

“All the News  
That’s Fit to Print”

# The New York Times

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President Biden and the first lady, Jill Biden, visiting a memorial to the victims of the mass shooting last week in Uvalde, Texas.

## In Familiar Ritual of Pain, Biden Comforts Bereaved

*President Travels to Site of School Shooting, Hearing a Plea: ‘Do Something’*

This article is by **Edgar Sandoval, Zolan Kanno-Youngs, Karen Zraick and Jonathan Weisman.**

UVALDE, Texas — For the second time in less than two weeks, President Biden traveled on Sunday to an American community consumed by grief over a mass shooting, embracing survivors and laying a bouquet at a memorial for families suffering the pain of losing loved ones to another massacre.

Outside Robb Elementary School, where 19 children and two teachers were gunned down last week, Mr. Biden and the first lady, Jill Biden, stopped in front of life-size photos of the victims, placing their hands on the photos and reading their names. As Mr. Biden wiped away a tear, some spectators let it be known that in addition to empathy, they expected action. “We need help!” one person shouted as Mr. Biden and Gov. Greg Abbott of Texas approached the memorial. “Do something!” others pleaded as the president left Sacred Heart Catholic Church later in the day.

The trips offering condolences by Mr. Biden are becoming a common, solemn ritual of the presidency. Just 12 days before the first couple laid down a bouquet for those slaughtered in Uvalde, they observed a moment of silence at a memorial near the site of a racist massacre at a supermarket in Buffalo.

The frequency of the shootings has spurred a new round of negotiations over gun control measures in Congress, even as Washington has been unable to make changes since the 2012 slaughter of 20 children and six educators in Newtown, Conn.

Senator Christopher S. Murphy, a Connecticut Democrat who is leading negotiations with five Republicans, expressed cautious optimism on Sunday that Congress could enact some combination of enhanced background checks for gun buyers, mental health assistance and grants to states to enact “red flag” laws to help law enforcement remove weapons from those deemed mentally unfit to have them.

Mr. Murphy said negotiators were also looking at the fact that the gunmen in Buffalo and Uvalde were legally allowed to buy military-style rifles at age 18.

“I don’t want to talk more in detail about that, but there’s a subset of ideas out there about how you may be a little bit more careful about quickly transferring weapons to teenagers,” he said, declining to elaborate.

The lawmakers are on a tight schedule. Senator Chuck Schumer of New York, the majority leader, said he would bring a bill up for a vote in two weeks. That bill will be either a compromise gun measure negotiated by the group or a strict gun safety measure already passed by the House.

After Uvalde, Republicans have said they want to do something, at

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## The Three Men Lost to 20 Bruckner Boulevard

By **DAN BARRY and KAREN ZRAICK**

Two laborers board an elevator at the top of a five-story building under renovation in the Bronx. They wear construction helmets, reflective vests and face masks, none of which will do them any good.

The older man, a supervisor, rarely talks about anything beyond what needs to be done at this work site at 20 Bruckner Boulevard. But he and his younger co-worker have become friends through a morning ritual: One buys the coffee and the other, the doughnuts.

The job at hand is to take two waist-high containers of construction debris down to the ground.

One of the Deadliest Construction Sites in New York City

The doors are closed and a button is pushed. The elevator shudders, then drops. The floor seems to vanish beneath the men’s work boots.

They scream as they plummet. A crash. Then stillness, save for clouds of disturbed dust.

It is early morning on May 19, 2021. And this site, where an old building is being transformed into a charter school, has just distinguished itself from the 40,000 other major construction projects in New York City by having its third worker fatality in less than three years.

In 2018, Marco Martínez, a teenager newly arrived from Ecuador, died after being crushed against a ceiling by a mechanical lift. A year later, Michael Daves, who was living in a men’s shelter and struggling with substance abuse, died after falling through a hole.

And now Yonin Pineda, a 29-year-old from Guatemala, lies unconscious and gravely injured. His diligent Mexican foreman, Mauricio Sánchez, 41, is sprawled dead beside him, his face mangled, his chest torn open, his blood staining broken concrete.

No other construction site in New York City has had this many

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## Would Photos Of the Bodies Change Views?

By **ELIZABETH WILLIAMSON**

WASHINGTON — After Lenny Pozner’s 6-year-old son Noah died at Sandy Hook, the father briefly contemplated showing the world the damage an AR-15-style rifle did to his child.

His first thought: “It would move some people, change some minds.”

His second: “Not my kid.”

Grief and anger over two horrific mass shootings in Texas and New York only 10 days apart have stirred an old debate: Would disseminating graphic images of the results of gun violence jolt the nation’s gridlocked leadership into action?

