Chairman Smith called the meeting to order at 1:35 p.m. and roll call was taken by the secretary.

**Members Present**

Senator Jake Flake  
Bill Bell  
LeRoy Brady  
Thomas Chapman  
Kevin DeMenna  
Tom Smith, Chairman  
Representative John Kavanagh  
Jamie Hogue  
Donald Keuth, Jr.  
Wellington Reiter  
David Richert

**Members Absent**

Lynn Favour

Chairman Smith introduced two new Members, Jamie Hogue and Wellington Reiter.

**Approval of Minutes from August 17, 2007**

Mr. Chapman pointed out that the Legislative Governmental Mall Commission is referenced in the minutes as a Committee when it is actually a Commission.

Mr. Bell noted that the minutes state on Page 2 that “Mr. Smith moved the Committee table the recommendations of the work group,” but the motion was actually made by Mr. Chapman.

**Mr. Bell moved, seconded by Mr. Chapman, that the Legislative Governmental Mall Commission approve the minutes from August 17, 2007 with the changes noted. The motion carried.**

Chairman Smith stated that the Commission will not vote today. The 9/11 Memorial Commission will present recommendations for improvements, and a motion will be made to forward those recommendations to the Arizona Historical Advisory Commission (AHAC), if the Members choose to do so. A presentation will be made of the recommendations of the work group and items on the agenda will be discussed. Voting will probably occur the third Friday in October 2007.
Mr. Bell said the Commission has been wrestling with these issues for many weeks, and he believes it is inappropriate for the Chairman to decide when a vote will be taken without discussion among the Members. If a presentation is made, he expects that a vote will be taken.

THE MEETING RECESSED AT 1:48 P.M.

THE MEETING RECONVENED AT 1:50 P.M.  ALL MEMBERS WERE PRESENT EXCEPT LYNN FAVOUR.

Chairman Smith commented that a vote will be taken on forwarding the recommendations of the 9/11 Memorial Commission to the AHAC.

**Presentation of the Governor’s 9/11 Memorial Commission’s Proposed Alterations to the Arizona 9/11 Memorial**

Chairman Smith noted that Billy Shields, Chairman of the Governor’s 9/11 Memorial Commission, is not present. Mr. Bell recalled that Mr. Shields spoke at the previous meeting and the Members commented on recommendations presented by Mr. Shields. Mr. Shields also left a copy of the recommendations dated July 2007 (Attachment 1).

Mr. Kavanagh said he had the impression that final revisions would be provided at this meeting. He met with Mr. Shields and pointed out that 37 Port Authority officers were killed, not 171, and Mr. Shields indicated he would make a number of changes to update the recommendations. Mr. Kavanagh expressed concern about forwarding a document to the AHAC that is not up-to-date and could be rejected. Mr. Bell pointed out that the AHAC will only check for factual errors.

Billy Shields, Chairman, Governor’s 9/11 Memorial Commission, spoke via teleconference. He acknowledged that the handout dated July 2007 contains the final proposed changes from the 9/11 Memorial Commission, and the intent is to remove two statements and add seven (Attachment 1, Page 3). The only question is where the new statements would be added. He related that he asked to be included on this agenda, but understood there were some legal questions to be sorted out, so he was not sure if he was supposed to speak today or next month. He never received a determination or email notice of today’s meeting; however, he did not call to find out, for which he apologized. He noted that Shelly Cohen can respond to questions.

Shelly Cohen, Member, Design Committee, Governor’s 9/11 Memorial Commission, stated that the document is a draft. The AHAC performs fact checking and any changes made by the AHAC will be presented to the Governmental Mall Commission. The AHAC will not determine if the recommended statements are appropriate or inappropriate.

Robin Stoddard, Tucson, said he was on the ground in Uruzgan Province the day after the alleged airstrike that is mentioned in the memorial. He expressed disagreement with the statements on the memorial, “You don’t win battles of terrorism with more battles” and “U.S. airstrikes hit Kabul and Khandahar.” He added that when he was an Air Force officer in Uruzgan Province, he and 29 Army personnel investigated the strike. Omitting that statement is a good move because after searching on the ground for three days for evidence of dead, innocent
Mr. Chapman asked if he spoke to the 9/11 Memorial Commission when the revisions were done. Mr. Stoddard responded that he spoke at a meeting in Tucson he heard about the day before so he was ill-prepared. He waited for four hours and testimony was limited to two minutes. He did not know about the statement regarding Kabul and Kandahar until later or he would have brought it up then.

Mr. Bell noted that when the 9/11 Memorial was being developed, many people gave their time to work on it. Numerous hearings were held and many people had an opportunity to speak. He asked if Mr. Stoddard attended the meetings. Mr. Stoddard answered that he was in Afghanistan in 2002, 2004 and 2005. He only heard about this in February 2007.

Michael McAvoy, Glendale, stated that he is a New York City (NYC) native. On 9/11, his brother, John, a NYC firefighter, was killed at the World Trade Center, as well as his best friend. He attended every 9/11 Memorial Commission meeting he could when he was in town. He moved to Arizona in 2005 and heard about the memorial when he purchased a pin pertaining to the memorial at Bashas, but contended that not much was done to inform people. He said the problem with the 9/11 Commission is that the members may have been dedicated previously, but when meetings were held to discuss changes, many members did not show up.

He specified that in 2005, the Governor stated the 9/11 Memorial was to honor those who lost their lives on 9/11 and memorialize the tragic events of that day; however, many of the statements on the memorial have nothing to do with 9/11. If not for himself and Mr. Stoddard talking about the 46 Uruzgan civilians that were killed erroneously, that statement would still be on the memorial. It is despicable, in a state with military bases everywhere, to treat the military that way. He questioned the reasoning behind several other statements and opined that the entire memorial needs to be looked at again.

