

certain of the defendants, U.S. government officials in their official capacities only, to dismiss the action, or to transfer the same to the U.S. District Court for the Southern District of New York (“SDNY”) pursuant to the Air Transportation Safety and System Stabilization Act of 2001, Pub. L. No. 107-42, 114 Stat. 230, as amended by the Aviation and Transportation Security Act, Pub. L. No. 107-71, 115 Stat.597 (the “Stabilization Acts.”).

2. The cornerstone of the moving defendants’ motion is that, as this action is related to the September 11, 2001 terror attacks, under the Stabilization Acts, this Court lacks jurisdiction, wherefore dismissal (or transfer to SDNY) is mandatory.

3. As argued in Rodriguez’s brief, as a preliminary matter the moving defendants do not have standing to object to the venue of so much of the complaint as is pleaded under RICO, or that is based on the 9-11 attacks, insofar as the same are pleaded against the moving defendants in their personal, individual capacities only, and not in the official capacities.

4. Moreover, the only case decision squarely on point (*i.e.*, in which § 408(b)(3) of ATSSSA was the basis of a motion to dismiss, as against defendants sued not for negligence, but for participation in acts of terrorism) is directly contrary to the moving defendants’ main argument. In Burnett v. Al Baraka Investment and Development Corporation, 274 F.Supp. 2d 86, 94-95 (D.D.C. 2004) the Court stated:

Construing the ATSSSA's exclusive language to encompass claims against the September 11 terrorists and their conspirators would bring the ATSSSA irreconcilably into conflict with the ATA. Congress did not "clearly express" an intention that Section 408(b)(3) was to render the ATA's jurisdictional provision [18 U.S.C. § 2334(a)] ineffective . . .

There is no conflict between the ATSSSA and the ATA if both statutes are given effect. That is accomplished here by giving a narrow construction to the "exclusive jurisdiction" language of Section 408(b)(3).

5. Thus, the government's motion is revealed as made with complete disregard for what appears to be the only decision to date in which an action against persons alleged to have been criminally complicit in the terror attacks, as distinct against "airlines, airport security companies, airport operators, airplane manufacturers, and owners and operators of the World Trade Center . . ." who were sued for negligence.

6. Frankly, too, the Government is attempting not only to "forum shop," but hopefully to deny Rodriguez a forum in which his claims may be heard, as affiant is not admitted to practice in New York, and no doubt the Government is hoping that Rodriguez will be unable to secure local counsel in New York to represent him in such a controversial matter.

7. While acknowledging that the allegations of his complaint are no doubt shocking and even scandalous, at least to those who have not studied closely the events of 9-11 and the discrepancies in the "Official Story" promulgated by the Government, and that they present this Honorable Court with what

must be the “mother of all judicial hot potatoes,” Rodriguez presents those allegations in utter good faith.

8. Further, given the latitude afforded this Court in determining that venue may lie in this district, or elsewhere, respectfully recent revelations make plain, or should make plain, that while the conclusions urged by plaintiff remain to be proved, defendants, including President Bush, Vice President Cheney, Defense Secretary Rumsfeld, Secretary of State Rice, and others, have lied repeatedly to the American people – and, in the case at least of Secretary Rice, have lied under oath – about the extent of foreknowledge of attacks as occurred on 9-11. Rodriguez, and affiant, soberly propose to this Court that these repeated untruths, and the politically-motivated suppression of information gathered by the 9-11 Commission on what even members of that Commission have characterized as spurious “national security” grounds, show that the government has much to hide.

9. Whether this litigation proceeds in this forum, or counsel is found who will prosecute it in another forum, this instant motion (and the cynical nondisclosure of explosive revelations concerning fifty-two [52] advance warnings of the 9-11 attacks¹ until after the November 2004 elections, and Dr. Rice’s confirmation to be Secretary of State) foreshadow what will surely be multiple, and equally cynical, acts to stonewall discovery, and assertions of

¹ Associated Press, 2/11/2005.

bogus “national security” grounds as pretexts to continue to suppress the truth about 9-11. The blanket of “national security” does not cover criminal complicity in the murder of 3,000 people, most of them American citizens, on American soil, to advance an agenda of warmaking and “Patriot Act” type repressive legislation, warrantless searches, a national ID card, and other such erosions of Constitutional liberty at home.

10. This is not a negligence action. What Rodriguez alleges, in the alternative, is that either: (A) many of the defendants, as well as persons not known to Rodriguez, were actively complicit in the sponsorship, planning and execution of the 9-11 attacks; or (B) defendants – if not actively complicit in carrying out the attacks – had knowledge that the attacks were impending, which knowledge was sufficient for defendants to take counter-measures to prevent the attacks, but they failed to do so, not by reason of mere negligence, confusion, or ineptitude, but because they affirmatively desired such attacks to occur.²

11. That certain of the defendants, at present occupying prominent and influential positions in the Bush II Administration, believed a “catastrophic and

² Of course, it may be that some, but not all of the defendants were actively involved in planning and carrying out attacks that would be attributed to Osama bin Laden and Al Qaeda, whereas others of the defendants knew only that such attacks were threatened, and that adequate counter-measures advisedly were not being taken to prevent them, but perhaps did not know that some defendants were actively involved in planning for the attacks to occur.

catalyzing event – such as a new Pearl Harbor” to be in the national interest is a matter of public record.³

12. Rodriguez further alleges that the National Commission on Terrorist Attacks Upon the United States, chaired by former New Jersey Governor Thomas A. Kean (the “Commission”) was established not to disclose the full truth concerning the attacks, but (with the connivance of all or most of the commissioners) to produce a “limited hang-out,” or admission of bureaucratic errors or “intelligence failures,” while accepting *a priori* the defendants’ “Official Story”⁴ of 9-11, and not disturbing the public perception – created and maintained by demonstrable falsehoods – that the attacks occurred without prior knowledge on the part of senior Administration figures, and without warnings sufficiently informative to have enabled defendants, in the faithful and diligent exercise of their duties, to prevent them.

**IF THERE WAS NO GOVERNMENT
COMPLICITY IN THE 9-11 ATTACKS, WHY
DID DEFENDANTS LIE REPEATEDLY
ABOUT ABUNDANT ADVANCE
WARNINGS?**

³ See Project for the New American Century, “Rebuilding America’s Defenses,” (2000) at p. 52.

⁴ Of which the primary and essential components are that (1) the attacks were planned and carried out by nineteen box-cutter wielding Arab terrorists, under the auspices of “Al Qaeda,” a terror network headed by Osama bin Laden; (2) the attacks in no way involved any complicity on the part of defendants, or anyone in the United States government or the United States military; and (3) the attacks were not preceded by any warnings sufficiently detailed to have permitted defendants, in the diligent performance of their duties to protect the citizens and the territory of the United States from attack, to have implemented counter-measures to prevent them.

13. Many of the defendants have lied publicly, stating that they had no warning that terrorists might hijack aircraft within the United States and fly them into buildings. For example, President Bush told NATO just days after the attack (September 16, 2001) as follows:

Never did anybody's thought process about how to protect America did we ever think that the evildoers would fly not one, but four commercial aircraft into precious U.S. targets . . . never.

14. The President's then-Press Secretary, Ari Fleischer, lied when he stated as follows on May 16, 2002:

The president did not — not — receive information about the use of airplanes as missiles by suicide bombers. This was a new kind of attack that had not been foreseen.⁵

15. Defense Secretary Donald Rumsfeld went on "Meet the Press" on September 30, 2001, and lied to the nation as follows:

Never would have crossed anyone's mind that a commercial airline — usually a hijacker who takes an airplane, of course, wants to get someplace or wants to make a statement or wants to go on television or wants to hold hostages, but this [suicide attacks using hijacked airplanes] is a distinctly different behavior pattern than we've seen previously, and now, obviously, it's something we have to be attentive to.

16. Transportation Secretary Norman Mineta told the Commission, falsely, on May 23, 2003 that:

I don't think we ever thought of an aircraft being used as a missile. We had no information of that nature at all.⁶

⁵ Reuters, 5/16/2002.

17. Shockingly, in light of very recent revelations, is the following false testimony to the commission by FAA Administrator Jane Garvey, as reported by UPI:

I was not aware of any information about [airplanes] being used as weapons that was credible.⁷

18. The above lying was done, no doubt, with absolute confidence on the part of the liars in their own impunity, as the same was not done under oath.⁸ However, the brazenness of senior Administration defendants is not deterred by the penalties of perjury. Both houses of Congress are under Republican control. A majority of the United States Supreme Court has shown its partisan colors, in installing George W. Bush as President in the first place. The major media (owned by a handful of corporations, some of which like General Electric, the owner of NBC, is profiting from the war in Iraq) have shown – for example in their lack of scrutiny over false Administration claims concerning Iraq’s supposed weapons of mass destruction – that they have become little more than house propaganda organs for the regime. And the Attorney General of the United States, the nation’s top law enforcement officer, is a man deeply and personally indebted to President Bush for nearly every career advancement he

⁶ Except as otherwise noted, quotations herein from testimony before the Commission are taken from the *Washington Post’s* online archive.

⁷ United Press International, 5/22/2003.

⁸ Astonishingly, given the gravity of the matters being investigated, the Commission did not require a number of the witnesses who appeared before it to testify under oath.

has obtained, and he is on record as saying that the President is effectively a law unto himself. Who then will there be, who might call these high-level perjurers to account?

19. Against the recent revelations of fifty-two [52] warnings received by the FAA prior to 9-11, the Court is asked to consider the sworn (and, it very much appears) perjurious testimony of Dr. Condoleeza Rice, in her reluctant testimony before the Commission. Dr. Rice testified as follows:⁹

CHAIRMAN KEAN: Did you ever see or hear from the FBI, from the CIA, from any other intelligence agency, any memos or discussions or anything else between the time you got into office and 9-11 that talked about using planes as bombs?

DR. RICE: [At a press conference] I said, "No one could have imagined them taking a plane, slamming it into the Pentagon" about the use of airplanes as weapons actually was never briefed to us.

I cannot tell you that there might not have been a report here or a report there that reached somebody in our midst.

* * *

All that I can tell you is that it was not in the August 6th memo, using planes as a weapon. And I do not remember any reports to us, a kind of strategic warning, that planes might be used as weapons. In fact, there were some reports done in '98 and '99. I was certainly not aware of them at the time that I spoke.

KEAN: You didn't see any memos to you or any documents to you?

⁹ Quotations from Dr. Rice's testimony before the Commission are from transcripts published online by the *Washington Post*. Where emphasis appears, the same has been added by affiant.

RICE: No, I did not.

20. In her statement that preceded the question and answer exchange with members of the Commission, Dr. Rice stated in part as follows:

DR. RICE: In this context, I want to address in some detail one of the briefing items that we did receive, since its content has been frequently mischaracterized.

On August 6, 2001, the President's intelligence briefing included a response to questions that he had earlier raised about any Al Qaeda intentions to strike our homeland.

The briefing team reviewed past intelligence reporting, mostly dating from the 1990s, regarding possible Al Qaeda plans to attack inside the United States. [. . .]

This briefing item was not prompted by any specific threat information. And it did not raise the possibility that terrorists might use airplanes as missiles.

Despite the fact that the vast majority of the threat information we received was focused overseas, I was concerned about possible threats inside the United States.

And on July 5th, Chief of Staff Andy Card and I met with Dick Clarke, and I asked Dick to make sure that domestic agencies were aware of the heightened threat period and were taking appropriate steps to respond, even though we did not have specific threats to the homeland.

Later that same day, Clarke convened a special meeting of his CSG, as well as representatives from the FAA, the INS, Customs and the Coast Guard. [. . .]

The FBI issued at least three [3] nationwide warnings to federal, state and law enforcement agencies and specifically stated that, although the vast majority of the information indicated overseas targets, attacks against the homeland could not be ruled out. [. . .]

The FAA issued at least five [5] civil aviation security information circulars to all U.S. airlines and airport security

personnel, including specific warnings about the possibility of hijacking. [. . .]

This is a brief sample of our intense activity in the high threat period of the summer of 2001. Yet, as your hearings have shown, there was no silver bullet that could have prevented the 9/11 attacks.

In hindsight, if anything might have helped stop 9/11, it would have been better information about threats inside the United States - something made very difficult by structural and legal impediments that prevented the collection and sharing of information by our law enforcement and intelligence agencies.

21. Responding to questions from Commissioner Richard Ben-Veniste,

Dr. Rice testified:

DR. RICE: You said, it did not warn of attacks. It did not warn of attacks inside the United States. It was historical information based on old reporting. There was no new threat information. And it did not, in fact, warn of any coming attacks inside the United States.

COMMR. BEN-VENISTE: There was nothing reassuring, was there, in that PDB?

DR. RICE: Certainly not. There was nothing reassuring.

But I can also tell you that there was nothing in this memo that suggested that an attack was coming in New York or Washington, D.C.

There was nothing in this memo as to time, place, how or where this was not a threat report to the President or a threat report to me.