From the abolition movement to Black Lives Matter, from the Holocaust to the Vietnam War to Russia’s invasion of Ukraine, photographs and film have laid bare the human toll of racism, authoritarianism and ruinous foreign policy. They prompt public outcry and, sometimes, lead to change. But the potential use of these images to end official inertia after

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## Church Venerated in Uvalde Becomes Hub for Town’s Grief

By **RICK ROJAS**

UVALDE, Texas — As word of the staggering death toll spread through Uvalde on Tuesday, the parishioners of Sacred Heart Catholic Church rushed, almost reflexively, to be together. Within an hour, they had filled the sanctuary for an impromptu Mass.

The next evening, the congregation gathered to worship again. Children from the parish laid red roses before the altar, one for each of the 19 students and two teachers who had been killed in the attack on the elementary school just a mile away. And at a Mass the following night, another rose was added: Joe Garcia, the husband of one of the teachers, had collapsed

that morning from a heart attack — an early ripple of the collateral devastation that would be stirred by the massacre.

“We’re a family,” Archbishop Gustavo García-Siller of San Antonio said in a gentle voice, trying to reassure Joe and Irma Garcia’s children — and, by extension, the congregants who had been drawn to Sacred Heart that evening, searching for solace and meaning while stumbling through a haze of anguish. Muffled sobs echoed through the church.

For generations, the parish has been central to the lives of many in Uvalde, a city of 15,000 people and

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A series of electronic ads topped 20 Bruckner Boulevard, which are visible from nearby highways.

## As NATO Seeks a United Front, Turkey Disrupts

By **MICHAEL CROWLEY and STEVEN ERLANGER**

WASHINGTON — When President Recep Tayyip Erdogan of Turkey threatened this month to block NATO membership for Finland and Sweden, Western officials were exasperated — but not shocked.

Within an alliance that operates by consensus, the Turkish strongman has come to be seen as something of a stickup artist. In 2009,

*Tussle Over Expansion May Benefit Russia*

he blocked the appointment of a new NATO chief from Denmark, complaining that the country was too tolerant of cartoons of the Prophet Muhammad and too sympathetic to “Kurdish terrorists” based in Turkey. It took hours of cajoling by Western leaders, and a

face-to-face promise from President Barack Obama that NATO would appoint a Turk to a leadership position, to satisfy Mr. Erdogan.

After a rupture in relations between Turkey and Israel the next year, Mr. Erdogan prevented the alliance from working with the Jewish state for six years. A few years later, Mr. Erdogan delayed for months a NATO plan to fortify Eastern European countries

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## Basquiat or Not? F.B.I. Is Sizing Up 25 Works.

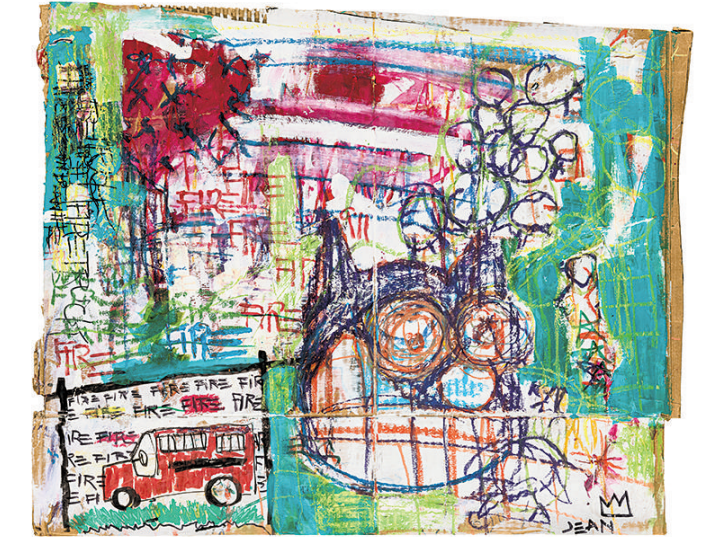
By **BRETT SOKOL**

The ongoing cultural fascination with the life and work of Jean-Michel Basquiat shows little signs of dimming, whether it’s in the form of brisk sales for \$29.99 Basquiat-themed T-shirts at The Gap, large crowds for Basquiat’s latest art exhibitions, or an actual canvas by the painter auctioned last week for \$85 million.

To the ranks of those focused intently on all things Basquiat, you can now add the F.B.I.

The F.B.I.’s Art Crime Team is investigating the authenticity of 25 paintings that the Orlando Museum of Art says were created by Basquiat and are on exhibit there, according to a federal subpoena and several people with knowledge about the situation.

