

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**ELLEN MARIANI, Individually, as
Personal Representative of the Estate
of LOUIS NEIL MARIANI, deceased,
and others similarly situated¹,**

Plaintiff,

vs.

**GEORGE W. BUSH², President of
the United States, Officially and
Individually,**

and

**RICHARD CHENEY, Vice President of
The United States, Officially and
Individually,**

and

**JOHN ASHCROFT, Attorney General of
the United States (DOJ), Officially and
Individually,**

and

**DONALD H. RUMSFELD, Secretary of
Defense (DOD), Officially and
Individually,**

and

Case No. 03-5273

Judge Eduardo C. Robreno

JURY TRIAL DEMANDED

¹Plaintiff has reasons to believe once her cause of action is set for trial the facts, circumstances and substantial evidence will meet the requirements of *Federal Rules of Civil Procedure*, Rule 23, “Class Actions” as this matter is representative of a numerous class of Americans wherein its claims, questions of law and fact are common and Plaintiff will represent all parties fairly and adequately who are compelled to join this civil action and are similarly situated.

²Defendant Bush, (hereinafter “Defendant GWB”), as President of the United States of American and Commander-in-Chief of the United States Armed Forces under the provisions of the *United States Constitution* and *National Security Act* of 1947, entered into force on September 19, 1947, has exclusive oversight of the official and individual willful and ill-intentioned misconduct of all named and unnamed federal employees Defendants in this cause of action.

GEORGE J. TENET, Director, Central Intelligence Agency (CIA), Officially and Individually,)
)
and)
)
NORMAN Y. MINETA, Secretary, Department of Transportation (DOT), Officially and Individually,)
)
and)
)
PETER G. PETERSON, Chairman of the Board, COUNCIL ON FOREIGN RELATIONS (CFR)³, Officially and Individually,)
)
and)
)
CONDOLEEZZA RICE, National Security Advisor, to Defendant Bush, Officially and Individually,)
)
and)
)
GEORGE H. BUSH⁴, Former, Director, Central Intelligence Agency, (CIA), Vice-President and President of the United States of America, Officially, and Individually,)
)
and)
)
KENNETH R. FEINBERG, Special Master, "September 11 Victim Compensation Fund of 2001 Officially and Individually,)

³ Defendant “CFR” et. al, associated with this organization at all times relevant to the claims giving rise to this cause of action are believed to have provided Defendant GWB, et al., while acting under color of federal law with critical national security advice not believed to be in the best interests of the Plaintiff and the American Public. Defendant “CFR” and its members have long held positions of power in the United States Government and their involvement and knowledge of the pre-“911” national security matters are very much relevant for Plaintiff to obtain judicial vindication in this matter.

⁴ Defendant George H. Bush’s long involvement in the United States Government and his known business relations with the Bin Laden family and presence with Defendant Dick Cheney on “911” at the White House provides solid justification to support Plaintiff’s basis and nexus to support her bona fide and provable *Racketeer Influenced and Corrupt Organizations* Act, 18 U.S.C. §§ 1961(1) and 1964(a)(c) claims against “The Bush Family.”

and)
)
Other unnamed past, present, officials,)
representatives, agents, and private)
consultants of THE UNITED STATES)
OF AMERICA,)
)
Defendants.⁵)

PLAINTIFF S AMENDED COMPLAINT⁶

NOW COMES the Plaintiff, Ellen Mariani, on information, belief and established facts, by and through her counsel of record, Philip J. Berg, Esquire, and for her causes of action against all named and unnamed Defendants states the following:

STATEMENT OF THE CASE

1. Plaintiff commenced this civil action on September 12, 2003, by filing of Complaint with this Honorable Court. Since Plaintiff’s initial filing and the ‘firestorm’ surrounding Defendant GWB’s refusal to comply with the “911 Commission⁷,” this Amended Complaint provides newly discovered substantial additional facts, evidence and voluntary support from former federal employees and other concerned American Citizens who all seek justice and the truth as to how and why the events of September 11, 2001, (hereinafter “911”),

⁵ Defendants as cited by name in the caption of this lawsuit are also responsible for various agencies; agents and relevant individuals believed to be liable to Plaintiff and will be cited in appropriate areas as necessary in the body of this amended complaint and further identified during discovery. Specifically, NORAD under DOD and FAA under DOT jurisdiction respectively, are key Defendants in this matter to support Plaintiff’s claim Defendants “failed to act and prevent” the pre-known potential attacks on her country leading to the murder of her husband.

⁶ Plaintiff commenced this civil action on September 12, 2003, by filing of complaint with this Honorable Court. Since Plaintiff’s initial filing and the ‘firestorm’ surrounding Defendant GWB’s refusal to comply with the “911 Commission,” and other relevant additional facts and evidence arose requiring the Complaint to be amended before serving Summons and Complaint as initially filed. Plaintiff still satisfies the Rule 4(m) to serve Defendants within the 120-day requirement. At the time of filing of this Amended Complaint Defendants have yet to file and serve any responsive pleadings in this matter.

⁷ The Commission is tasked with "providing an authoritative account of the attacks of September 11, 2001, and [making] recommendations as to how to prevent such attacks in the future." More specifically, the commission is mandated to investigate "facts and circumstances relating to the terrorist attacks," including those relating to intelligence and law-enforcement agencies, diplomacy, immigration, nonimmigrant visas and border control, the

occurred. Plaintiff hereby asserts Defendants, officially and individually are exclusively liable to answer the *Counts* in this Complaint under the *United States Constitution* and provisions of the 18 U.S.C. § 1964(a) and (c), *Racketeer Influenced and Corrupt Organizations Act* (hereinafter “*RICO Act*”) for “failing to act and prevent” the murder of Plaintiff’s husband, Louis Neil Mariani, for financial and political reasons and have “obstructed justice” in the aftermath of said criminal acts and omissions.⁸

2. On “911,” Plaintiff’s husband, Louis Neil Mariani, an American Citizen and paying passenger on United Airlines Flight 175, was murdered by unidentified perpetrators, (hereinafter “terrorists”) according to Defendant GWB.

3. At the time of the “911” attacks Defendant GWB was and continues to be President of the United States of America and Commander-in-Chief of the United States Armed Forces. Defendant GWB “owed a duty” not only to Plaintiff, but the American People to protect and defend against the preventable attacks based upon substantial intelligence known to Defendant GWB prior to “911” which resulted in the death of Plaintiff’s husband and thousands of other innocent victims on “911.”

4. Defendant GWB has purported to the American People, this Court and the Plaintiff that the infamous attacks of “911” were directly masterminded by Osama bin Laden and his Al Qaeda Network terrorists (hereinafter “OBL”), almost immediately after the attacks. Yet, Defendant GWB has not been forthright and honest with regard to his administration’s pre-

flow of assets to terrorist organizations, commercial aviation, the role of congressional oversight and resource allocation and other areas determined relevant by the commission.

⁸ Under Civil *RICO* Plaintiff is afforded a four (4) year statute of limitation to bring this cause of action. Plaintiff’s Complaint is timely filed as the events giving rise to this action occurred on September 11, 2001, therefore filed well in advance of the September 11, 2005, expiration of statute of limitations. Plaintiff further requests of this Honorable Court that Defendants be compelled to provide a responsive pleading to this Amended Complaint and that Plaintiff be afforded an evidentiary hearing prior to any decision to dismiss or in the alternative, summary judgment being granted in this matter.

knowledge of the potential of the “911” attacks and Plaintiff seeks to compel Defendant GWB to justify why her husband Louis Neil Mariani died on “911.” Plaintiff believes Defendant GWB is invoking a long standard operating procedure of invoking national security and executive privilege claims to suppress the basis of this lawsuit that Defendant GWB, et al., failed to act and prevent the “911” attacks. This Court must see through this and Plaintiff argues from the onset, the reasons why “911” occurred are *no longer* a national security risk, but, a national security disgrace and tragedy. Plaintiff asserts, contrary to Defendant GWB’s assertion that OBL is responsible for “911,” the compelling evidence that will be presented in this case through discovery, subpoena power by this Court and testimony at trial will lead to one undisputed fact, Defendant GWB failed to act and prevent “911” knowing the attacks would lead to our nation having to engage in an “International War on Terror (IWOT)” which would benefit Defendants both financially and for political reasons. Plaintiff asserts, her husband was murdered on “911” and Defendant GWB and many of his cabinet members are now profiting from the IWOT. Plaintiff will prove, the “Bush family” has had long ties to power in the federal government and with the OBL family which raises serious public trust questions yet to be answered, to include, but not limited to, the fact that Defendant Cheney is profiting immensely from his former company’s exclusive contracts to rebuild Iraq.⁹

5. Plaintiff reasonably believes Defendants knew or should have known the attacks on “911” would be carried out and intentionally and deliberately failed to act and prevent these

⁹ There are significant business ties that will be proven between Defendants and OBL’s family which raise serious conflict of interest and other matters wherein “failing to act and prevent” the “911” attacks have benefited Defendants. Reports have emerged and will confirmed through discovery that the Carlyle Group, the giant U.S. defense contractor until recently employed Defendant and former President GHB. Hence, the “Bush Family” and other Defendants financial profiting by war goes to the heart of Plaintiff’s *RICO Act* claim. Defendant GHB ironically resigned from the Carlyle Group after the War in Iraq commenced. For the record, Congresswoman Marcy Kaptur (D-OH), submitted in the Congressional record specific financial profiting with regard to Defendant

deadly attacks leading to the untimely death of her husband. Plaintiff believes, Defendant GWB et al, allowed the attacks to take place to compel public anger and outcry to engage our nation and our military men and women in a preventable “IWOT” for personal gains and agendas. The statement of “911 Commissioner” and former United States Senator Max Cleland reinforces Plaintiff’s claims that her President and Commander-in-Chief Defendant GWB has not been honest and forthright to her or the American public with regard to “911”:

As each day goes by, we learn this government knew a whole lot more about these terrorists before Sept. 11 than it has ever admitted. ¹⁰

6. Plaintiff believes the facts, circumstances and substantial evidence once presented to a jury will ultimately establish Defendants allowed the “911” attacks to occur to create an “IWOT” for malicious personal agendas, to include, but not limited to war profiteering. A pattern of this financial war profiting and the “Bush Family” goes back to their dealings with Nazi Germany during World War II. Plaintiff understands this assertion will be a shock to her fellow Americans who are not aware of this fact, however, her sentiment is expressed in the following Paul Donovan: “*Why Isn't the Truth Out There?*” Observer (U.K.), October 5, 2003, article which states in part:

"This is the staggering story of the events of 9/11. No reasons have been given for the Bush administration's conduct on that day; no one has been brought to account. Yet from the tragedy that was 9/11, ***Bush has been able to deliver for his backers in the arms and oil industries...***” (Emphasis added).

7. Plaintiff intends to prove to a “reasonable jury” the Defendants in this matter have engaged in a long history of foreign policy decisions and have possessed absolute control of power of her government and have not been honest and forthright with the American public as to

Cheney’s stock in Halliburton and these matter are serious public trust questions as to “intent and motive” to go to war in Iraq and to declare an never ending “IWOT.”

“911” and have “obstructed justice” setting a second basis for a *RICO Act* claim as evident by its secrecy and refusal to comply with the “911 Commission” in the aftermath of “911.” For example, the following *phillynews.com*, September 11, 2003, William Bunch article; *Why Don't We Have Answers to these 9/11 Questions* goes to the heart of Plaintiff’s claims and states:

"NO EVENT IN recent history has been written about, talked about, or watched and rewatched as much as the terrorist attacks of Sept. 11, 2001 - two years ago today. Not only was it the deadliest terrorist strike inside America, but the hijackings and attacks on New York City's World Trade Center and the Pentagon in Washington were also a seminal event for an information-soaked media age of Internet access and 24- hour news. So, why after 730 days do we know so little about what really happened that day? No one knows where the alleged mastermind of the attack is, and none of his accomplices has been convicted of any crime. We're not even sure if the 19 people identified by the U.S. government as the suicide hijackers are really the right guys."¹¹

8. Defendants have influenced American national security policy either as public officials or private citizens to the detriment of innocent American lives to include the wrongful death of Plaintiff’s husband that provides her standing to seek answers on behalf of others similarly situated who, without question, “fear” even questioning the Defendants’ conduct or misconduct prior to, on and after “911.” Plaintiff will prove Defendants have engaged in a “pattern of abuse of public powers” dating back to the late 1970’s to support her civil *RICO Act* and *Bivens* constitutional tort action in this matter. The facts will show, Defendants’ have engaged in both personal business and national security “deals” with alleged terrorists, “OBL” and Saddam Hussein, providing the foundational claim of Plaintiff that her husband was

¹⁰Plaintiff will prove these serious *RICO Act* based claims are bona fide and genuine as provided for under Count II which will provide specific timelines Defendants knew, or should have known, the attacks of “911” were imminent.

