and Patrick Barron (New York: Routledge, 2014), 139.
[326] Ted Steinberg, *Gotham Unbound: The Ecological History of Greater New York* (New York: Simon & Schuster, 2014).
[327] Ibid., 245.

that the site "had a certain nightmare quality."[328] The city's continued growth paralleled that of the landfill, with the tidal marsh of Fresh Kills buried by New York's trash within twenty-five years. As environmental regulations became more prevalent, the expenses of maintaining landfills increased. As New York City dealt with fiscal crises (see Chapter 1), it consolidated its garbage into fewer landfills, including Fresh Kills; the giant trash mounds of Fresh Kills reflect these crises.

Through the 1980s, the four mounds of trash grew, with the tallest reaching over 200 feet by the 1990s. As the mounds grew taller, odors dispersed further. In the summers, water trucks sprayed deodorizer throughout communities near the landfill "but the stench still kept adults and children inside."[329] Gulls (and their screaming) and plastic bags blown into trees became regular features of the landscape of Fresh Kills and its surrounding areas. The landfill increasingly provoked dismay and anger in Staten Island residents, as well as became the defining feature of the borough for non-Staten Islanders. In the 1993 New York City mayoral race, Rudy Giuliani won the election, despite losing Manhattan's vote. He did, however, carry Staten Island, making him the first Republican to become mayor in nearly thirty years. As a nod to the constituency that helped elect him, in 1996 he announced that Fresh Kills landfill would be closed by the end of his second mayoral term – December 31, 2001. After his re-election in 1997, he proclaimed that "In 2001, images of waste from all five boroughs being dumped on Staten Island will no longer be a daily headache. They will be memories."[330] He also promised that no borough of the city would ever again become the dumping ground for another, a gesture toward some kind of equality.

His announcement followed a federal lawsuit filed by Staten Island political leaders that included Borough President Guy Molinari – city officials suing their own city – demanding the closure of the landfill because of odors and health hazards to Staten Island residents.[331] Where New York's trash would go became the most important issue after Fresh Kills' closure, with critics claiming the decision wasn't well thought out, since the dump contained space for 20-30 more years of garbage produced at the city's daily rate of 13,000 tons, and no neighboring states welcomed that volume of trash into their borders.[332] Giuliani responded to the political outcry over his plan to ship the city's garbage to a Linden, New Jersey transfer station by asserting the difference between "the politics of garbage" and "the business of garbage," and promising that regional economic development would be spurred by the exportation of New York's massive amount of garbage, in spite of the plan's political unsavoriness.[333] Ultimately, Giuliani's New Jersey plan fell through due to community protest over the building of transfer stations in each borough.

Less than a year after the closure, the city's attempt to manage its garbage without Fresh Kills was deemed a failure. The city's Sanitation Commissioner described the plan, a series of truck-to-rail and truck-to-barge operations, as simply falling apart, in no small part due to Fresh Kills being closed without adequate, attendant planning for the future of New York's trash. Much of the trash was shipped to private dumps in Virginia and Ohio, until controversy arose

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[328] Quoted in Steinberg, *Gotham*, 258.
[329] Robin Lynn and Francis Morrone, *Guide to New York City Urban Landscapes* (New York: W.W. Norton, 2013), 132.
[330] "Rudolph Giuliani's Fresh Kills Exportation Announcement," City of New York, July 1, 1997. http://www.nyc.gov/html/rwg/html/97/freshkls.html
[331] Vivian S. Toy, "Staten Island Leadership Sues to Close Fresh Kills," *New York Times*, March 26, 1996.
[332] Vivian S. Toy, "After Fresh Kills, New York Will Need a Partner in Garbage," *New York Times*, June 2, 1996.
[333] Abby Goodnough, "Giuliani Calls Garbage Plan Regional Plus," *New York Times*, December 4, 1998.

when Virginia passed laws restricting large shipments of imported trash. A court case between several garbage handling companies and the state of Virginia went to the Supreme Court, where garbage was deemed interstate commerce whose regulations were to be administered by Congress, not states themselves. Over five years, the cost of shutting Fresh Kills and managing New York's trash was $622 million, over $100 million more than what was predicted before its closing. $180 million of the original $522 million was allocated to exporting trash, which was done incrementally, and the overall cost increases were due in no small part to the difficulties in finding a dumping alternative to Fresh Kills.[334]

Today, all of New York's trash continues to go out of state, much still to Ohio, as well as to South Carolina, costing $300 million per year to ship it out, almost twice the cost of disposing at Fresh Kills (costs for collection, spread between public and private systems, are much higher).[335] The interim plan of relying on private waste companies with out-of-state landfills remains in place today, with New York City sanitation trucks dropping trash at thirteen privately-owned waste transfer stations in neighborhoods comprised mostly of people of color (Red Hook and Greenpoint in Brooklyn, Hunts Point in the Bronx, Jamaica in Queens) from where trash then goes out-of-state via long-haul trucks. For city neighborhoods, the environmental impact of transporting the trash is significant, due to truck emissions and noise pollution in particular. In 2006, then-Mayor Michael Bloomberg's Solid Waste Management Plan (SWMP) was passed as a permanent option that would reduce truck usage and waste itself, by improving city recycling programs. Like Giuliani's, Bloomberg's proposal promised to "treat each borough fairly," aiming to distribute trash facilities without the socioeconomic and racial bias argued about existing distributions.[336] Current Mayor Bill de Blasio's administration supports the plan, whose most recent stage – the re-opening of a waste transfer station in the wealthy Upper East Side, part of the effort to make sure every borough manages its own trash – has experienced community backlash. Similar to what fueled the years-long battle to close Fresh Kills, dismay and outrage continues to crop up in neighborhoods close to sites of waste management, but with advocates of environmental justice and city equity mostly still found living in neighborhoods that have historically housed trash operations.

New York City's waste disposal emerges, perhaps unsurprisingly, as an emotional issue, bringing into relief issues of race, class, and their geographies. Yet the emotions associated with Fresh Kills gained a new intensity when the landfill was thrust into an unexpected role mere months after its official closure, becoming the sorting site of WTC wreckage. The history of the site, with its controversies over its accumulated growth and demands to close it, which were met only to have the landfill immediately reopened, parallel the activity at the site upon receiving ruins from Ground Zero which, as we see in the next section, is characterized by recurring calls to reopen search and sorting operations. There is also a parallel between the materiality of both garbage and ruins, with both maintaining an unresolved quality, not least of which concerns the inability to confine either garbage or ruins to one geographic place. Both are remains of history that continue to afflict the state, sources of embarrassment that memorialization processes attempt to subdue.

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[334] Eric Lipton, "Efforts to Close Fresh Kills Are Taking Unforeseen Tolls," *New York Times*, February 21, 2000.
[335] Lisa Colangelo, "Fresh Kills is Dumped, S.I. Landfill Closed; All Trash to Be Taken Away from the City," *New York Daily News*, March 23, 2001.
[336] Final Comprehensive Solid Waste Management Plan, Executive Summary, City of New York, 2006. http://www.nyc.gov/html/dsny/downloads/pdf/swmp/swmp/swmp-4oct/ex-summary.pdf

Reopening Fresh Kills

On September 12, 2001, Fresh Kills was temporarily reopened to receive wreckage from Ground Zero. Roughly one-third of the rubble from the WTC site was sorted at Fresh Kills by the City's Department of Design and Construction (DDC) and Taylor Recycling, a private contractor, and the moving of debris from the WTC site to Fresh Kills was contracted by the DDC to four companies. Before the arrival of Taylor Recycling's sifting equipment at the site in October, workers manually sifted the wreckage, supervised by the FBI and local police. Over ten months, almost two million tons were screened and sifted in the first round of recovery operations and nearly two hundred missing persons were identified from discovered remains. The sorting was done under budget, by nearly $700 million. Approximately 200,000 tons of steel were recycled, with the remaining debris – excepting the artifacts taken to Hangar 17 and nearly 20,000 discovered human remains – getting landfilled at a roughly fifty-acre site on the western side of Fresh Kills.[337,338]

After the operation was finished, Bloomberg said no new searches at Ground Zero would be done, continuing to refuse them when families requested another search by citing high costs. However, upon the continued unearthing of new material around the WTC site, beginning with the accidental discovery of human remains by ConEdison workers in 2006, a second sifting operation began on April 2, 2010, lasting eleven weeks and costing $1.4 million. A third operation occurred in April 2013, with roughly 60 truckloads of debris uncovered during the WTC site reconstruction and subsequently taken to Fresh Kills to be searched. The discovery of remains has been controversy-plagued, with families arguing that construction and service roads – and, implicitly, the new WTC and tourism – have been prioritized over a thorough excavation of the WTC site and surrounding areas in search of human remains. About 2,750 people died when the Twin Towers were destroyed, but about 1,100 people have left no bodily traces, meaning roughly 40% of families have not recovered remains.

Paralleling the construction of the memorial and museum, the search and sorting operation has been fraught with family grievances, with the group WTC Families for a Proper Burial, Inc., representing seventeen families, filing suit against the city on several occasions. In 2008, the group sued to have residue from the landfill moved to a vacant lot across the street, where a cemetery could be built for unidentified people whose personal effects had been found in the landfill, with the assumption that their bodies had been incinerated to ash. At least 400,000 tons of the residue, it was argued, was also shoddily sifted by the city and its contractors. According to the sworn affidavit of Eric Beck, the senior supervisor for Taylor Recycling, debris powders – known as fines – were taken from the landfill to pave roads and fill potholes, and that remains may have been missed due to the speed of sorting demanded by those in charge. Another affidavit from Theodore Feaser, the retired director of mechanical operations for the DSNY who also supervised the Fresh Kills recovery effort for the DSNY, testified that he was "absolutely convinced that if the City of New York unearthed, resifted and washed the debris at Fresh Kills ... it would find hundreds of human body parts and human remains."[339] The families claimed that the remains did not need to be bulldozed with the rest of the landfill and its

[337] Martin Bellew, "Clearing the Way For Recovery at Ground Zero," *American Public Works Association Reporter*, March 2004.
[338] Freshkills Park Final Generic Environmental Impact Statement (FGEIS), New York City Department of Parks and Recreation, March 13, 2009.
[339] Thomas Zambito, "9/11 Remains Fill Potholes, Worker Claims," *New York Daily News*, March 24, 2007.

soil, and that the city instead could have left them separate so that they could be moved off the landfill for further excavation later or to be ceremonially buried.

