

**Landmark Preservation Commission**  
**New York Historical Society**  
**March 20, 2007**  
**Testimony of Bruce H. Simon**

Yesterday's New York Times had an interesting "Editorial Observer" piece by Adam Cohen at the bottom of the editorial page.

It dealt with the Bush administration's handling of the firing of 8 U.S. Attorneys. It described the administration's "story after story," all of which stories have turned out to be untrue, and how any law student who could not have "spotted the issues" would have gotten an "F".

Now, I know some in the preservation community have been critical of the fact that this Commission has been plagued with an excess of lawyer members and a dearth of true preservationist members, but this is one of those rare instances where a bit of lawyer-like issue-spotting, and story-vetting, may serve a preservation purpose.

To be blunt about it, if the Commission fails to spot and identify the 280 foot issue in this mosaic of "story after story," you deserve an "F".

It is one thing for the applicant -- in this case, just another real estate developer -- to put on a palpably false face and insist that all you have before you is a separate and distinct "Phase I", wholly unrelated to its 280' Tower. But the Society is now just weeks away from the completion of its Request for Proposal process and the selection of a developer -- a process it started last Fall. You really expect that level of "story after story" from a developer.

Community Board Seven saw through that story. Even Borough President Stringer saw through that story. Bill Moyers, and four hundred others who attended the Society's presentation a few weeks ago saw through that story. Everyone here today -- even the Society's employees and docents and other supporters see through that story.

And, of course, you see through that story -- although whether you have the courage to acknowledge it is, of course, another story.

Now, as the Bush administration reminds us, there are lawyers, and there are lawyers. Some, like Attorney General Gonzales, participate in the story telling, just mimicking the party line. Politics? Heaven forefend. Retribution? Certainly not. Competence? Yes. No. Maybe. You could do the same. "Here, here, now, we are only here today for Phase I. Limit your comments to Phase I."

Please do not cheapen yourselves -- and this Commission -- with such a sniveling response. Protect this institution, and its integrity.

Be the law student who spotted the issues and got an "A". Be the kind of lawyer that stands up for what is right and clear and cut through the fog of deliberate obfuscation. For heavens sake, do your duty. And if the Chairman has been told by City Hall after Louis Mirrer's visit there last week to grant the okay -- for once, other-appointed Commissioners, stand up and say "NO" -- this story is too much to swallow. Vote your preservation conscience, vote your professional integrity, not City Hall dictate. Vote No.