John Ferry, Maricopa, said he has lived in Arizona since June 2005. He is a 25-year veteran of the New York Fire Department. On 9/11, he was a Captain, and his rescue company lost 11 members. The 9/11 Memorial is beautiful, but the recommended list does not scratch the surface of what should be changed. Citing the names of the firefighters in his rescue company killed that day, he opined that the memorial is not a tribute to them. He asked that the Commission further review the political statements and remove them.

Billie Kozolchyk, Tucson, said she shares the anguish of Mr. McAvoy and Mr. Stoddard and attended 9/11 Memorial Commission meetings. She opined that the 9/11 Memorial desecrates the memory of everybody, not just in the World Trade Center, but the Pentagon and Shanksville, Pennsylvania. She appreciates the 9/11 Memorial Commission members giving their time, but most people in southern Arizona knew nothing about the memorial until Len Munsil made it part of his campaign and they read about it in the newspaper. She questioned why the memorial cannot be read 24 hours a day and indicated that even the text that is not egregiously offensive is meaningless. All that is needed is the timeline, which is on a temporary memorial at Ground Zero. She suggested removing all of the text and beginning from scratch.
Senator Flake complimented Mr. Shields and the 9/11 Memorial Commission members for their work and the new inscriptions, but stated that some of the statements on the memorial do not relate to this tragic event. The 9/11 Memorial Commission did not go far enough with the recommendations.

Raymond Maione, representing self, related that he is a retired NYC firefighter. He was in New York on September 9 until two weeks after 9/11. He lost 343 brothers, 23 that he was with on September 10, one of which was like a son. He brought the steel for the memorial to Arizona to honor the almost 3,000 people who died on 9/11. The design of the memorial is nice, but it does not honor the people that died and the brothers who went to get people out that day. He opined that the memorial needs to be completely redone, or at least the language that goes against the U.S. should be removed. He said Billy Krakowski, who was like his son, had a second job, but refused it on 9/11 because he did not want to be at work in case something bad happened at the firehouse, and now he’s gone.

Mr. Maione related that there are 75 NYC retired firefighters in Arizona. Billy Shields spoke to them about having a memorial, and he was asked to obtain the piece of steel. The firefighters offered to help in any way, but were never called. When they became upset about the statements, Mr. Shields apologized and said he would try to get the memorial changed. He added that if the 9/11 Memorial is not fixed, he would like the steel returned.

Mr. Chapman moved, seconded by Mr. Bell, that the Legislative Governmental Mall Commission received the Governor’s 9/11 Commission’s proposed alterations to the Arizona 9/11 Memorial, forward them to the AHAC for expedited review, and include final approval of the Governor’s 9/11 Commission’s proposed alterations to the Arizona 9/11 Memorial on its next agenda if the AHAC makes its recommendations.

Mr. Richert asked if the AHAC reviewed the statements on the 9/11 Memorial for accuracy prior to its creation. Mr. Bell indicated that the statements were reviewed by the AHAC for accuracy as per procedure.

Mr. Kavanagh said he envisioned that the 9/11 Memorial would bring tears to people’s eyes. He saw tears in people’s eyes today, although not tears of joy or remembrance from the 9/11 Memorial, but tears of disgust and regret that the memorial deviates so far from the original intent stated by the Governor. He is not questioning the motives of the 9/11 Memorial Commission members, but the memorial does not memorialize the tragic events of that day and is dividing everyone instead of bringing everyone together. He suggested that the Governmental Mall Commission reject the 9/11 Memorial Commission’s findings and direct the 9/11 Memorial Commission to return with a totally non-political design that truly memorializes the events of 9/11.

Mr. Reiter stated that he does not believe it would be appropriate for him to vote.

Question was called and the motion carried by a roll call vote of 8-0-0-1 (1 excused).
Discussion of Working Group Recommendations for Altering the Arizona 9/11 Memorial

Mark Wilson, Assistant Attorney General, Attorney General’s Office, responded to questions concerning the work group recommendations.

Copies of the work group recommendations were provided to the Members (Attachment 3). Chairman Smith stated that at the next meeting, the Members will have a decision to make concerning the 9/11 Memorial:

- Leave the memorial as is.
- Approve the 9/11 Memorial Commission’s recommendations.
- Approve the recommendations of the work group.
- Tear down the memorial and begin over.

Mr. Wilson responded to questions relating to the Governmental Mall Commission’s authority.

Public Testimony

Michael McAvoy, representing self, said he just wants to go back to the beginning because Governor Hull and Governor Napolitano’s mission statements were completely ignored. He does not understand how this point has been reached when all 54 inscriptions were not reviewed again. The 9/11 Memorial Commission cherry-picked five or six inscriptions, voted them up or down, and 17 out of 31 members showed up at the last meeting.

Robin Stoddard, representing self, said he would like to be included on a mailing list or contact list to help deal with the incorrect statements.

Billie Kozolchyk, Tucson, testified that people who really are churning inside are native New Yorkers. Although she did not lose a brother and best friend, she lost future grandchildren because her daughter saw it happen from her apartment and asked how anyone can bring children into this world. She added that mistakes can be corrected.

Mr. Kavanagh asked if a legislator or private citizen has legal recourse if an action is taken that appears to be contradictory to an Executive Order. Mr. Wilson said he will find out.

Without objection, the meeting adjourned at 3:17 p.m.

Linda Taylor, Committee Secretary
October 2, 2007

(Original minutes, attachments, and audio are on file in the Office of the Chief Clerk.)