The case was rejected by the judge, Alvin Hellerstein, who decreed that the city acted responsibly and not with deliberate indifference, a necessary condition for a civil action against the city to go through. He added that the court was simply unable to right the wrongs in the particular situation of the remains and instead offered himself to both sides if they wanted to settle the issue together outside the court. In 2010, WTC Families for a Proper Burial, Inc. filed an appeal, arguing that 223,000 tons of material were never sifted for remains and claiming, as in 2008, that the residue at the landfill contained human remains.[340] The group rejected assurances from city officials that all material had been finely sifted and claimed violations of their property and religious rights by the city's refusal to take additional steps to identify remains. The appeal was denied in the Supreme Court, upholding the earlier dismissal of the case and ending the legal path of the residue toward a burial deemed proper by the families.

The common refrain among family members is that they hate – and are unsettled by – the thought of their loved ones' remains mingling with the contents of the dump, be it soil or trash. The idea of a WTC memorial on the site itself is similarly difficult; the mingling of the landfill and remains is unbearable to the families suing. Part of the reason is the open question of whether there are physical remainders of loved ones now buried in the landfill (whose process is detailed in the next section). The memorial doesn't solve that question for those involved in the lawsuits, and in some ways it makes it more difficult by offering a seeming close or resolution to the open question. Both the remains and the landfill emit auras at the Fresh Kills site, each distinctly powerful; it is their interaction that now colors the site. On the one hand, the site is a place of personal anguish, loss, and frustration; on the other, it is the burden of the landfill, generating fear, anger, and revulsion. Families surmise that the ashes of their loved ones are at the landfill from the discovery of personal effects among the wreckage sorted at the dump, such as credit and identification cards. Yet those discoveries are coupled with the knowledge that their loved ones won't be identified, either due to the premature termination of the search or because those bodies have turned to ash, or "incorporeality," as Hellerstein said his 2008 ruling. The desire that the court cases crystallize is the possibility of mourning that incorporeality at a location that is not Fresh Kills.

In the 2010 appeal, Peter Wies, deputy chief of the New York City Law Department's World Trade Center unit, said "The city approached the task with dignity, care and respect, and as a result, thousands of human remains and personal items were located." In his written decision for the 2008 lawsuit, Hellerstein noted that the city was planning Freshkills Park to include a memorial and offered the following: "What better reverence could there be than a memorial that both recalls those who died, even without leaving a trace, and points to the tenacity and beauty of life that must go on? The terrorists sought to destroy our lives and our freedom. They failed, and a memorial in such a beautiful setting can symbolize the vital continuation of our vibrant democracy."[341] Yet this does not address the families' concerns – that remains are mixed with the earth of the landfill. Can ashes be meaningfully distinguished from dirt? Judge Hellerstein's ruling and the City's lawyer claim they cannot be, saying that the "ashes are undifferentiated dirt."[342] The parameters of the memorial were also unclear at that

[340] Amy Padnani, "Top Court KOs Burial Bid by 9/11 Families," *State Island Advance*, October 5, 2010.
[341] Larry Neumeister, "Judge Rejects Effort to Reclaim 9/11 Victims' Remains," *New York Sun*, July 7, 2008.
[342] Associated Press, "9/11 Families Argue to Remove Ashes From Fresh Kills Landfill," *Staten Island Advance*, Dec. 17, 2009.

point – would it be a monument or a memorial park? A Staten Island congressman proposed legislation to create a permanent national memorial in 2002, after plans for Freshkills Park were announced. He suggested a permanent national memorial at the 175 acres of "The Hill" – where the 1.6 million tons of wreckage were examined -- to bring the site to "its proper place in history," one of "national significance."[343] The proposed legislation didn't make it and, even if it had, it would not have solved the dilemma of intermingled dirt, ash, and decades-old decomposing garbage. As this dilemma lingers, the current site plan for Freshkills Park, includes an earthwork memorial on the mound where sorting happened, proceeds forward.

As Mierle Laderman Ukeles, Artist in Residence of the DSNY since 1977, thus having a long-standing relationship with the city and Fresh Kills, upon finding out about the plans for the landfill sorting and burial, said "the City would never do that. They would never mingle human remains in a place where they put garbage; that would collapse a taboo in our culture. That crosses a line."[344] She originally thought she'd be "healing the effects of garbage," with her design plans prior to September 2001, but since then the meaning of the place has been thrown into flux. The relationship of art to the site will be discussed later in this chapter, as is Ukeles' plan to memorialize the landfill.

The FBI, NYPD, and Office of Emergency Management determined when the retrieval of "discernible remains and effects" had been complete, sending them to the NYC Medical Examiner's office for identification and storage, and then put the sifted remains of the WTC site in a 48-acre area adjacent to the recovery site on the West Mound. To bury the site debris, clean soil at least one foot deep was layered below the screened materials, which were then covered with clean soil. The area was clearly marked to prevent disturbance upon its burying in 2001, but there is no information on its current status. The material recovered from Ground Zero was considered criminal evidence during the sorting, sifting, and burying processes, and 55,000 pieces of evidence were salvaged. However, there is testimony from Staten Island residents that says otherwise about the handling of remains: "'after 9/11, a convoy of trucks came through town with all this stuff blowin' off the back. That couldn't have been good. I'm surprised it didn't glow.'"[345]

The fact that Fresh Kills was already intended for conversion to a park before 9/11 and the subsequent sorting operations adds another knot to this puzzle – the memorial quality of nature was already anticipated, as well as the processes necessary to begin the landfill-to-park transformation. How has that knowledge and expected work affected the sorting operation and subsequent demands for further searches? Bloomberg advocated the continued searching for remains around the WTC site but shut down the possibility of doing further searches at Fresh Kills early on, despite many acknowledgments – including from Charles Hirsch, the city's chief medical examiner – that remains were likely missed in the sifting process and could be lingering in the landfill. Other than its opening for 9/11 sorting, it has served as a temporary debris transfer station after Superstorm Sandy hit New York City in late October 2012. Similar to after 9/11, debris was brought to the site to be sorted and what couldn't be salvaged was shipped to landfills around the country.

Its use for Sandy is well-documented in official Freshkills Park materials, published by the New York State Department of Parks and New York City Parks and Recreation Department,

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[343] Elizabeth Hays, "Pol Pushes 9/11 Memorial for Fresh Kills Landfill Site," *New York Daily News*, October 22, 2002.
[344] Mierle Laderman Ukeles, "It's About Time for Fresh Kills," *Cabinet* 6 (2002), 1.
[345] Kostigen, *Here*, 139.

but there is no mention of 9/11 sorting in virtually any of them. However, at the same time, the materials – brochures, newsletters, maps, webpages – do not shy away from the landfill status. In fact, the act of conversion from landfill-to-park is embraced and championed as a representation of the city's eco-consciousness, progressiveness, and commitment to public good, as the next section explores. Yet alongside this valorization, the garbage at the site persists. It is an undifferentiated mass of things, buried to be forgotten. Just as garbage does not end at the site, remaining and perhaps partially decomposing for years to come, underground and out of sight, the human remains from Ground Zero are not delimited. Never fully discovered, they, too, persist at the site.

Landfill to landscape: from Fresh Kills to Freshkills

> *There is nothing particularly special about the ground on which I'm walking. It's what lurks beneath that counts. In fact, it's quiet here, almost peaceful. The wind rustles the weeds. Birds glide. When they flap their wings you can hear it. Otherwise it's still.*[346]

The conversion of Fresh Kills from landfill-to-park has acquired shades of meaning from its sudden relationship with 9/11. Central Park is no longer the only relevant New York City comparison for the site, as it was before September 2001 – now, the National September 11 Memorial and Museum also join the conversation of public memory and public space that Fresh Kills invites. Public mourning at Fresh Kills is also inseparable from a consideration of the 9/11 memorial plaza, particularly the controversial repository in the museum. These two New York City sites harbor human remains from the WTC, and both are fraught with conflict between families, state officials, and program planners. Yet they bear these remains alongside starkly different histories, with the unequivocal stigma of the Fresh Kills landfill – despite official attempts to embrace it by the city and state Parks Departments – contrasting with retrospective eulogies for the Twin Towers.

Today, Fresh Kills looks every bit a grassy marshland, excepting the common sight of methane pumps. It summons a peaceful pastorality, yet less than two decades ago it was visibly heaped with trash, stinking and noisy with gulls. It began a transformation into the pastoral upon announcement of its closing, though its 150 million tons of trash is still decomposing and will continue to indefinitely, buried under a plastic cap. Its conversion to a park is about crafting that peace into something serviceable for the city, something that scrubs away the stigma of the place. That scrubbing has found its way to the place's name itself: from Fresh Kills landfill to Freshkills Park, the two words have been "fused in the interest of softening the morbid name," or to simply start afresh – to erase the history of the landfill entirely, or at least rebrand it.[347]

As such, it is healing that emerges as the dominant trope at Freshkills Park. There is the healing of 9/11 injuries, particularly for families who grieve the outcome of the sorting process at the designated portion of the West Mound of the landfill. There is also the healing of the effects of garbage, as Ukeles puts it – four mounds worth. She says "something was 'taken' from Staten Island and should be returned," over the course of the landfill's fifty-year operation.[348] Yet what

[346] Ibid., 139.
[347] Scappettone, "Garbage Arcadia," 140.
[348] Ukeles, "It's About Time," 3.

was it? The lack of differentiation attributed to the mixture of human ashes and dirt in the 2008 lawsuit ruling also applies to garbage itself: garbage is an undifferentiated mass of things, de-natured and put away to be forgotten. This "un-naming" that garbage undergoes as it accumulates in its designated place is simultaneously a seizure from Staten Island, the city itself taking something from the borough that Freshkills Park can potentially restore.

A new plan for Staten Island

The International Design Competition for the park was announced by the City of New York on September 5, 2001, less than a week before the WTC was destroyed. The winner – James Corner Field Operations – was announced December 18, as sorting of WTC debris continued. A "Final Closure Plan" for all four sections of the landfill was completed in June 2003, and master planning and public outreach for the park began in September 2003. There was a series of community design workshops organized by the City and the design team, in spring 2004, with one in May intended specifically to gather ideas on the WTC memorial site.[349] The public planning process ended in August 2005, with a master plan (Draft Master Plan) released in April 2006. The Draft Master Plan promises to "create extraordinary settings for a range of activities and programs that are unique to the city," as well as "honor the events of September 11, and the recovery effort that took place at Fresh Kills, in a dignified and unique way."[350] The Parks Department was tasked with implementing the plan by then-Mayor Bloomberg, though several other agencies are involved; from the city side, there is the Parks Department, DSNY, Environmental Protection, City Planning, Department of Transportation, and Design and Construction, and from the state side, the Department of Environmental Conservation, New York State Parks, Department of State, and State Transportation all control some aspect of the generation of Freshkills Park. The Freshkills Park Alliance, a nonprofit, steers the overall project, as well as raises money, guides programming, and determines what scientific research will be done at the site.