COMMR. BEN-VENISTE: We agree that there were no specifics. Let me move on, if I may.

RICE: There were no specifics, and, in fact, the country had already taken steps through the FAA to warn of potential hijackings. The country had already taken steps through the

FBI to task their 56 field offices to increase their activity. The country had taken the steps that it could given that there was no threat reporting about what might happen inside the United States.

DR. RICE: And on July 5th [2001], Chief of Staff Andy Card and I met with Dick Clarke, and I asked Dick to make sure that domestic agencies were aware of the heightened threat period and were taking appropriate steps to respond, even though we did not have specific threats to the homeland.

I talked to Powell. I talked to Rumsfeld about what was happening with the threats and with the alerts. I talked to George [Tenet]. I asked that the attorney general be briefed, because even though there were no domestic threats, I didn't want him to be without that briefing.

All that I can tell you is that it was not in the August 6th memo, using planes as a weapon. And I do not remember any reports to us, a kind of strategic warning, that planes might be used as weapons. In fact there were some reports done in '98 or '99. I was certainly not aware of them that the time that I spoke.

CHAIRMAN KEAN: You didn't see any memos to you or any documents to you?

DR. RICE: No, I did not.

COMMR. LEHMAN: Were you told that there were numerous young Arab males in flight training, had taken flight training, were in flight training?

DR. RICE: I was not. And I'm not certain that that was known at the center.

COMMR. GORELICK: Dr. Rice, thank you for being here today. [. . .]

[L]et me just give you some facts as I see them and let you comment on them.

First of all, while it may be that Dick Clarke was informing you, many of the other people at the CSG-level, and the

people who were brought to the table from the domestic agencies, were not telling their principals.

Secretary Mineta, the Secretary of Transportation, had no idea of the threat. The administrator of the FAA, responsible for security on our airlines, had no idea. Yes, the Attorney General was briefed, but there was no evidence of any activity by him about this. [. . .]

DR. RICE: Now, I would be speculating, but if you would like, I will go ahead and speculate to say that one of the problems here was there really was nothing that looked like it was going to happen inside the United States.

The threat reporting was - the specific threat reporting was about external threats: about the Persian Gulf, about Israel, about perhaps the Genoa event.

DR. RICE: Mr. Roemer, let's be very clear. The PDB does not say the United States is going to be attacked. It says bin Laden would like to attack the United States. I don't think you, frankly, had to have that report to know that bin Laden would like to attack the United States.

COMMR. ROEMER: So why aren't you doing something about that earlier than August 6th?

[APPLAUSE]

DR. RICE: The threat reporting to which we could respond was in June and July about threats abroad. What we tried to do for — just because people said you cannot rule out an attack on the United States, was to have the domestic agencies and the FBI together to just pulse them and have them be on alert.

COMMR. ROEMER: I agree with that.

DR. RICE: But there was nothing that suggested there was going to be a threat . . .

COMMR. ROEMER: I agree with that.

DR. RICE: . . . to the United States.

COMMR. ROEMER: I agree.

DR. RICE: . . . did not raise the possibility that terrorists might use airplanes as missiles.

22. The revelation that there were at least 52 warnings of possible attacks like those that occurred on 9-11¹⁰ ought to have been a political bombshell, but they stirred only modest interest. It should be noted, too, that this information was suppressed – and not leaked by any member of the Commission that, ostensibly, fully and fearlessly investigated the attacks – for five [5] months, and (with what Rodriguez proposes is unmistakable partisan political intent) until after: (A) the November 2, 2005 presidential election; and (B) after Dr. Rice was confirmed by the Senate to be Secretary of State.

23. Three [3] years and five [5] months, therefore, have elapsed since the 9-11 attacks – which were, it should be remembered, the largest mass homicides in the nation's history. Ordinarily, jurisdiction over the investigation of crimes of homicide lies with local officials, but neither the New York Police Department, nor its counterparts in the other locales in which the attacks occurred, have investigated the attacks independently. Federal authorities announced almost immediately that the attacks were the acts of Osama bin Laden and nineteen Arabs, whose identities were supposedly confirmed, notwithstanding that all of them presumably perished in the attacks, none of

¹⁰ Associated Press, 2/11/2005.

their names appeared on passenger manifests released publicly by the airlines, and supposedly federal authorities lacked prior warning that any of them were or intended to be involved in terror-related activities.

24. Accordingly, upon information and belief, there has occurred no investigation by federal authorities concerning who, in fact, planned and carried out the attacks, or whether persons other than (or in addition to) the nineteen [19] alleged Arab perpetrators may have participated in the execution of the attacks.

25. So as affiant is aware, former Attorney General Ashcroft has not confirmed nor denied that threats that Al Qaeda might divert passenger aircraft within the United States, and direct such aircraft into buildings, were known to him, and were a reason why he stopped flying on commercial aircraft just weeks before 9-11. Nor has Congress, or the Commission, insisted that Mr. Ashcroft explain how it is that the government claimed a lack of specific foreknowledge, while undeniably someone had information sufficiently specific (which, moreover, was not made known to the public at large) that the nation's top law-enforcement official stopped flying commercially.

26. This Court can, if it determines to do so, find that venue in this action is more appropriate in another district. However, technically speaking, venue in this district is proper, as described in more detail in the accompanying brief. Should the government's motion be granted, although Rodriguez will, to be sure, endeavor to secure co-counsel admitted before the federal district court

in the destination district as this Court may determine, again there is a short supply of attorneys willing, on a pro bono or fee-contingent basis, to go up against the most powerful group of individuals in the nation, and accuse them of kidnapping, arson, treason, and mass murder.

27. Rodriguez, and your affiant, respectfully implore this Court to reflect upon the implications of denying Rodriguez the possibility of seeking to prove his claims through discovery and a trial before a jury of his peers. If Rodriguez's claims prove to be unfounded, the Republic will survive. However, three and a half years have passed since 9-11. No one has been tried for planning the attacks. Despite the much vaunted "War on Terror," and although President Bush has openly boasted of extra-judicial murders at his orders of so-called terrorists,¹¹ since 9-11, only one person has been convicted, of participation in a terror-related crime causing death or injury to any person, or damage to property, in any American Court, that being, the shoe bomber, Richard Reid.

28. The myriad anomalies of the "Official Story" have nowhere been put to the test of independent, impartial inquiry, with knowledgeable persons being compelled to appear, to testify under oath, and to supply physical

¹¹ In his January 2003 State of the Union address, the President stated as follows:

All told, more than 3,000 suspected terrorists have been arrested in many countries.

And many others have met a different fate. Let's put it this way: they are no longer a problem to the United States and our allies. (CNN).

evidence. The families of the 3,000 dead of the 9-11 attacks were “tossed a bone,” by having a panel of intelligence and oil industry-connected insiders pretend to “investigate” the attacks, but in fact the "Official Story" was accepted entirely and from the outset of this cynical, faux investigation, and today many victims’ survivors are livid that, obviously, the truth has been – and continues to be – suppressed for political reasons.

29. It may be that, if this Court declines to do the right and the courageous thing, and permit Rodriguez’s action to proceed in this district, there will be no genuine inquiry into the actual events of 9-11, and that decades will pass before the entire truth emerges. That, clearly, is what the Government wants.

30. But, whereas surely the Republic can survive the consequences of Rodriguez’s allegations being disproved, what if Rodriguez is right? What if those who are known to have lied, are known to have had an agenda that would profit them and be advanced by terror attacks that could be blamed on Al Qaeda, and are known to have benefited, politically and in many cases financially from the “War on Terror” and the wars launched in Afghanistan and Iraq – what if they are guilty of those acts as are alleged in the complaint? Can the Republic survive, if these individuals are enabled to escape disclosure and accountability, for what Rodriguez alleges they have done?

31. Plaintiff respectfully prays that the conscience of this Court be haunted by the question he has posed: can America survive, as the legitimate

heir of what was bequeathed to us by Washington, Jefferson, and Madison, if no place will be found to establish the entire truth of 9-11, and who was truly responsible?

PROF. GRIFFIN DEMONSTRATES THE FLIMSINESS OF THE GOVERNMENT'S "OFFICIAL" CONSPIRACY, AND THAT THE 9-11 COMMISSION REPORT IS A POLITICALLY-DRIVEN FALSIFICATION

32. Since the complaint herein was drafted, there has appeared a work characterized by Burns H. Weston, Professor of Law Emeritus at the University of Iowa, a "must read" for "anyone serious about combating terrorism, let alone upholding constitutional democracy:" *The 9-11 Commission Report: Omissions and Distortions* by David Ray Griffin (Olive Branch Press, 2004) (hereinafter, "Griffin"). Because the merits, inescapably, will color what disposition this Court makes, and in light of the signal constitutional importance of this case, affiant takes the liberty of summarizing several sub-parts of the 9-11 Commission Report ("Report" or "Kean-Zelikow Report") dissected by Mr. Griffin.

THE REPORT AND THE NINETEEN ALLEGED ARAB HIJACKERS

33. First, the Kean-Zelikow Report fails to address serious issues concerning the 19 alleged hijackers. They include, among other things, the following:

- Flight manifests showing any of these 19 men to have been on the planes have never been produced, and

none of their names appear on those manifests released by the airlines to the public;¹²

- We are not told how, apart from proof such as would appear from flight manifests, the 19 alleged hijackers could have been so speedily identified, and their names and pictures posted to the internet;
- The Report does not refute (nor even mention) reports that at least six [6] of the 19 accused hijackers are alive;¹³
- While the hijackers are depicted as devout, even fanatical Muslims, willing to commit suicide for their faith, the Report does not address reports that Mohamed Atta (the alleged ringleader) and others drank alcohol, purchased lap dances, ate pork, and otherwise behaved quite unlike devout Muslims;¹⁴
- While the Report notes that Hani Hanjour, allegedly the hijacker pilot who steered Flight 77 into the Pentagon, was reputed to be a “terrible” pilot, it fails to explain how he supposedly performed acrobatic maneuvers in a less-than-nimble passenger aircraft, executing a 330-degree turn while descending through 2,200 feet, and then managing to bring the aircraft into the West Wing of the Pentagon, almost horizontally, at tree-top level;¹⁵
- There is, astonishingly, no publicly-available evidence that any of the nineteen accused terrorists were on any of the doomed flights.¹⁶

¹² Griffin, pp. 22-23.

¹³ Griffin, pp. 19-20.

¹⁴ Griffin, pp. 20-21.

¹⁵ Griffin, pp. 21-22.

¹⁶ Griffin, pp. 22-23.

**THE REPORT FAILS TO ANSWER
QUESTIONS CONCERNING THE
UNPRECEDENTED COLLAPSES OF THREE
SKYSCRAPERS AT THE WORLD TRADE
CENTER COMPLEX IN NEW YORK**

34. The Report fails to address, or it falsifies or distorts, the following matters in respect of the collapse of World Trade Center Buildings 1 and 2 (respectively, the North Tower and the South Tower) and Building 7:

- The collapse of all three [3] WTC buildings was attributed to fire, but fire has never (before or since) brought down steel-frame high rise buildings anywhere in the world;¹⁷
- While media reports depicted the WTC fires as “infernos,” in reality the fires (especially those in the South Tower and Building 7) were not very extensive, hot, or long-lasting;¹⁸
- It is incongruous, to say the least, that the South Tower, struck obliquely by an aircraft (with the result that much of the plane’s fuel exploded in a fireball outside of the building) collapsed well in advance of the North Tower, which was struck first, hit dead-on by the airplane, and had what appeared to be a larger fire, but this is not explained in the Report;¹⁹
- The Report, astonishingly, describes the interior core of each of the Twin Towers as “a hollow steel shaft, in

¹⁷ On February 13, 2005, there occurred what CNN reported as the worst fire in Madrid’s history, a conflagration engulfing the city’s eighth-largest building, the Windsor Towers, a 32-story steel skyscraper constructed in 1979 (CNN 2/13/2005). The Windsor Towers, of similar (but less robust) construction than the Twin Towers (which were of course much taller) withstood fire that burned for more than 24 hours, without experiencing the core failure that supposedly brought down the North Tower in only 85 minutes.

¹⁸ Griffin, pp. 25-26.

¹⁹ Griffin, p. 26.

which elevators and stairwells were grouped,”²⁰ whereas in truth each of the Towers’ cores had 47 massive steel columns;²¹

- Although FEMA published a report that opined that Building 7 collapsed due to fire, the Report makes no mention that the principal of the leaseholder on the entire WTC complex (and, moreover, a friend of rightwing publishing titan Rupert Murdoch), Larry Silverstein, stated on television in 2002 that the FDNY “pulled” (demolished - controlled demolition) Building 7 in the afternoon of 9-11, after consulting with him;²²
- Although it mentions two aspects of the Twin Tower collapses that are typical of pre-planned, controlled demolitions (*viz.*, that each Tower fell almost straight down, and that the collapse of each skyscraper was nearly at free-fall speed, a physical impossibility in the absence of explosives to take out the supporting columns) the Report essentially ignores that each collapse exhibited not fewer than ten characteristics associated with controlled demolitions;²³
- Former New York City Mayor Rudolph W. Giuliani, who has become wealthy as a result of anti-terrorism consulting since 9-11, told ABC News reporter Peter Jennings that he was told that the WTC Towers were going to fall before they actually did. Such advice requires an explanation, as it strongly suggests foreknowledge that the Towers would be demolished, as the collapse of steel-frame high rises due to fire was unprecedented. The Report makes no mention of this highly telling information.²⁴

²⁰ Report, p. 541, n.1.