¹¹ It is obvious from American and international media sources and investigations, Plaintiff’s claims herein carry great merit and justice demands Plaintiff be afforded her day in court to redress the wrongful death of her husband. Further facts at the time of this amended complaint show the “911 Commission” is bowing down to Defendant GWB’s stonewalling and refusing to turn over critical intelligence reports to show what he knew prior to the attacks of “911.” The statute mandating the “911 Commission” full and unfettered access to the full body of Defendant Bush’s daily intelligence briefings is being resisted by Defendant GWB and Plaintiff through discovery will obtain the truth as to the reasons “911” occurred to find who is responsible for her husband’s murder.

murdered due to Defendants' "failure to act and prevent" the attacks on the United States of America on "911" for one overall chilling reason, to profit either personally or politically from the so-called "IWOT."¹² Plaintiff asserts, in the late 1970's and throughout the 1980's, Defendants were allies with OBL and Saddam Hussein during the former Soviet Union's invasion of Afghanistan and Iran-Iraq war respectively, wherein, personal and political deals were made and it is believed upon discovery, these dealings hold the truth about "911."

9. Plaintiff will establish herein claims based upon the *United States Constitution*, statutory and case law, to compel judicial redress of her husband's wrongful death and to set a precedent to prevent future abuses of power in the United States Government as will be clearly established by the wanton acts and omissions of Defendants' in this case. Plaintiff's husband was murdered on "911" and Defendants have yet to be honest and forthright as to the truth as to how and why "911" occurred. For these reasons, Plaintiff brings this cause of action with the genuine belief Defendants have broken the law and continue to show great contempt towards herself, the American Public and the laws of the United States of America. Plaintiff's Complaint is historical in nature as our Constitutional way of government has been attacked and the following quote of Justice Louis Brandeis is very relevant to this cause of action:

"Decency, security and liberty alike demand that government officials shall be subjected to the rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to come a law unto himself. It invites anarchy." (*United States v. Olmstead*, 277 U.S. 438 (1928)).

¹²There was sufficient evidence that the 911 attacks were known well in advance...hence the unprecedented volume of put options sold on both American and United Airlines during the week preceding "911" raises serious public trust questions whether "cash for lives" and another *RICO Act* basis.

10. As widely reported and confirmed by many American independent researchers of the facts and circumstances of “911,” Defendant GWB knew the attacks of “911” were probable and failed to act. Specifically, Special Agent Robert Wright wrote a memo on June 9, 2001, warning his superiors, Defendant DOJ/FBI of the potential of terrorists hijacking aircraft to attack the United States and two (2) months later, Defendant GWB’s National Security Advisor, Defendant Condoleezza Rice, acknowledged that on August 6, 2001, (one month prior to the “911” attacks), she provided a written brief to Defendant GWB at his Texas ranch which warned “OBL” might try to hijack U.S. aircraft. Plaintiff, as all Americans have a “right to know” why these reports provided Defendant GWB were not acted upon to prevent the most deadly attacks against our nation since Pearl Harbor which led us into War World II as “911” is now leading us into the never ending “IWOT.” From the mountain of evidence and the ongoing “secrecy” of Defendant GWB and his unwillingness to cooperate with the “911 Commission,” Plaintiff brings this *RICO Act* civil action to obtain justice for herself and husband Louis Neil Mariani and to expose the “truth” to the American public as to the great betrayal Defendants have inflicted upon each and every freedom-loving American arising from the crimes prior to, during and after “911.”¹³

11. Plaintiff asserts, Defendants acting in their official and individual capacities were grossly and criminally negligent in failing to act and prevent the attacks on “911” resulting in the wrongful death of her husband and attacks against her country. Plaintiff incorporates for the public record at **Exhibit A** , an “Open Letter” directed at Defendant GWB that provides her personal reasons for proceeding with this cause of action. Plaintiff’s Amended Complaint and

¹³ Plaintiff argues there is a serious conflict of interest and public trust factor with Defendant DOJ being a primary Defendant in this case. Due to this fact, Plaintiff’s *RICO Act* basis is the exclusive appropriate jurisdiction, as

“open letter” will of course be supported by substantial facts and evidence to prove Defendant GWB and all subordinate Defendants named herein have not been “truthful” with the American People and must be held accountable to Plaintiff and the families of the thousands of other innocent people who lost their lives on “911.”¹⁴

12. In sum, Plaintiff having *standing* to bring forth this cause of action and its claims herein, will set forth bona fide challenges to the “official version” of the events of “911” version as purported by Defendant GWB. Plaintiff will establish inconsistencies establishing a prima facie case for this matter to proceed to a jury trial in the search for truth and justice to redress the untimely death of her husband and thousands of other innocent people.

13. Plaintiff asserts, in a free society such as America, no one, including the President of the United States of America is above the law. This Honorable Court must afford Plaintiff her fundamental *United States Constitutional First Amendment Right* to petition this Court for redress of Defendant USA, et al., “failure to act and prevent” the “911” attacks which led to the murder of her husband Louis Neil Mariani and thousands of other innocent people to include daily, our brave men and women of the United States Armed Forces who Plaintiff believes are dying in Iraq because of Defendant GWB’s lies.

14. For the above stated reasons and the *Counts* provided hereinafter, Plaintiff’s Complaint is exclusively based upon the *United States Constitution* and the *Racketeer Influenced and Corrupt Organizations Act (RICO Act)(citations omitted)*, however, other basis for jurisdiction and venue are based upon special factors due to the “unique” nature of this matter. For the good of Plaintiff and her nation this case merits judicial review, relief and vindication to

Plaintiff would further pursue justice at the International Criminal Court (ICC) against Defendant GWB et al., if the United States was subject to its jurisdiction.

ensure another “911” never occurs again due to the wrongful acts and omissions of federal employees as will be proven in this matter at trial.¹⁵

15. In sum, Plaintiff will call to trial former federal employees with firsthand knowledge and expertise with military intelligence and other duties to support the underlying *RICO Act* foundational basis to prove Defendants have engaged in a “pattern of criminal activity and obstruction of justice” in violation of the public trust and laws of the United States for personal and financial gains. Plaintiff will prove, Defendants have engaged our nation in an endless war on terror to achieve their personal goals and agendas.

JURISDICTION AND VENUE

16. The following jurisdictional and venue claims merit this Complaint to be afforded judicial review on behalf of Plaintiff and other similarly situated Americans who lost loved ones in the aftermath of the terrorists’ attacks on “911.”

17. **Jurisdiction** is based upon:

- a. 28 U.S.C. 1331, in that it is a civil action arising under the laws of the United States, and the First, Fifth, Seventh, Ninth, Tenth, Amendments to the *Constitution of the United States*, (federal question);
- b. 28 U.S.C. § 1346, United States as a Defendant;
- c. 28 U.S.C. § 1361, An action to compel an officer of the United States to perform his duty;

¹⁴ Defendant GWB’s private consultants, Plaintiff believes these Defendants are directly connected, specifically, Defendant GHB with critical intelligence and national security advice that warrants discovery in this cause of action.

¹⁵Plaintiff intends to call at trial, former federal employees with firsthand knowledge and expertise to support her bona fide *RICO Act* challenge against Defendant GWB et al. Plaintiff having the courage to bring this “unique” cause of action will support its Counts with Amicus Briefs and other Declarations of private American Citizens and former federal employees in support of this Amended Complaint. For example, **Exhibit C** is the sworn affidavit of Tim McNiven, former federal employee who has established Defendant USA and Defendant GHB for 25 years prior to “911,” knew or should have known “terrorists” could use commercial airliners as weapons to kill innocent people and destroy property. This affidavit, at the very least, establishes a prima facie case of “gross or criminal negligence” in this cause of action.

- d. 28 U.S.C. § 1366, Construction of reference to laws of the United States or Acts of Congress;
- e. 28 U.S.C. § 1357, Injuries under Federal law;
- f. 28 U.S.C. § 1365, Senate actions;
- g. 28 U.S.C. § 1349, Corporation organized under federal law as party;
- h. 32 U.S.C. § 102(3), Federally recognized agencies as all Defendants, named and unnamed are all employees, former employees, agents or consultants of the United States Federal Government;
- i. 28 U.S.C. § 1343 (a)(2)(3), Civil rights and elective franchise and 42 U.S.C. §§ 1983, 1985 and 1986, Public Health and Welfare Act in conspiracy and or failure to act and prevent criminal violations of civil rights;
- j. 28 U.S.C. § 1332(a)(1), in that there is complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs;
- k. 18 U.S.C. §§ 1961(1) and 1964(a)(c), Racketeer Influenced and Corrupt Organizations Act (RICO Act) civil remedies and Bivens v. Six Unknown Narcotics Agents, 403 U.S. 388 (1971), compensation for victims of "constitutional torts" by federal actors; and
- l. 28 U.S.C. § 2201, declaratory and injunctive relief as deemed necessary.

18. **Venue** in the Eastern District of Pennsylvania is proper due to the special factors involved in this "unprecedented" federal lawsuit and the fact the United States Constitution, the "supreme law of the land" originated at the May 25, 1787, Constitutional Convention in the City of Philadelphia. Plaintiff reasonably believes in the wake of the national tragedy giving rise to this action on "911" and its serious and controversial claims, New York City is an inappropriate venue for justice to be served in this matter. Venue is proper in this Court pursuant to 18 U.S.C. Section 1965 (a) because Defendants reside, are found, operate under color of authority or office, have agents, or connected with or related to the aforesaid and transact affairs in this district. Venue is also proper in this Court pursuant to 18 U.S.C. Section 1965 (b) because, to the extent

any Defendant may reside outside this district, the ends of justice require such Defendant(s) to be brought before the Court. Venue properly lies in this Court pursuant to 28 U.S.C. Section 1391 (b) (2) or, alternatively, pursuant to 28 U.S.C. Section 1391 (a) (2). Further, certain of the conspiratorial acts alleged herein took place and continue to take place within this judicial district. Any and all Defendants, named and unnamed who are employed with, were employed with, contracted with and connected to Defendant USA and GWB, can be compelled through order and/or subpoena power of this federal court to be subjected to discovery or otherwise appear before the court under federal law, executive order, or the Code of Federal Regulations or other process to establish venue in this Honorable Court. Venue is further proper in the Eastern District of Pennsylvania under 18 U.S.C. § 1965(a) as Plaintiff's Counsel of Record, (agent), under the meaning of 18 U.S.C. § 1965(a) and (b), practices law in the Eastern District of Pennsylvania and the ends of justice require this matter to be heard in this District, wherein the Constitution and Nation were born.

PARTIES

19. Defendant, the *United States of America* (hereinafter "Defendant USA¹⁶"), an international sovereign nation, empowered, limited and controlled subject to its *United States Constitution*, is the USA as set forth by its territorial boundaries description which the Court is requested under Federal Rules of Evidence ("F.R.E."), Rule 201, to take judicial notice of said

¹⁶ Defendant USA, pursuant to the *United States Constitution* Article I, II and III, establishes the legislative powers, executive power and the judicial power of the United States respectively. Plaintiff alleges under the *Constitution*, the Legislative Branch establishes various departments of the Federal Government including the Department of Defense ("DOD"), Department of Justice ("DOJ"), and the various sub-entities therewith and acting in concert therewith. On information and belief, Defendant GWB as an individual, (and sometimes referred to as the "Bush Family"), or under color of authority and office under the powers of Article II of the Constitution, utilized the aforesaid departments, agencies and entities to shield his personal negligent acts and omissions in concert with all named and unnamed Defendants who owed Plaintiff a duty to act and prevent the "911" attacks.

territorial description and boundaries commonly referred to as the USA, herein as defined and set forth under the *United States Constitution*.