The park's 2,200 acres will make it the largest park developed in New York City in over 100 years. It is expected to be completed in 2035. Official park guides, developed by the state, note that "along with this massive scale comes a massive opportunity to shape the City's evolving identity."[351] Goals for the park, as sketched in the materials available to the public, are future-oriented, emphasizing the transformation of the physical legacy of the place. The other elements of this legacy – most recently rooted in the stigma and fear incited by the landfill – are not explicitly addressed, instead implicitly signaled by calling up notions of public refuge and peace that can be "left by today's City to the City of the future."[352] In nearly all its public materials, the city proclaims that the park is "one of the most ambitious public works projects in the world, combining state-of-the-art ecological restoration techniques with extraordinary settings for recreation, public art, and facilities for many sports and programs that are unusual in the city."[353] A transformation of its legacy involves both an ecological repair as well as the supplementing of New York's urbanity with public activities. The relatively vast expanse of

[349] "New York's New Parkland Fresh Kills Factsheet," City of New York, no date. http://www.nyc.gov/html/dcp/pdf/fkl/factsheet1.pdf

[350] James Corner Field Operations, "Fresh Kills Park: Draft Master Plan," March 2006. http://www.nyc.gov/html/dcp/pdf/fkl/dmp.pdf

[351] "Freshkills Park Site Tour Guide," New York State Department of State (obtained at site in July 2013)

[352] Ibid.

[353] "Freshkills Park," New York City Department of Parks and Recreation, no date, http://www.nycgovparks.org/parks/freshkills-park/.

Freshkills Park is a counterpoint to the density of buildings elsewhere in the city, though it retains its constructed quality – fifty years-worth of an industrial city's trash teems under the park's greening.[354]

Public art has become a major player in transforming this Fresh Kills legacy, and the idea to do so came from the Municipal Art Society of New York (MAS), a landmark preservation and urban planning nonprofit organization. Lee Weintraub, a landscape architect, helped spearhead the project, saying he "had always considered Fresh Kills an asset as well as a nuisance, a 2,200-acre 'bulwark against complete development,'" making it fitting for a public park.[355] Upon announcement of the landfill's impending closure, Weintraub and staff members at MAS contacted city agencies involved with Fresh Kills, including Planning, Parks, Sanitation, and Cultural Affairs, in the spirit of an educational endeavor that would show the agencies precisely how Fresh Kills could be more than a landfill. With support of the city, MAS began raising money – an early $50,000 Public Works grant from the National Endowment for the Arts (NEA), a federal agency, a concrete testament offered to the city to indicate "'that serious people took this crazy notion seriously.'"[356] MAS raised $200,000 to educate the public about the project and facilitate its response, using it for public programs and open meetings on Staten Island, as well as traveling and digital exhibitions of design finalists. The Original Design Competition launched by the city had fifty entries, with six teams chosen and their trips to the site also funded by MAS fundraising.

The relationship of public art to the landfill runs even deeper, however, in the figure of Mierle Laderman Ukeles, New York City Department of Sanitation's Artist in Residence for nearly forty years. Through the 1970s, she received two NEA grants to do work pertaining to the DSNY. Presently serving in a nonsalaried position, since 2013, Ukeles signed her first contract as "Artist of Fresh Kills Landfill" in 1992, to contribute to its closure and end-use design. According to Ukeles, while closure was always on the horizon, as were plans for public art, the timeline to close the landfill was established suddenly, announced in 1996 to be shut within only five years. As a way of memorializing the landfill, she is currently making a piece for the south part of Freshkills Park that consists of a cantilever between two earthen mounds. The piece has approval from the New York City Design Commission. Many other landfills were declared inactive hazardous waste sites, making them off-limits for art, but Fresh Kills housed mostly household and municipal waste, allowing it to continue as a site for art and civic interaction. Its huge size, relative to other landfills, also motivated the city to invest hundreds of millions of dollars to upgrade the landfill to environmental protections demanded of new landfills, ensuring its potential to be engaged by the public.

The memorial

As various public artworks are proposed and planned for the site, there is one monumental structure that has occupied the most consideration: the WTC memorial. A placeholder design for the memorial has been established, part of the park's master plan, but no public comment has yet been made about it. When I toured the site on June 29, 2013, the West Mound – the area of the park where WTC debris was sorted and where the proposed memorial will go – was off-limits. According to the James Corner Field Operations master plan, "an

[354] Pre-colonial histories of Native American settlements reside at Fresh Kills as well. Vestiges of settlements from the Paleo-Indian period (10,000-8,000 B.C.) were discovered in the 1990s.
[355] Lynn and Morrone, *Guide*, 133.
[356] Ibid., 135.

enormous earthwork monument is envisioned atop the [West] mound, the same size and scale of the original twin towers, in remembrance of the September 11 recovery effort that occurred in this location. Set upon a vast hilltop wildflower meadow, the earthwork would be open to the sky and offer spectacular 360-degree views of the region, including an axis to lower Manhattan."[357] Thus, the memorial, two earthen forms that resemble the Twin Towers on their sides, will be positioned at a height that provides visitors a view of where the Twin Towers stood. Until the memorial's construction begins, the WTC material – including the ashes contested by families – is being kept in an undisclosed, undisturbed area until it can be incorporated into the earthwork.[358]

What is clear is that the earthwork memorial at Freshkills Park will mingle ash and dirt. The incorporation of written names into the design, so crucial to both the National September 11 memorial and museum, seems unlikely, or at the least very difficult to accomplish with the earthwork style, which relies on an integration and incorporation of native materials of the landscape. However, Ukeles advocates a naming of each person to restore "the shattered taboo that enabled this unholy shotgun marriage [between ash and dirt] .... a chasm-change of attitude is required, one of very deliberate differentiating, of naming, of attentive reverence for each mote of dust from each individual. Thus remembered. This must become a place that returns identity to, not strips identity from, each perished person."[359] Here, naming becomes possible and easy; the name of a person encompasses him and his identity. Yet "some of the victim's [sic] families are clearly not comfortable with an area that, they claim, still contains unidentified remains being seamlessly incorporated into a leisure-oriented lifescape. These families are also worried that, once the debris mound is covered, their grievance with the city as to where these remains should be located will also be effectively sealed."[360] The very mingling of ash with dirt emerges as unnaming and no kind of memorial can rectify that fact, for any memorial implicitly closes the case and renders null the families' appeal that ash and dirt should be un-mingled, ceremonially if not in full materiality. Paradoxically, it is this fact that spurs the need for memorialization, as it does at the September 11 memorial plaza. Both memorial sites are repetitive, neither offering complete mourning. Like garbage, the persisting ashen remains can never be found and, therefore, mourned and lost once again. The proposed memorial – taking an archetypal form of public art, the earthwork – here works as a conceptualizing, idealizing force that purifies the persisting ashes from garbage and gives the ashes an idealized status as human remains, yet all the while mingling ash and landfill dirt.

Cesspool turned park

The question of landscape's physical constitution and reconstitution is the recurring one at Fresh Kills. A degraded landscape in multiple senses – by the landfill lurking below the re-seeded marsh, by the troubled relationship to the WTC debris that remains – Fresh Kills has taken the conversion to park quite literally; from a degraded landscape, it will fully arrive at a

[357] James Corner Field Operations, "Draft Master Plan."
[358] "Freshkills Park Site History," New York City Parks Department, no date, http://www.nycgovparks.org/park-features/freshkills-park/about-the-site
[359] Ukeles, "It's About Time," 3.
[360] Joel McKim, "Landfills and Lifescapes: The Transformation of New York's Fresh Kills," in *Informal Architectures: Space and Contemporary Culture*, ed. Anthony Kiendl (London: Black Dog, 2008), 130-135, 134.

"Lifescape," the name of the park's design, by 2035. Reclaiming the landfill is a technically involved process, requiring careful monitoring beyond that required for more typical tracts of land. Because of the mass of the trash mounds, Fresh Kills alone was the origin of more than five percent of all methane gas emissions in the U.S., and about two percent of the world's. Air pollution other than methane was show to travel to Brooklyn, Manhattan, New Jersey, and even further, merely from the decomposition of trash.[361] Fresh Kills was allowed to exist so close to a city in the first instance because of its status as landfill, versus a dump. While a dump is simply an unregulated hole to receive trash, a landfill must meet certain environmental standards, specifically having liners and gas-capture systems, both of which help prevent pollution from leaking into groundwater and air. While it was allowed to open in 1948, and its environmental protection mechanisms upgraded several decades later, a contemporary landfill would most likely not be allowed in such proximity to a major city.

Even after the landfill's closure in 2001, maintaining the landfill and the garbage it still houses has been labor-intensive. A primary source of concern is leachate – the toxic liquid created when water percolates through the soil and decomposing trash, picking up contaminants, sometimes called garbage juice. The leachate is collected by perforated pipes that run through the landfill and drain into a collection pond, at a rate of 312 gallons per minute. It is then transported to an on-site processing plant where it is chemically treated like sewage or wastewater. It will continue to flow through the soils, settling ever further down due to gravity, until 2030 or later. Methane gas capture is also done through embedded pipes in the landfill and processed at an on-site plant. The gas is collected and then sent directly to National Grid, the British multinational electricity and gas utility that services much of the northeastern U.S., who pays the city about $10 million for the methane per year. The gas heats about 20,000 Staten Island homes and the yearly profits are placed in the city's General Fund.[362] Modulating methane emissions is a delicate process, for if the methane is not properly monitored, underground fires can ignite and rage in the buried trash. The methane emissions at Fresh Kills will continue at this rate for about a dozen more years, after which the methane will still need monitoring but will be less hazardous.