The paintings in the “Heroes & Monsters: Jean-Michel Basquiat” exhibition were said by the museum and their owners to have been recovered from a Los Angeles storage unit in 2012. The works were largely unseen before the



“Untitled (Cat and Firetruck),” one of 25 paintings said to be by Jean-Michel Basquiat on display at the Orlando Museum of Art.

show’s February opening. An article in The New York Times raised questions about their authenticity, reporting that a designer who had previously worked for Federal Express had identified the FedEx typeface on a piece of cardboard Basquiat was said to have painted on as one that was not designed until 1994 — six years after the artist’s death.

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**Stunning Vote in Colombia**

Two populist candidates for president head for a runoff as anti-incumbent fervor sweeps the country. PAGE A8

**Where Death Rates Rose Most**

The U.S. had more deaths above normal levels during the pandemic than most other wealthy countries. PAGE A6

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**A Big Lie in a New Package**

A documentary from Trump allies alleges a stolen election through ballot trafficking, but even some on the far right are critical. PAGE A11

**Donations Flow to Hochul**

Real estate, unions and cryptocurrency interests were among the donors to New York’s governor. PAGE A17

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Ronnie Hawkins guided stars like Robbie Robertson and Levon Helm, members of The Band. He was 87. PAGE D8



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Some veterans have started businesses that draw from their experiences in Iraq and Afghanistan. PAGES B4-5

**Scrutinizing Xinjiang Suppliers**

Companies that sourced cotton from the autonomous region in China are weighing evidence of forced labor. PAGE B1

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**Telling the Sex Pistols’ Story**

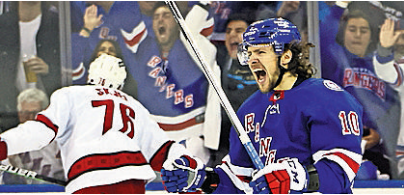
In a series based on the memoirs of the guitarist Steve Jones, tensions abound between the exceptional and the ordinary, and dramatic license often overcomes fidelity to real life. PAGE C1

**Social Media vs. Amber Heard**

You might expect a trial pitting one movie star against another to unleash debased memes in both directions. Not so with the Johnny Depp defamation case, Amanda Hess writes. PAGE C1

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**Charles M. Blow** PAGE A20



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**A Daunting Road to Game 7**

If Artemi Panarin and the Rangers are to advance to the N.H.L. conference finals, they will have to finally win a game at Carolina. PAGE D1





# The Men Lost to 20 Bruckner Boulevard

They were transforming a century-old Bronx ice house into a charter school. It has become one of New York's deadliest construction sites in years.

From Preceding Page

separate fatal incidents since at least 2003, when the Department of Buildings began keeping electronic records. But despite the pattern of deaths, the consequences have been negligible.

The Buildings Department shut down the site for nearly two months after the second fatality, but the work geared up again, and another man died. While government inspectors have issued numerous violations in connection with the deaths, they have exacted just \$28,864 in fines.

City investigators said their inquiry into the elevator collapse a year ago is continuing. But they did not speak to the lone survivor, Mr. Pineda, until this month, after questions from The New York Times.

As needle towers and super-tall buildings rise to puncture the metropolitan sky, the deaths cast in sharp relief the gulf between those who redefine the cityscape through sketches and contracts and those — mostly powerless and often unseen — who do the grunt work.

All three of the dead laborers lived on the city's margins: Two were undocumented immigrants, one a homeless man. Only the last death received any local news coverage, and it was brief. None of the men had union representation.

Less than three weeks after the elevator collapse, with Mr. Sánchez yet to be buried in Mexico and Mr. Pineda still in the hospital, his body broken and jaw wired shut, the owner of 20 Bruckner Boulevard treated dozens of friends to a days-long celebration of his 50th birthday in the Dominican Republic. Among them were his development partner in the Bronx project and the founder of the charter school that had signed a long-term lease on the building.

The developers, their future tenant and select others gathered at an exclusive beachfront getaway at the edge of a lush forest, far from a Bronx work site distinguished by death.

## \$120 A DAY

The cavernous structure at 20 Bruckner Boulevard has loomed over the Port Morris section of the Bronx since the Gilded Age, through the industrial neighborhood's ups, downs and recent makeover as a community of high-rise apartments, artists' lofts and hip restaurants.

For many years, the building served as an ice storage plant for the brewery empire of Jacob Ruppert, the onetime owner of the New York Yankees. Other businesses followed — a plumbing-supply company, a furniture store — before the building slipped into disuse.

Still, every successive owner knew how to capitalize on the prominent location: by using the rooftop for massive electronic advertisements that became touchstones for travelers along the nearby highways. Knickerbocker Beer. Kent Cigarettes. Newport Cigarettes. The History Channel. iHeartRadio. Uber.