20. Defendant GWB, under color of authority and office is responsible as President and Commander-in-Chief of the United States of America and Armed Forces respectively, officially and individually, under the *United States Constitution* and *National Security Act* of 1947, (hereinafter “*NS Act*”) was and continues to be in control of Defendant USA and all other named and unnamed Defendants, officially and individually. At all times relevant to the claims herein, all Defendants present and past federal employees of the USA or national security consultants have long had personal ties to Defendant GWB and or his family relevant to establish and support the *RICO Act* basis of this lawsuit. Defendant GWB is an individual who is also a citizen of the United States who acted with executive power as the President of the United States of America under Article II of the *Constitution*. Defendant GWB receives for his compensation for services payments from the United States Treasury to conduct his official acts in a faithful manner and solemnly swore he will faithfully execute the Office of President of the United States and will do the best of his ability, to preserve, protect and defend the *United States Constitution*. Defendant GWB’s conduct prior to, on and after “911” raises serious doubt on the face of the evidence he failed to uphold his “oath” to protect Plaintiff’s husband and our nation from the devastating attacks of this infamous day. Due to the complexity of this litigation and large number of named and unnamed Defendants in this matter, for clarity purposes, Defendants USA, et al., will mean GWB as he is solely responsible for all acts and omissions of all subordinate Defendants under the provisions of the *NS Act* .¹⁷

¹⁷ Plaintiff cites the *NS Act* to provide the foundational argument Defendants prior to “911” and afterwards have not acted in “good faith” with regard to the facts and circumstances leading to the “911” attacks. Moreover, the *NS Act*

21. Plaintiff ELLEN MARIANI is an adult individual and a citizen of the Defendant USA and is domiciled and a resident of the State of New Hampshire. On “911” Ellen Mariani and Louis Neil Mariani were domiciled in New Hampshire. Plaintiff is the surviving wife of decedent Louis Neil Mariani, who died on “911” as a fare-paying passenger in the crash of United Airlines Flight 175 into the South Tower of the World Trade Center. Plaintiff brings this action on behalf of herself, the Estate of Louis Neil Mariani [step-daughter Lauren Peters and Ellen Mariani], and all wrongful death beneficiaries who believe the *Air Transportation Safety and System Stabilization Act*, P.L. 107-42, Section 408(b)(3), 49 U.S.C. Section 40101 (2002), is unconstitutional as ex post facto law and a ploy by Defendant GWB to silence and bury the truth as to the reasons Plaintiff’s husband and thousands of other innocent people died from the attacks on “911.” Plaintiff has a legal duty to counter fraud and any other illegal activities affecting her personal, financial interest, welfare, safety or security as a citizen of the Defendant USA and the State of New Hampshire, and on behalf of others similarly situated, by petitioning the federal judiciary for redress of grievances as provided for under Article(s) 4, Section 2 and 3 and as thereafter amended Article I, IV, V, IX, X or XIV of the *United States Constitution* to compel answers by Defendants as to how and why her husband and thousands of others died on “911.”

is being invoked to silence Defendants’ connections with alleged terrorists, Osama bin Laden and Saddam Hussein, based upon claims of “national security” and “executive privilege.”

SUMMARY OF FACTS¹⁸

22. That on January 20, 2001, Defendant GWB was sworn in as President of the United States of America and assumed the duties as Commander-in-Chief of the United States Armed Forces.

23. That, the evidence will show that Defendant GWB from the period of July through August 2001, was provided by his subordinate Defendants credible intelligence information that the attacks against the United States of America on “911” were imminent. Plaintiff believes Defendant GWB both grossly and criminally failed to carry out his duties as President and Commander-in-Chief and should be held accountable to her and the American People as to what he knew prior to the “911” attacks. In the wake of “911” it was later stated by United States House of Representative Minority Leader Richard Gephardt, *The reports are disturbing that we are finding this out now.*” Plaintiff stands on her claim Defendants at the minimum were “grossly negligent” in acting to prevent “911” as early as two (2) months prior to the deadly attacks. Another lawmaker, Representative Jerrold Nadler of New York stated:

"Certainly if the White House had knowledge that there was a danger or an intent to hijack an American airplane and did not warn the airlines, that would be nonfeasance in office of the highest order...That would make the President bear a large amount of responsibility for the tragedy that occurred."

24. That, on or about, August 6, 2001, Defendant GWB received intelligence reports that a potential attack against the United States of America was being planned by the use of hijacked civilian airliners. The American people were never warned of this potential threat to their health and well-being as Defendant GWB owed a duty to inform and warn the public as

¹⁸ The “Summary of Facts” will set the foundation to support Plaintiff *Counts* as set forth herein. However, a complete highly researched timelines of “911” by American Citizen Mark R. Elsis who has agreed to testify to his research on behalf of Plaintiff, and believed to be one of the “most comprehensive minute by minute accounts of the events of “911”” is also attached hereto as Exhibit “C.”

apparently high level cabinet members to include Defendants Rumsfeld and Ashcroft stopped flying commercial aircraft prior to the “911” attacks.

25. That, on September 10, 2003, Plaintiff and her husband Louis Neil Mariani spent their last day together as husband and wife on this earth.

26. That, on or about 8:00 a.m. on “911,” Defendant GWB sat down for his Presidential Daily Briefing (“PDB”). “The President's briefing appears to have included some reference to the heightened terrorist risk reported throughout the summer” but contained nothing serious enough to call National Security Adviser Defendant Rice. The briefing ends at on or about 8:20 a.m.

27. That, on “911” on or about and between 8:13 a.m. and 8:20 a.m., American Airlines Flight 11, is not responding to Defendant FAA communications, goes off course and its transponder signal stops transmitting “Friend or Foe” (IFF) beacon signal. On or about 8:24 a.m. Defendant “FAA,” by and through an unidentified employee at this time, hears alleged terrorist over United Airlines Flight 11's radio; *“We have some planes. Just stay quiet and you will be OK. We are returning to the airport. Nobody move.”* At this very moment, Defendant “FAA” was mandated to alert Defendant NORAD to expedite immediate defensive measures to prevent loss of life or property damage via scrambling of American alert fighters to intercept Flight 11 and Defendant GWB should have been immediately briefed of the situation and should have by a simple phone call.¹⁹

28. That, on or about 8:32 a.m., eight [8] minutes after Defendant FAA was first alerted to the hijacking of Flight 11, Defendant Bush’s motorcade leaves the resort en-route to

¹⁹ If proper procedures were followed by the Defendants FAA and NORAD, the horrific events of “911” could have been very well avoided. Defendant NORAD had approximately twenty-two (22) minutes from the first notification

Emma E. Booker Elementary School in Sarasota, Florida. That, it is believed Defendant NORAD was notified by Defendant FAA on or about 8:36 a.m., ten [10] minutes prior to the first crash into the WTC that Flight 11 was hijacked.²⁰

29. That, on or about 8:46 a.m., Flight 11 crashes into the North Tower of the World Trade Center (hereinafter "WTC") and Plaintiff husband's plane, United Airline Flight 175 transponder signal stops transmitting "IFF" beacon signal, as did Flight 11 before it crashed into the WTC.

30. That, on or about 8:47 a.m., Defendant NORAD was alerted that Flight 11 crashed into the WTC and at 8:48 a.m., the first news broadcasts on radio and television report a plane crashed into the WTC.

31. That, on or about 8:51 a.m., Defendant GWB arrives at Booker Elementary and should be completely aware Flight 11's crash was not an accident, especially in light of the "PDB" provided him 51 minutes earlier.

32. That, on or about 9:05 a.m. Andrew Card walks up to Defendant GWB in front of the world while Defendant GWB is listening to a goat story and is alleged to have whispered in his ear; "A second plane has hit the World Trade Center. America is under attack." For approximately the next seven (7) to eighteen (18) minutes Defendant GWB continues to listen to

of Flight 11's hijacking, until it crashed into the North Tower at 8:46 a.m. to intercept, thus raising serious questions of "dereliction of duty" at a minimum, for which no federal employee has been held accountable to date.

²⁰ At this very moment, Defendant NORAD was grossly negligent in failing to inform their boss, Defendant GWB that a national emergency just developed. To date, no NORAD member has been official charged with dereliction of duty, a court martial offense under the Uniform Code of Military Justice (UMCJ). Even more astonishing, Defendant Rumsfeld and his subordinates NORAD and NEADS were several days into a semiannual exercise known as "*Vigilant Guardian*". Senior officers involved in *Vigilant Guardian* were manning NORAD command centers throughout the United States and Canada, available to make immediate decisions to respond and intercept the hijacked airplanes that could have prevented the absolute destruction of lives and property on "911."

the goat story while Plaintiff's husband was just murdered and does not immediately assume his duties as Commander-in-Chief of the United States Armed Forces.

33. Plaintiff believes if Defendant GWB, DOD and NORAD responded expeditiously as trained for and according to protocol, at 9:03 a.m, thirty-nine (39) minutes after being alerted to the hijacking of Flight 11, and Defendants acted responsibly and warned all U.S. Commercial aircraft captains of potential danger to their aircrafts, crews and passengers, Plaintiff's husband and thousands of other innocent people might still be alive today.

34. Plaintiff as previously stated, incorporates at **Exhibit C** a comprehensive list of "timelines" of Defendant GWB's acts on "911." Under this section, Plaintiff will provide the foundation of "pre-911" and "post-911" events that support the basis of this Complaint that Defendants GWB and subordinate United States Government officials are grossly and criminally negligent for failing to act upon credible evidence to prevent the "911" attacks and have engaged in a pattern of "obstruction of justice" since the "911" attacks to mislead the American People. For these reasons, Plaintiff possesses *standing* to bring this cause of action arising from the wrongful death of her husband, Louis Neil Mariani and does speak on behalf of others similarly situated who might fear bringing a cause of action arising from the evil events of "911" against Defendant GWB, et al., provides the following *Counts* in support of this cause of action:

Count I

Plaintiff asserts the Ex Post Facto *Air Transportation Safety and System Stabilization Act* as unconstitutional and Defendants GWB et al., are exempted parties under the Act's specific exemption for claims against Terrorists and Their Aiders, Abettors and Conspirators

35. Plaintiff incorporates by reference all prior allegations in this Complaint as if fully set forth herein at length.

36. Plaintiff asserts the *Air Transportation Safety and System Stabilization Act*, (hereinafter "*Act*") is unconstitutional and ex post facto legislation specifically intended to silence the truth of the true perpetrators or terrorists which have yet been captured or held to account for the "911" attacks which resulted in the murder of her husband Louis Neil Mariani.

37. Plaintiff asserts the "exclusive jurisdiction" under the Act mandating her to bring this claim into the United States District Court for the Southern District of New York due to the serious nature of this Amended Complaint and the fact that New York City was the primary target of the "911" attacks will prejudice her case. Plaintiff reasonably believes venue in Philadelphia is appropriate in the federal district wherein the *United States Constitution* was signed as the Defendants have tested the *United States Constitution* and pose the greatest threat to our way of life if they are not held to account for their actions prior to, during and after the "911" attacks. Moreover, Defendant GWB, the primary focus of this Amended Complaint, and a majority of the Defendants are employees of the United States who were acting within their official capacity on "911" and Plaintiff can bring this action in "any judicial district" predicated upon the fact that "a substantial part of the events and omissions giving rise" to this action occurred in the Commonwealth of Pennsylvania. Plaintiff argues, the entire United States of America and its Citizens were victims of "911" for that matter, coupled with the fact that the United States Constitution is under attack in of itself, merits this Amended Complaint to be tried and decided in the Birth Place of the Constitution and where our Declaration of Independence was written and signed in Philadelphia, Pennsylvania and where our battle of freedom was won in Valley Forge, Pennsylvania. Furthermore, all of the Defendants conduct public business and/or have offices throughout the Eastern District of Pennsylvania.

38. Plaintiff further believes Section 408(c) of the Act provides one critical "exception" relevant to Plaintiff's case being heard in this Honorable Court and venue set therein. The Act states in part:

"The Southern District has 'original exclusive jurisdiction' over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001" **with the exception of claims to recover collateral source obligations and claims against terrorists and their aiders and abettors and conspirators.** (Emphasis added) (Act Section 408(c)).

39. Plaintiff asserts from the mountain of evidence that will be produced and based upon her *RICO Act* claim, Defendant GWB et al., are exempt from the Act's jurisdiction in New York because Defendants will be directly connected to their true standing in the "911" attacks as "aiders and abettors and conspirators" who intentionally and deliberately "failed to act and prevent" the "911 attacks on the United States of American leading to the murder of Plaintiff's husband Louis Neil Mariani and thousands of other innocent people for many years to come, to advance their agendas, including but not limited to an "IWOT."²¹

40. Plaintiff, herein also names Defendant Kenneth R. Feinberg, Special Master of the September 11 Victim Compensation Fund of 2001, (hereinafter "Fund") as a party for his questionable strong-arm tactics and hostility towards Plaintiff. Plaintiff asserts and alleges, Defendant Feinberg's appointment by Defendant Aschroft was tactical placement of a "go along to get along" move by Defendant GWB to ensure all "911" families joined the fund to prevent

²¹ On July 24, 2002, Judge Alvin K. Hellerstein, United States District Judge for the Southern District of New York, issued an Order that all actions for wrongful death, personal injury, property damage or business loss currently pending or to be filed pursuant to the [Air Transportation Safety and System Stabilization Act, Pub.L. No. 107-42 Section 408\(b\)\(3\), 49 U.S.C. Section 40101 \(2002\)](#) against any airline and/or airline security company, be consolidated for purposes of pretrial proceedings. Plaintiff's Complaint is exempted as the *RICO Act* is the foundational basis of her pursuit of justice and to hold Defendants accountable for allowing the "911" attacks against her nation to occur to profit personally and politically from an illegal war on international terror. This assertion in of itself is very easily provable and probably well known to this Honorable Court at this time.

any questions of liability, gross or criminal negligence on behalf of Defendant GWB and his administration for failing to act and prevent the “911” attacks.