²¹ Griffin, pp. 27-28.

²² Griffin, pp. 28-29.

²³ Griffin, pp. 26-27, and sources cited.

²⁴ Griffin, pp. 30-31.

- Both President Bush's brother, Marvin Bush, and their cousin, Wirt Walker III, were principals (indeed, Walker was the CEO) of the company that was in charge of security for the World Trade Center, matters reported in Craig Unger's *House of Bush, House of Saud*. Investors in this company included Kuwaitis who had aided George H. W. Bush become wealthy forty years before in Zapata Off-Shore Oil Co. Its clients also included two other entities connected to the 9-11 attacks, namely Dulles Airport near Washington, D.C. (from which Flight 77 is said to have departed) and United Airlines. The report contains no mention of Stratesec (the security firm), Securacom (its prior name), Marvin Bush, or Wirt Walker III.²⁵
- The Report fails also to justify or to question FEMA's immediate takeover of the WTC site, and the hasty removal to points overseas (in disregard of protests by) of the steel beams and columns – even though FEMA is not a law-enforcement agency, and the removal of crime scene evidence is ordinarily a crime.

²⁵ Griffin, pp. 31-32.

THE DOG THAT DIDN'T BARK: THE COMMISSION GIVES NO ANSWER TO THE QUESTION OF WHY PRESIDENT BUSH AND HIS SECURITY DETAIL DAWDLED AT A PUBLICLY-ANNOUNCED PHOTO-OP

35. A widely-remarked anomaly concerning 9-11, and one prominently featured in Michael Moore's film, *Fahrenheit 911*, was the inexplicable, even bizarre conduct of the President himself, lingering at an elementary school in Sarasota for approximately a half hour following the second strike at the World Trade Center. It is difficult to conceive of a fully satisfactory explanation of why the President, the Commander-in-Chief and an obvious target for terrorists, was permitted to tarry in a well-publicized location, except if he and his security detail knew enough concerning the unfolding attacks to be confident that the President was not to be a target. Certainly, no satisfactory explanation is proffered in the Report.

36. While the Report does parrot the White House's risible explanation that the President was "projecting strength" by sitting numbly in the schoolroom long after being told of the second strike at the WTC at about 9:07 A.M. on 9-11, and cites this "projection of strength" in support of the Report's attempt to discount fear as the reason wherefore the President did not return at once to Washington, it deals superficially at best with the true question – namely, that neither the President, nor his security detail, exhibited any concern for their own safety whereas – unless the attacks were an "inside job," or the attackers' plans

sufficiently known that a strike directed against the President could be ruled out – there was every reason to take immediate precautions.²⁶

**THE FLIGHTS OF 9-11: THE
COMMISSION'S NEW, DIFFERENT, AND
SANITIZED VERSIONS OF EVENTS**

37. Central, of course, to any discussion of 9-11 is the story of each of the four [4] doomed flights. The Court, and indeed (thanks to a virtual media blackout on the subject) most Americans might be astonished to learn that, from 9-11 to the present, there have been three [3] successive versions of the “Official Story” concerning each of the four [4] flights. Timelines and claims concerning the military’s response (or lack thereof) have been changed appreciably, and the Commission discards versions of the flight histories that had stood as the “Official Story” for nearly three [3] years, without discussing, much less satisfactorily explaining, how and why facts accepted earlier as true impliedly must have been discovered to be false, or sufficiently establishing the new, improved accounts. As will appear below, Griffin concludes, and I propose correctly, that the only reasonable explanation for the Commission’s “revisionism” is the *political* necessity to disprove the allegation (not openly acknowledged in the Report) that the military “stood down” and permitted the 9-11 attacks to proceed, and insofar as possible to thrust as much blame as

²⁶ See Griffin, Chapter Four, pp. 41 *ff.* See also, *id.*, Chapter 5, pp. 49 *ff.*, “Advance Warnings.”

possible on the Federal Aviation Agency (“FAA”) while protecting the military and senior Bush II Administration actors.

38. Although the Report’s “revisionism” in respect of Flight 11 is less drastic than for any of the three [3] other flights, even this account should be profoundly troubling. The means the Commission employs to exculpate the military for its failure to intercept Flight 11 are essentially threefold. First, although Version #3 moves up by two minutes (from 8:40 A.M. to 8:38) the hour at which NORAD was notified of the apparent hijacking, it persists in alleging failure by the FAA to follow established procedures, and an implausible delay from 8:14 A.M. (when radio contact with Flight 11 was lost) until about 8:25 A.M. (when controllers heard someone on Flight 11 say, “Nobody move . . . If you try to make any moves, you’ll endanger yourselves and the airplane”) to begin the process of notifying NORAD. Supposedly, controllers did nothing until they felt certain a hijacking was in progress. Established procedures were to “hit the panic button” at signs such as the flight veering off course, and the loss of radio contact and the transponder signal.²⁷

39. The second, dubious means employed by the Commission to insulate the military from blame concerning Flight 11 is to depict a cumbersome, time-consuming process whereby word of a hijacking from flight controllers had first to ascend a civilian chain of command, before NORAD received any notice,

²⁷ See Griffin, p. 155.

followed by orders descending a military chain of command, before any planes could be scrambled.²⁸

40. The third, similarly difficult-to-believe “fact” relied upon by the Commission is that, for the entire Northeast quadrant of the country (more than half a million square miles of airspace) supposedly only four [4] fighter jets at only two [2] air bases (Otis on Cape Cod, and Langley in Virginia) were available to respond to the 9-11 attacks.²⁹

41. If true, NORAD’s claim that it had only four [4] planes available on 9-11 could only rest on a technicality, *i.e.*, that whereas there were additional assets that might have been called upon, strictly speaking only four [4] aircraft were part of NORAD’s complement. Griffin reports a telephone conversation between independent 9-11 researcher Kyle Hence and Donald Arias, a NORAD public affairs officer. Reportedly, when Hence asked Arias whether there were assets and Andrews AFB as NORAD could have called upon, *Arias hung up on him*.³⁰

42. Moreover, planes *were* scrambled from Andrews AFB later on the morning of 9-11, and reportedly were aloft within minutes of orders to scramble.³¹ Perhaps the most damning proof that refutes the Commission’s

²⁸ See Griffin, pp. 155-158.

²⁹ See Griffin, pp. 159-164.

³⁰ Griffin, p. 161.

³¹ Griffin, pp. 161-162.

“only four [4] planes, and none at Andrews” assertions is that Government websites trumpeted the presence at Andrews of the 121st Fighter Squadron of the 113th Fighter Wing, equipped with F-16s, the Marine Fighter Attack Squadron 321, with the F/A-18 Hornet plus a reserve squadron providing “maintenance and supply functions necessary to maintain a force in readiness,” and the District of Columbia Air National Guard, charged with “provid[ing] combat units in the highest possible state of readiness.”³² Apparently, these websites were “scrubbed” or went down not long after 9-11³³ that, unless one of too many coincidences as the “Official Story” demands that we believe, was part of an attempt to obfuscate the truth.

43. That there were no fighters available from Andrews AFB is also contradicted by Richard Clarke’s account of a telephone conference call on the morning of 9-11, in which Gen. Myers reportedly told him that “Andrews is launching fighters from the D.C. Air National Guard.”³⁴

44. As Griffin points out, *even with* all of these exertions, the Commission has not quite managed to clear the military of failure to intercept Flight 11 before the North Tower impact. Assuming notice to NORAD at 9:38 A.M., allowing 2.5 minutes for planes to be scrambled from Otis, and transit from Cape Cod at the F-15s’ maximum, 1,850 MPH speed, planes could have

³² See Griffin, p. 163, and sources cited thereat.

³³ Griffin, pp. 163-164.

³⁴ Griffin, p. 164, *citing* Clarke, *Against All Enemies: Inside America’s War on Terror*, p. 12.

been at the WTC about 40 seconds before the impact – if narrowly, still possibly sufficient time to intercept and down the hijacked plane.³⁵

45. What the Commission has to do to explain this timeline away is to report that, supposedly, fighters reaching the scene barely before Flight 11 would have had no opportunity to shoot down the hijacked airliner, because the radar system in use was thwarted by the hijackers' act in turning off the plane's transponder:

Because the hijackers had turned off the plane's transponder, NEADS personnel spent the next minutes searching their radar scopes for the primary radar return. American 11 struck the North Tower at 8:46. Shortly after 8:50, while NEADS personnel were still trying to locate the flight, word reached them that a plane had hit the World Trade Center.³⁶

46. As Griffin rightly notes, what the Commission is proposing is that the loss of transponder signals will make it virtually impossible for the U.S. military to track airplanes.³⁷ As Griffin further notes, Pentagon websites imply sophisticated radar systems incomparable with civilian systems, it strains credulity that systems, ostensibly able to simultaneously track dozens of attacking missiles, were somehow incapable of tracking one [1] airliner headed for New York City, and it is far-fetched that (as the Commission impliedly wants

³⁵ Griffin, p. 166.

³⁶ Griffin, p. 167, *citing* Report at p. 20.

³⁷ Griffin, p. 167.

us to believe) that throughout the Cold War, incoming Soviet airplanes could have avoided detection, simply by switching off their transponders.³⁸

47. As the first of the four [4] planes to strike a target or to come to ground, Flight 11 by definition presents the *least difficult* of the four to craft a sufficient excuse for the military. Yet, although Version #3 regarding Flight 11 is the least drastically reconstructed by the Commission, it still has given us a chain of events that is far-fetched as to every single link. To credit this newly-revised part of the "Official Story," we must believe the FAA ignored its own protocols, and was guilty of shocking incompetence (for which no one, apparently, has been fired). We must accept an implausibly cumbersome chain-of-command, that made an effective response virtually impossible. We must further believe that the most populous and heavily-traveled fourth of the nation had been provided, as of 9-11, with only four [4] fighter jets, and that Andrews AFB, just ten [10] miles from the capital, and boasting three [3] fighter squadrons in the "highest degree of readiness" on government websites, had no planes at the ready. We must further believe that the military was relying on civilian radar systems, and that the latter had no means to track aircraft with their transponders turned off.

48. While this account in the Report is the *least* far-fetched of those concerning the four [4] doomed aircraft, it is hardly credible. Standing alone, the

³⁸ Griffin, p. 167, and sources cited.

cutting back of air defenses to four [4] standby fighters, and with radar as crude as we are asked to believe was the only system available, ought to have resulted in courts-martial or mass resignations. Yet, *there have been none*.

**FLIGHT 175: THE COMMISSION'S
REVISIONIST HISTORY "DISAPPEARS"
THE "SCALDED APES"**

49. The Commission's "historical revisionism" in respect of Flight 175 passes from the barely plausible to the bizarre. In their exertions to refute a charge they cannot squarely acknowledge – that the U.S. military "stood down" on 9-11, and permitted the attacks to proceed – the military, and later the Commission, first had to get rid of General Myers' embarrassing admission that no jets were scrambled until after 9:38 A.M.

50. Thus, just days after 9-11, Version #2 (which stood as the "Official Story" until the Report was released nearly three [3] years later) had fighters scrambled from Otis ANG Base on Cape Cod, but – despite flying "like scalded apes" – approaching to only 71 miles of Manhattan when the South Tower was struck at 9:02.³⁹

51. Version #2 of the "Official Story" of Flight 175 had, to be sure, multiple problems, not the least of which the generous 9-minute lapse from the FAA's notice to NORAD'S Northeast Air Defense Sector that Flight 175 had apparently been hijacked [at 9:43 A.M.] until the planes scrambled from Otis ANG Base were aloft [assertedly, at 8:52 A.M.]. This account suffered, also, from

³⁹ See Griffin, p. 152 (Flight 175, Version #2).

the same infirmity as that concerning Flight 11, *i.e.*, that it strains credulity that fighters could not be scrambled to defend New York, *e.g.* from McGuire AFB in New Jersey, or other bases at a distance less than 153 miles from New York.

52. Although America's major, corporate-owned media have been considerate enough not to worry the public over the myriad discrepancies in the Official Account, and although the Commission could not bring itself to address openly charges of a military "stand-down" – with its implications of possible treason by top officials – it had to try, if only obliquely, to discredit such charges, by closing one particularly massive hole in Version #2. Namely, as skeptics (including Rodriguez, in his complaint in this action) pointed out, Version #2 falls far short of proving that the military did all it could to intercept Flight 175 before it struck the South Tower.