The other crucial part of the protections against toxicity is the trash covering system, comprised of layers of soils, geotextiles, and thick, impermeable plastic. While the trash in the four mounds of the landfill continue to decompose, the size of the mounds will barely change, since they are capped with several feet of plastic barriers and soil. However, when Fresh Kills was first operating, none of these techniques were in place, including liners installed before the trash arrived. Without them, and being located in a tide marsh, the garbage buried at Fresh Kills absorbs huge levels of moisture, open to the soil surrounding it; it is not a closed system, despite the fact that the clay soil below the trash has some sealing effect.[363] More modern sanitary features were installed later, but neighbors and city officials believed residents had already been exposed to toxicity. In 1995, an extensive emissions study confirmed that the landfill released more than a hundred organic chemicals into the air, while general landfill operations (driving, sorting) were also found to stir up dusts that contained metals and other toxins. The landfill will continue to release organic chemicals, pollutants, and metals for years, until the decaying processes for all things buried is over.

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[361] Kostigen, *Here*, 132.
[362] Kate Ascher and Frank O'Connell, "From Garbage to Energy at Fresh Kills," *New York Times*, September 15, 2013.
[363] Elizabeth Royte, *Garbage Land: On the Secret Trail of Trash* (New York: Back Bay, 2006).

The first reclamation of Fresh Kills, in the words of Robert Moses, was of the wetlands themselves, by garbage. Landfill was going to take the marshes and make them usable for post-World War II urban development. While Moses may not have envisioned as vast a heap of trash as Fresh Kills became, the goal was to fill the streams and watery passages of the marsh to create solid, buildable land, just as was done in Lower Manhattan and eastern Queens. The Twin Towers were built on a landfill as well, after all. During its fifty years of operation, what was deemed essential to the city was a place to send its trash, cheaply. What is essential to the city and its residents has shifted, since New Yorkers can now count on the city to ship its trash away. Thus, the Freshkills Park project is not only physically ambitious but politically fraught, with its presumption that the city's garbage will be rerouted elsewhere, somehow and at whatever cost. The burden of that political decision has thus far been placed squarely on Giuliani and Bloomberg, the mayors helming the decisions to both close the landfill and determine trash alternatives. Yet the park itself is also burdened with those realities, a complicity in neoliberal post-industrialization and rhetorics of nature as a public good with externalized costs.

The stigma of the landfill-as-cesspool perpetually hangs over Fresh Kills as it transitions to park, with ambiguous healing framing the process. The Freshkills Park newsletter writes that, "What was once an eyesore and source of smell and stigma is now becoming a diverse and spectacular landscape deserving of citywide and even global attention. … The massive undertaking is a global icon in terms of landfill reclamation."[364] In statements such as this, prevalent in official documents, the transformation from stigma to icon is emphasized, before the park has been open to the public or experienced on any meaningful level by the people in a position to determine whether the stigma of their zip codes – Staten Islanders – has softened. Similarly, cultural commentaries often raise issue of healing, but the questions of healing from what, as well as how such healing will actually occur with the material existence of a park, are left open. There are gestures that point to the landfill as a symbol of the injustice of an industrial, consumerist-driven economy, but they offer the park as a corrective for industrialization, when the relationship between industrialization and the park conversion is more complex.[365] Yet, they often culminate in ambiguous statements claiming that as the park is completed, its reclamation "will continue to mark an era of healing and inspiration for Staten Islanders and New Yorkers, standing as a beautiful monument to restoration and ecological adaptation, a symbol of our collective ability to learn from our past and move beyond a status quo and towards a more sustainable ideal."[366] Similarly, Staten Island Borough President James Molinaro, in the master plan design, says that "Staten Islanders can finally exhale and vacate from within all those remaining pent-up fears – large and small, real and imagined, from the personal to the community-based – that for two generations both defined and stigmatized Staten Island to the nation and the world as someplace you did not want to be in or even near."[367] The confidence in the conversion and its ability to release residents from the suffering the landfill generated is unequivocal, and the conviction of its champions in fact suggest that Staten Islanders have perhaps already been released from the fearful thrall of the trash mounds.

The indistinct quality of the healing and repair to be done is further enhanced when one also considers the healing sought by the mourners of those who died on 9/11, as well as the lack

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[364] *Fresh Perspectives*: *Freshkills Park Newsletter*, City of New York Parks and Recreation: Summer/Fall 2011, 1-2.
[365] Elizabeth Monoian and Robert Ferry, "Introduction: Regenerative Infrastructures," ed. Caroline Klein, *Regenerative Infrastructures: Freshkills Park, NYC, Land Art Generator Initiative* (Prestel: Munich, 2013).
[366] Ibid., 24.
[367] James Corner Field Operations, "Draft Master Plan."

of satisfaction that promises of a park, or even a memorial, yield. The many valences of repair that are present at the Fresh Kills site are grouped into a burden of its history and notoriety, both as a dumping ground and sorting ground. In a front page article marking the tenth anniversary of the landfill's closure, the Freshkills Park newsletter, published by the city Parks Department, does not once mention 9/11 sorting operations over a three-page span. A timeline accompanying the article marks the year 2001 with "Last barge of trash delivered; international design competition for park design held."[368] The absence of 9/11 is noteworthy as the landfill is converted, an enormous task mobilizing many cities and federal resources that is elided in this official celebration.

Jani Scandura theorizes depressive American modernity through the figure of the dump, arguing that an affective component of late-modern Americanism – a depressive affect – reveals itself when capitalism, individualism, democracy, and secularism – "the axioms of American culture and progressive modernity itself" – are questioned.[369] The Fresh Kills landfill offers a catalyst for such revelation of depressive affect, both in its crystallization-through-putrefication of modernity's excesses, as well as the unfortunate coincidence that it was the sole site in New York City that was large and unfettered enough to sort WTC debris. The stigma of the landfill extends to the city, not just Staten Island, in consideration of these facts and their depressive quality. In light of this, the celebration of Freshkills Park is new promise of the future of American modernity itself, resting in attracting the next generation of New Yorkers.[370]

Post-millennial planning in cities around the world has rested in such regenerative design principals as those promoted at Freshkills Park. Bloomberg's pet project, PlaNYC 2030, a "sustainability and resiliency blueprint" for the city, was set up in 2007 to address long-term infrastructure, economic, and climate challenges for the city. The initiative is advertised prominently in the city, in subways and bus stops, and Fresh Kills well-represents its notions of large-scale regenerative design. An emphasis on lifestyle and "greening" promises a purification of contemporary ways of living, both in PlaNYC 2030 and at the park itself.

Financing the conversion

Creating this "new nature lifestyle island" faces many technical challenges, not least of which is financing.[371] The Freshkills Park Alliance has been tasked with fundraising, mostly from private donors. City funds have also been put into the park project. $420 million in DSNY funds were required for closure and post-closure costs, and about $100 million in city funds are needed to complete Phase I of the park build-out, after fundraising. The final price tag on the park will exceed $1 billion. It will also require financial and political commitment, in light of its extended timeline to completion. Once completed, operating costs are expected to be at least $33 million per year, at a site that cannot support residential development and only very little commercial development to subsidize such costs.[372] Methane harvesting currently brings a few million dollars to the city, but those profits will cease in another dozen or so years.

With such a broad expanse, public art has gained a notable role at the site. The Land Art Generator Initiative (LAGI) is proposing permanent works of art at the park that can generate

[368] Fresh Perspectives: Freshkills Park Newsletter, City of New York Parks and Recreation: Summer/Fall 2011,
[369] Jani Scandura, *Down in the Dumps: Place, Modernity, American Depression* (Durham: Duke University Press, 2008), 5.
[370] Lynn and Morrone, *Guide*, 136.
[371] James Corner Field Operations, "Draft Master Plan."
[372] Lynn and Morrone, *Guide*, 136.

economic stimulus benefits. It notes that "the capacity of public artwork (especially large-scale and high-profile works) to increase economic activity is also well documented," citing Olafur Eliasson's "NYC Waterfalls."[373] Eliasson's piece cost $15.5 million to install, financed by private donors, and brought in about $53 million in spending from visitors who came to see it during its four-month installation. It averaged to an extra $483,000 per day to Manhattan businesses for those four months. Such public art that is privately funded is an engine of neoliberal economic growth, and its anticipated role in Freshkills Park aligns with the recent activities taking place in New York City public spaces (see Chapter 3). How such initiatives will stimulate potential finance for the park, let alone for local businesses, as it is relatively isolated from any commercial districts, is yet unclear.

At the same time, in comparison with the National September 11 memorial and museum, as well as 1 WTC, the conversion of the landfill is significantly less costly, even with the costs of closing the landfill (about $1 billion for plastic encapsulation, cleaning venting gases, and collecting leachate). Yet it remains a sizeable capital infusion in the service of public space.

The design: Lifescape

The official Freshkills Park tour guide brochure does not shy away from the site's former landfill status, noting that it " was once the world's biggest landfill – an emblem of wastefulness, excess and environmental neglect. Its transformation into a productive and beautiful cultural destination will make the park a symbol of renewal and an expression of how our society can restore balance to its landscape."[374] Such embracing of the landfill emphasizes the transformation that produces the magnificence of the state; in literally overcoming garbage and producing a memorial and ordered nature for public benefit, the ethical state is produced. The brochure notes that the park plan is, accordingly, mission driven, with programming that emphasizes "a renewed public concern for our human impact on the earth."[375] However, a common critique of the six final designs for the park, as well as the one chosen – "Lifescape" by James Corner Field Operations – is that the designs exhibit a silence around waste.[376] The alienation they exhibit from the geographies they modify encapsulates the modern relationship to trash and where it goes.

Of their winning Conceptual Design and Planning proposal, James Corner Field Operations writes,

> This lifescape is rendered 'cultural' to the degree that it is wholly effectuated through human agency – through design. Lifescape is a design strategy that recognizes humanity as a symbiotically evolving, globally interconnected, and technologically enhanced system. Ecological reflection, passive recreation, active sports and exercise, creativity, performance and cultural events, community development, economic enhancement and neighborhood revitalization all take their place alongside the micro-macroscopic processes of lifescape. It is fully integrative. Lifescape is not a loose metaphor or representation – it is a functioning reality, an autopoietic agent.[377]

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[373] Monoian and Ferry, "Introduction," 25.
[374] "Freshkills Park Site Tour Guide," New York State Department of State (obtained at site in July 2013)
[375] ibid.
[376] Linda Pollak, "Sublime Matters: Fresh Kills," *Praxis* 4 (2002); Robert Sullivan, "Wall-E Park," *New York*, November 23, 2008.
[377] Field Operations, "Lifescape," *Praxis* 4 (2002), 24.