By 2012, the owner of 20 Bruckner was Lewis Katz, a lawyer and philanthropist who had made his fortune in parking lots, billboards and professional sports teams. He was thinking of demolishing the long-vacant building, but Jorge Madruga, his partner in another real estate project, urged him to reconsider.

The building could be so much more than a platform for electronic signs, Mr. Madruga argued. Beautiful and sturdy, it featured iron-ore columns, terra cotta ceilings and enormous windows facing the glittering lights of Manhattan across the Harlem River. But before the men could finalize a partnership to reimagine the building, Mr. Katz died in a plane crash in 2014.

The project was then taken up by Mr. Katz's son, Drew, the chief executive of Interstate Outdoor Advertising and a benefactor in his own right, supporting community groups and educational institutions, including a charter school network in Camden, N.J. He is also a generous campaign contributor, counts various celebrities among his friends — he is close to Senator Cory Booker of New Jersey — and has not been reticent about his substantial wealth.

The three-day celebration of his 2013 wedding to Rachel Snyder, a lawyer, at The Breakers in Palm Beach, Fla., made gossip-column headlines, and their sprawling penthouse in SoHo was featured in Architectural Digest before being sold in 2015 for \$17 million. The couple then bought an even larger penthouse in Tribeca for \$22 million.

Mr. Katz's business partner, Mr. Madruga, 52, is also wealthy, connected and a frequent donor to political campaigns. He left his native Cuba as a child during the Mariel boatlift, and as a young man pleaded guilty to participating in a Medicaid scam in Florida, for which he served six months of house arrest and paid nearly a half-million dollars in fines and restitution. He now owns Maddex Equities, a developer and builder of residential and commercial properties.

In July 2016, the two men struck a deal: Mr. Madruga would be in charge of developing 20 Bruckner; Mr. Katz, meanwhile, "would serve as a passive investor uninvolved with the project's operations or construction," said his spokesman, James Yoles.

As the search for tenants began, teams of nonunion workers contended with the unpleasant task of gutting the neglected, pigeon-infested building. The construction



C. TAYLOR CROTHERS/GETTY IMAGES

Twenty Bruckner Boulevard, beneath a billboard, near the Harlem River, above. Lauro Martínez, right, at the tomb of his son, Marco, who at 18 emigrated from Ecuador and was soon working in construction in New York City.



DESREE RIOS FOR THE NEW YORK TIMES

tion industry in New York City relies on the labor of thousands of undocumented immigrants, performing jobs few others want, hoping to move up through sweat and toil. Immigrants like Yonin Pineda.

Dark-haired and solidly built, he was raised by parents who ran a small grocery in Pasaco, a modest town in southern Guatemala. The sixth of seven sons, he followed two brothers to the Bronx, traveling by bus, by foot and by van up through the Americas. It took six weeks.

Mr. Pineda cleaned offices before getting a job with a small construction company in Queens. He did demolition and installation work throughout his adopted city, then was assigned to the gut rehab of 20 Bruckner.

The young laborer would leave the Bronx apartment he shared with his brothers and join the pre-dawn commute known to battalions of construction workers with scuffed boots and bleary eyes. He would take the 4 train south and arrive at work well before the 7 a.m. start.

Before anything else, he would meet up with his foreman, Mauricio Sánchez, for their coffee-cart ritual. Mr. Sánchez liked sugar doughnuts; Mr. Pineda preferred chocolate.

Mr. Sánchez often had to check in deliveries at noon, leaving him no time to buy lunch. But Mr. Pineda's girlfriend would prepare enough food for both men. Her stewed beef with rice was the foreman's favorite.

Mr. Pineda's pay started out at \$120 a day, gradually rising to \$180, with no overtime — even if work went long or stretched into a Saturday. Payment initially came in the form of a check, he said, but later became cash in hand, every two weeks.

He and the other laborers had no idea who the new tenant would be. All they knew, really, was the work: clearing debris, taking down interior walls, power-washing the 19th-century brick, removing nearly every trace of the past.

It was hard labor. Dusty, dank and dangerous.

## 'MAMI, COME'

The device is called a scissor lift. When activated, it unfolds like an upturned accordion, allowing the operator to rise on a small platform to reach high, otherwise inaccessible places.

The lift being used at the 20 Bruckner construction site on Dec. 11, 2018, was squat and rectangular, with a yellow guardrail around its platform. Now it was time to pack up. A foreman for one of the subcontractors instructed a young



Yonin Pineda on a park bench in March, top. He remains out of work and is unable to eat solid food. Above, Mauricio Sánchez, his foreman, died in the incident last year.

worker named Marco Martínez to sweep the lift clean of debris.