53. The reason for this is that, if F-15s departed Otis ANG Base on Cape Cod at 8:52 A.M., and was still 71 miles distant from New York City when the South Tower was hit at 9:02 A.M., as the distance from Otis to Manhattan is about 153 miles, that means the fighters covered only about 82 miles during the ten minutes they flew before the strike occurred. That translates to an average speed of only about 492 MPH, a distinctly leisurely pace (and certainly far short of "full blower") for aircraft rated for speeds up to 1,850 MPH.

54. Thus, as the Report was intended to be the definitive, and indeed the only, investigation into 9-11, to disprove a military stand-down (and top-level Government complicity) it was necessary to refashion Version #2, although

the latter had stood as the "Official Story" for almost three years. That the rewrite has not excited a great clamor for a further (and truly independent) inquiry, is a certain sign of a public narcotized for fear, and by media that ask exacting questions of the powerful only when consensual sex with White House interns is involved.

55. How then does the Commission "spin" the story of Flight 175, to make it look that it could not have been intercepted? First, in an attempt to paper over the 9-minute interval that preceded the planes' alleged takeoff, the Commission reports that the two [2] jets sat on the ground, *because the pilots had not been told where to go.*⁴⁰ Version #3 has it that Colonel Robert Marr, the NEADS Battle Commander, spending eight [8] minutes on the telephone with the commanding general of NORAD'S U.S. Continental Region, Major General Larry Arnold, from 8:38 A.M. until 8:46 A.M.⁴¹ The Boston Air Traffic Control Center had told NEADS that it had "a hijacked aircraft headed towards New York."⁴² Is it plausible that Col. Marr's and Gen. Arnold's 8-minute conversation, plus the report of a hijacked airliner headed towards New York, were not sufficient to supply the Otis fighters with a direction?

56. As Griffin points out, the 8:52 A.M. takeoff time is of itself suspicious, as earlier news accounts had the planes up about six [6] minutes

⁴⁰ Griffin, p. 174, *quoting* Report, p. 20.

⁴¹ Griffin, p. 165.

⁴² Griffin, p. 174, *citing* Report, p. 20.

sooner, at 8:46 A.M., and the putative pilots, Nash and Duffy, being told “Your contact’s over Kennedy.”⁴³ As Griffin notes, if Version #3 is true, not only is Version #2 false, but also we are owed an explanation regarding how the stories comprising Version #2 arose. The Report gives us none. The claim newly asserted in Version #3, almost three [3] years after the events in question, that the fighters sat on the tarmac at Otis after 8:46 A.M. because they had no place to go, simply makes no sense.⁴⁴

57. As Version #3 still has fighters airborne by 8:52 A.M., with about ten [10] minutes to cover just 153 miles, the problem remains that there was plenty of time for the F-15s to reach the World Trade Center before the South Tower was struck at 9:02. Having accounted, however implausibly, for seven [7] minutes’ delay by asserting that the planes lacked a destination, the Commission compounds the unbelievability of its account by next claiming that, even after they were aloft, the planes had a general direction only, and no target. Thus, the Report has it that the Otis fighters, “. . . *lacking a target*, were vectored towards military-controlled airspace off the Long Island coast,” where they remained until ten [10] minutes after the South Tower was hit.⁴⁵ The Report maintains that at 8:53 A.M. the Otis F-15s lacked a target, because: (1) Flight 11 had already hit

⁴³ Griffin, pp. 174-175, and sources cited; “Kennedy” refers to JFK Airport in Queens, New York.

⁴⁴ Griffin, p. 175.

⁴⁵ Griffin, p. 175, *citing* Report, p. 20 (emphasis in quotation supplied).

the North Tower, and (2) the military remained in the dark about the hijacking of Flight 175, of which it now, for the first time, claims it learned only *after* that plane had struck the South Tower.⁴⁶

58. Version #3 jettisons, without explanation, long-standing elements of the "Official Story," and the Report makes no attempt to explain away inconsistencies between Version #3, and various statements attributed to military personnel. Duffy, one of the pilots, and General Arnold both were reported by ABC News, MSNBC, and *Slate* as stating that the F-15s were headed to New York.⁴⁷ Duffy's colorful remark that the fighters were going "full blower all the way"⁴⁸ is also inconsistent with Version #3's new claim, that the pilots, previously claimed to have been barreling toward New York City like "scalded apes," were relegated to a tame, holding pattern off Long Island.

59. Version #3's new claim, that NORAD learned that Flight 175 was hijacked only after that plane had struck the South Tower, is flatly contradictory to Version #2's official NORAD timeline (which admits notice as of 8:43 A.M.)⁴⁹ It is also belied by a *Toronto Star* account of a conversation between Captain Michael Jellinek, a Canadian officer who, on 9-11, was overseeing NORAD's

⁴⁶ Griffin, pp. 175-176.

⁴⁷ Griffin, p. 175, and sources cited.

⁴⁸ Griffin, p. 176, citing William B. Scott, "Exercise Jump-Starts Response to Attacks," *Aviation Week and Space Technology*, June 3, 2002 (www.aviationnow.com/content/publication/awst/20020603/avi_stor.htm).

⁴⁹ See Griffin, p. 152.

headquarters in Colorado,⁵⁰ and NEADS. According to the *Star*, Jellinek was on the telephone with NEADS when he saw Flight 175 on television, crashing into the South Tower. Reportedly, Jellinek asked, "Was that [Flight 175] the hijacked aircraft you were dealing with?" and the person at NEADS with whom Jellinek was speaking replied that it was.⁵¹

60. Here again, what the Report displays is that, as expedient to rebut charges it does not openly admit it is addressing (here, that the U.S. military "stood down" on 9-11, and allowed the attacks to proceed) the Commission has simply tossed overboard prior reports (from government and military sources and respected media outlets), rewriting history while simply ignoring the facts it finds inconvenient. Such brazenness is incomprehensible, unless the same is founded on the Commission's calculation that discrepancies so striking as to discredit the Report will be under-reported (or unreported) by the media, that the public at large is too stunned by ongoing wars and by threats of an influenza pandemic or a "dirty bomb" attack, and that the raw power of the government will quell any skeptics who might gain a toehold in challenging the new, much revised, but still transparently mendacious "Official Story."

61. As Griffin acidly observes, Version #3 of the "Official Story's" account of Flight 175 ends up by asking, and expecting, the public to trust one set of suspects in the crime of mass murder. The example Griffin notes is in respect

⁵⁰ NORAD is, of course, a joint U.S.-Canadian operation.

⁵¹ Griffin, p. 176, citing *Toronto Star*, December 9, 2001.

of the planes' being "vectored" off of the Long Island coast, where they stayed in a holding pattern, according to the report, from 9:09 A.M. until 9:13. Griffin assumes that only about four [4] minutes of flying time was needed to travel from Cape Cod to this airspace off of Long Island,⁵² and notes the lack of any explanation regarding what became of the planes during the twelve [12] minutes between 8:57 A.M. and 9:09 A.M., an interval of obvious interest (as it included the time that Flight 175 is alleged to have struck the South Tower).⁵³

62. Griffin notes yet another "hole" in the Commission's bizarre revisionist history of Flight 175. According to the Report, at 9:13 A.M., the two [2] Otis jets were about 115 miles from New York City, flying in a holding pattern off the coast of Long Island. Setting a "course direct for Manhattan," the Commission tells us, they "arrived at 9:25 and established a combat air patrol (CAP) over the city."⁵⁴ While intended, no doubt, to assure the public that the Air National Guard was "on the job," twelve [12] minutes to traverse 115 miles in an F-15 implies a speed somewhat less than one-third of the F-15's maximum. By 9:13 A.M., Manhattan had suffered two [2] unprecedented terror strikes, but unless the Government knew that no more terror attacks were scheduled for the

⁵² Griffin, p. 177; this seems consistent with the Report's placing the planes 115 miles distant from New York City at 9:13 A.M., a location nearer to the eastern end of Long Island (and to Otis) than to lower Manhattan.

⁵³ Griffin, p. 177.

⁵⁴ Griffin, p. 177, *quoting* Report at 24.

nation's largest city on 9-11, the fighters appear to have established their combat air patrol with greatly less than "scalded ape" urgency.

63. Lest, perhaps, the most yawning hole in Version #3 of the response to Flight 175 go unnoticed, we quote at length Griffin's telling remarks (at p. 178):

Even if we ignore the question of whether the entire account provided by NORAD in 2001 and then revised by the Commission is a fictional creation, the strange gaps in the Commission's narrative about the trip from Otis to New York City point to a fundamental problem introduced by the Commission's attempt to revise NORAD's 2001 account. The Commission retains NORAD's assertion that the F-15s were airborne at 8:53. but why were the F-15s airborne at 8:53 if they had no target and were not even assigned to do CAP? NORAD previously had an answer: They were going after Flight 715 but got there a little too late. Now, however, the Commission denies that NORAD knew that Flight 175 had been hijacked. To provide a coherent narrative to support this denial, the Commission should give us a plausible explanation as to why the F-15s took off at 8:53. But the Commission merely glosses over this problem by saying: "Lacking a target, [the F-15s] were vectored towards military-controlled airspace off the coast. [Report at 20]. That statement, however, merely tells us why the planes did not go on into New York City at that time. It provides no answer whatsoever to the question of why the F-15s were scrambled in the first place.

64. From the above, clearly the Commission is (three [3] years after the events) making radical changes in the "Official Story" concerning Flight 175. It is discarding Version #2's assertions, from NORAD's official September 18, 2001 timeline, that (1) the FAA informed NORAD of Flight 175's hijacking at 8:43 A.M. and (2) NORAD sent two F-15s from Otis in pursuit. As Griffin notes, for the Commission's new story to be believable, it would have to join to its new account

an explanation of how NORAD came to make assertions that the Commission is rejecting if only *sub silentio* and how (pilot) Duffy and Gen. Arnold came to make statements that impliedly are being rejected as false. The Commission would need also to explain just what the Otis fighters were flying off “like scalded apes” to accomplish, if they departed Otis *after* Flight 11 had crashed, and they were not tasked with pursuing and intercepting Flight 175. These necessary explanations are nowhere to be found in the Report.⁵⁵ The Government must be made to answer why.

65. While the above should convince a reader of ordinary critical abilities that much is greatly awry with the Report’s treatment of Flight 175, Griffin adds to it.

66. Although Griffin’s treatment is not exhaustive of the myriad questions that skeptics have raised concerning Flight 175, he concludes Chapter 13 of his book by pointing to a point so fundamental that, unless satisfactorily explained, it deflates the Commission’s “revisionist history” entirely. Namely, the foundation wall of the Commission’s “house of cards” concerning Flight 175 is the premise that the military had no knowledge of the hijacking of Flight 175, because no one from the FAA telephoned them until 9:15 A.M.⁵⁶ How, then, Griffin asks, does the Commission deal with not fewer than five [5] reports of

⁵⁵ Griffin, pp. 178-179.

⁵⁶ See Griffin, p. 153 (revised timeline); *id.*, p. 182-183 *et seq.*

constant, ongoing communications between the FAA and NEADS for significant periods of time prior to the South Tower impact at about 9:03 A.M.⁵⁷

67. One such report is in an article by Hart Seely. It says that after the FAA notified NEADS of the hijacking of Flight 11 (Seely says this was at 8:40 A.M., consistent with Version #2) the NEADS technicians, by listening to the FAA's Boston Center, learned something more:

At 8:43 A.M., Dooley's technicians, their headsets linked to Boston Center, heard of a second plane, United Flight 175, that also was not responding. It, too, was moving to New York.⁵⁸

68. If Seely's report quoted above is correct, obviously, the question of formal notification is academic. NEADS did not need formal notification if it knew of the hijacking from listening to conversations at the FAA's Boston Center.

Griffin proceeds to discuss four [4] additional reports of communications:

- A "phone bridge" or conference call among FAA, NORAD and NMCC officials, set up pursuant to the FAA's standard crisis protocol;⁵⁹

⁵⁷ Griffin, p. 183.

⁵⁸ Griffin, p. 183; quotation from Hart Seely, "Amid Crisis Simulation, 'We Were Suddenly No-Kidding Under Attack,'" Newhouse News Service, January 25, 2002.

⁵⁹ Griffin, pp. 183-186. Griffin notes a suspect contradiction between the Report, which indicates this teleconference was set up only about 9:20 A.M., whereas a memorandum by Laura Brown, an FAA public affairs official whose office is in the same building as the FAA's operations center, states that "within minutes after the first aircraft hit the World Trade Center," (at about 8:47 A.M.) "the FAA immediately established several phone bridges that included FAA field facilities, the FAA Command Center, FAA headquarters, DoD, the Secret Service, and other government agencies." If Brown is correct, the telephone bridge was up by about 8:50 A.M., and at that hour NORAD had two fighters in a holding pattern off Long Island, Flight 175 could have been intercepted before 9:03 A.M.