41. Plaintiff provides at **Exhibit D** proof of his lack of independence in administering the “Fund” via a letter signed by Defendant Feinberg to Donald J. Nolan, Esquire dated February 8, 2002. Most notable is the handwritten statement below Defendant Feinberg’s signature that states: **So are you bringing your clients into the Fund? Give me a call. Best - K.**

42. Plaintiff asserts Defendant Feinberg’s overall involvement with the “Fund” and his appointment by Defendant Ashcroft is highly suspect and will call at trial staff members of the “Fund” who will expose the appropriate facts to support Plaintiff’s claim that Defendant Feinberg’s assignment is not to administer just compensation to the families but, a ploy to silence any traditional lawsuits that will expose Defendant GWB’s failure to act and prevent the “911” attacks. Furthermore, Red Cross delays have in effect thrown needy families into the waiting arms of Defendant Ashcroft and Defendant Feinberg while also serving to keep the government of the United States out of the courtroom via what Plaintiff originally termed "the Feinberg hush fund." Defendant Feinberg has maintained total control over fund settlements while allowing the Red Cross to extend payments in the millions from donations to displaced renters and homeowners who did not even lose a family member, and also to Federal Emergency Management Agency (FEMA) workers, all of whom should have been paid from FEMA's well-established and budgeted funds approved by Congress. Defendant Feinberg allowed the U.S. government to use Red Cross funds specifically donated to the families who lost their loved ones, said funds given to other parties, which only helped to extend and intensify the financial difficulties of victims family members, as many just decided to give up and submit to Defendant

Feinberg's fund while also absolving the government of the United States of all future accountability.

43. Plaintiff, reasonably believes, Defendants are hiding behind arbitrary legislation such as this “Act” [*Air Transportation Safety and System Stabilization Act*] and the Patriot Act to silence Americans such as herself from obtaining the truth as to how and why “911” ever occurred. To protect and preserve the *United States Constitution* Plaintiff’s Amended Complaint merits judicial redress and all extraordinary relief for the good of our nation.²²

Count II

Defendant GWB s Official Version of 911 and refusal to cooperate with his 911 Commission demands judicial scrutiny in this cause of action

44. Plaintiff incorporates by reference all prior allegations in this Complaint as if set forth herein at length.

45. Plaintiff asserts from the timelines as set forth in the *Summary of Facts* Defendant GWB’s behaviors, both officially and individually are highly suspect. Plaintiff, a reasonable person with *standing* seeks to find the truth of “911” and questions why it has taken almost two (2) years for Defendant GWB to establish the “911 Commission.”

46. Plaintiff believes from the substantial investigations and news reports from around the world, Defendant GWB must be compelled to answer the claims and assertions in her lawsuit as it has been over two (2) years since her husband’s death and yet to date, no “terrorists” have be held to account.

47. Plaintiff deserves her day in court in this matter for many reasons, most specifically to challenge Defendant GWB’s purported fact that the “terrorist” responsible for the

²² Plaintiff further believes upon successful prosecution of this cause of action, the evidence gathered during discovery and trial will lead to substantial evidence to warrant criminal indictments against Defendants. Plaintiff

“911” attacks and its mastermind is “OBL.” Defendant GWB has not released to the public intelligence reports or statements to remove suspicion regarding his own good faith efforts to find the terrorists responsible for “911.” Moreover, why are several alleged terrorists named by Defendant GWB who allegedly died in the “911” attacks still alive?

48. Plaintiff asserts and alleges Defendant GWB’s behaviors on the morning of “911” upon being informed the nation was under attack to include but not limited to his continued reading of a children’s story when he should have expeditiously carried out his joint duties as President and Commander-in-Chief to order air defenses to prevent continued attacks against our Nation, in of itself, calls into question his stability and motives to carry out this nation’s top public office.

49. Plaintiff seeks to find and obtain the answer as to why her husband was murdered on “911” and to date, political reasons and “obstruction of justice” by Defendant GWB in failing to release intelligence reports and to fully cooperate with the “911 Commission” provide Plaintiff with no other option but to proceed with this cause of action. In light of the fact that Defendant Ashcroft is a party to this litigation, this Honorable Court must provide Plaintiff justice by issuance of subpoenas and by affording Plaintiff discovery to support her claims regarding Defendant GWB failing to act and prevent the deadly attacks on “911.” Moreover, the fact that the only federal employee who has the power to seek prosecution of the murders responsible for “911,” namely Defendant Ashcroft who has spent more time advocating for his

will seek extraordinary relief by the Court to compel the United States Congress to appoint “special counsel” to investigate Defendants for criminal violations under the provisions of the *RICO* Act.

Patriot Act than seeking the “terrorists” responsible for the “911” attacks is yet another bona fide issue which advances Plaintiff’s right to judicial review in this matter.²³

Count III

Defendant USA and DOD for Twenty-Five (25) Years had prior knowledge American Airspace was vulnerable to terrorist attacks via hijacking of Commercial Airliners

50. Plaintiff incorporates by reference all prior allegations in this Complaint as if set forth herein at length.

51. Plaintiff’s basis for alleging Defendants had prior knowledge “terrorists” could hijack commercial aircraft and attack the United States is not only due to Defendant GWB’s continued withholding of facts and public records necessary for the “911 Commission” to perform its public duty, but, supported by the sworn affidavit of Timothy Stuart McNiven, former United States Army participant in a 1975 Congressional funded military study which purpose was to “identify security lapses and submit corrective actions” to Congress. (*See Exhibit B*).²⁴

52. Based upon review of Affiant McNiven’s sworn statement Plaintiff asserts Defendant USA, et al., charged with defending America had prior knowledge before “911” that the events of this infamous day in American history could take place and did. Hence, Defendant USA’s failure to implement the findings of the study was grossly/criminally negligent and Defendant’s “failing to prevent” the attacks of “911” raises other serious national security and

²³As facts do show at the time of this civil action, the only alleged “terrorist” in the custody of the United States Government being tried is Zacarias Moussaoui and from all indications Defendant Ashcroft will not prosecute this individual on claims of “national security” concerns. It is this specific type of questionable government act or in-action based upon invocation of the *NS Act* which Plaintiff intends to pursue in this Complaint. Moreover, to prove and support the claims in this cause of action, Plaintiff intends to subpoena Mr. Moussaoui as a favorable witness on her behalf.

²⁴ Further provided at **Exhibit C** is a certified “polygraph examination” of Affiant McNiven, including his military DD-214 honorable discharge separation papers. The polygraph exam was conducted by John R. Weller,

public trust matters important for Plaintiff to obtain justice in this case. Affiant McNiven's testimony and the chilling similarities of the study's scenarios to the actual events of "911," support a basis Defendants were grossly/criminally negligent in failing to prevent "911." Affiant McNiven's testimony also provides the "nexus" to include Defendant George H. Bush, Sr., (hereinafter "Defendant GHB") as a critical party to this litigation as Defendant GHB as CIA Director at the time of the study and reasons for its not being implemented are very relevant for Plaintiff to find the answers as to why her husband was murdered on "911." Plaintiff believes, Defendants' GWB and his father, GHB, hold the answers for the entire nation to be informed of the truth as to "911" and why it occurred and was not prevented.²⁵

53. Plaintiff asserts the facts and circumstances as set forth in Affiant McNiven's statement provide the foundation to call into question all Defendant GWB's official and private national security advisors' apparent ill-willed "advice" which once full discovery is achieved, will prove not only that Defendants were grossly negligent in failing to prevent the "911" attacks, they were also criminally negligent wherein this Court, for the good of the nation, must grant any and all declaratory and injunctive relief to hold Defendants' accountable for all crimes proven in this civil action. For these reasons, Defendant GWB cannot and must not be afforded "Executive Privilege" or any other governmental immunity from defending this lawsuit as the

President of Pacific Polygraph Services (PPS) Ltd., and retired Canadian Army Officer who was trained by the U.S. Army as a Military Polygraph examiner.

²⁵ Plaintiff herein is challenging the honesty and forthrightness of Defendant GWB due to his present refusal to cooperate with the "911 Commission" and believes Defendant GHB's long term involvement in her government as CIA director from (1976-1977), his terms as Vice President (1980-1988) and President (1989-1992) and his subsequent business relationships hold the answers and will provide additional basis for her *RICO Act* claim against Defendants.

“national security” interests of Plaintiff and the American People outweigh the “national security” interests of “individual Defendants” in this matter.²⁶

54. In sum, on July 25, 2003, a report by a joint panel of House and Senate Intelligence Committees concluded that 9/11 resulted from C.I.A. and F.B.I. "lapses." Defendant GWB is solely responsible as President of the United States of America for the “lapses” that resulted in the murder of Plaintiff’s husband Louis Neil Mariani and must be held to answer by this Court to explain his failure to act and prevent the attacks of “911.”

Count IV

Defendant GWB and his Administration were provided ample warning the 911 attacks were Imminent and Failed to Act

55. Plaintiff incorporates by reference all prior allegations in this Complaint as if set forth herein at length.

56. Plaintiff asserts Defendant GWB received and ignored advance warnings of an imminent plan to hijack passenger airplanes and fly them into buildings in the United States and will be further supported by the actions of high cabinet officials who stopped flying commercial airliners leading up to the “911” attacks.

57. Plaintiff through reason and belief maintains the cloud of “secrecy” Defendant GWB and his subordinate advisors continue to engage in by not being forthright and honest with the United States Congress, its “911” hearings and now, the “911 Commission” support her claim Defendants were provided ample warnings to prevent the murder of her husband Louis Neil Mariani.

²⁶ At **Exhibit D** see Attorney of Record Berg’s confirmation letter with “PPS” President John L.R. Weller that the information of sworn affidavit and contents of Mr. McNiven’s have been verified to be genuine.

58. Plaintiff believes and upon discovery and compelling of the release of Defendant CIA's July 2001, "Presidential Daily Briefing (PDB)" will clearly demonstrate Defendant GWB's lack of swift and decisive action during his story telling session at the school on the morning of "911" occurred for one reason – Defendant GWB knew the attacks would occur.²⁷

59. Plaintiff asserts perhaps the single most damning indictment of Defendant GWB and all Defendants who failed to protect our nation on "911" was the failure of Defendants DOD/NORAD to follow normal military protocol to be followed as standard procedure. The following testimony of "911" victim family member of Mindy Kleinberg, presented on March 31, 2003 before the "911 Commission" is so articulate that it stands with Plaintiff's "open letter" to Defendant GWB as cited at **Exhibit A** and to support this *Count*:

"Prior to 9/11, FAA and Department of Defense Manuals gave clear, comprehensive instructions on how to handle everything from minor emergencies to full blown hijackings. These 'protocols' were in place and were practiced regularly for a good reason -- with heavily trafficked air space; airliners without radio and transponder contact are collisions and/or calamities waiting to happen.

Those protocols dictate that in the event of an emergency, the FAA is to notify NORAD. Once that notification takes place, it is then the responsibility of NORAD to scramble fighter-jets to intercept the errant plane(s). It is a matter of routine procedure for fighter-jets to 'intercept' commercial airliners in order to regain contact with the pilot.

If that weren't protection enough, on September 11th, NEADS (or the North East Air Defense System dept of NORAD) was several days into a semi-annual exercise known as 'Vigilant Guardian.' This meant that our North East Air Defense system was fully staffed. In short, key officers were manning the operation battle center, 'fighter jets were cocked, loaded, and carrying extra gas on board.'

Lucky for the terrorists that none of this mattered on the morning of September 11th. Let me illustrate using just flight 11 as an example:

American Airline Flight 11 departed from Boston Logan Airport at 7:45 a.m. The last routine communication between ground control and the plane occurred at 8:13 a.m. Between 8:13 and 8:20 a.m.

²⁷ Defendant CIA Director George Tenet will be called upon to divulge who in the GWB White House was provided the July 2001 PIB. According to Newsweek, a source said one of the recipients of the still-unpublicized July briefing that foretold the 9/11 attacks was Bush himself. Moreover, Senate Intelligence Committee Staff Director, Eleanor Hill, a former federal prosecutor and Pentagon Inspector General will be called to testify as to who blocked her at the last minute from divulging precisely who in the White House received the classified July 2001 briefing of Defendant CIA Director George Tenet. Plaintiff has reason to believe, once the congressional intelligence report is obtained through discovery, the names, dates, and substantial new information about the handling of many other crucial intelligence briefings -- including one in early August 2001, provided to National Security Advisor, Defendant Condoleezza Rice discussed Al Qaeda operations within the United States and the possibility that the group's members might seek to hijack airplanes.

Flight 11 became unresponsive to ground control. Additionally, radar indicated that the plane had deviated from its assigned path of flight. Soon thereafter, transponder contact was lost -- (although planes can still be seen on radar - even without their transponders).