Mr. Martínez was 18, big-eyed and small-framed, still more boy than man. He had been in the United States for less than four months and, in many ways, could not have been further from home. He grew up in Gunag, a dirt-road hamlet tucked into the Andes Mountains of south-central Ecuador. The oldest of three children and the only son, he slept in the same room as his parents and sisters in their one-story concrete house.

Life depended on planting and harvesting potatoes from rented land. The family shared the backbreaking work with two bulls that pulled the plow and a horse that carried the bags bulging with tubers. Mr. Martínez stopped attending school when he was 12 and began tending the fields full time. He worked for a while at a meat-processing business in the nearby town of Paute, but the cost of commuting ate into the \$10 he earned for a 12-hour shift.

He knew that his prospects in Gunag were limited. To realize his dream of owning land in his hometown, where the money sent back by emigrants had already raised property prices, he would have to follow so many others and go to New York.

The first set of smugglers vanished after collecting a sizable fee, his parents said. But the family tried again, paying the travel costs with a \$20,000 loan intended for farming equipment and livestock.

In late August 2018, Mr. Martínez said goodbye to Gunag, where he enjoyed racing his dirt bike through the green hills. In an instant, he was living with an uncle in the jam-packed Corona section of Queens, a short walk to Flushing Meadows Corona Park, where the stainless-steel Unisphere reflected both the vastness and the smallness of the world.

Mr. Martínez found work as a waiter for a catering business owned by the uncle of a family friend, Lucio Barrera. The young man struck Mr. Barrera as determined and ambitious, eager to pay off his smuggling debt and begin saving money. "He knew that if he worked hard, he'd be able to make something of his life," Mr. Barrera said. "He was happy, very respectful. He was just a kid."

He kept in daily contact with his family in Gunag, especially his mother, Digna Arias. He sent photos of himself, including one at the colossal World Trade Center transportation complex, and begged her to join him. He was lonely.

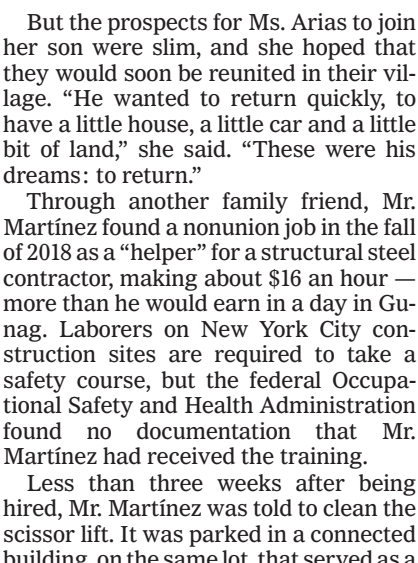
"Mami, come, come, come," Ms. Arias recalled her son saying. "You work so hard and put in so much effort, and for nothing, Mami. There is money here."

**'You have a perfect storm of unsafe conditions. Not just the physical conditions, but conditions in which the workers are unaware of their rights or are unable to use their rights.'**

JORDAN BARAB, former deputy assistant secretary of labor for OSHA



DANIELE VOLPE FOR THE NEW YORK TIMES



Marco Martínez at the World Trade Center transportation complex, a photo he sent home to his family in Ecuador, who depend on the potato harvest for their livelihood. His funeral card, right.



DANIELE VOLPE FOR THE NEW YORK TIMES



DANIELE VOLPE FOR THE NEW YORK TIMES

Rudansky said.

A subsequent investigation resulted in violations for Mr. Madruga's company, the general contractor, including failure to safeguard the construction site and failure to notify the department of the fatal incident, Mr. Rudansky said.

Mr. Madruga's company, GDI Construction, is disputing the violations. A spokesman said that nothing had been concealed from the city agency, and noted that OSHA had not cited the company in connection with the death. A hearing on the Buildings Department violations, which carry penalties of up to \$75,000, is scheduled for July.

A few days into 2019, the body of Marco Martínez arrived at the airport in the city of Guayaquil, a drive of several hours from his hometown.

Around midnight, a police car with lights flashing pulled into the small village, followed by a car serving as a hearse. Mourners filled the narrow street to press against the vehicle and pay their respects. As men prepared to remove the off-white coffin, women sang a sorrowful hymn into the darkness.

## AN 18-FOOT FALL

Work on the project continued. Then it was December again, five days before Christmas 2019, and another new laborer, Michael Daves, was on site, working for another nonunion contractor.

Mr. Daves, 38, had a shaved head and a gray-white goatee. After spending years

Continued on Following Page



EMILY ASSIRAN

A laborer working on a scissor lift at 20 Bruckner Boulevard. Mr. Martínez was crushed against a ceiling in 2018 while on the same type of machinery.

Daniele Volpe, Annie Correal and José María León Cabrera contributed reporting. Susan C. Beachy contributed research.