Due to the sheer size of the park, as well as its technical demands, Corner says that "Rather than choose between French and English landscaping – rather than designing a grand composition – we designed a method."[378] His model of landscape urbanism means reclaiming and recycling the landfill, and among the finalists, his team's design emphasized the role of the four trash mounds. In the case of "Lifescape," the trash mounds are the crucial sites of views and vistas that would entice people to travel the three or four hours it would take to get to the park from the furthest places in the city. The autopoiesis of the site is less clear, or in the least completely projected, as the site is utterly impossible to maintain without an extensive network of city and nonprofit agencies, as we have seen. What else does this autopoietic quality refer to? When the lifescape strategy emphasizes the global interconnection, technological enhancement, and constant evolution of humanity, it can be seen as qualifying the neoliberal, "global" city and its reproduction of ideologies of ecologically-reflective living: autopoietically linking state, capital, and nature in a cycle of creative destruction of the landscape of Fresh Kills.

Similarly to the High Line, the other big New York City park designed by James Corner Field Operations, Freshkills Park does not have typical park infrastructure.[379] Schmul Park was its first complete project at Freshkills, which opened to the public on October 4, 2012 with a ribbon-cutting ceremony. Park representatives say that it "sends a strong message about the principles underlying Freshkills Park as a whole. It is first and foremost about the local community – a community no longer forced to contend with the world's largest landfill in their backyards, and a community that can play an active role in the stewardship of Freshkills Park. But it's also an opportunity to showcase creative, sustainable design solutions."[380] While acknowledging the Staten Islanders that have lived side-by-side with the landfill for decades as "first and foremost," the other opportunity it presents – to showcase sustainable solutions to a ambiguous design projects – neutralizes the trauma that it simultaneously calls up.

Layers of modernity

On March 22, 2011, DSNY and the Parks Department came together to celebrate the tenth anniversary of the last barge of waste's deposit at the landfill. The event was commemorated by a delivery of young oak trees via barge, which took the same water route as the last trash barge. This shift from trash to trees is illustrative of the greening coloring highly visible city projects today, not least of which include 1 WTC and the 9/11 memorial, whose constructions are frequently framed as sustainable and LEED-certified. The Freshkills Park Alliance's slogan – "Recycling the land, revealing the future" – encapsulates the green modernity its champions foresee for the site but could fit the projects at the WTC just as well. Recycling the land happens both in a traditionally ecological sense, at Fresh Kills, but the creative destruction of the built environment engages a similar practice.

At Freshkills Park, such green modernity is the backbone of the rhetoric of transforming and "turning into." The park is an example of neoliberal waste reprocessing, engineering and developing waste into leisure and recreation. As the material mechanisms of these processes

[378] Sullivan, "Wall-E Park."
[379] The High Line, built upon a shuttered elevated railway line, opened in 2009. Though an effort initially started by a grassroots campaign, the creation of the park has inaugurated rapid gentrification – paved by its neighborhood's rezoning for luxury development. Tourists comprised half of the nearly 4 million who visited the park in 2011.
[380] *Fresh Perspectives*: *Freshkills Park Newsletter*, City of New York Parks and Recreation: Winter/Spring 2013, 2.

continue their work, the rhetoric defining them also runs apace. The function of spatial transformation and the rhetorical power of it, I argue, are harnessed for neutralizing trauma at the site, by asserting that the legacies of industrial activity are blighted in a way that its future is not.

There are two layers of green modernity expressed at the site – the harvesting of methane waste and cultivation of modern leisure rooted in ideas of nature and parks. The latter resides in a centuries-old idea of sublime American nature, linked to Western expansionism and even earlier transplantations of pastoral English gardens. The notion of "monumental forms fading into an immense space" conjures frontiers and sublimity.[381] Yet the history of Fresh Kills bears a different relationship to the land, one of putrescence and death that has been capped with a green – in both senses of the word – veneer of plastic and soil. The re-visioning of the site is as a park, but why is this the case? If the land was to gain a different public purpose, and the land can be restored to habitability, why choose a park? The park, in the case of Freshkills, is a symbol of redemption, purification, and healing, but is it the best use of space in New York City?

The site contains all of New York City in its trash, an urban social identity made even more powerful by the incorporation of 9/11 debris. It is also a testament to the activities of sustaining, building, and re-building capital. The legacies of industrial activity throughout the country are contamination and dereliction, brownfields where redevelopment is complicated by perceived contamination or actual pollution. However, the municipal landfill has a different relationship to space and real estate than other brownfield sites – it is separated and neglected, despite being a part of New York City. This is partly due to its water features, its marshes, and the roadways separating it from neighboring areas, but it is especially due to its massive amount of garbage. In 1936, Flushing Meadows Corona Park was created from the Corona Ash Dumps, another urban landfill, but its contents were different, as are its sizes – Fresh Kills not only houses trash, but it is gigantic. Accordingly, similar to the WTC reconstruction, nothing has been easy or quick about the Fresh Kills project.

Another process of creative destruction is happening in the conversion of Fresh Kills. Scars of industry and capital at the site are greened over and made consumable, yet they haven't been obviated. The process of mining for intimate traces amid the WTC debris and its unsettled aftermath leaves those involved with the knowledge that those traces remain still, as recounted earlier in this chapter. As the city's medical examiner Charles Hirsch says, it is "virtually certain that at least some human tissue is mixed with the dirt at the Staten Island landfill."[382] In the weeks after 9/11, Giuliani announced that every family would receive something from the site, saying that he hoped remains would be recovered but, regardless, "we [would] give every family something from the World Trade Center, from the soil, from the ground, so that they can take it with them."[383] Such a promise swelled the value of the WTC soil; it would do if bodily remains or personal affects couldn't be found. The soil itself was sacralized. Yet at Fresh Kills, such soil, transplanted, loses its value as an object of mourning for the state. The lost remains, whose traces are present but unavailable to the families, are objects that induce mourning; the hope is that their symbolic recovery and transplantation can close the work of mourning.[384]

In fact, the production of any of these traces – from credit cards to key chains – has been a source of comfort for families, a generation of structure and solidity in the path toward

[381] Pollak, "Sublime Matters," 58.
[382] Anemona Hartocollis, "Landfill Has 9/11 Remains, Medical Examiner Wrote," *New York Times*, March 24, 2007.
[383] Somini Sengupta and Al Baker, "Rites of Grief, Without a Body to Cry Over," *New York Times*, September 27, 2001.
[384] Sigmund Freud, *Mourning and Melancholia*, Trans. James Strachey (London: Hogarth Press, 1957).

mourning. The struggle for a formal acknowledgment of these traces in a dedicated site of mourning like a cemetery brings the park and what it is shaping into – something resembling what Marc Augé calls a non-place of supermodernity – reflects the issues of memory and state reconstructions in the city more broadly. Once a way-station for the other objects that construct modernity for us, Fresh Kills is now a place formed in relations to the ends of consumption and leisure. No longer a landscape mentally externalized from the physical interior of "New York City," Fresh Kills (and the borough of Staten Island) are vying for recognition through its "greening." Its mixture of absence and possibility, and vacancy and freedom, however, has always existed. It is engineered into a new form, but still toward a modern end of organized space.

Modernist planning separated functions into discrete spaces in an attempt to avoid conflicts of use, as well as conflicts of meaning. Combating that sterility requires the layering and intertwining of features and functions. In the case of the park, there is no fictionally untouched nature.[385] James Corner himself notes that the invocation of a cultural image of "nature" – mostly represented by softly undulating pastoral scenes, is "generally considered virtuous, benevolent, and soothing, a moral as well as practical antidote to the corrosive environmental and social qualities of the modern city. This landscape is the city's 'other,' its essential complement drawn from a nature outside of and excluding building, technology, and infrastructure."[386] It seems that he is attempting to work past the idea of a purely natural ecology, integrating a more fluid notion of ecology with landscape urbanism: what the proposal calls a "precise openness." The ecologies of money, infrastructure, and people are systems he claims are integrated into the design of "Lifescape."[387] Such a stance is perhaps necessary, or inevitable, when dealing with a site that houses an actively decaying landfill – a landfill that requires the intervention of DSNY for at least three more decades. Unlike the array of corporate possibilities available at other sites of New York City rebuilding, Freshkills Park is only just losing its quality as a no-man's land – meaning, a land unsuitable for corporate redevelopment. The design of the park is an opportunity to consider how the landfill was a dangerous, failed project, echoing the fiscal crises of New York City past. Calling up the landfill's failure in the design of the park is a way to force visitors' consideration of dumping practices, re-evaluating waste management's stigma on nearly every front, from creation to collecting. Yet the design elements of "Lifescape" stylize the dump, from the huge bulldozer located near the park entrance, a sign directing visitors hanging jauntily from the its jaws, to the streamlined mound-shaped forms of not only the actual trash mounds-come-scenic viewpoints themselves, but other park features, like the playground at Schmul Park.

Parks Department Commissioner Adrian Benepe expressed his vision for the park as "having unparalleled vistas and recreational experiences, with lessons to teach about waste and reuse, the capacity to demonstrate new strategies for reclaiming land and renewable energy, and a new model for 21st century parks."[388] These vistas from the tops of mountains of trash offer the unique experience of looking at Manhattan from a collection of its past waste, serving as a warning about the toxicity of our past. The toxicity of our present is elided by the design and

[385] Linda Pollak, "Constructed Ground: Questions of Scale," in *The Landscape Urbanism Reader*, ed. Charles Waldheim (Princeton: Princeton Architectural Press, 2006).
[386] James Corner, "Terra Fluxus," in *The Landscape Urbanism Reader*, ed. Charles Waldheim (Princeton: Princeton Architectural Press, 2006), 25.
[387] Sullivan, "Wall-E Park."
[388] *Fresh Perspectives*: *Freshkills Park Newsletter*, City of New York Parks and Recreation: Summer/Fall 2011, 2-3.

city agencies' emphasis on crafting the site's identity as a locus of sustainable land management practices, renewable energy, and public art and engagement.[389] The positioning of innovation as a hallmark of Freshkills Park forgets the destructive, negligent use of the landfill when it wasn't fiscally viable for the city to find more innovative solutions. I argue that the highlighting of methane waste reuse is a concrete, common example of the rhetoric of environmentalism at the park, but it is also part of the erasing of the political – specifically, memorial – issues of bodily remains at the site.