Two Flight 11 airline attendants had separately called American Airlines reporting a hijacking, the presence of weapons, and the infliction of injuries on passengers and crew. At this point, it would seem abundantly clear that Flight 11 was an emergency.

Yet, according to NORAD's official timeline, NORAD was not contacted until 20 minutes later at 8:40 a.m. Tragically the fighter jets were not deployed until 8:52 a.m. -- a full 32 minutes after the loss of contact with flight 11.

Why was there a delay in the FAA notifying NORAD? Why was there a delay in NORAD scrambling fighter jets? How is this possible when NEADS was fully staffed with planes at the ready and monitoring our Northeast airspace?

Flights 175, 77 and 93 all had this same repeat pattern of delays in notification and delays in scrambling fighter jets. Delays that are unimaginable considering a plane had, by this time, already hit the World Trade Center.

Even more baffling for us is the fact that the fighter jets were not scrambled from the closest air force bases. For example, for the flight that hit the Pentagon, the jets were scrambled from Langley Air Force in Hampton, Virginia rather than Andrews Air Force Base right outside D.C. As a result, Washington skies remained wholly unprotected on the morning of September 11th. At 9:41 a.m., one hour and 11 minutes after the first plane hijack confirmed by NORAD, Flight 77 crashed into the Pentagon. The fighter jets were still miles away. Why?

So the hijackers' luck had continued. On September 11th both the FAA and NORAD deviated from standard emergency operating procedures. Who were the people that delayed the notification? Have they been questioned? In addition, the interceptor planes or fighter jets did not fly at their maximum speed.

"Had the belatedly scrambled fighter jets flown at their maximum speed of engagement, MACH-12, they would have reached NYC and the Pentagon within moments of their deployment, intercepted the hijacked airliners before they could have hit their targets, and undoubtedly saved lives."

60. From the above public statement of Mindy Kleinberg, Plaintiff does not stand alone in her belief that Defendant GWB's and all subordinate Defendants in this action should be held to account for the worst attacks on our nation since Pearl Harbor leading to the deaths of thousands of innocent people, including Plaintiff's husband Louis Neil Mariani. Mrs. Kleinberg has also voiced her support for Plaintiff in this cause of action and will be called as a favorable witness on behalf of Plaintiff at trial.

61. Plaintiff, with the assistance of other concerned Americans are actively involved in assisting with the production of facts and circumstances to set a prima facie case proving

Defendant GWB knew of and failed to prevent the “911” attacks. The following “Pre-911” facts and circumstances provided by independent researcher Allan Duncan, a Citizen of the State of Pennsylvania are hereby provided verbatim to support Defendant GWB’s pre-“911” knowledge the attacks would take place:

A. **Explicit warnings from foreign sources**

(1) **1999. The U.S. was warned by British intelligence two years prior to 911 that terrorists were planning to use airplanes in unconventional ways, perhaps as bombs**

In 1999, Britain’s intelligence agency, M16, warned the U.S. in a classified report that al Qaeda was planning to use airplanes in an unconventional manner to attack U.S. interests. No targets were specified. The *Times* of London quoted a British senior Foreign Office source saying, “The Americans knew of plans to use commercial aircraft in unconventional ways, possibly as flying bombs.” (cited in AFP 6-9-2002)

(2) **April to May 2001. U.S. government received specific threats of terrorist attacks against U.S. targets or interests**

Condoleezza Rice admitted that the U.S. government had received “specific” threats that “al Qaeda attacks against U.S. targets or interests...might be in the works. There was a clear concern that something was up, ... but it was principally focused overseas. The areas of most concern were the Middle East, the Arabian Peninsula and Europe.” (cited in CNN 5-16-2002 “Timeline: Events leading up to September 11”) She did not elaborate on where the intelligence originated, but the *Independent* of London, reported that the information had been relayed to Washington by British intelligence sources. (Bennetto and Gumbel 5-18-2002)

(3) **June 6, 2001. German intelligence warned CIA**

The German intelligence agency, the BND, warned both the CIA and Israel that Middle Eastern terrorists were “planning to hijack commercial aircraft to use as weapons to attack important symbols of American and Israeli culture.” This intelligence reportedly came from Echelon, a high-tech electronic surveillance system used by the intelligence agencies of several nations to glean through electronic communications for certain keywords. It was first reported by the German daily newspaper, *Frankfurter Allgemeine Zeitung* on September 13. Its sources were reportedly from the BND itself. (Stafford 9-13-2001; Thomas 5-21-2002) According to Gordon Thomas (5-21-2002) of *Global Intel*, the original source of information actually came from Israeli Mossad agents operating in the U.S. who had infiltrated al Qaeda. According to his account the Mossad also

informed British and Russian intelligence about the attacks, who then in turn notified the CIA. Thomas's sources are allegedly informants within the Mossad itself.

(4) **July 16, 2001. British intelligence sent a report to Tony Blair warning of imminent attacks. The report was also sent to Washington**

The British Cabinet Office Joint Intelligence Committee (JIC) sent a memo authored by the heads of British intelligence agencies, MI6, MI5 and GCHQ, to Tony Blair and other cabinet ministers, warning that al Qaeda was in the final stages of preparing for a terrorist attack. The memo suggested that the attacks would likely be aimed at American or Israeli targets. The report did not indicate however that the agencies had any knowledge with regards to the “timings, targets and methods of attack.” According to the *Times* of London, the warning was “based on intelligence gleaned not just from MI6 and GCHQ *but also from US agencies, including the CIA and the National Security Agency, which has staff working jointly with GCHQ.*” [Emphasis added] The newspaper added, “The CIA sometimes has a representative on the JIC. The contents of the July 16 warning would have been passed to the Americans, Whitehall confirmed.” (Evans 6-14-2002)

(5) **June 23, 2001. Arabic News Network reported that bin Laden had predicted a severe blow to the United States.**

“According to the June 23rd AirlineBiz.com report, the Arabic satellite television network MBC claimed that ‘the next two weeks will witness a big surprise.’ An MBC reporter who had met with bin Laden in Afghanistan on June 21st predicted that ‘a severe blow is expected against U.S. and Israeli interests worldwide. There is a major state of mobilization among the Osama bin Laden forces. It seems that there is a race of who will strike first. Will it be the United States or Osama bin Laden?’ ” (Grigg 3-11-2002)

(6) **Summer 2001. Jordan s General Intelligence Division (GID) warned Washington of an attack planned on the U.S. mainland using aircraft.**

According to John Cooley (5-21-2002), author of the book, *Unholy Wars: America, Afghanistan, and International Terrorism*, Jordan's intelligence agency, GID, intercepted al Qaeda communications indicating that a terrorist operation, code-named ‘Al Ourush al Kabir’ or ‘The Big Wedding,’ was being planned for within the U.S. and would involve aircraft. Cooley confirmed the validity of this warning. (see also Bubnov 5-24-2002)

(7) **Summer 2001. Iranian man warned U.S. authorities of a planned terrorist attack during the week of September 9, 2001**

Online.ie reported “German police have confirmed an Iranian man phoned US police from his deportation cell to warn of the planned attack on the World Trade Centre” during the week of September 9. He reportedly called several times. Very little information was given about the ‘Iranian man’ other than the fact that he was 28-years old. No other news agencies independently reported the incident. (Online.ie 9/14/01; cited in Anova 9-14-2001; Ruppert 11-2-2001; 11-24-2001; 4-22-2002)

(8) **August 2001. Moroccan intelligence warned Washington about large scale-operations in New York in the summer or autumn of 2001**

According to reports published in November 2001 by a French magazine and a Moroccan newspaper, Morocco’s royal intelligence informed Washington that one of its agents, who had penetrated al Qaeda, learned that bin Laden’s organization was preparing “large operations in New York in the summer or autumn of 2001.” The agent, who is said to be presently in the U.S. helping its intelligence agencies, also informed Moroccan intelligence that bin Laden was ‘very disappointed’ with the first WTC bombing which failed to bring the two towers down. John Cooley (5-21-2002), who reported this in the *International Herald Tribune* wrote that as of 5-21-2002, he had not independently verified this warning. (see also Bubnov 5-24-2002)

(9) **August 2001. Israel warned U.S. about large-scale attacks on the U.S. mainland**

“Israeli intelligence officials say that they warned their counterparts in the United States last month that large-scale terrorist attacks on highly visible targets on the American mainland were imminent.” (Jacobson and Wastell 9-16-2001; Davis 9-17-2001; Stafford 9-13-2001; Serrano and Thor-Dahlburg 9-20-2001; Martin 1-5-2002; Martin 1-16-2002) According to Gordan Thomas (5-21-2002), this information was based on intelligence gleaned from Israeli Mossad agents who had penetrated or were spying on the al Qaeda operatives. Thomas’s sources are allegedly informants within the Mossad itself.

(10) **August 2001. Intelligence sources warned Argentine Jewish leaders of imminent attacks**

According to Argentine Jewish leaders, the Jewish community in that country “received a warning about an impending major terrorist attack against the United States, Argentina or France just weeks before September 11.” *Forward* quoted Marta Nercellas, a lawyer for the Delegación de Asociaciones Israelitas Argentinas, or DAIA, Argentina’s main Jewish representative body: “It was a concrete warning that an attack of major proportion would take place, and it came from a reliable intelligence [source]. *And I understand the Americans were told about it.*” [Emphasis added] (*Forward* 2-5-2002)

(11) **August 24, 2001. Russian intelligence warned of possible hijacking**

Russian intelligence warned the CIA that 25 terrorist pilots were specifically training to crash airliners into planned targets. This was reported by the Russian *Izvestia* on September 12 and translated for *From The Wilderness Magazine* by a former CIA officer. (cited from Ruppert 11-2-2001; see also Ruppert 11-24-2001; 4-22-2002; Martin 1-5-2002; Martin 1-16-2002) According to Gordan Thomas (5-21-2002) Russian intelligence received this information from the Israeli Mossad.

(12) **August 31, 2001. Egyptian president warned U.S. that something was brewing**

Egyptian President Hosni Mubarak warned the U.S. that “something would happen” 12 days before the terrorist attacks. (AP 12-7-2001; MacFarquhar and Tyler 6-4-2002; Martin 1-5-2002). Egypt had also warned the U.S. on June 13. (Martin 1-16-2002). The U.S intelligence denied that they had received this information soon before the attacks and instead alleged that the only warnings that had been given to them from Egypt occurred between March and May of 2001. (MacFarquhar and Tyler 6-4-2002)

(13) **September 1, 2001. Russian intelligence warned the U.S. again about imminent attacks**

“Russian President Vladimir Putin orders Russian intelligence to warn the U.S. government ‘in the strongest possible terms’ of imminent attacks on airports and government buildings” (We do not have a reference to the original source. See Ruppert 11-2-2001; 4-22-2002 based on MS-NBC interview with Putin, September 15. See also Martin 1-16-2002; Thomas 5-21-2002) According to Gordan Thomas (5-21-2002) Russian intelligence received this information from the Israeli Mossad.

(14) **Early September 2001. Mossad chief warned CIA of possibility of attacks**

According to Gordon Thomas (5-21-2002), Mossad Chief Efraim Halevy warned both the CIA and FBI of the possibility of near term attacks. George Tenet presumably thought that it was “too non specific.”

(15) **September 5-6, 2001**

Commenting on the U.S. intelligence failure, the French *Le Monde* reported: “The first lapse has to do with the processing of intelligence items that come out of Europe. According to our information, French and American officials did in fact hold important meetings in Paris from the 5th to the 6th of September, that is, a few days prior to the attacks. Those sessions brought representatives of the American Special Services together with officers of the DST (Directorate of Territorial Security) and military personnel from the DGSE (General Overseas Security Administration). Their discussion turned to some of the serious threats made against American interests in Europe, specifically one targeting the U.S. Embassy

in Paris. During these talks, the DST directed the American visitors' attention to a Moroccan-born Frenchman who had been detained in the United States since August 17 and who was considered to be a key high-level Islamic fundamentalist. But the American delegation, preoccupied above all with questions of administrative procedure, paid no attention to this 'first alarm,' basically concluding that they were going to take no one's advice, and that an attack on American soil was inconceivable. It took September 11 for the FBI to show any real interest in this man, who we now know attended two aviation training schools, as did at least seven of the kamikaze terrorists.” (cited in Ridgeway 5-28-2002)

(16) **September 7, 2001. Mossad chief warned CIA a second time of possible attacks**

According to Gordon Thomas (5-21-2002), Mossad Chief Efraim Halevy sent another alert to the CIA warning of possible terrorist attacks. The message was received in Washington on September 7.