# The Men Lost to 20 Bruckner Boulevard

Despite the pattern of deaths, the consequences have been negligible. Government inspectors have exacted just \$28,864 in fines.



TATIANA FERNÁNDEZ FOR THE NEW YORK TIMES

The Playa Grande beachfront in the Dominican Republic, where Drew Katz celebrated his 50th birthday, above. He is a generous campaign contributor and is close to Senator Cory Booker of New Jersey. A worker at the annual Mass for construction workers last month at St. Patrick's Cathedral in Manhattan, right.

From Preceding Page

in and out of prison and struggling with drugs, he was living in a men's shelter facing the elevated train tracks along Jerome Avenue in the Bronx, trying to hold a job and stay straight.

The younger men in the shelter saw him as a calming presence who would gently intervene if a resident hassled a staff member. They called him Tru.

"If you needed him, he was there, if he had it," said one resident, Mark Johnson, 37. He added, "A straight-up brother."

Luis Marrero, another resident, recalled sharing a room with Mr. Daves and nearly a dozen others. He said that Tru had a hard time dealing with shelter life, and could not always resist the pull of drugs.

"He regretted using," Mr. Marrero said.

On that cold Friday morning, Mr. Daves, who had taken the required safety training, was spraying a water hose to contain hazardous dust as his foreman guided a 36-inch saw through second-floor concrete.

The foreman instructed him to find a plank on the first floor to use as a guide for a straight cut. But instead of walking toward the stairs, investigators determined, Mr. Daves went in another direction.

He entered a small gated area marked "Danger" and "Controlled Access Zone." Inside were some planks and a large hole in the floor, according to an OSHA investigation. He did not have permission to be in this restricted area, a spokesman for Mr. Madrugá's company said.

Mr. Daves fell through the hole and hit the concrete floor about 18 feet below. His foreman rushed downstairs to find him barely conscious and bleeding from the nose.

The laborer was taken by ambulance to Lincoln Medical Center. One of his supervisors later reported to OSHA that Mr. Daves had told the hospital staff he had taken heroin earlier in the day, an allegation The Times could not independently confirm.

Mr. Daves's mother, Barbara Daves, of Newnan, Ga., said in an interview that he had maintained contact with his family and had been doing well in "trying to pull himself together." She acknowledged that he had struggled with drugs, but said that he would not have endangered himself by using them on the job.

Her son, Ms. Daves said, was "not a fool."

The Buildings Department eventually cited Mr. Madrugá's company, GDI Construction, for a dozen violations; six were sustained, four were dismissed and two are pending, including alleged failures to institute safety measures and to notify the agency of the incident. The company has paid \$14,275 in fines.

OSHA, meanwhile, issued penalties of more than \$61,000 to the subcontractor, RLG Kingsland Services, for violations centering on safe work conditions and safety training. The company has not paid; through its lawyer, it declined to comment.

Once again, OSHA said, the requirement that it be quickly notified of a work-related hospitalization was not met. It was not until four days later, on Christmas Eve, that a supervisor for the subcontractor left a voice mail message to report that Mr. Daves had been hospitalized.

"The caller stated that he was at a controlled area where he was not supposed to be at," reads an OSHA summary of the



Drew Katz, left, with his father, Lewis Katz, right. Jorge Madrugá, right, Mr. Katz's business partner.

call. "The caller stated that it is believed that he was hiding to do drugs."

Five days later, another message was left on the OSHA hotline. This time it was an official from the city's Office of the Chief Medical Examiner, calling to report "the work-related fatality of a gentleman": Michael Daves.

## A NEW TENANT

The death of Mr. Daves — one of 14 at construction sites in the city in 2019 — created costly problems for the developers. The Buildings Department shut down all work until the company, which said it fired the subcontractor that employed Mr. Daves, resolved the violations and the agency was satisfied that the site was safe.

In February 2020, two months after the death, the city partly rescinded its stop-work order (it would not be completely lifted until October), but only after the buildings commissioner directed Mr. Madrugá's company to hire a full-time construction superintendent to oversee safety operations. The company said it had already assigned a superintendent to the site — three months before Mr. Daves's death.

By now, the ice-plant project had a clear purpose as the future home for DREAM, a well-established network of charter schools with deep roots in East Harlem and the Bronx and a strong bench of high-powered financiers and former athletes among its supporters. Mr. Katz had met the organization's founder, Richard Berlin, years earlier and was impressed with the educator's passion and dedication. More than 90 percent of DREAM's students are Black or Hispanic, and at least half of its seats are reserved for children from nearby public-housing developments.

When another potential tenant for 20 Bruckner had dropped out, Mr. Katz encouraged Mr. Berlin to fly the building, the spokesman for Mr. Katz said. And by

the spring of 2019, DREAM had signed a 45-year lease agreement.