The successful futurity put forward by Freshkills Park remains haunted by the garbage and ash beneath its green, a landscape that is a palimpsest of traumas. As Marshall Berman reminded us in 1982, everything capitalist society builds is built to be torn down; Fresh Kills landfill was built and, in its case, tamped down under a plastic capsule and dirt. The debris of neoliberal New York City has been effectively erased at Freshkills Park, yet the destruction of space there – both the ecological damage and the historical erasure of memory – remains palpable if one looks long enough. The destruction has an ongoing presence, hidden beneath the surface both materially, in the case of trash, and politically, with the decisions of the state dictating the possibilities of memory and mourning for its citizens.

Once, the landfill at Fresh Kills was a direct counterpoint to the Twin Towers standing across the water. The latter were monuments to progressive modernity and neoliberal economy, while the former, though equally towering, was its fallout – an estranged, alienated twin. The landfill was emblematic of neoliberal neglect, mass consumption, and social inequality and the park is attempting to rework this story. Yet now, with the site's ongoing transformation into Freshkills Park, the site aspires to overcome the weighty materiality of garbage, as well as overcome the brutal materiality of persisting WTC remains. Memorialization of those remains, mingled with the landfill, is necessary to make the ethical state. However, both human remains and human garbage – ashes and dirt – have the status of "remains." It unites them and it is why the memorialization of 9/11 at the park ultimately remains incomplete. As a park, the site retains an uncanny sense of the landfill it was and the issues it currently faces, including the question of 9/11 families seeking the ashes of their deceased relatives, continue to estrange it from the qualities of transparency, openness, and green modernity it espouses.[390] It remains haunted by this uncanny estrangement as the simultaneous process of recuperating and reinvigorating modernity at Fresh Kills continues.

[389] *Fresh Perspectives*: *Freshkills Park Newsletter*, City of New York Parks and Recreation: Winter/Spring 2012.
[390] Vidler, *The Architectural Uncanny*.

CONCLUSION *Burial Grounds*

Ruins: places haunted by the living who inhabit them.[391]

In a world thoroughly saturated with the material expressions of capital flows, do examples exist which successfully honor memory? Freighted with economic and political interests and conflicts, as we have seen with 1 WTC, the National September 11 Memorial and Museum, and Freshkills Park, these material expressions serve multiple purposes for the capitalist U.S. state. This dissertation has focused on the state's use of these projects to assert its ethical position. The use of public funds to build office towers and memorials, all under the auspices of public good, is a strategy for reinforcing the state's legitimacy, with construction and memorialization emerging as techniques of publicly displaying the state's relative autonomy from corporate capital interests. In these cases, the cultivation of public memory by the state corresponds to the needs of the productive forces of capitalist development: what Gramsci calls the ethical state.

The question of remembering the past is a pressing one in the U.S. and globally as neoliberal capital flows grow ever-faster, American consumption of fossil fuels require ever-more ravaging of landscapes, and rapid technological change speeds the turnover of existing capital investment. The destruction wrought by urban growth and decay – itself generated by forces like war, ecological disaster, and incredible income equality – inevitably brings loss with it. Such loss demands memorialization, often by affected communities and, sometimes, the state. The cases of memorialization in this dissertation have focused on the state's inclination to memorialize, but the possibilities of cultivating memorialization are also capable of generating a public memory that is outside the reach of the state, materially and symbolically. In her reading of Walter Benjamin's *The Arcades Project*, Susan Buck-Morss writes that "The *ruin* … is the form in which the wish images of the past century appear, as rubble, in the present. But it refers also to the loosened building blocks (both semantic and material) out of which a new order can be constructed."[392] The wish-image of the past is a generative ruin that can provide a revolutionary moment, the seizure of which represents a moment of dialectical seeing. Only by grasping the past, or ruin, that is itself inhabiting the present can future change occur. Benjamin's fundamental insight, as framed by Buck-Morss, is simultaneously simple and far-reaching: one can only understand the present and imagine the future by excavating and interpreting the ruinous layers of the past. Progress is a phantasmagoric concept one must eschew, as it is not a moving forward but rather an eternal repetition of the same 'new,' a catastrophic norm.

At the new WTC site and Fresh Kills, progress has been the dominant refrain throughout the planning and construction of the new projects. Such a refrain, along with the built fabric itself, has served to stabilize the gaze of those at the sites, mediating their visions and remembrances. But, as Buck-Morss and Benjamin offer, it is the instability of remembrance that offers a path toward generating something truly new and revolutionary – that is, a public memory outside state hegemony. Speaking about Ground Zero in 2004, New York urbanist Jane Jacobs noted that, "'The significance of that site now is that we don't know what its significance is …

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[391] Jalal Toufic, *Vampires: An Uneasy Essay on the Undead in Film* (New York: Station Hill, 1993), 34.
[392] Susan Buck-Morss, *The Dialectics of Seeing: Walter Benjamin and the Arcades Project* (Cambridge: MIT Press, 1989), 212.

We'll know in fifteen or twenty years.'"[393] Recognition of the ambiguity and instability of place allows for an active engagement with the site and its history, while the rush to build memorials can lead to the "supplanting [of] a community's memory-work with [the memorial's] own material form."[394] Memorials have a tendency to serve as a 'final solution' to the issue of memory, a divestment from the obligation to remember for oneself and in multiple ways.

The instability and difficulty of the present state of affairs of memory in New York City persist, as do efforts to stabilize and organize memory. Yet sometimes memorialization itself becomes a political demand. While this dissertation has shown that memorialization is a practice the state exercises to generate an ethical stance that reproduces the state's legitimacy, other sites in New York City suggest that state memorialization can also be a political demand in service of community-based memory. While such political demands by family members for a burial ground outside the Fresh Kills site were denied, a site in a Harlem has yielded state recognition through similar political demands by its local community.

In 2008, after work began to replace the Willis Avenue Bridge connecting Harlem to the Bronx, the history of an adjacent African burial ground re-emerged. The Metropolitan Transit Authority (MTA) was planning to rebuild and expand its East Harlem bus terminal – on top of the burial ground – once work to replace the neighboring bridge was complete. Projected to start in 2015, the bus depot expansion has since been cancelled, with community efforts to block it serving as the primary motivating factor.

The present bus depot is paved over a quarter-acre burial ground dating back to 1665. When the land was sold for development in the 1870s, white bodies were disinterred and reburied elsewhere. Black bodies, of freed and enslaved Africans, remained and have been repeatedly built over – raising concern that the burial ground could be lost or forgotten forever. A community gathering at the present location of the Elmendorf Reformed Church – the contemporary incarnation of Harlem's oldest church organization, which was the original steward of the burial ground – persuaded the MTA to set up an archaeological study, which said that it is unlikely that there are bodies where the proposed depot expansion would be. No human remains have yet been found by New York City Department of Transportation (DOT) workers rebuilding the Willis Avenue Bridge, east of the burial ground. In 2009, the Harlem African Burial Ground Task Force (HABGTF) was formed by community members to seek historic designation for the burial ground as well as some kind of museum or cultural center on or near the site that would exhibit documents and artifacts from colonial-era Harlem.[395]

The burial ground is significant to local and national history and memory, and for the effects its ruins, visible or not, have had – and continue to have – on the surrounding environment. As a nation with a relatively recent history of slavery, the U.S. continues to struggle with its legacy, with much higher rates of incarceration and poverty among slavery's descendants. The burial ground's location in Harlem is uniquely significant as a present-day hub of black-owned businesses and political activity. Harlem has been a predominantly African-American community since the early 1900s, becoming a locus of political, artistic, and economic movement after its first wave of African-American migration in 1904. Despite periods of gentrification and an influx of African immigrants, including those most recently that have

[393] Adam Gopnik, "Cities and Songs," *The New Yorker*, May 17, 2004.

[394] James Young, "Memory, Counter-memory, and the End of the Monument," in eds. S. Hornstein and F. Jacobowitz , *Image and Remembrance: Representation and the Holocaust* (Bloomington: Indiana University Press, 2003), 59 and 62.

[395] Demetria Irwin, "Another African Burial Ground," *City Limits Magazine*, March 25, 2010.

brought rapid and noticeable changes to the material and cultural texture of the area, it has retained a majority African-American population. The preservation of an African burial ground in Harlem would further enrich the African-American cultural resources there amid city-wide gentrification and the particularly strong encroachment of rezoning and residential change in Harlem.[396]

The Harlem site is not the first known African burial ground in New York City on which construction has been attempted. A thirteen-year battle began in 1991 to halt the construction of a federal office building upon a then-newly-rediscovered burial ground in Lower Manhattan, at which an estimated 15,000 enslaved and free Africans were interred – the largest in the nation. The struggle over the site forced a construction shut-down there in 1993, but it was over a decade later that the site was commemorated by the state (as a National Monument, under the stewardship of the National Park Service), a length of time attributed by preservation activists to the lack of seriousness with which the cultural and historical importance of the burial ground was addressed by actors in charge of the building project. This precursor to the struggle over the ground in Harlem is significant, for it both offers a successful precedent but also may have slowed the halting of the bus depot project since there is "already" an officially marked and claimed African burial ground downtown.

The Harlem burial ground is one exhibit in this investigation of power, state, and economy. The site itself drew me in, both as a location in my neighborhood and a place where historical memory, city governance, civic opinion, and infrastructural change were juxtaposed. It is at present a paved lot with a large MTA garage-type construction on the northeastern edge of Manhattan, immediately surrounded by inter-borough bridges and a lone gas station. That this was the site of an African burial ground is surprising, as isolated as it feels. The physical qualities of the site, though not enticing in the typical fetishistic way of a place like New York's Times Square, all flashing lights and corporate retail outlets, are uniform, unassuming, and apparently functional, serving the MTA, after all.