(17) **September 3-10, 2001. Anonymous caller informed a radio talk show that Osama bin Laden s organization would be launching imminent attacks against the U.S.**

“MSNBC reports on September 16 that a caller to a Cayman Islands radio talk show gave several warnings of an imminent attack on the U.S. by bin Laden in the week prior to 9/11.” (We do not have a reference to the original source. See Ruppert 11-2-2001)

(18) **September 10, 2001.**

U.S. intelligence intercepted conversations from al Qaeda that were extremely specific. *USA Today*, reported “Two U.S. intelligence officials, paraphrasing highly classified intercepts, say they include such remarks as, ‘Good things are coming,’ ‘Watch the news’ and ‘*Tomorrow will be a great day for us.*’ “ [Emphasis added] This information was contained with 13,000 pages of material from the National Security Agency that was handed over to the Congressional 9-11 inquiry. It is unclear when these intercepts were reviewed by U.S. intelligence. They may not have been reviewed until after 9-11. (Diamond 6-3-2002)

(19) **September 11, 2001. Employees at Odigo Inc, received warnings predicting the attacks hours before they happened**

The Israeli company, Odigo, Inc. was apparently warned two hours before the attacks. Odigo CEO Micha Macover told the *Ha aretz* that ‘two workers received the messages predicting the attack would happen.’ The FBI was quickly notified but it is presently not clear if U.S. authorities are still investigating the incident. The company’s offices in Israel are located suspiciously near the Israeli Institute for

Counter Terrorism which broke story of the insider trading scam on 9-11. (McWilliams 9-28-2001; Seberg 9-28-2001; Ruppert 2-11-2002; 4-22-2002)

B. **Evidence that U.S. authorities were concerned**

(1) **1994. FBI videotaped an informant being recruited as a suicide bomber by two men, one of whom was linked to Osama bin Laden**

Summarizing a letter written by former FBI Special Agent James Hauswirth, the *Los Angeles Times* wrote, “The 27-year FBI veteran said in the letter reviewed by the *Los Angeles Times* that the Phoenix office had evidence of Islamic potential terrorists operating in the region as far back as 1994. That year, two men were videotaped by FBI agents recruiting a Phoenix FBI informant as a suicide bomber, the letter says. One of those men, according to a source, was linked to a terrorist in the 1993 World Trade Center bombing.” (*Los Angeles Times* 5-27-2002)

(2) **1996-2001. The FBI was investigating suspected terrorists enrolled in flight schools**

In 1996, after the Philippine police had discovered the ‘Bojinka’ plot (see above), US officials began investigating al Qaeda terrorist suspects who were training in U.S. flight schools. “Since 1996, the FBI had been developing evidence that international terrorists were using US flight schools to learn to fly jumbo jets. A foiled plot in Manila to blow up U.S. airliners and later court testimony by an associate of bin Laden had touched off FBI inquiries at several schools, officials say.” (cited in Fairnar and Grimaldi 9-23-2001; Martin 1-16-2002; Shelon 5-18-2002)

(3) **1996 or 1997. FBI Counter terrorist specialist John O Neil warned of terrorist capabilities**

Soon after the late John O’Neil had become head of the FBI’s New York unit, he warned, “A lot of these groups now have the capability and the support infrastructure in the United States to attack us here if they choose to.” (Loeb 9-12-2002) John O’Neil, who was described as one of the FBI’s ‘most pugnacious’ agents, resigned from the FBI shortly before 9-11. He subsequently took a position as head of the WTC security, where he is believed to have died on the day of the attacks while attempting to rescue other people in the towers. September 11 had been his first day on the job. (Loeb 9-12-2002) John O’Neil had complained that the Bush administration had impeded his investigations into suspected Saudi terrorists. (Brisard and Dasquie 2001 in Godoy 11-16-2001; Marlowe 11-19-2001)

(4) **1997. FBI was investigating Middle Eastern flight school students in Phoenix**

Summarizing a letter written by former FBI Special Agent James Hauswirth, the *Los Angeles Times* wrote: "In 1998, the office's international terrorism squad investigated a possible Middle Eastern extremist taking flight lessons at a Phoenix airport, wrote Hauswirth, who retired from the FBI in 1999." (*Los Angeles Times* 5-27-2002)

(5) **1998. The FAA issued a warning that al Qaeda may attempt to hijack commercial airlines**

In 1998, Federal Aviation Administration warned airlines to be on a 'high degree of alertness' against possible hijackings by members of Osama bin Laden's organizations. (AP 5-26-2002). May 18, 1998. FBI memo observed that an 'unusually' large number of Middle Eastern men were attending flight schools. The memo revealed that an Oklahoma FBI pilot had warned his supervisor "that he has observed large numbers of Middle Eastern males receiving flight training at Oklahoma airports in recent months." The FBI pilot further observed, "This is a recent phenomena and may be related to planned terrorist activity." (Washington 5-30-2002)

(6) **199? 2001. According to anonymous sources it was widely known that important warnings were being ignored**

The New American magazine interviewed three federal law enforcement agents who confirmed that the FBI had foreknowledge of the attacks. They spoke only on conditions of anonymity, although two of them told the magazine that they would be willing to testify to Congress. One agent stated that it was widely known "all over the Bureau, how these [warnings] were ignored by Washington... All indications are that this information came from some of [the Bureau's] most experienced guys, people who have devoted their lives to this kind of work. But their warnings were placed in a pile in someone's office in Washington...*In some cases, these field agents predicted, almost precisely, what happened on September 11th.* So we were all holding our breath...hoping that the situation would be remedied." [Emphasis added] (cited in Grigg 3-11-2002)

(7) **Federal Aviation Administration (FAA) 2001 report**

The *New York Times* reported, "The Federal Aviation Administration published a report called Criminal Acts Against Aviation on its Web site in 2001 before the hijackings that said that although Osama bin Laden 'is not known to have attacked civil aviation, he has both the motivation and the wherewithal to do so.' It added, 'Bin Laden's anti-Western and anti-American attitudes make him and his followers a significant threat to civil aviation, particularly to U.S. civil aviation'." (Martin 1-16-2002; Sanger and Bumiller 5-17-2002)

(8) **Early 2001. Court proceedings revealed that al Qaeda operatives were training in American flight schools**

In early 2001, the trial of four men accused of being involved in the embassy bombings in Kenya and Tanzania revealed that members of bin Laden's network had received flying lessons in Texas and Oklahoma. (*USA vs. Usama bin Laden et al.*; Foden 9-13-2001; Martin 1-16-2002)

(9) **January-February 2001. Case of Hani Hanjour**

During his attendance at an Arizona flight school, Hani Hanjour aroused the suspicion of flight instructor Peggy Chevrette, who felt that Hani both lacked the skill and English for the pilot license he already had. She repeatedly called FAA authorities, who sent one of their inspectors, John Anthony, to look into her concerns. In spite of the fact that FAA guidelines clearly stipulate that fluency in English is required for a U.S. commercial pilot's license, the FAA inspector, according to Chevrette, suggested Hanjour be provided with a translator. Even after Anthony had visited the school, the flight instructor continued calling the FAA twice more with concerns that he didn't have the skills needed to have a license. Hani Hanjour left the school before completing the program. (MSNBC 5-10-2002) The flight school, JetTech, closed after September 11. Sources did not explain why. In addition to the suspicion that he aroused at the flight school, he also caught the attention of an FBI informant. Aukai Collins told ABC news that he was an FBI informant for four years. He claims that in 1996, he provided the FBI with very specific information about Hani, including "his exact address, his phone number and even what car he drove." While the FBI admitted that Collins had been an informant, they 'emphatically denied' that he had tipped the agency off to Hani Hanjour. (ABC News 5-23-2002)

(10) **February 2001. Warning from George Tenet: bin Laden and al Qaeda are the most serious threat to the U.S. and they intend to inflict mass casualties**

In February of 2001, CIA Director George Tenet warned that bin Laden should be considered the "most immediate and serious threat" to the U.S and added, "As we have increased security around government and military facilities, terrorists are seeking out 'softer' targets that provide opportunities for mass casualties." (cited in CNN 5-16-2002 "Timeline: Events leading up to September 11"; Cornwell 5-25-2002)

(11) **Summer 2001. Former chief investigative counsel warned U.S. Justice Department that FBI believed terrorists were planning to attack lower Manhattan**

(a) David Shippers, a Chicago attorney who had been the chief investigative counsel in the attempted impeachment of Clinton, warned the U.S. Justice Department that a massive terrorist attack had been planned for lower Manhattan based on what FBI agents from Chicago and Minnesota had told him. His warning was shunned by officials, one of which stated, "We don't start our investigations at the top." (cited in Grigg 3-11-2002)

(b) During an October 10, 2001 radio interview, he revealed that he had warned “Attorney General John Ashcroft and Speaker of the House Dennis Hastert that he had proof from a credible source (that he has still not revealed) about a plot to use hijacked commercial airliners to ram the White House and Capitol.” (Chin 5-19-2002)

(d) On May 30 2002, one of Shipper’s sources in the FBI, Special Agent Robert Wright disclosed in a testimony broadcasted on C-SPAN that FBI officials and other agents had ‘stymied’ his own investigations into suspected terrorists. (Horrock 5-30-2002)

(12) **Summer 2001. The threat assessment**

On July 26 2001, CBS News reported that Attorney General John Ashcroft was no longer using commercial airliners to travel – even for personal business – because of a “threat assessment” issued by the FBI. Instead Ashcroft was using a chartered jet that cost taxpayers \$1,600/hr to fly. The news network further reported: “Neither the FBI nor the Justice Department, however, would identify what the threat was, when it was detected or who made it.” (CBS News 7-26-2001)

(13) **June 2001. A Federal Aviation Administration (FAA) June circular**

According to ABC sources the FAA distributed a circular in June of 2001 that stated, “Although we have no specific information that this threat is directed at civil aviation, the potential for terrorist operations, such as an airline hijacking to free terrorists incarcerated in the U.S. remains a concern.” (ABC 5-17-2002; Hersh and Isikoff 5-27-2002) According to *Newsweek*’s sources, 10-12 such circulars were issued to U.S. airports between June 11 and September 11 (Hersh and Isikoff 5-27-2002). One of the circulars reportedly warned of possible hijackings on flights originating from East Coast airports. (Salant 5-26-2002)

(14) **June 9, 2001. Internal FBI memo**

Special Agent Robert Wright wrote a memo on June 9 warning the FBI that the Bureau’s failure to take decisive action against known terrorist suspects operating within the country would likely result in the loss of American lives. Parts of the memo read, “Knowing what I know, I can confidently say that until the investigative responsibilities for terrorism are transferred from the FBI, I will not feel safe. The FBI has proven for the past decade it cannot identify and prevent acts of terrorism against the United States and its citizens at home and abroad. Even worse, there is virtually no effort on the part of the FBI’s International Terrorism Unit to neutralize known and suspected international terrorists living in the United States. Unfortunately, more terrorist attacks against American interests - coupled with the loss of American lives - will have to occur before those in power give this matter the urgent attention it deserves.” (cited in Johnson 5-30-2002)

(15) **July 2, 2001. FBI memo**

FBI issued a memo stating, “There are threats to be worried about overseas. While we cannot foresee attacks domestically, we cannot rule them out.” (cited in CNN 5-16-2002 “Timeline: Events leading up to September 11”)

(16) **July 3, 2001. Federal investigators learned significant intelligence from Ahmed Ressam, and al Qaeda operative who had planned to bomb Los Angeles Airport**

Newsweek reported, “After he was convicted in the spring of 2001, Ressam started giving investigators detailed information on Al Qaeda’s designs in the United States. He left no doubt that U.S. airports were a prime target “because an airport is sensitive politically and economically,” as Ressam said in Court on July 3. (Hirsh and Isikoff 5-27-2002)

(17) **July 10, 2001. Internal FBI memo warned that men with suspected ties to terrorist groups were training in Arizona flight schools**

(a) On July 10 of 2001, FBI agent Kenneth Williams in Arizona sent a memo from the Phoenix FBI office to the radical fundamentalist anti-terrorism unit (which was aware of the Moussaoui case -see below) in the Bureau’s Washington headquarters warning that several Arab men with suspected ties to terrorist groups were training at Embry-Riddle Aeronautical University in Arizona. (Solomon 5-3-2002; Risen 5-4-2002; Johnston 5-15-2002; Hersh and Isikoff 5-27-2002; Johnston and van Natta 5-21-2002; Cornwell 5-25-2002; Lumkin 5-25-2002)

(b) Interestingly, the memo mentioned Osama bin Laden by name and speculated that his organization may be attempting to infiltrate the U.S. aviation industry with pilots, security guards, and maintenance workers. (Johnston 5-15-2002). Williams had associated the flight school students with al Qaeda based on a link he had established between several of the students and the London-based militant Muslim group, al-Muhajiroun, whose leader was an open supporter of bin Laden (Seper 5-23-2002; AP 5-23-2002). One Senator who had read the memo told reporters, “I will tell you, though, that although he didn't come up with the exact Sept. 11 scenario, what he presents in that memo was so close to the fact pattern that emerged on Sept. 11 that, as you read it, it just takes your breath away.” (De la Garza 5-23-2002). William’s concerns were spurned in part with interviews he had conducted with the Arab students who had demonstrated extreme anti-American views (Johnston and van Natta 5-22-2002; Mitchell 5-22-2002).