- A second teleconference initiated by NMCC's Capt. Charles Leidig, which the Commission "estimates" began at approximately 9:29 A.M., but which information from the FAA's Laura Brown and journalist Tom Flocco indicates may have begun as early as 8:20 or 8:25 A.M.⁶⁰
- NORAD's Captain Michael Jellinek, who reportedly said that the NMCC's Air Threat Conference Call was initiated not long after the first strike on the WTC, and included leaders of NORAD and the FAA;⁶¹ and
- A reference by Richard Clarke in his book that, en route from Vice President Cheney's office to the Secure Video Conferencing Center, he passed through the Operations Center of the White House Situation room. On his way, Clarke says, he was grabbed by the Situation room's director, who said, "We're on the line with NORAD, on an air threat conference call." The times of events specified both before and after this encounter would place it shortly after 9:15 A.M., and well in advance of 9:29.⁶²

69. Much more could be said concerning questions not answered, and in many cases not asked, by the Commission. The benefit of accepting *a priori* all that is claimed by the Government in respect of the guilt of one set of potential

⁶⁰ Flocco reported that Ms. Brown at first told him that Leidig's "bridge" began at 8:20 A.M. or 8:25, consistent with the time that information became known that Flight 11 had apparently been hijacked. Griffin, p. 187, and sources cited. Although Ms. Brown reportedly revised her estimate, following discussions with her superiors, to about 8:45 A.M., even the later hour would have allowed sufficient time for Flight 175 to be intercepted. *Id.*

⁶¹ Griffin, p. 187, citing CNN, 9/04/2002; ABC News, 9/11/2002; William B. Scott, "Exercise Jump-Starts Response to attacks," *Aviation Week and Space Technology*, 6/3/2002. If Capt. Jellinek's estimate is anywhere near correct, obviously, the Report's 9:29 A.M. estimate is wrong. If "within minutes" means between 8:49 and 8:52, then the military – if not already informed – had the opportunity to learn from the FAA of the hijacking of Flight 175 in time to intercept it.

⁶² Griffin, p. 188, quoting Richard A. Clarke, *Against All Enemies: Inside America's War on Terror*, (New York: Free Press, 2004), p. 2.

conspirators (namely, that allegedly headed by Osama bin Laden) while not so much as acknowledging that a well-reasoned, factually-supported argument can be made for the guilt of another set of conspirators (namely, that headed by Bush, Cheney, and Rumsfeld, is that it freed the Commission (which manifestly was aware that two [2] groups of suspects are accused of the crime) to select for inclusion or exclusion, or for refutation (often, as we have seen, by omitting or distorting inconvenient facts) facts so as to sustain the guilt of bin Laden, and obscure the possible guilt of the Government suspects, many of whom after all are friends and/or one time colleagues of the Commissioners themselves.

**FLIGHT 77 AND THE COMMISSION'S
EXTENSIVE REWRITE OF THE HISTORY OF
THE FOUR DOOMED PLANES**

70. As for the alleged strike by Flight 77 at the Pentagon, there are abundant facts concerning this attack that are inconsistent with the "Official Story," and are not refuted or so much as mentioned in the Report. Among those noted by Griffin are these:

- Is it odd indeed that the West Wing of the Pentagon was struck, was struck, among other things as that part of the building was under renovation, was lightly populated, most senior officials are located elsewhere, and the terrorist pilot had to execute a maneuver, implausibly difficult for a pilot who had earned low marks in piloting single-engine Cessnas, to hit that part of the building;⁶³
- Photographs of the entrance hole are more consistent with a missile, or a military plane much smaller than

⁶³ Griffin, p. 33.

a Boeing 757, as the hole is only about 14-16' in diameter, whereas a Boeing 757 has a wingspan of about 124' and a height of about 44.'⁶⁴

- The Official Story's explanation for the small size of the entrance hole, *viz.*, that the force of the plane's impact was so great that the wings and tail were telescoped into a hole just big enough for the aircraft's nose, is unbelievable.⁶⁵
- The reasons why the Official Story concerning the small size of the entrance hole cannot be credited are at least twofold. First, it is of itself highly suspect that the façade of the West Wing did not collapse until approximately a half hour after the same was supposedly struck by a Boeing 757 traveling at several hundred miles per hour.⁶⁶
- A further reason why the Official Story of the size of the entrance hole is unacceptable is that the lack of any recognizable debris from the supposed Boeing 757 (itself a hugely suspicious circumstance) is attributed by the Official Story to the plane having been vaporized by the impact and the resulting fire. This part of the Official Story, namely a fire so hot that it "vaporized" an entire Boeing 757, cannot be reconciled with another claim made as part of the Official Story, namely that the remains of many of the passengers of Boeing 757 were identified by DNA testing. The Report fails to explain, or even to discuss, these implausibilities.
- Also unexplained in the Report is that the government, which in this context is to say the defendants, besides not releasing videos to prove that what struck the Pentagon was a Boeing 757, reportedly confiscated a video from the nearby gas station.

⁶⁴ Griffin, p. 34.

⁶⁵ Griffin, p. 34-36.

⁶⁶ Griffin, p. 34.

- The Commission tripped over its own trail of inconsistencies and lies, in attempting to debunk another argument posed by skeptics, namely that whereas 3,000 fatalities were sufficient to provide defendants with their “New Pearl Harbor,” and a license to launch wars and undermine the Constitution, real-life jihadists, intent on maximizing the harm inflicted on the “Great Satan” would not have bypassed a greatly more inviting target: the Indian Point nuclear power plant in Buchanan, New York, on the Hudson River. Both planes allegedly flown into the World Trade Center flew within a relatively short distance of Indian Point. An attack on the nuclear plant could have killed many thousands, panicked the entire region, and indeed caused long-lasting environmental harm, rendering large tracts of the surrounding lands uninhabitable, perhaps for centuries. In a clumsy attempt to explain why Flights 11 and 175 remained aloft longer (with the risk, obviously, of being intercepted unless the attacks were U.S. Government-approved) in order to inflict *fewer* casualties and *less* damage, the Commission offers the story that the hijackers feared that, given that the airspace surrounding a nuclear plant is restricted, they might be shot down should they attempt to attack Indian Point.⁶⁷
- This alleged fear of restricted airspace, offered up by the Commission to try to explain away one difficulty, instead creates another one. Namely, as the Pentagon is the headquarters of the U.S. military worldwide, would not the terrorists have expected it to be at least as well-defended as Indian Point? If the jihadists were unwilling to expend either of hijacked Flights 11 and 175 in an attempt to strike at Indian Point, isn't it odd that supposedly they believed that a plane, other than a military plane, could target the Pentagon, and evade anti-aircraft and anti-missile batteries, even with the far greater measure of warning (as the Pentagon was hit about an hour and 18 minutes after

⁶⁷ Griffin, pp. 36-37.

Flight 11 was known to have been diverted, and about 52 minutes after the strike at the North Tower)? This discrepancy is not acknowledged, much less dispelled, by the Commission's Report.

71. Chapter Fourteen of Griffin's book details additional implausibilities in the current story concocted by the Commission to defend the military in respect of Flight 77. To mention just some of them, the Commission had a problem, in that General Larry Arnold had testified in 2003 that NEADS had received notification of the hijacking at 9:24 A.M.,⁶⁸ and planes scrambled from Langley AFB were aloft by 9:30 A.M.⁶⁹ These facts sit poorly with the Commission's conclusion that the Pentagon had no forewarning of the strike that occurred about 9:37 A.M. because "NEADS never received notice that American 77 was hijacked."⁷⁰

72. The Report concludes that "[T]he military did not have fourteen [14] minutes to respond to American 77, as testimony to the Commission in May 2003 suggested. It had at most one or two minutes to react to the unidentified plane approaching Washington . . ."⁷¹ Among the "benefits" to the military that

⁶⁸ Griffin, p. 192.

⁶⁹ Griffin, p. 193. *See also* Griffin, p. 152 (Version #2, NORAD timeline of 9/18/2001, had FAA notifying NEADS of the hijacking of Flight 77 at 9:24 A.M.).

⁷⁰ Griffin, p. 192, *quoting* Report at 34.

⁷¹ Report, p. 34, *quoted at* Griffin, p. 201.

this revisionist history affords is that it mitigates its failure to have evacuated the Pentagon, as might have spared the lives of the 125 people who died.⁷²

73. The assertion of only 1-2 minutes' forewarning is inconsistent with Transportation Secretary Norman Mineta's account that Vice President Cheney, at least, had direct knowledge of an aircraft approaching Washington. In his May 23, 2003 testimony, he recounted at the Presidential Emergency Operations Center at 9:20 A.M., where Vice President Cheney was present and in charge. Mineta described the following episode:

During the time that the airplane was coming into the Pentagon, there was a young man who would come in and say to the Vice President, "The plane is 50 miles out." "the plane is 30 miles out." And when it got down to "the plane is 10 miles out," the young man also said to the vice President, "Do the orders still stand?" and the vice President turned and whipped his neck around and said, "Of course the orders still stand. Have you heard anything to the contrary?"⁷³

74. As Griffin rightly notes, the claim that the military had only 1-2 minutes to react to Flight 77 is not only dubious on the merits, but its absurdity is laid bare by the obvious fact that, from the moment of the second strike at the World Trade Center at 9:03 A.M., about 35 minutes before the Pentagon was struck, it was manifest that a terror attack involving airplanes was underway. Was it not obvious, from that hour, that fighters ought to be dispatched to

⁷² Griffin, p. 189.

⁷³ Griffin, p. 220.

defend the capital, even assuming *arguendo* there was not a report of a specific aircraft approaching Washington?⁷⁴

75. Griffin notes also that, according to a 2002 story by William B. Scott in *Aviation Week and Space Technology*, after the South Tower strike:

Calls from fighter units . . . started pouring into NORAD and sector operations centers, asking, "What can we do to help?" At Syracuse, N.Y., an ANG [Air National Guard] commander told [NEADS Commander] Marr: "Give me 10 minutes and I can give you hot guns. Give me 30 minutes and I'll have heat-seeker [missiles]. Give me an hour and I can give you slammers." Marr replied, "I want it all."⁷⁵

76. Unless Scott's story was a fabrication, we are owed an explanation of why none of the proffered fighters was over Washington by 9:37 A.M. One would assume that NORAD'S Colonel Marr or General Ralph Eberhart would have been asked by the Commission why, if offers were "pouring into NORAD," whether and why they were declined. "If such offers were declined," Griffin notes, "and then NORAD later claimed that the Pentagon was struck because no fighters were available to protect Washington, it would appear that NORAD had deliberately left the nation's capital unprotected."⁷⁶ The way that the Commission dealt with the awkward issue of the reported offers of fighters to

⁷⁴ See Griffin, pp. 223-224.

⁷⁵ Griffin, p. 224, quoting William B. Scott, "Exercise Jump-Starts Response to Attacks," *Aviation Week and Space Technology*, June 3, 2002.

⁷⁶ Griffin, p. 224.

NORAD was to make no mention of Scott's report, or the substance of the same.⁷⁷

77. To explain away where the Langley jets were going at 9:30 A.M., if (as the Commission pronounced) Gen. Arnold was "incorrect" that NEADS got notice that Flight 77 was hijacked at 9:24 A.M., yet another gross error was attributed to the FAA: allegedly, the FAA told NEADS at 9:21 A.M., 35 minutes after Flight 11 is believed to have crashed into the North Tower, that Flight 11 is still aloft, and headed south towards Washington.⁷⁸ We are supposed to accept this "phantom Flight 11," as sufficiently explaining why jets were scrambled from Langley, even though, as the Report admits:

[T]his response to a phantom aircraft was not recounted in a single public timeline or statement issued by the FAA or Department of Defense. The inaccurate accounts created the impression that the Langley Scramble was a logical response to an actual hijacked aircraft.⁷⁹

78. That the Commission has pulled this "phantom" out of its hat, almost three [3] years after 9-11, is remarkable in itself, all the more so as it contradicts earlier reports that Boston air traffic controllers were very clear as to the fate of Flight 11. According to a story in the *Christian Science Monitor*, flight controllers said they never lost sight of the flight.⁸⁰ Controller Mark Hodgkins

⁷⁷ Griffin, p. 224.

⁷⁸ Griffin, p. 193.

⁷⁹ Report, p. 34, *quoted in* Griffin, p. 193.

⁸⁰ *Christian Science Monitor*, 9/11/2001, *cited at* Griffin, p. 194..

later said, "I watched the target of American 11 the whole way down."⁸¹ Other stories recounted that, as soon as the Boston Center controllers heard that a plane had hit the World Trade Center, they knew it must have been Flight 11, because they had been tracking it continuously from the time it began flying erratically.⁸²

79. Far-fetched, also, as Griffin notes is that whereas (per the Report) no planes were scrambled after actual hijacked aircraft on 9-11, one was sent after "phantom" Flight 11, and that based on an unconfirmed report, by a person that the Commission claims it is not able to identify, outside the alleged chain-of-command protocol!⁸³

80. Thus, the account of phantom Flight 11 is highly suspect, to say the least.⁸⁴ Additional highlights of Griffin Chapter 14 include scrutiny of the

⁸¹ ABC News, 9/06/2002, *cited at* Griffin, p. 194.