I offer this site as an example of non-productive capital investment in a public work. The bus depot does not promise any kind of future productivity, only a stimulus from the capital invested in it. Simultaneously, the site it sits on harbors beneath it a cultural marker of importance to its community. The burial ground is a tangible tie to one of history's biggest crimes, a direct reflection of it, and its neglect can in turn be seen as a reflection of the irrelevancy to which slavery is reduced by public discourse. Or perhaps the past – slavery in the U.S. – has nothing to do with these current processes at the bus depot and burial ground site. This dissertation has investigated the relation between historical ruins and public works and how it effects notions of inclusion and exclusion by the state, as it is doing in the case of Harlem. In other words, what is so ethical about public works? The overlapping sites of the MTA bus depot and the Harlem African burial ground bring into relief the problem in the relation between public works and ruins. Each chapter of this dissertation has explored how state capital acts on New York City through the specific form of publicly-financed projects. I conclude with this framing, but the Harlem African burial ground demands a further frame of attention, attuned to the elision

[396] Columbia University, located on the Upper West Side of Manhattan, has benefited from the New York State Eminent Domain Procedure Law extensively in recent years, using it to obtain private properties in West Harlem, which neighbors the Upper West Side. Under eminent domain, the state can seize private property for public use in exchange for market-rate compensation. Columbia, a private institution, has pushed the state to seize particular private properties whose owners refused to sell to Columbia, then had those properties transferred to it, despite the questionable public gain to be attained via a private institution.

of historical legacies by contemporary transformations of New York City by neoliberal governance and finance.

It has emerged that the WTC is also the site of buried African remains, complicating that site even more. Both sites, Harlem and the WTC, share this aspect now, as well as being transit hubs (part of the WTC project is a new station for regional and local rail transit), publicly financed, and sites of commerce with long histories. The WTC is much larger than the Harlem site, however, both in size, scale of projects, and public engagement with its construction processes. Tourists are constantly visiting it and local residents are keeping close tabs on the activity at the site. The Harlem site, on the other hand, is at the northeastern corner of Manhattan, edged by housing projects and bridges, uninviting to tourists. Yet, the possibility of African remains at the WTC site remains nearly silent, while in Harlem the possibility has yielded much more historical preservation.

Overlapping and intersecting with the capital projects of this dissertation are the elements of memory and violence – do works of construction combine with, overtake, or destroy the place-oriented memory that was there before, and is there violence in such workings of memory? The dissertation has explored what ideas of memory the capitalist state has generated, as well as how loss is engendered through the layering of fresh capital upon memory landscapes. In this consideration of the Harlem African burial ground, race and histories of oppression explicitly figure in this story of capital in New York City. The following pages explore what kind of narrative is being constructed by the planning process for the bus depot, and what kind of narrative is desirable – and what is irrelevant – for the state as it tries to improve public transportation, which at first glance appears to be an indisputable public good. As Nadia Abu El-Haj writes about Israeli archaeologists who choose what specific evidence will construct their historical narrative, usually in the service of decidedly contemporary goals, I investigate how the state is choosing to approach the burial ground.

Though the Harlem African burial ground is now going to be officially recognized and the bus depot will be retired, the state narrative that emerged prior to this decision was of the irrelevancy of the Harlem burial ground. It was made irrelevant once by its first paving-over in 1947 by the Third Avenue Railway (not affiliated with present-day MTA) to house trolley cars. Its memory has languished until the most recent announcement of plans to build on it, yet a move to reduce it irrelevancy once again was actively pursued by the MTA and the DOT. While memory of the graveyard, and memory of its first loss, has continued among some of the inhabitants of Harlem, it was risked once again in this most recent project. There is the loss and memory of the graveyard, memory of the loss, and finally a loss of the memory of the loss, an entire chain of degrees of memory that was threatened.

Upon completion of this dissertation, the Harlem African burial ground site may undergo significant transformation into an unearthed site of memory. The MTA will be forced to look for a new place to keep its busses. A commemorative plaque may be embedded in the burial ground site for the first time. A park or community center may grow from the depot itself. No matter which outcome it faces, the struggles between the imperative to recognize the traumas and history represented by the burial ground and the dogged plan to invest in an updated bus depot offers insight into the state's political logic and domestic economic goals, and it allows us to further consider the value of material remains in the process of memory and state sanction of it.

The remains of enslaved labor in the Empire City

The Harlem African burial ground lies at the site of the first building of Harlem's oldest church organization, now known as the Elmendorf Reformed Church. Where the Willis Avenue Bridge meets First Avenue, the site is the end point of Dutch Governor Peter Stuyvesant's "road to New Harlem," a 10-mile length running from Lower Manhattan. Constructed in 1658 by enslaved African workers, those slaves are still buried under the bus depot currently occupying the site, according to historians and archaeologists.

The colonial village of New Amsterdam was established in 1625 in Lower Manhattan. It was built to be a multinational trading post, with merchants primarily from Holland but also from England, Spain, Portugal, France, Germany and Scandinavia, and African slaves owned by the Dutch West India Company labored to expand the colony northward. In 1636, Harlem was founded, initially established as Nieuw Haarlem, a name honoring the Dutch town of Haarlem that was nearly destroyed in the late 16th century by Spain and meant to reflect the danger of settling in Upper Manhattan, an outpost vulnerable to Native American and English attacks. One in four Harlem residents was black at its founding and slaves had cleared much of the land for homes and farms, as well as widened a Lenape Indian trail to create what is now Broadway.[397] During the era of Dutch and Indian war, some slaves were freed or granted farmland. Others continued enslaved, laboring to build the city and its infrastructure, including a wall spanning the width of Lower Manhattan in 1653, which would later become Wall Street.

In 1660, two years after a permanent settlement was established in Harlem, the First Dutch Church was founded on the banks of the Harlem River, in a small wooden building. A few years later, a stone church was built nearby and the First Dutch Church's original site became the community's "negro burying ground," for African slaves and free blacks.[398] The church's main cemetery was for whites only, and it was also known as "God's Acre." The negro burying ground remained open until as late as 1845. Over three centuries, the First Dutch Church became the Dutch Reformed Church and finally the Elmendorf Reformed Church, occupying seven buildings at three sites in Harlem. The first is at the current location of the bus depot, 126th Street and First Avenue.

Slavery ended in New York City in 1827, and free black squatters were tolerated in the rocky, nearly unlivable rocky outcroppings of Upper Manhattan. Harlem's population grew rapidly after 1850, with an influx of European immigrants. This influx led the First Dutch Church to leave its East Harlem location and move west. It left a small chapel at 121st Street, which became used by African-Americans. The First Dutch Church also sold "the property known as the Negro Burying Ground" to the highest bidder in 1853, with landfill soon after covering the cemetery.[399] "God's Acre," where whites were buried, was also sold in the 1870s, but its bodies were disinterred and moved to a plot in the Bronx's Woodlawn Cemetery in 1869.[400] Black remains were left in the same place, and they were to be repeatedly built over. The MTA bus depot was built on the site in 1947 and the remains were all but forgotten. The repetition of forgetting and further defiling of the site spurred community leaders to mobilize a preservation movement.

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[397] Rev. Edgar Tilton, Jr., *The Reformed Low Dutch Church of Harlem: Historical Sketch* (Montrose & Clarke Co.: New York, 1910), 31.
[398] Tilton, *Reformed*.
[399] Christopher Moore, "Harlem's Buried Treasure," *New York Post*, February 12, 2011.
[400] Tilton, *Reformed*, 79.

The work of the Harlem African Burial Ground Task Force

In 2009, the Elmendorf Reformed Church and its pastor, Reverend Patricia Singletary, began the work of bringing the Harlem African burial ground back into public consciousness, both to commemorate Harlem history and preserve the burial ground as "the birthplace of Harlem"[401] and, according to Singletary, the "beginning of Harlem's existence."[402] Organized around the threat to the burial ground by the work on the Willis Avenue Bridge and the MTA's plans to rebuild the depot in 2015, Singletary and community members – including church elders, scholars, historical preservationists, filmmakers, students, and many others – formed the Harlem African Burial Ground Task Force (HABGTF). Upon pressure from the HABGTF insisting on the presence of the burial ground, the DOT hired an archaeology firm to evaluate and help them "understand" the area around the Willis Avenue Bridge construction site. In its report that firm argued that it is unlikely there are human remains or cultural artifacts left at the site of burial ground, due to the repeated building over the area. Whether this holds true for the bus depot remains to be seen, as excavation at that site hasn't yet begun.

During a public hearing held on March 19, 2010, the Deputy Commissioner for Historic Preservation at the New York State Parks Department conceded that although the possibility that grave-sites had been disturbed over the years ordinarily precludes designation on the National Register of Historic Places, the extraordinary significance of the Harlem ground meant that it was possible to argue that notable history overrode issues of material integrity. One senator replied that "even if due to earlier construction, there are no remains there at all, they were there, so the burial ground should be landmarked anyway."[403] Despite the blocks of gray concrete on and surrounding the burial ground, its ruins remain a locus of memory and historical and emotional resonance for local residents and have the potential to reach more people if it is uncovered, even if not physically, at least rhetorically – marked as such. As journalist and Harlem historian Michael Henry Adams writes, "the most poignant historic resources are not necessarily those with the greatest visibility or renown" and the "invisible landmark" of the burial ground remains a landmark nonetheless.[404]

In May 2013 the DOT confirmed plans to add a Nieuw Haarlem Interpretive Plaque to the reconstructed Willis Avenue Bridge. The last in a set of four, the plaque is comprised of text written by the DOT's historical consultants and the other agencies with jurisdiction over the bridge, including the MTA. "Community-recommended language" was also added.[405] The plaque features six paragraphs, three on Nieuw Haarlem's history and three on the African burial ground through the 1700s to mid-1800s. The DOT plaque gives name to the burial ground, noting its historical presence, if not its contemporary physical one. Yet as church elder Deborah Gibson says, "I need to be able to go to Harlem's African Burial Ground, to see it and to touch it, with my grand children, so that I can teach them about the lives and deaths of their ancestors. I need to do this for them and to remember our people, and a mere plaque, will not do!"[406]

The MTA has similarly confirmed the burial ground's existence, with the resources of the HABGTF and church records. In January 2014, it was announced that the MTA would shut

[401] Moore, "Buried Treasure."
[402] David Dunlap, "Traces (Perhaps) of Nieuw Haarlem," *New York Times*, January 19, 2009.
[403] Michael Henry Adams, "An Abiding Presence of Faith: Protecting Harlem's African Burial Ground and Churches Under Threat, Part I," *Huffington Post*, May 24, 2010.
[404] Ibid.
[405] Margaret Forgione, NYC DOT Manhattan Borough Commissioner, to Melissa Mark-Viverito and Matthew Washington, May 6, 2013.
[406] Adams, "An Abiding Presence."

down its East Harlem bus depot. The facility is home to the city's busiest bus route, the M15 that travels Second Avenue in Manhattan, and the building on the site occupies 104,000 square feet. An official with the Transport Workers Union Local 100 calls the closing of the depot "impractical" and says that it will "disrupt service," advocating for a monument to be put up instead.[407] The closure of the depot is set for January 5, 2015 and a slave memorial will be developed at the site, as well as possible residential development. After the depot's closure, the site will go from MTA control to the city. City Council Speaker Melissa Mark-Viverito, whose district includes East Harlem, says, "This is an incredible opportunity …. We've already started to work on [the memorial] … Residential is a thought, but it has to be done in a respectful way."[408] The head of the City Council's Land Use Committee, David Greenfield, on the other hand, says it's still early to figure out what will be done at the site. The land's value is difficult to determine, but similar parcels have doubled in price over the past two years, according to East Harlem realtors, who also note that "Any vacant land in Harlem is a hot commodity now."[409] The day after the announcement was published in the *New York Post*, it was picked up by *The Real Deal*, a website for New York City real estate news, which simply noted the potential residential conversion.