(c) The memorandum also made some suggestions about possible recourses of action. It stated, “Phoenix believes that the F.B.I. should accumulate a listing of civil aviation universities/colleges around the country. F.B.I. field offices with these types of schools in their area should establish appropriate liaison. F.B.I. HQ should discuss this matter with other elements of the U.S. intelligence community and task

the community for any information that supports Phoenix's suspicions.” No action was taken. (cited in Solomon 5-3-2002; Risen 5-4-2002)

(18) **July 18, 2001. FBI memo**

The memo stated, “We’re concerned about threats as a result of the millennium plot conviction....There’s no specific target, no credible info of attacks to U.S. civil aviation interests, but terror groups are known to be planning and training for hijackings, and we ask you therefore to use caution.” (cited in CNN 5-16-2002 “Timeline: Events leading up to September 11”)

(19) **August 6, 2001. Memo (*The Smoking Gun RICO Act Obstruction of Justice Claim*)**(emphasis added).

- (a) **On August 6, President George Bush received an intelligence briefing, titled Bin Laden determined to strike in the U.S. that warned that bin Laden may attempt to hijack airplanes and that the Saudi millionaire s terrorist organization wanted to bring the fight to America. This information was relayed to Bush after he had previously been supplied with intelligence of a more generalized quality that had indicated that al Qaeda was planning to attack the U.S. or U.S. interests abroad. (Eggen and Woodward 5-18-2002; CBS News 5-16-2002; Boncombe 5-19-2002).**
- (b) **An intelligence officer told CBS News (5-16-2002) that a hijacking was among the many things that we talked about all the time as a potential terrorist threat. But when we talked about hijackings, we talked about that in the traditional sense of hijackings, not in the sense of somebody hijacking an aircraft and flying it into a building. We talked about concern about the general noise level about al Qaeda planning and we were trying to figure out what they would do. We never had specifics about time, place, MO (method of operation).**
- (c) **Dan Eggen and Bob Woodward (5-18-2002; see also Buncombe 5-19-2002) of *The Washington Post* revealed that according to their sources, the August 6 briefing had been a result of Bush s request for an intelligence analysis of possible al Qaeda attacks within the United States, because most of the information presented to him over the summer about al Qaeda focused on threats against U.S. targets overseas. Furthermore they noted that the content of the memo, as described by their sources, was focused primarily on a discussion of possible domestic targets. This stands in stark contrast with what Condoleezza Rice had told reporters when she said that the memo had focused primarily on threats to U.S. interests abroad. Additionally, the two reporters questioned the truthfulness of a statement given by Ari Fletcher. Whereas *The Washington Post* s sources insisted that the title of the memo was Bin Laden determined to strike in America, Fletcher had stated that the title was Bin Laden determined to strike America. The source of the terrorist**

threats contained in the August 6 memo reportedly came from British intelligence. (Bennetto and Gumbel 5-18-2002)

- (d) **Commenting on the disturbing revelation, *The New York Times* pondered, It was not clear this evening why the White House waited eight months after the terrorist attacks in New York and Washington to reveal what Mr. Bush had been told. (Sanger 5-16-2002)**

(20) **August 2001. The Case of Zacarias Moussaoui**

- (a) In August of 2001 the FBI was warned by a flight instructor in Oklahoma that an Arab student he was training could be a terrorist. The FBI responded to the lead only after receiving repeated calls from the instructor. He was arrested, but not intensely investigated until after 9-11, at which point it was discovered that he would have taken part in the 9-11 hijackings had he not been arrested.
- (b) During the summer of 2001, Zacarias Moussaoui enrolled in a Pan Am flight school in Eagon, Minnesota. He paid his \$6,300 tuition in cash. (Eggen 1-2-2002; Martin 5-27-2002) After a short period of taking flight lessons at the school, it became obvious to the instructor that Zacarias had little hope of becoming a pilot. Additionally, the student's odd behavior arose suspicions. He was notably unfriendly and insisted on training to fly a Boeing 747 despite the fact that he had little experience with even small planes. (Eggen 1-2-2002; Barnett *et al.* 9-30-2001; Martin 1-5-2002; Martin 5-27-2002) The instructor notified the FBI, conveying his suspicions that Moussaoui might be a terrorist. It is not clear how quickly and competently the FBI responded because the accounts vary.
- (c) On August 16, Moussaoui was detained for immigration violations. Here are some important aspects of the investigation that followed:
- (1) *FBI was immediately suspicious.* Investigators immediately suspected that Moussaoui was a terrorist. (Rowley 5-21-2002; Eggen 1-2-2002)
 - (2) *French intelligence revealed that Moussaoui was possibly an al Qaeda operative.* The FBI contacted the CIA and requested that a background check be performed on Moussaoui. On August 26, French intelligence informed the CIA that Moussaoui had radical Islamic beliefs and indicated that his friend had fought in Chechnya with a group known to have ties to Osama bin Laden. The CIA relayed this information to the FBI. (Rowley 5-21-2002; United Press International 9-14-2001; Gordon 12-21-2001; Eggen 1-2-2002; Margasak 5-24-2002; Risen 5-25-2002; Ridgeway 5-28-2002)
 - (3) *Investigators discovered he had previously trained at the same flight school where another known terrorist had attended.* Investigators learned about his lessons at the Airman Flight school in Norman, Oklahoma where he had been deemed such a poor pilot that he had not been allowed to fly the small planes

by himself. (Eggen 1-2-2002; Martin 1-5-2002) This is the same flight school, where Abdul Hakim Murad had trained in preparation for an attack on the CIA headquarters. This plan had been revealed in 1996 when Murad testified in Court during the trial of Ramzi Ahmed Yusef, the man who had been behind the 1993 bombing of the WTC. After 9-11, authorities discovered that several of the 9-11 hijackers had trained there. (Martin 1-5-2002; Shelon 5-18-2002; Lewis 5-30-2002)

- (4) *Personal notes written by a Minneapolis agent had speculated that perhaps Moussaoui was planning to fly something into the World Trade Center.* *Newsweek* reported, “When agents learned, from French intelligence, that he had radical Islamic ties, they sought a national-security warrant to search his computer - and got turned down. From his e-mail traffic they found he wanted to learn to fly a 747 from London’s Heathrow to New York’s JFK. The agents held ‘brainstorming’ sessions to try to figure out what targets might be en route. The agents were ‘in a frenzy,’ ‘absolutely convinced he was planning to do something with a plane,’ said a senior official” (cited in Isikoff 5-20-2002; see also Johnston 5-15-2002) During this brainstorming session, one of the agents wrote in the margins of his notes that perhaps Moussaoui was planning to “fly-something into the World Trade Center.” (cited in Isikoff 5-20-2002; see also Johnston 5-15-2002; Cloud, Fields, and Power 5-20-2002) His notes were included in an internal report that did not leave the Minnesota office. (Cloud, Fields, and Power 5-20-2002)
- (5) *Investigators were denied a warrant to search Moussaoui’s computer hard drive.* The request for a search warrant was handled by lawyers at FBI headquarters and other FBI officials, who denied the request citing insufficient evidence. (Rowley 5-21-2002; Cloud, Fields, and Power 5-20-2002; Eggen 5-27-2002) At the same time the FBI was trying to secure a warrant, the U.S. attorney’s office was also attempting to receive permission to access Moussaoui’s hard drive from the Justice Department, which also turned down the request. (Gordon 10-3-2002) Even more interesting, the FBI office that was communicating with Minneapolis was the same one that had received the July 10 ‘Phoenix memo.’ (CNN 5-27-2002; Martin 5-27-2002) According to a 13-page letter sent by senior FBI agent and general counsel in the Minneapolis office, Colleen Rowley, senior officials at FBI headquarters provided a formidable barrier to further investigating the Moussaoui. (Rowley 5-21-2002; Risen and Johnston 5-24-2002; Martin 5-27-2002; Meyers 5-28-2002; Eggen 5-27-2002) In fact the Minneapolis agent went so far as to accuse headquarters of altering the search warrant application. The *New York Times* reported, “Officials who have seen Ms. Rowley’s letter say it accuses the supervisor of altering the application to play down the significance of information provided by French intelligence officials about Mr. Moussaoui’s links to Islamic extremists,” making “it all but impossible to convince the F.B.I.’s national security lawyers to pursue court authorization for the search.” (Rowley 5-21-

2002; Risen 5-24-2002; see also Lumkin 5-25-2002; Martin 5-27-2002; Eggen 5-27-2002)

- (6) *The Minneapolis FBI office went behind the backs of their superiors to the CIA for help investigating Moussaoui.* The *New York Times* reported, “Ms. Rowley contended. Ms. Rowley said Minneapolis agents became so frustrated by inaction at F.B.I. headquarters at one point that they went directly to the Central Intelligence Agency for help in building their case against Mr. Moussaoui. Going behind the backs of their superiors was a breach of bureau protocol, and officials at headquarters reprimanded the Minneapolis agents, the officials said.” (Risen and Johnston 5-24-2002; see also Risen 5-24-2002; Cornwell 5-25-2002; Oliphant 6-2-2002) The AP received excerpts of Ms. Rowley’s letter, which read, “When, in a desperate 11th-hour measure to bypass the FBI HQ roadblock, the Minneapolis division undertook to directly notify the CIA's counter terrorist center, FBI HQ personnel chastised the Minneapolis agents for making the direct notification without their approval.” (Rowley 5-21-2002; cited in Margasak and Solomon 5-24-2002; Martin 5-27-2002)
- (7) *After the attacks, authorities searched his hard drive, which had important information.* Immediately after the attacks the warrant was granted. Interestingly, the FBI was granted the search warrant based on information that did **not** include the intelligence that had been supplied by France (Rowley 5-21-2002). The files on the hard drive revealed information about jetliners, crop dusters, and wind currents (Eggen 1-2-2002; Martin 1-5-2002). Within hours, Moussaoui was traced to bin Laden (Gordon 5-19-2002) and linked to Khalid Almihdhar and Nawaf Alhazmi, two other 9-11 hijackers. (Gordon 5-19-2002; Isikoff and Klaidman 6-10-2002)
- (8) Minneapolis FBI agent, Colleen Rowley, took issue with Mueller’s assertion that had the Minneapolis office received the warrant that nothing could have been done to prevent the attacks. In her letter to Mueller, she wrote: “The official statement is now to the effect that even if the FBI had followed up on the Phoenix lead to conduct checks of flight schools and the Minneapolis request to search Moussaoui's personal effects and laptop, nothing would have changed and such actions certainly could not have prevented the terrorist attacks and resulting loss of life. With all due respect, this statement is as bad as the first!...I don't know how you or anyone at FBI Headquarters, no matter how much genius or prescience you may possess, could so blithely make this affirmation without anything to back the opinion up than your stature as FBI Director. The truth is, as with most predictions into the future, no one will ever know what impact, if any, the FBI's following up on those requests, would have had. Although I agree that it's very doubtful that the full scope of the tragedy could have been prevented, it's at least possible we could have gotten lucky and uncovered one or two more of the terrorists in flight training prior to September 11th, just as Moussaoui was discovered, after making contact with his flight instructors. It is certainly not beyond the realm of imagination to hypothesize

that Moussaoui's fortuitous arrest alone, even if he merely was the 20th hijacker, allowed the hero passengers of Flight 93 to overcome their terrorist hijackers and thus spare more lives on the ground. And even greater casualties, possibly of our Nation's highest government officials, may have been prevented if Al Qaeda intended for Moussaoui to pilot an entirely different aircraft. There is, therefore at least some chance that discovery of other terrorist pilots prior to September 11th may have limited the September 11th attacks and resulting loss of life.” (Rowley 5-20-2002; Martin 5-27-2002; Eggen 5-27-2002; Oliphant 6-2-2002) After the publication of a significant portion of Rowley’s letter, Robert Mueller III admitted that had the FBI responded differently to the warnings, the 9-11 attacks might have been averted. (Lewis 5-30-2002; Oliphant 6-2-2002)

(9) Immediately after the attacks, Minneapolis agents ‘joked’ that FBI headquarters must have spies or moles working for Osama bin Laden. In the endnotes of her letter, Colleen Rowley explained: “During the early aftermath of September 11th, when I happened to be recounting the pre-September 11th events concerning the Moussaoui investigation to other FBI personnel in other divisions or in FBI HQ, almost everyone's first question was "Why? --Why would an FBI agent(s) deliberately sabotage a case? (I know I shouldn't be flippant about this, but jokes were actually made that the key FBI HQ personnel had to be spies or moles, like Robert Hansen, who were actually working for Osama Bin Laden to have so undercut Minneapolis' effort.)” (Rowley 5-21-2002; Martin 5-27-2002; Meyer 5-28-2002).