⁸² New York Times, 9/13/2001; Hart Seely, "Amid Crisis Simulation, 'We Were Suddenly No-Kidding Under Attack,'" Newhouse News Service, 1/25/2002, *cited at* Griffin, p. 194.

⁸³ Griffin, pp. 194-195. Griffin notes with suspicion both the failure to use voice identification technology to identify the FAA and NEADS personnel who were supposedly party to the audiotaped communication to the effect that Flight 11 was still aloft at 9:21 A.M. and headed toward Washington, and that the "exacting investigative work" of the Commission included neither that effort, not testing to ensure that the audiofile in question had not been doctored by the military. *Id.*

⁸⁴ The Court is respectfully referred to the excerpted testimony of General Arnold, under questioning from Commr. Ben-Veniste, at Griffin, pp. 196-199. That testimony leaves the strong impression that both men know themselves to be players in a farce, and that whatever General Arnold might say, it scarcely matters, because the Commission's conclusions were foreordained, inconvenient facts would be reworked, ignored, twisted or declared "incorrect," few Americans would trouble to read or to analyze the Report, and that as the Bush II Administration has the military and "national security" apparatus, as well as substantially all of the major media, in hand, it would be well-

Report's claim that, due to Pilot error, the Langley jets flew out over the Atlantic instead of to the Baltimore area,⁸⁵ the implausibility of the Commission's denial that it knew of the hijacking of Flight 77,⁸⁶ and examining how the Commission had to contradict (among others) Richard Clarke's statements concerning participation by Secretary Rumsfeld and General Myers in the teleconferences (and to feign a lack of knowledge concerning precisely who participated) evidently because Rumsfeld and Myers had given contrary accounts of their whereabouts and their actions.⁸⁷

FLIGHT 93: THE REPORT LABORS TO SHOW THAT THE MILITARY DID NOT, AND COULD NOT HAVE, SHOT THIS PLANE DOWN

81. The Commission's primary task in respect of Flight 93, which is claimed to have crashed during a takeover attempt by the passengers, is to refute the considerable body of evidence that the plane was shot down by American forces.⁸⁸ Griffin (at p. 252) summarizes the evidence as consisting of the following:

equipped to deal with the possibility that large numbers of Americans might one day grow restive concerning the Report, its obvious untruths, and their implications.

⁸⁵ See Griffin, pp. 202-204.

⁸⁶ Griffin, pp. 204-212.

⁸⁷ Griffin, pp. 212-219.

⁸⁸ While Rodriguez tends to credit researchers' theories that the planes that struck the WTC and the Pentagon may well have been aircraft other than Flights 11, 175, and 77, at present he takes no position concerning the theory, advanced by some researchers, that passengers from those flights were received by Flight 93 when planes were "swapped,"

- Evidence from multiple sources that authority to shoot down Flight 93 was given before 10:00 A.M., perhaps about 9:45 A.M.;
- Reports that, after this authorization was transmitted, an F-16 was sent after Flight 93;
- Reports from CBS News, a flight controller, and Deputy Defense Secretary Paul Wolfowitz that Flight 93 was, in fact, tailed by an F-16;
- A reported statement by General Montague Winfield, which seemed to say that he, and others in the NMCC, expected Flight 93 to be shot down;
- Rumors within the military that one of its F-16s shot down an airliner over Pennsylvania; and
- Reports from people onboard Flight 93, and on the ground, suggesting that it was downed by a missile.

82. Again implausibly, to believe the latest iteration of the "Official Story" concerning Flight 93, we must accept world-class incompetence on the part of the FAA. Although air traffic controllers heard "possible screaming" at 9:27 or 9:28 A.M., and a voice at 9:32 saying, "Keep remaining sitting. We have a bomb on board." The Official Story is now that:

- "By the time the military learned about [the hijack of Flight 93] it had crashed."⁸⁹
- "By 10:03, when United 93 crashed in Pennsylvania, there had been no mention of its hijacking [to the military]."⁹⁰

perhaps under cover of one of the multiple military anti-terror exercises underway on 9-11 (only one of which is mentioned in the Report, and that in a single footnote) and that the military shot down Flight 93, to ensure that there would be no survivors available to testify.

⁸⁹ Report at 34.

- “NORAD did not even know the plane was hijacked until after it had crashed.”⁹¹

83. Griffin details the Report’s struggle, complicated by the fact that the Commission’s late timeline still afforded plenty of time to react to Flight 93, to demonstrate that the several intra-governmental teleconferences were not so much *late* as they were “*useless*,” which is to say uninformative.⁹² However, the Commission’s claim that “none of [the three] teleconferences – at least before 10:00 – included the right officials from both the FAA and the Justice Department” is flatly contradicted by Richard Clarke, who states that his phone conference included FAA head Jane Garvey, Secretary Donald Rumsfeld, and Acting chairman of the Joint Chiefs, Gen. Richard Myers.⁹³

84. Even more problematic for the Commission on this point is Clarke’s statement that, after the pause to listen to the President speak at 9:30 A.M., his teleconference included a question as to how many aircraft the FAA then thought to be hijacked, and Ms. Garvey replying, “Here’s what we have as potential hijacks, Delta 1989 over West Virginia, United 93 over Pennsylvania . . .” Within a few seconds thereafter, this teleconference was interrupted by a report of an explosion at the Pentagon, which would place, within a few minutes

⁹⁰ Report at 38.

⁹¹ Report at 44.

⁹² Griffin, pp. 230-235.

⁹³ Griffin, p. 232.

after 9:37 A.M., Secretary Rumsfeld's and Gen. Myers' learning that the FAA considered Flight 93 to be a potential hijack.⁹⁴

85. The Commission's efforts to move back the hour of the shoot-down authorization is correlated with efforts to re-establish the time at which Vice President Cheney was evacuated from his White House office, and went to the secure conference room known as the PEOC. The Commission adopts the implausibly late time of about 9:58 A.M. as Cheney's approximate time of arrival at the PEOC,⁹⁵ which is contrary to Clarke's account, which had the Vice President leaving his office at about 9:12 A.M.,⁹⁶ Mr. Cheney's September 16th interview with Tim Russert on *Meet the Press*, wherein the Vice President stated that after seeing the South Tower hit by a plane at 9:03 A.M., he spoke with President Bush by telephone, which conversation was followed "several minutes" later by his "very rapid" evacuation by the Secret Service;⁹⁷ and an ABC News report that would have the Vice President in the underground facility not later than 9:27 A.M.⁹⁸ The Commission's new timeline is belied also by

⁹⁴ Griffin, p. 232, citing Clarke, *Against All Enemies*, p. 7.

⁹⁵ Griffin, p. 242, citing Report at 40.

⁹⁶ Griffin, p. 242, citing Clarke, *Against All Enemies*, p. 2.

⁹⁷ Griffin, p. 243.

⁹⁸ Griffin, p. 243.

eyewitness accounts of Transportation Secretary Norman Mineta,⁹⁹ and White House photographer David Bohrer.¹⁰⁰

86. Griffin also takes the Report to task for rejecting both a seismic study commissioned by the U.S. Army, which placed the time of the crash of Flight 93 as 10:06:05, and the FAA's time for that event as 10:07 A.M., favoring instead a time, 10:03:11, which places about three [3] minutes' additional space between the new account's time of the crash, and the time it is now claimed that the military first learned that Flight 93 was hijacked.¹⁰¹ Yet another of the many strange omissions from the Report is that Brig. Gen. Montague Winfield, Director of Operations for the NMCC, had himself replaced at 8:30 A.M. on the morning of 9-11 by Capt. Charles Leidig, his deputy, who was only recently qualified for that assignment. Gen. Winfield referred to personnel waiting tensely at the NMCC as the "closure time" for Flight 93 came and went, an apparent reference to the time that fighter jets were expected to reach and to destroy Flight 93. The Commission neglected to ask Gen. Winfield to clarify this obviously critical remark.¹⁰²

87. In short, the Commission has created a timeline intended to show that the military did not, and could not have, shot down Flight 93. To achieve

⁹⁹ Griffin, pp. 243-244.

¹⁰⁰ Griffin, p. 242.

¹⁰¹ Griffin, pp. 249-251.

¹⁰² Griffin, p. 252, *citing* ABC News, 9/15/2002.

that, the Commission has with a minimum of explanation rejected or ignored much evidence that is inconsistent with its politically-motivated findings.

**UNANSWERED QUESTIONS REMAIN
ABOUT OSAMA BIN LADEN**

88. And what of Osama bin Laden? The individual at the center of the Commission's demonology ought to present considerable difficulties. There are many facts known to too many to make Osama an easy "sell" as America's supreme enemy. Among such facts – not highlighted, certainly, but uncontested in the Report – are the following:

- Osama was known to American intelligence, and was supported indirectly via U.S. assistance funneled through Saudi intelligence, when he led "Afghan Arabs" fighting the Soviets in Afghanistan in the 1980s.
- Although ostensibly the estranged, "black sheep" of his family, Osama is of a fabulously wealthy Saudi construction clan, whose kin have done business with members of America's elite, including Thomas A. Kean and the Bush family.
- A remarkable "coincidence" not mentioned in the Report is that George H. W. Bush was attending, on the very morning of 9-11, a meeting of investors of the Carlyle Group in Washington, D.C. The Carlyle Group is a conglomerate that exploits its investors' high-level government connections to invest profitably in heavily-regulated industries, chiefly communications, health care, and war industries. Although they sold off their investment subsequent to 9-11, the bin Ladens were investors in Carlyle Group, and one of Osama's brothers was present, together with the elder President Bush, at the investors' meeting on 9-11.

89. The Bush family's coziness with the bin Ladens is widely known, among other things as it was mentioned in Michael Moore's *Fahrenheit 911*. The Report omits any references to the following, additional matters concerning the alleged al Qaeda leader, which matters are moreover more directly related to 9-11 itself:

- Several European news agencies, including the highly-regarded, "mainstream" and indeed conservative French daily newspaper, *Le Figaro* reported that Osama (already America's most-wanted criminal, with a \$5 million bounty on his head) was hospitalized in an American hospital in Dubai (United Arab Emirates) for two weeks in July 2001, at which time he received treatment from an American surgeon, Dr. Terry Callaway, as well as a visit from an agent of the U.S. Central Intelligence Agency, Larry Mitchell. The reports mentions none of Richard Labevière (the Swiss investigative reporter who unearthed this information), Dr. Callaway, or the CIA's Larry Mitchell.¹⁰³
- Whereas the Official Story has it that Osama was ostracized by his family and by the Saudi royal family years ago, Labevière claimed that, while hospitalized in Dubai, Osama received "visits from many members of his family as well as prominent Saudis and Emirates" including the chief of Saudi intelligence, Prince Turki. The Report ignores these allegations.¹⁰⁴
- Similarly, Unger's *House of Bush, House of Saud* alleges that when Osama's son married in Afghanistan during the summer of 2001, "several" members of Osama's supposedly estranged family were present, as was Osama himself. The Report ignores these allegations, also.

¹⁰³ Griffin, p. 59.

¹⁰⁴ Griffin, p. 59.

90. Griffin's critique of the Report treads lightly upon a potentially explosive set of allegations from one who might seem a distinctly unlikely source. Gerald Posner, author of a book, *Case Closed*, which purported to debunk critiques of the Warren Commission report concerning the assassination of John F. Kennedy, has published a book suggesting that members of the Saudi royal family had knowledge that attacks on the United States would be carried out on 9-11.¹⁰⁵ Griffin cites reasons why Posner's thesis might be worthy of belief, and also why it may be unworthy of belief, but he stresses that the main thing – for purposes of evaluating the thoroughness and impartiality of the Commission, in carrying out its charge to make known all of the facts and circumstances surrounding 9-11 – is that Posner's claims are, undeniably, matters of enormous potential consequence, and are in the public domain, but the Report does not so much as mention them.

91. Griffin's following summary of Posner's claims leaves no doubt but that the same were richly deserving of attention from the Commission:

Posner says that [major al-Qaeda operative Abu] Zubaydah was being interrogated by two Arab-American agents who were pretending to be, like himself, from Saudi Arabia. Believing he was talking with fellow Saudis, Posner says, Zubaydah told them that he had been working on behalf of senior Saudi officials. Then Zubaydah, encouraging his interrogators to confirm his claim, gave them from memory the telephone numbers of one of King

¹⁰⁵ Mr. Posner's allegations, for which in Mr. Griffin's estimation he presents a plausible case, have received greatly less attention in American media than Linda Tripp's phone conversations with Monica Lewinsky did.

Fahd's nephews, Prince Ahmed bin Salman (founder of the Thoroughbred Corporation, which owned Point Given, the 2001 Horse of the Year, and War Emblem, the winner of the Kentucky Derby and the Preakness in 2002). Prince Ahmed, Zubaydah said, served as an intermediary between al-Qaeda and the Saudis. The prince, Zubaydah assured his interrogators, would confirm his statements.