The new school, designed by the renowned architect David Adjaye, would accommodate 1,300 students, from pre-K through high school.

But a lot of demolition and construction still needed to be done. That work would fall to laborers in hard hats, including Yonin Pineda and Mauricio Sánchez.

Stocky and with a dark trace of a mustache, Mr. Sánchez enjoyed his job as foreman. He had come to New York a dozen years earlier from Santa María Huazolotitlán, a town in the Mexican state of Oaxaca. Now he was living the uneasy life of the undocumented immigrant, sharing an apartment with other men in a squat brick building in the Corona section of Queens.

On the job site he was known as a serious supervisor who discouraged his crew members from speaking ill of colleagues. This rigorous sense of purpose had been instilled in Mr. Sánchez during his three years in the Mexican military, according to his brother Julian.

Quiet and disciplined, Mr. Sánchez rarely shared anything personal. His colleagues may not have known that he sent nearly \$1,500 a month home to his widowed mother; that he paid much of the cost to cremate and return to Guatemala a friend who had died of a heart condition; that he liked to relax by strumming a guitar. He favored ballads about romance.

"He never talked about anything personal, only about work," Mr. Pineda said. "Very dedicated."

Coffee and doughnuts. Hard work. Lunch prepared by Mr. Pineda's girlfriend. More work. This was his life.

## A THIRD DEATH

On the warm morning of May 19, 2021, Mr. Pineda took the 4 train south, past Yankee Stadium and then the Lincoln

Medical Center, where two workers injured at the Bruckner job site had died.

This is Mr. Pineda's account of what happened that day.

He started his shift on the fifth floor — the charter school's future athletic center — taking the smaller of two elevators. The larger one, he said, had been under repair after a malfunction a few weeks earlier.

Mr. Pineda finished a task and was about to head back downstairs when Mr. Sánchez, his foreman, emerged from the small elevator to say they had a lot of work to do. The bosses wanted the debris cleaned up.

When two supervisors for GDI Construction walked out of the larger elevator a short while later, Mr. Pineda said, Mr. Sánchez asked them whether the device was now operational. Yes, Mr. Pineda recalled one of the supervisors saying. *But you have to operate it manually.*

Under Mr. Sánchez's direction, Mr. Pineda guided a pallet jack holding two containers of construction debris into the elevator. After they closed the doors, Mr. Sánchez joked that the elevator might not make it all the way down. He activated the car's descent. An ominous noise sounded from above. Suddenly they were hurtling 75 feet to the ground.

"I'm looking at Mauricio, and Mauricio is looking at me," Mr. Pineda recalled. "We screamed."

The overwhelming sense of helplessness, of imminent death, was brief. "Once I went down, I don't remember what happened," he said.

The life was crushed from Mr. Sánchez. He lay face down, bits of broken concrete in his dark hair, the cellphone he used to call family in Mexico jutting from a back pocket.

Mr. Pineda was taken to Lincoln Medical Center, where he regained hazy consciousness the next day, unable to see or speak. His jaw was wired shut and he was breathing through a tube protruding from an incision in his throat.

The exact circumstances of this work-site fatality — one of nine in the city in 2021 — are in dispute.

Stu Schwartz, a lawyer for Alpha Elevator, said that the company had been in the process of upgrading the elevator. It had installed a temporary lightweight system meant to be used only by Alpha mechanics, he said, and he maintained that no Alpha employee was on site that day.

"Nobody should have been using it other than elevator personnel," Mr. Schwartz said.

The Bronx District Attorney's Office

placed the blame on the accident's two victims, reiterating that only Alpha employees were supposed to use the elevator.

"Despite being informed of this, the foreman, Mauricio Sánchez, used it along with a worker, Yonin Grijalva, to take debris from a higher floor. The wire holding the elevator broke under the additional weight, and the foreman and worker plummeted down the shaft with it," said a spokeswoman, Patrice O'Shaughnessy, using Mr. Pineda's maternal surname.

Jonathan Moran, a lawyer representing both Mr. Pineda and the Sánchez estate, said that the laborers were never told not to use the elevator, and that no caution signs or fencing signaled that it remained out of service — an assertion supported by an OSHA inspection performed after the incident. He said that the Bronx District Attorney's Office had never interviewed Mr. Pineda, and described its inquiry as "superficial, one-sided and woefully inadequate."

Last month, after The Times asked the district attorney's office and the city's Department of Investigation why their inquiry into the elevator collapse did not include talking to the sole survivor, they said that the investigation was ongoing. Days later, they interviewed Mr. Pineda.

OSHA eventually cited the laborers' employer, KM Builders, for several violations related to work-site safety in general and the elevator collapse in particular, with penalties totaling \$48,370. The company, through its lawyer, declined to comment. It has not paid the penalties.