Before any construction on the memorial or housing, an excavation of the bus depot needs to take place. While Mark-Viverito says that the MTA will help with the excavation, the agency itself has declined to make any announcements on its plans for the depot, other than its closure. Yet what has drawn the HABGTF and city residents to this graveyard remains intangible – the fact that an African slave's bones once inhabited this ground, whether those bones remain or not.

Reasons to commemorate the burial ground and create a cultural center of some kind, even without the presence of remains, have been offered by the HABGTF in response to various queries, primarily from city public authorities like the MTA and DOT, that implicitly ask the HABGTF to justify their demands. Most basically, the fact that remains have not yet emerged from the site adjacent to the Willis Avenue Bridge does not mean they will not turn up at a later date, as they did in the case of the Lower Manhattan African burial ground. Historical records of excavations and their depths are not always accurately descriptive. This is particularly true because of the prevalence of landfill throughout Manhattan; areas get filled and then excavation does not always extend beyond the fill. In Manhattan's Washington Square, once a potter's field, all bodies were thought to be disinterred in the 1840s but several were found during the construction of the square's arch in 1895. As the HABGTF asserts, one cannot be sure what remains and what doesn't, so it is important to take steps to preserve history before it is erased completely.

African remains in Lower Manhattan

One of very few remaining African-American historical sites from the colonial period, the Harlem African burial ground has likely gained in interest for the city in light of the discovery and preservation of the African burial ground in Lower Manhattan, now a National Monument maintained by the National Parks Service. The earliest large African cemetery uncovered in North America, the burial ground was used by New York's African population during the British colonial era. Rediscovered in 1991 when construction began on a new federal

[407] Michael Gartland, "MTA to move depot built on slave graveyard," *New York Post*, January 19, 2014.
[408] Michael Gartland, "Bus depot to become memorial for slaves found buried there," *New York Post*, June 22, 2014.
[409] Ibid.

office tower, federal officials decided that archaeology of the site would take precedence over the construction.[410] This decision led to considerable political conflict when the government learned the excavation would take four months and cost $6 million in construction delays, and in turn decided to speed the excavation by using less painstaking methods and tools – such as dental pick and spoon – in favor of wide shovels. Further methodological issues, including the use of out-of-date site drawings and maps, exacerbated conflict between the state and community activists. By 1993, the site was declared a National Historic Landmark and in 2006, a National Monument. The Lower Manhattan African burial ground helped focus attention on the many other cemeteries in New York City, resulting in an array of attempts to preserve them, with mixed results.[411] Yet it also helped standardize archaeological testing procedures that allotted for the possibility of deeper-than-expected deposits, due to shifting land gradations caused by palimpsestic urban redevelopment.[412]

After 9/11, during the excavation of Ground Zero, artifacts from the Lower Manhattan African burial ground were discovered. Some 100 boxes of remains and personal effects were gathered, originally housed in a laboratory in 6 WTC, destroyed along with the Twin Towers. Activists and community groups expressed outrage at the General Services Administration, the agency in charge of reburying the remains of the burial ground, because the agency delayed the reburial, resulting in the damage and loss of remains on 9/11.[413] The years-long struggle to gain recognition of the burial ground, followed by its 10-year excavation, identification, and sorting culminated in a loss once again. The remaining remains were reburied at the site in 2003.

The memorial competition for the Lower Manhattan burial ground announced a winning design in 2005. It is a large reflective structure, with a circular libation court, a wall of remembrance, ancestral pillars, and an ancestral chamber, now fully constructed and open to the public. One design supporter, Howard Dodson, Director of the Schomburg Center for Research in Black Culture, noted that "If there's something there that's physical and permanent, it would take a willful act of those who were opposed to it being recognized as a burial ground to take it away physically."[414] Yet even with the Lower Manhattan burial ground, community members and activists also felt that any structure on the site would be disturbing sacred ground, as we have also seen with other sites in this dissertation. In the case of the Lower Manhattan burial ground, federal support was needed for the investigation of remains and access to land – these are not projects that could be undertaken privately. Similarly, the smaller site in Harlem needs the city's assistance, at a minimum. Yet despite the state's role as custodian of memory at all these sites, people with personal relationships to the sites have insisted on claiming a role in – or even the control of – the fate of bodily remains and their memorialization. Paralleling the ashes and their corporeal qualities at Fresh Kills in their invisible, absent presence, the African bodies act as loved ones, whose custodianship community, family, and ancestors are trying to claim back from the state. When the state cedes that custodianship, it is an act of creative destruction – a ceding

[410] Roberta Hughes Wright and Wilbur B. Hughes III, *Lay Down Body: Living History in African American Cemeteries* (Visible Ink Press: Detroit, 1996).
[411] Most recently, slave graves were discovered at Joseph Rodman Drake Park in the Bronx by a group of schoolchildren and their teacher in November 2013. (see Juan Gonzalez, "Feds confirm slave grave discovery at Joseph Rodman Drake Park by group of kids at Bronx's PS 48," *New York Daily News,* November 26, 2013.)
[412] Hughes Wright and Hughes, *Lay Down Body*, 8.
[413] Michael O. Allen, "Ground Zero Yields African Burial Ground Relics," *New York Daily News*, November 15, 2001.
[414] Quoted in Susan Pearce, "Contesting "Nation" Through the Local: The New York African Burial Ground in 2005," *General Anthropology* 12 (2005): 1-5, 4.

of power that allows the state to take up another mantle of power, rooted in the political significance of the memory industry for it maintain any semblance of legitimacy.

Both burial grounds offer a different context of African and African-American histories in the city. Black history has largely been excluded from the history of New York and New York City as it is taught in public schools, with slavery represented as a primarily Southern institution. Yet these remains have brought that representation into question. African labor built the infrastructure of New York, with the number of enslaved people there exceeding that of every English colonial settlement except Charleston, SC.[415] The sites illuminate contemporary injustice by bringing into stark relief the specific question of who controls black history. Preliminarily, at the Harlem site we are confronted with the state's continuing power over that narrative, particularly its ability to decide whether that narrative takes precedence over other projects, particularly narratives of capital development and public good, which the bus depot and Willis Avenue Bridge represent in the state's portrayals of itself.

And now that people's demands have yielded a halting of the MTA reconstruction, will a physical sign of commemoration offer resolution? Will the problem of memory be solved by commemorative state construction? Or might an effect of that kind of commemoration be to produce a particular space that transforms attempts to reclaim it? And does such commemoration influence the production of knowledge in ways comparable to the state's more typical construction projects? Similar questions can be asked of the WTC site. Have all the African remains at the site been discovered or rediscovered (most likely not), or will the fact of their former presence and current absence be acknowledged, perhaps eventually by a plaque added to the September 11th memorial plaza?

Race, Nation, and the Legacy of Public Works

Through this exploration of ruins, economy, and landscape, we may also learn something about the sacred. Saidiya Hartman writes that she does not believe a slave fort is "sacred ground because terrible things transpired [there]. Brutality doesn't make a place worthy of veneration. But I did believe that the gravity of what had happened required a degree of solemnity."[416] When nothing 'happened' during her visit to the slave fort, she ends up noting that "Only later did I realize that there was nothing to see. I hadn't missed a thing."[417] Yet, the need for gravity remains. What, then, makes a landscape sacred? And why must such sites be preserved or commemorated even if there is 'nothing to see'? I suggest that it offers something between life and death, which is never present as such but must be engaged; Derrida calls this engagement a learning to live. We may not know what do with these sites, but if they are abandoned, will we cease to be ourselves? May the site of mourning, the sacred landscape, be a concrete point in the gap between truth and meaning, a point which offers stability in the ambiguities of meaning in mourning? The invisibility of the African remains, the impossibility of ashes as bodies at Fresh Kills, and the elision of alternate ways of remembering at the September 11 memorial plaza, time and again, call up these ambiguities yet also retain the importance of materiality and place in the act of remembering and mourning loss.

The state's resistance to acknowledge for years, through physical commemoration, the African burial ground in Harlem, suggest to me that, for the state, the commemoration of an burial ground in Lower Manhattan is enough to reflect its responsibility to the legacy of slavery

[415] Pearce, "Through the Local."
[416] Saidiya Hartman, *Lose Your Mother* (Farrar, Straus & Giroux: New York, 2007), 118.
[417] Ibid.

and, more subtly, present-day racial inequality. The monument there already serves as one space which interrupts our daily lives, and fulfills the neoliberal state's obligation to bear witness to its past. As states attempt to reconfigure scarred landscapes for politico-economic reasons, affinities between state reconstruction practices and the violence they purport to remedy emerge, with memorials and new constructions serving to erase or stabilize conflicting, or simply different, ideas of a place.

Modernity is indicted by such discoveries as these burial grounds and the conflicts they raise over how to honor, and even recognize, remains and memory. The construction of "progress" and public good that interferes with both the materiality and immateriality of memory recurs. With privatization increasingly entering state projects of construction and commemoration, the meeting point of state and capital interests shifts in our time, with the state's ethical and public commitment emerging as an uneasy point where state and capital interests meet. What is happening in Harlem now, in the wake of the closure of the bus depot, the beginning of the memorialization process, and the potential opening of public land to (likely private) development is echoing what is taking place in the rest of the city. The rise of condos and towers, rezoning that is spurring commercial development, and the displacement of long-term residents haunt the city as sites of memory commemorating those displaced and dead continue to surface. As Michel de Certeau tells us, the juxtaposition of historic relics and everyday rituals is what defines a haunted landscape, as it does in New York City's many corners. The state, as it tries to maintain a hold on these corners, sometimes partially succeeds but also reveals its own unstable legitimacy in its struggle to control ideas of public space and public memory.

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