These interrogators, however, replied that even if that was true, 9/11 would have surely changed everything, so that Prince Ahmed would no longer be supportive of al-Qaeda. But Zubaydah replied that nothing would have changed, because Prince Ahmed had known in advance that America would be attacked on 9/11. To be precise, Prince Ahmed, according to Zubaydah, "knew beforehand that an attack was scheduled for American soil for that day" but didn't know what it would be."

Posner also says that Zubaydah, seeking to give more support for his claims, gave from memory the phone numbers of two other relatives of King Fahd's: Prince Sultan bin Faisal and Prince Fahd bin Turki. Zubaydah said that they, also serving as intermediaries between the Saudi government and al-Qaeda, could likewise confirm his claims.

Posner says that his confidence in the truth of this account is strengthened by three facts. First, the story was provided to him separately by two informants within the US government. Second, another source confirmed that the interrogation techniques were accurately described.

Third, and most important, not long after CIA officials told their counterparts in Saudi Arabia about Zubaydah's claims, evidently in May of that same year (2002), all three of the named Saudis died within an eight-day period near the end of July, with the reported cause of death being surprising in each case: Prince Ahmed reportedly died of a heart attack in his sleep, although he was only 41; Prince Sultan reportedly died on the way to Ahmed's funeral in a

single-car accident; and Prince Fahd, who was 21, reportedly died of thirst in the desert.¹⁰⁶

92. If the Commission's true mandate was to disclose all of the facts concerning the 9-11 attacks, affiant submits it could not have simply wished away the preceding allegations. If, as Rodriguez asserts, what the Commission was really up to was to toss an obligatory bone to the families of the survivors, to assure inattentive and apprehensive that a panel of sober, expensively-dressed, and well-connected Washington insiders had looked at matters and determined that no wealthy, expensively-dressed Washington insiders were guilty of more than well-intentioned mistakes (and to use the Commission as a tool to reorganize U.S. intelligence to better serve the imperial designs of the defendants) well, then (but only then) does it make perfect sense that Posner's incendiary account was disregarded.

**FURTHER UNANSWERED QUESTIONS:
HOW WOULD MUSLIM FANATICS HAVE
KNOWN WHERE THE HOLES IN U.S.
RADAR COVERAGE ARE?**

93. One of many examples of troubling issues utterly ignored by the Commission, and not addressed by Griffin, is that of a possible explanation for the odd flight paths ascribed to the several 9-11 planes. One, admittedly speculative theory, is that whoever planned the attacks had knowledge of the

¹⁰⁶ Griffin, pp. 61-62 (footnotes omitted).

precise location of “holes” in America’s system of primary radar coverage,¹⁰⁷ “holes” which one would think would have been known only to the military and the FAA.

94. Frank Levi and his “Team 8+” have written an engrossing report that, briefly summarized, superimposes a map of the flight paths (from the Report) over a map that shows several areas that lie outside both the FAA’s and NORAD’s respective areas of primary radar coverage.

95. Levi’s thesis — unproved, but certainly plausible — is that the diverted passenger jets were switched for drones, operated by remote control, and laden with high explosives. Interestingly, the 9-11 “hijackers” *switched off the planes’ transponders*, which while not defeating primary radar (the course of the aircraft could still be tracked by radar) *does* make it impossible for controllers to determine the *altitude* of the aircraft, making a “switch” (*i.e.*, landing the passenger planes, while sending up drones to substitute for them) easier to effect without detection.

96. One would think a thorough investigation into 9-11 would explore why it happened that, supposedly, Flight 93 departed Newark Liberty Airport,

¹⁰⁷ “Primary radar” locates a plane. Air traffic control systems can calculate the plane’s direction and speed by measuring its movement over time. Commercial flights (and most others) also use a device called a transponder that relays back detailed information about the flight when it detects a radar sweep. That information includes altitude and the plane’s flight number. A plane with its transponder switched off can be tracked, but its altitude no longer appears to air traffic controllers. The plane becomes, moreover, an unidentified blip with its transponder shut down, but controllers can place a data tag on the blip for easier identification.

literally within view of the World Trade Center, and flew all the way to the West Virginia-Kentucky border before wheeling around, intending to attack the White House or the Capitol. Why would the terrorists do this? Why would they needlessly remain aloft for so long, and risk being shot down? Why not fly Flight 93 directly into the World Trade Center (thereby also freeing up Flight 175 for a strike on the Indian Point nuclear power plant)?

97. The Report offers no satisfying answer, but Levi does: the attackers knew the locations of areas with no primary radar coverage. Flight 11, according to Levi, turned off its transponder right next to an area with no primary radar coverage. So did Flight 77. Flight 93 switched off its transponder right next to an area with no primary radar coverage, and Flight 175 turned off its transponder next to Flight 93. How, Levi asks (but the Commission makes no attempt to address) would Arab hijackers have known where these breaches in radar coverage, which is to say in the nation's air defenses, were located? If Flight 93 was not taken to the airspace without primary radar coverage over the West Virginia mountains to be swapped, what was the point in not just flying that plane a few miles from Newark, and crashing it into the World Trade Center?

98. Flight 77 is also known to have disappeared from Indianapolis Center's primary radar for 8 minutes and 13 seconds, between 8:56 and 9:05 A.M. With its transponder turned off, Flight 77 threaded the needle, flying almost precisely between primary radar sites QWO-E and QRI-E. If we assume government complicity, and a flight path concocted by men who knew how to

conceal Flight 77 for much of its (or its replacement's) eastbound return course, flying the plane at low altitude, along the path employed between the two radar sites, would be an excellent plan.

99. Levi shows that the attackers used the radar layout to hide the plane for as long as possible, and to approach Washington, D.C. through the least-protected area. How is it that Muslim fanatics with boxcutters knew where to turn, and the best route by which to attack?

**"OPERATION NORTHWOODS" AS THE
POSSIBLE TEMPLATE FOR THE NEO-CONS'
"NEW PEARL HARBOR"**

100. While for some it may be difficult to conceive of U.S. government and military officials swapping aircraft and blowing people up create a pretext for war, it is documented that such plans were fashioned at least as far back as the Kennedy Administration.

101. President Eisenhower had asked the CIA for a plan to overthrow the Castro regime in Cuba, to replace it with one more acceptable to American interests, but while avoiding the appearance of American intervention. What the military came up with was *Operation Northwoods*, presented to President Kennedy by the Joint Chiefs in 1962.¹⁰⁸ *Northwoods* offered a number of proposals that involved killing civilians as well as U.S. military personnel

¹⁰⁸ See James Bamford, *Body of Secrets: Anatomy of the Ultra-secret National Security Agency* (2001: New York: Anchor Books, 2002).

(sinking a boatful of Cubans, blowing up a ship in Guantánamo Bay and blaming Cuba), but of particular interest here is the following idea:

It is possible to create an incident which will demonstrate convincingly that a Cuban aircraft has attacked and shot down a chartered civilian airliner . . . The destination would be chosen only to cause the flight plan route to cross Cuba . .

- a. An aircraft at Eglin AFB would be painted and numbered as an exact duplication for a civil registered aircraft belonging to a CIA proprietary organization in the Miami area. At a designated time the duplication would be substituted for the actual civil aircraft and would be loaded with the selected passengers, all boarded under carefully prepared aliases. The actual registered aircraft would be converted to a drone.
- b. Take off times of the drone aircraft and the actual aircraft will be scheduled to allow a rendezvous south of Florida. From the rendezvous point the passenger-carrying aircraft will descend to minimum altitude and go directly into an auxiliary field . . . The drone aircraft meanwhile will continue to fly the filed flight plan. When over Cuba the drone will be [sic] transmitting on the international distress frequency a "MAY DAY" message stating he is under attack by Cuban MIG aircraft. The transmission will be interrupted by destruction of the aircraft which will be triggered by radio signal . . .¹⁰⁹

102. Per the Joint Chiefs' *Operation Northwoods* proposal, fake casualty lists would then be placed in U.S. newspapers to "cause a wave of national indignation."¹¹⁰ *Northwoods* was not implemented against Cuba (some have

¹⁰⁹ Griffin, p. 271, quoting Meyssan, *9/11: The Big Lie*, p. 204.

¹¹⁰ Griffin, p. 271, citing Meyssan, *The Big Lie*, p. 202. Questions are emerging, also, concerning the veracity of the passenger lists presented to the public for the four flights. At best, there are significant discrepancies and inconsistencies.

argued that its rejection may have contributed to the Kennedy assassination) but the point is, of course, that forty [40] years before 9-11, American military planners could, and indeed did, propose staged terror attacks to inflame popular opinion against a perceived enemy (Fidel Castro) and to create a pretext for a war that might otherwise be seen as a war of aggression.¹¹¹ As the *Northwoods* proposals are historical fact, Rodriguez's contention at bar – that American military (and civilian) leaders concocted a staged terror attack to inflame popular opinion against perceived enemies (Osama bin Laden, al-Qaeda, the Taliban, and Saddam Hussein) and to create political cover for wars of aggression against Afghanistan and Iraq, cannot reasonably be dismissed as the irrational rantings of a political extremist or an eccentric (neither of which descriptions fits Rodriguez in the slightest).

103. My discussion of Griffin's book is at an end, except to point out that it poses many additional questions concerning, among other things, the flights that evacuated members of the Saudi royal family, and the bin Laden family, in the immediate wake of 9-11 (Chapter 7), allegations about FBI headquarters (Chapter 8), Pakistan and its ISI (Chapter 9) and how the FAA is set up to be the "fall guy," to spare the U.S. military (Chapter 16).

¹¹¹ It is not disrespectful of the Cuban people, or dismissive of their trials under the Castro government, to point out that if American commanders were willing to slaughter civilians and stage fake terror attacks to justify war against a largely agricultural nation in 1962, it cannot be said to be a sign of mental disorder to suggest that present-day American "leaders" were perhaps willing to do the same in 2001, to justify the conquest of a nation possessing the world's second-largest proved petroleum reserves.

104. Again, Rodriguez is not trying to prove his case upon a motion for change of venue. It has to be said at the earliest possible time, however, that not only is this lawsuit not the product of the imaginings of a “conspiracy theorist,” to the contrary, it is the “official conspiracy theory” that does not hold water. The defendants pre-empted any criminal investigation into the mass homicide attacks. Vice President Cheney personally implored then-Senate Majority Leader Tom Daschle (D-SD) to dispense with *any* 9-11 investigation.¹¹² That there was even a 9-11 Commission is all but officially recognized as a reluctant, long-resisted political concession to the survivors of the Americans killed in the attacks. The Commission, with the exception of former Sen. Cleland, consisted mainly of people closely tied to the military, the Republican Congressional caucus, the CIA, the Council on Foreign Relations, and the White House itself.

105. Thus, the state of affairs that the Government is trying to maintain is as follows: there were mass-casualty attacks, of the kind advocated in 1962 in *Operation Northwoods*, and consistent with the “New Pearl Harbor” that many of the defendants stated, in 2000, would be necessary to justify many of the Project

¹¹² CNN, 1/25/2002. See also, Four Arrows and Jim Fetzer, *America Assassination: The Strange Death of Senator Paul Wellstone* (Vox Pop, 2004). The Vice President can be most compelling. In 2002, he cautioned Sen. Paul Wellstone (D-MN) that if he did not vote to authorize military action against Iraq, the “most serious consequences” would ensue. Sen. Wellstone did not vote as directed. His popularity in his home state of Minnesota surged. Not long afterward, he was dead. No doubt by sheer coincidence, the NTSB official assigned to the investigation was a former CIA employee, also assigned to cover the plane crash that killed Democratic Sen. Mel Carnahan. One has to think that Sen. Daschle (having already received anthrax determined afterward to have come from U.S. Government stores) felt that an admonition, delivered personally by Mr. Cheney, fell within the definition of the proverbial “offer that he could not refuse.”

for the New American Century's political goals. One set of suspects in the crime, namely the defendants.

**ESTABLISHING "TRUTH" BY FIAT: A
CIA-FRIENDLY MAGAZINE TELLS
AMERICA WHAT TO BELIEVE ABOUT 9-11**

106. That defendants are troubled, that the coverup of 9-11 is breaking down, is evidenced by the CIA's ham-handed attempt, through its front publication, the Hearst-owned *Popular Mechanics*,¹¹³ to "debunk" allegations not consistent with the "Official Story."

107. What *Popular Mechanics* does is to take sixteen [16] selected "claims" attributed to "conspiracy theorists" (who would more honestly be described as skeptics concerning the government's "official" conspiracy theory) and then to "debunk" them. As argument, the piece is abysmal, almost comical in places. A few of the "claims" it purports to "debunk" are controversial among the many disparate non-governmental researchers of 9-11. A high school student who had had a few hours' instruction in rhetoric could easily dissect the specious arguments advanced by *Popular Mechanics*: *ad hominem* attacks, appeals to belief

¹¹³ *Popular Mechanics* is at least on very friendly terms with the CIA. Upon information and belief, the President and CEO of Hearst Corporation is Victor F. Ganzi, a member of Business Executives for National Security, which received a "CIA Agency seal Medallion" for its work in evaluating In-Q-Tel, a "new partnership between the CIA and the private sector." Mr. Ganzi also sits on the board of directors of the National Center on Addiction and Substance Abuse with Jeb Bush's wife, Columba Bush.

based on the claimed expertise of consultants (but no footnotes), the “straw man,” the *non sequitur*, and so forth.