Government agencies also cited Mr. Madrugá's company, GDI Construction, once again for multiple safety violations in connection with the death of a laborer on its construction site, this time with possible penalties of nearly \$125,000.

And once again, the Buildings Department issued a full-stop work order at 20 Bruckner. Once again, it pressured GDI Construction to provide a safer job site, directing the company to hire both a full-time "safety compliance officer" and a "site safety manager." The stop-work order was lifted three months later.

The spokesman for GDI Construction said the company had met and exceeded the city's demands, with extra employees on site to ensure that all "safety-related details" were addressed. He added, "Construction inherently presents risks, and though safety measures, precautions and protocols were in place on this job site, these unfortunate accidents occurred."

In a statement, Mr. Katz distanced himself from the incidents, saying that

he had entrusted Mr. Madrugá to oversee the details of the project. He added, "The three accidents are tragic and deeply saddening to my family and me."

## 'COST OF DOING BUSINESS'

Less than three weeks after the third fatal incident at the job site, Mr. Katz held a 50th birthday party for himself on the north coast of the Dominican Republic, among the exclusive resorts along the Playa Grande beachfront.

Dozens of guests were treated to the days-long celebration, including his development partner, Mr. Madrugá, and Mr. Berlin of the DREAM charter school. The men declined to comment on the gathering, which included golf, zip-lining, A.T.V. rides and baseball hats emblazoned with "DK50" to commemorate the host's milestone birthday.

Mr. Pineda, meanwhile, remained hospitalized in the Bronx. His body was a study in blunt trauma, from the fractures in his eye sockets to the ligament tears in



In 2020, federal inspectors conducted 11 investigations into construction-related fatalities in New York City. All were at nonunion sites. Michael Daves, above, died in 2019 after falling through a hole.

his feet. Broken nose, broken jaw, bloodied ear, sprained back, lacerated chest, damaged knee.

The body of his colleague, Mauricio Sánchez, was returned to his mother in their Mexican hometown, to be buried in a silver coffin. GDI Construction said that it covered some of the cost.

Still grappling with their loss, Mr. Sánchez's relatives recalled how he proudly sent them photographs of his job site, and how, the day before the accident, he had told one of his brothers that work was going well.

"I ask for justice for the death of my son," Mr. Sánchez's mother, Rosa Julia Gallegos, said in a phone interview from Mexico.

Workers' rights advocates in New York have successfully pushed to increase work-site training requirements and to regulate "body shops," or labor brokers that supply low-wage workers. And they are working with legislators to pass Carlos's Law — named after an immigrant buried alive at a Manhattan construction site in 2015. The bill broadens

corporate liability in worker injuries and death, but only when criminal charges are filed, which rarely occurs.

Francisco Moya, a city councilman and former Democratic state legislator from Queens who helped write the original version of the bill, said the existing fines were too small to deter contractors from cutting corners on safety. "For them, that's nothing," he said. "It's the cost of doing business."

Construction-related deaths remain inordinately higher at nonunion work sites. In 2020, for example, OSHA conducted 11 investigations into construction-related fatalities in New York City. All were at nonunion sites.

Jordan Barab, a former deputy assistant secretary of labor for OSHA during the Obama administration, said that the fear of deportation and the desperate need for work can combine to leave undocumented workers particularly exposed.

"You have a perfect storm of unsafe conditions," Mr. Barab said. "Not just the physical conditions, but conditions in which the workers are unaware of their rights or are unable to use their rights."

The civil lawsuits filed by the families of the three dead laborers are pending. The developers and contractors have denied any negligence or wrongdoing.

There have also been workers' compensation claims, and at least one settlement. Mr. Martínez's parents in Ecuador said they used the money to pay off the loan for their son's passage to the United States, and to build an addition to their modest home. But they remain haunted by their inability to acquire visas in time to visit their comatose son before he died.

"Without being able to even see him, we cried day and night here," said his mother, Mrs. Arias.

Construction continues at 20 Bruckner, with DREAM officials planning to take occupancy next year. The organization's annual gala in the fall will feature the building's owner, Mr. Katz, as its man of honor. Individual tickets start at \$10,000.

And Mr. Pineda has yet to recover from the elevator collapse that broke his body and killed his foreman and coffee-cart friend. He remains out of work and is unable to eat solid food.

The laborer also continues to have vivid dreams of the job site addition to which a puzzled Mauricio Sánchez keeps telling his colleagues that what they're saying isn't true: He's not dead.



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Members of New Immigrant Community Empowerment honoring construction workers killed on the job.



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Mr. Pineda would have a view of Yankee Stadium on his daily commute on the 4 train to the job site.