108. To give just a couple of examples, *Popular Mechanics* brazenly distorts the argument over whether fires ignited by the jet fuel were the competent cause of the collapses of each of the Twin Towers. The foolish “conspiracy theorists” are alleged to have claimed that the “Official Story” is that the jet fuel fires *melted the steel* (presumably, the “truss supports” that supposedly held up the floors at the World Trade Center) whereas (as *Popular Mechanics* condescendingly announces, the “Official Story” is not that jet fuel *melted* the steel, but that flames from the jet fuel plus rugs, curtains, furniture and paper created “pockets” of fire as hot as 1832 degrees Fahrenheit (according to the NIST). This *weakened* the structural steel, resulting in the collapses.

109. Preliminarily, the “Official Story” *was* initially, albeit briefly, based on the “fire melts steel” theory.¹¹⁴ As the plotters change stories as necessary to fool as many people as they can, this clearly specious argument (jet fuel, as *Popular Mechanics* itself admits, doesn’t burn hotter than about 1500 degrees F., whereas steel melts only at 2750 F.) quickly gave way to more sophisticated theories that, generally, either ignore entirely (as the Report does) the massive core columns (pretending that the buildings were held up primarily by their outer shells) or the “truss failure” theory, which misrepresents the structure

¹¹⁴ BBC News, “How the World Trade Center Fell,” 9/13/2001; Steven Ashley, “When the Twin Towers Fell,” *Scientific American*, October 2001.

holding up the floors; that the steel elements were encased in cement; and that *even if* the steel had lost half its structural strength, the redundancy of the design was such that the supports could still have held up three [3] times their rated loads.

110. Elsewhere in its article, *Popular Mechanics* affirmatively states that the Twin Towers collapsed in 8 to 10 seconds, but fails completely to address that if an object dropped from the Twin Towers' height, in a vacuum, would reach the street in a little over nine seconds, a 10-second collapse is a practical impossibility, unless the columns supporting the structures were taken out by explosives in a controlled demolition.

111. Nowhere does *Popular Mechanics* address, either, any of the additional evidence of controlled demolition:

- That each of the Twin Towers fell straight down through itself, maintaining radial symmetry;
- That the tops of each of the Towers mushroomed into vast clouds of pulverized concrete and shattered steel;
- That videos clearly show demolition squibs, shooting out of the towers well below the zones of impact;
- That the dust clouds (downgraded to "puffs of dust" by *Popular Mechanics*) expanded to sizes *greater*, by far, than is typical in a controlled demolition;
- That videos of the collapse of the North Tower show *the rubble within the building's profile falling at the same rate of speed as that outside the building's profile, an impossibility unless demolition was removing the building's structure ahead of the rubble as it proceeded downward;*

- That eyewitnesses reported fireballs at ground level, just before the South Tower collapsed;
- That the explosions of the Twin Towers were accompanied by blast waves, that shattered windows in buildings 400 feet away;
- That the Towers' steel elements were, conveniently for purposes of FEMA's speedy disposal of the crime scene evidence, shredded into short pieces, allowing for easy removal, and
- Many eyewitnesses reported explosions, before and at the outset of the collapses.

112. The shallowness and mendacity of the arguments made in *Popular Mechanics'* rear-guard defense of the crumbling "Official Story" is remarkable, but more remarkable still is the vile editor's note by editor-in-chief Jim Meigs. In a piece entitled "The Lies Are Out There," Meigs (no doubt to imply a distance between himself and the Bush II Administration) first invokes a *Democrat*, the late Sen. Daniel Patrick Moynihan, for the point that all are entitled to their own opinion, but not to their own facts. True enough, but those are words Meigs should choke on.

113. More repellent, and indeed discreetly menacing, is that Meigs places outside the pale all those who dispute the crux of the "Official Story." In what can only be described as a Stalinesque pronouncement, Meigs declares:

[A]s a society we accept the basic premise that a group of Islamist terrorists hijacked four airplanes and turned them into weapons against us.

114. The public does not need CIA-front publications to tell us what to believe. First, the number of people who may believe the "Official Story" is

unrelated to whether the "Official Story" is, in fact, true. More recent, and in some cases rough or "unscientific" public opinion polls, suggest moreover that many and perhaps most Americans do *not* believe the "Official Story," than a Government coverup is ongoing, and that there are reasonable grounds to suspect what Rodriguez is alleging at bar: that the defendants allowed the attacks to happen, or even sponsored them.

115. While Meigs swipes at disbelievers in the "Official Story" as "activists of the extreme left and the extreme right," he himself acknowledges that growing numbers of Americans distrust every element of the "Official Story," and that what I call the "alternative conspiracy theory" (that the conspirators consisted of, or at least included, high civilian and military figures including President Bush, Vice President Cheney, Secretary Rice, Secretary Rumsfeld, General Myers, and others named as defendants herein) has "seeped into mainstream America."

116. Accordingly, in addition to the arrogance, the presumptuousness, and indeed the implicit threat that disbelievers are heretics outside of society, it is by no means clear that a consensus of Americans accepts the "Official Story" – or even its core allegation that it was the Arab conspirators, and not the second group of suspects, led by Bush, Cheney, and Rumsfeld, that planned and carried out the attacks. If one reads, first, the Report (intended to become the holy writ of 9-11 "truth") and second, Griffin's devastating critique, why should anyone believe the "Official Story?" And, if there *were* such a consensus in support of the

"Official Story," why would Hearst have to be publishing so crude a defense, nearly 3-1/2 years after the attacks?

117. Meigs also spits at "conspiracy theorists" who, he says, are "hijacking the noble search for truth." The verb employed, clearly, is intended to associate disbelievers in the "Official Story" with "hijackers" of aircraft, *i.e.*, with terrorists, and as such its use is despicable and inflammatory in the extreme. William Rodriguez re-entered a burning building over and over, to carry survivors out on his back. What was Mr. Meigs doing on 9-11? As for the "noble search for truth," those, too, are words that should stick in Meigs' throat. FEMA and the FBI pre-empted any local or state investigation into the homicides and other crimes of 9-11. FEMA removed the crime scene evidence from Ground Zero over the protests of many; that action of itself was criminal. The Bush II Administration fought tooth and nail to have *no* investigation of 9-11. The "Commission" belatedly assembled to appease families (and to turn the families' demands into a consolidation of U.S. intelligence, and aggrandize defendants' powers) was caponized (it had no ability to really delve into core issues, as whether Arabs could be proved to have been on board the planes), underfunded and stonewalled.

118. The Commission itself was, apart from Sen. Cleland who was pushed aside when his complaining became inconvenient to the defendants, comprised of insiders and persons compromised by remarkable conflicts of interest. When government officials are accused of crimes of murder and

treason, any purported "investigation" is a coverup or "limited hangout," a fraud upon the people, unless there is the equivalent of an independent prosecutor, an adequately-funded investigation, full power to compel the attendance of witnesses and testimony subject to the penalties for perjury and the production of documents and things, finders of fact including persons without conflicts of interest and not predisposed to exculpate Government actors, and "national security," "state secret" or "executive privilege" objections are read narrowly to keep them within their proper boundaries, and not to permit the accused officials to conceal their wrongdoing.

119. To date there has been no investigation of 9-11 even vaguely meeting the standard just enunciated, and as Meigs no doubt knows, it is his masters in the Bush II Administration who have thus far defeated and avoided every true investigation. "Noble search for truth," indeed. It is only independent researchers; heroes like Plaintiff, William Rodriguez, and too many others to be named here, that are seeking the truth, or should be credited with so much as a drop of nobility.

120. Meigs' final affront is this:

[T]hose who peddle fantasies that this country encouraged, permitted or actually carried out the attacks are libeling the truth – and disgracing the memories of the thousands who died that day. (Emphasis added).

121. The Hearst publishing empire has a century-old tradition of helping the U.S. government deceive the nation to create fake attacks as pretext for wars

of aggression. It is generally acknowledged that the attack on the *Maine* was a fabrication, but it launched the Spanish-American War. *That* fake attack was trumpeted to the nation by the “yellow journalists” of Hearst’s newspaper chain. The “Monte Python” comic troupe could not have selected a more cynically amusing candidate to sound the trumpet for a rear-guard defense of the "Official Story" than a publication connected with the Hearst organization.

122. Given the ties to the CIA and the military-industrial complex that the Hearst organization scarcely tries to conceal, Meigs’ remarks should be deemed semi-official, at least, pronouncements of the United States government. Certainly, it is offensive that any temporary administration, Democratic or Republican, should be equated with “this country.” Neither Rodriguez nor, to my knowledge, anyone else, is accusing “this country” of carrying out the 9-11 attacks. Rather, it is a group of corrupt politicians and soldiers, temporarily in control, perhaps, but hardly comprising “this country,” who stand accused. And, so long as coverup after coverup ensue, and there is no *bona fide* trial of the Government suspects, even were the accusations wrong, no one doubting the truth of an “Official Story” so abundantly riddled with holes, and never tested in the best legal crucible man has devised, should be accused of libeling anyone.

123. As for disgracing the memories of the victims, no one has accused the dead of anything. The people killed on 9-11 are beyond suffering here, their loss is inscribed in the minds of all Americans (and many millions of people around the world) and their memories are safe in the hearts of their families and

friends. If the defendants are not personally guilty of the slaughter of the 3,000 on 9-11, three [3] things are beyond peradventure, and should close their mouths in invoking these dead for any purpose. First, in the imaginable view of things most friendly to the defendants, their performance both in preventing the attacks, and in stopping them as they actually unfolded, is certainly nothing to boast of.

124. Second, failure on the scale of 9-11 to carry out their most fundamental task (*i.e.*, the defense of the nation, and its citizens) should be followed by “accountability” – six [6] syllables which mean *the identification and removal from positions of responsibility of those who failed*. Instead, many of the defendants (and others who were charged with our defense, and failed) have been promoted, and so far as I know no American official, no employee of any government or defense agency, has been fired, demoted, suspended, disciplined, or even censured, for his or her failure to defend us on 9-11. I submit this is not less than compelling circumstantial proof that the attacks were affirmatively welcomed by the government. At the very least, it is *conclusive* proof that the Bush II Administration regards itself as above genuine accountability, and (if it did not commit the crimes itself) certainly any pretense that it takes seriously the defense of the people of the United States, such as those killed on 9-11 (as opposed to wars of aggression for profit and for oil) is insulting and absurd.

125. Finally, if the Bush II Administration is not guilty of killing or permitting the killing of 3,000 people on 9-11, the attacks have become one of the two “Twin Towers” of the Administration’s justification for two [2] wars of aggression (the other “Tower” being, of course, phoned-up intelligence and lies concerning Saddam Hussein’s non-existent “weapons of mass destruction”). These wars are estimated to have caused the deaths of more than 100,000 people, and incalculable additional mayhem, material, and environmental damage. These wars have made enormous sums for Halliburton and the Carlyle Group, but have shattered the respect for the United States all over the world. These calamitous and unjustified wars show every sign of continuing, perhaps for years, and even to expand into Syria, Iran, or other countries. They honor no one, least of all the victims of the 9-11 attacks whose deaths are being exploited, whether they were affirmatively caused by the defendants or not.

126. Thus, the *Popular Mechanics* diatribe, properly seen as a semi-official statement of the United States government (if not written by the defendants, then certainly published through a CIA-friendly magazine) frames nicely the choice this Court has to make.

127. Within the bounds of the law, to be sure, the Court can aid the only currently-breathing effort to take these defendants to trial, based on evidence of

crimes of treason and murder and multiple additional offenses that are also predicate acts under the RICO statute.

128. Or, the Court can bend its knee to the concededly great power that these defendants hold, validate the defendants' contemptuous and imperial posture that they are "this country," and use its judicial authority to push Plaintiff Rodriguez's claims aside.

129. Affiant is abundantly aware of the David v. Goliath aspect of Plaintiff Rodriguez's action. But there will be a record of this case, that record will survive, whether this action succeeds or fails, and it will be part of the history of 9-11 when the full truth, sooner or later, is revealed.

WHEREFORE, and for the additional reasons set forth in Plaintiff Rodriguez's accompanying brief, affiant prays that the Government's motion be denied in its entirety, and that Plaintiff Rodriguez have such other, further and different relief as may be just and proper.

Respectfully submitted,

PHILIP J. BERG
ATTORNEY FOR PLAINTIFF,
WILLIAM RODRIGUEZ

Sworn To And Subscribed
Before Me This ____ Day
of March 2005.

Notary Public