(21) **August 23, 2001. CIA memo: the case of Kahlil Almihdar and Nawaf Alhamzi**

On August 23, the CIA issued an urgent alert that put two men known to have ties to al Qaeda, Khalid Almihdar and Nawaf Alhamzi on a ‘watch list.’ Post 9-11 investigations revealed that the CIA had long been aware that these two hijackers were connected to al Qaeda and had entered the U.S. in January of 2000. It was further revealed that the CIA did not notify the FBI, INS, or the State Department at that time, but instead waited until just 19 days before the terrorist attacks. Here is a timeline of events relating to these two men:

(a) **Late December of 1999.** The CIA discovered through communications surveillance on an al Qaeda safe house in Yemen that Muslim radicals with ties to al Qaeda, including Kahlil Almihdar and Nawaf Alhamzi, would be meeting together in a condo in Kuala Lumpur, Malaysia. The safe house was owned by the Yemeni bin Laden supporter, Ahmed al-Hada, who was the father-in-law of Kahlil Almihdar. The CIA notified Malaysian intelligence, the Special Branch, and requested that an agent follow and take pictures of the men during their stay in Kuala Lumpur. (Isikoff and Klaidman 6-10-2002; Becker and Johnston 6-3-2002; Scotsman 6-3-2002; Price 6-3-2002; Eggen and Pincus 6-4-2002)

- (b) **January 15, 2000.** On January 15, shortly after the January 6 meeting in Kuala Lumpur, Nawaf Alhazmi and Khalid Almihdhar (Almihdhar had obtained a multiple-entry visa) arrived at New York's JFK airport. While the CIA was immediately aware of Almihdhar's arrival, they reportedly did not learn of Alhazmi's presence until March 2000 when they received word from a foreign intelligence agency (Isikoff and Klaidman 6-10-2002; Becker and Johnston 6-3-2002; Scotsman 6-3-2002). Though the CIA reportedly passed on this intelligence to the FBI via e-mail (Risen 6-3-2002; Eggen and Pincus 6-4-2002), the correspondence left out key information, such as the fact that the two men had been linked to the Cole bombing and that they had visited the U.S. Moreover, the information was never relayed to the INS or the U.S. State Department (Risen 6-3-2002). The CIA just let them breeze right into the U.S. despite the fact that "as 2000 dawned, U.S. law-enforcement agencies were on red alert, certain that a bin Laden strike somewhere in the world could come at any moment." And once these two men were safely in the country, no government agency monitored their activities or their whereabouts (Isikoff and Klaidman 6-10-2002).
- (c) **January 15, ????** Malaysian authorities continued to monitor the Kuala Lumpur condo, but notably, the CIA lost interest. *Newsweek* reported that had the CIA followed up in events in Malaysia, they would have been led to Zacarias Moussaoui. The magazine reported: "Had agents kept up the surveillance, they might have observed another beneficiary of Sufaat's charity: Zacarias Moussaoui, who stayed there on his way to the United States later that year. The Malaysians say they were surprised by the CIA's lack of interest following the Kuala Lumpur meeting. 'We couldn't fathom it, really,' Rais Yatim, Malaysia's Legal Affairs minister, told NEWSWEEK. 'There was no show of concern.' " (Isikoff and Klaidman 6-10-2002)
- (d) **September 2000.** "Alhazmi opened a \$3,000 checking account at a Bank of America branch. The men also used their real names on driver's licenses, Social Security cards and credit cards. When Almihdhar bought a dark blue 1988 Toyota Corolla for \$3,000 cash, he registered it in his name. (He later signed the registration over to Alhazmi, whose name was on the papers when the car was found at Dulles International Airport on September 11.)" (Isikoff and Klaidman 6-10-2002;)
- (e) **October 2000.** In the aftermath of the Cole bombing the subsequent investigations led to a one-legged al Qaeda fighter by the name of Tawfiq bin Attash. When the CIA pulled a file on him they "discovered pictures of him taken at the Kuala Lumpur meeting. In one of the shots, he is standing next to Almihdhar . . . yet the agency still did nothing and notified no one" with regards to Almihdhar whom the CIA knew had been in the U.S. (Isikoff and Klaidman 6-10-2002; Eggen and Pincus 6-4-2002)

- (f) **Mid-to late 2000 until July 4, 2001.** Almidhar left the U.S. and spent the next few months in the Middle East and Southeast Asia. When it came time for him to return, his visa had already expired. This apparently was not a problem. He simply went to a consulate in Saudi Arabia and received a new one and on July 4, 2001 he returned to the U.S., arriving in New York City's JFK Airport. (Isikoff and Klaidman 6-10-2002; Drogin, Lichtblau, and Krikorian 10-18-2002; see also Martin 1-18-2002; Price 6-3-2002)
- (g) **Early 2001.** After two unsuccessful experiences at two California flight schools, Alhazmi went to Phoenix for additional training. While in Phoenix he met up with Hani Hanjour, another 9-11 hijacker. (Isikoff and Klaidman 6-10-2002)
- (h) **August 23.** Presumably spurred into action by the numerous explicit and implicit warnings of imminent terrorist attacks, CIA Director George Tenet had his staff look through the files for any possible terrorists. It was immediately discovered that both Almidhar and Alhazmi were in the U.S. (Isikoff and Klaidman 6-10-2002; Becker and Johnston 6-3-2002; Scotsman 6-3-2002; Price 6-3-2002) By that time, the two were confirmed to have links to Egyptian Islamic Jihad operatives (Drogin, Lichtblau, and Krikorian 10-18-2002). According to *Newsweek*, that same day, the CIA "sent out an urgent cable, labeled IMMEDIATE, to the State Department, Customs, INS and FBI, telling them to put the two men on the terrorism watch list" (Isikoff and Klaidman 6-10-2002; Becker and Johnston 6-3-2002; Scotsman 6-3-2002). Although the FBI denied that the cable was labeled urgent, agents quickly set out on the trail to locate the two men, which of course they failed to do. As it turned out, both of the men had been living in San Diego and Alhazmi's real name was listed in the phone book. The *Los Angeles Times* reported, "that a simple check of public records and addresses from the California Department of Motor Vehicles would have shown the FBI that Almidhar and Alhazmi had been living at a series of addresses in the San Diego area." (Drogin, Lichtblau, and Krikorian 10-18-2001; Isikoff and Klaidman 6-10-2002; see also Martin 1-18-2002; Scotsman 6-3-2002). A *Newsweek* article concluded:

"The FBI's claim that it could have unraveled the plot by watching Alhazmi and Almidhar, and connecting the dots between them and the other terrorists, seems compelling.

The links would not have been difficult to make: Alhazmi met up with Hanjour, the Flight 77 pilot, in Phoenix in late 2000; six months later, in May 2001, the two men showed up in New Jersey and opened shared bank accounts with two other plotters, Ahmed Alghamdi and Majed Moqed. The next month, Alhazmi helped two other hijackers, Salem Alhazmi (his brother) and Abdulaziz Alomari, open their own bank accounts. Two months after that, in August 2001, the trail would have led to the plot's ringleader, Mohamed Atta, who had bought plane tickets for Moqed and Alomari. What's more, at least several of the hijackers had traveled to Las Vegas

for a meeting in summer 2001, just weeks before the attacks. “It’s like three degrees of separation,” insists an FBI official.

(22) **September 7, 2001. State Department memo**

On September 7, 2001, the State Department issued a memo warning that Americans “may be the target of a terrorist threat.” It is not clear what exactly prompted the State Department to issue this warning. While several federal agencies claimed that they received no word of this warning, there is evidence that at least one airport may have been informed of the memo. According to the *San Francisco Chronicle*, “someone in the airport security section knew of it and passed word of the warning onto Mayor Willie Brown when he called to check on the status of flight he was planning to take to New York.” (Matier and Ross 9-14-2001)

D. **Evidence that, prior to 9/11, U.S. intelligence had knowledge that terrorists might use commercial airliners as weapons.**

(1) **1993 book mentioned possibility of suicide air bombings**

In 1993, Yoseff Bodansky (1993), director of the congressional Task Force on Terrorism and Unconventional Warfare, wrote the report, *Target America: Terrorism in America*, in which he claimed that there were airport-training camps in Iran dedicated to hijacking and suicide air bombings. (see also Gul 11-8-2001; McCarthy 2-1-2002; Chin 5-19-2002) Here are some selected quotes from that report:

- (a) “The training of suicide pilots started in the Busher air base in Iran in the early 1980s with some 90 Pilatus PC-7 aircraft purchased from Switzerland.”
- (b) “The leading terrorists are known as 'Afghans,' having been trained with the mujahadeen in Pakistan. Some fought in Afghanistan. Muslim volunteers from several Arab and Asian countries were encouraged to come to Pakistan and join the Afghan Jihad.”
- (c) “According to a former trainee in Wakilabad (a base for the training of kamikaze pilots), one of the exercises included having an Islamic Jihad detachment seize (or hijack) a transport aircraft. Then trained air crews from among the terrorists would crash the airliner with its passengers into a selected objective” (cited in Chin 5-19-2002)

(2) **1993 DOD brainstorming session raised possibility of suicide hijackings**

In 1993, the Defense Department’s Office of Special Operations and Low-Intensity Conflict held a conference to brainstorm on possible terrorist attack scenarios. According to Air Force Colonel Doug Menarchik the results of the study were not published out of

fear that it might inspire potential terrorists. One of the possibilities discussed was the use of planes to bomb national landmarks. (Steven and Warrick 10-2-2001; Martin 1-16-2002)

(3) **1994. Terrorism expert raised possibility of suicide bombings**

In 1994, the terrorism expert Marvic Cetron, submitted a report to the Pentagon warning of the possibility of terrorists using hijacked airplanes to bomb American targets. He told ABC News, “We knew that was going happen and we were scared.” ABC news (2-18-2002) reported, “But Cetron said Pentagon officials told him to delete the warning from the report. ‘I said, ‘It's unclassified, everything is available,’ and they said, ‘We don't want it released because you can't handle a crisis before it becomes a crisis, and no one is going to believe it anyhow,’” Cetron said. Even with the warnings of an airborne attack deleted, the report was not released to the public.”

(4) **1994. A man flew a small plane into tree in front of White House**

In September of 1994, a man stole a small plane and crashed it into a tree in front of the President's bedroom at the White House. (Wald 10-3-2001; Martin 1-16-2002)

(5) **1994. Terrorists intended to crash a hijacked airliner into Eiffel tower**

In December of 1994, hijackers attempted to carry out a plan to crash an Air France plane into the Eiffel tower. They were thwarted in Algiers when a French swat team stormed their plane as they waited for it to be filled with three times the needed fuel for the short flight to Paris. (Wald 10-3-2001; Martin 1-16-2002; *Los Angeles Times* 9-27-2001)

(6) **1995. Project Bojinka: plans were uncovered by Philippine authorities to crash hijacked plane into CIA headquarters**

(a) In January of 1995, Filipino police uncovered a plan referred to as “Project Bojinka” to blow-up eleven [11] planes simultaneously in the air and crash another plane into the CIA headquarters in Langley, Virginia. Another plane was to be flown into the Pentagon. One report that was issued by the Filipino police stated, “Murad's idea is that he will board any American commercial aircraft pretending to be an ordinary passenger, then he will hijack said aircraft, control its cockpit and dive it at the CIA headquarters. There will be no bomb or any explosive that he will use in its execution. It is a suicidal mission that he is very much willing to execute.” The informant, Abdul Hakim Murad, had himself trained at a flight school in Norman, Oklahoma. According to the AP, “Murad, who later claimed he was tortured during his interrogations, detailed to Filipino authorities how he and a Pakistani friend crisscrossed the United States, attending flight schools in New York, Texas, California and North Carolina on his way to earning a commercial pilot's license.” (cited in Gomez and Solomon 3-5-2002; see also Baker et al. 10-23-2001; Fainaru and Grimaldi 9-23-2001; Ressa 9-18-2001; Martin 1-16-2002; Grigg 3-11-2002; Shelon 5-18-2002; Hersh and Isikoff 5-27-2002; Public Information Center 5-2002)

- (b) **Some time during 1995, a suspect in the 1993 bombing of the World Trade Center, Ramzi Ahmed Yousef, revealed information about the same plan.** (Public Information Center 5-2002; Martin 1-16-2002; Grigg 3-11-2002)
- (c) After the above revelation, "FBI agents descended upon the flying schools in 1995, and returned to some of those locations immediately after Sept. 11." (Gomez and Solomon 3-5-2002)

(7) **1996. U.S. officials considered possibility of terrorists hijacking a commercial airliner and slamming it into the Olympic games in Atlanta**

In 1996, U.S. officials considered the possibility of terrorists using hijacked airliners or crop dusters to stage an attack on the Olympic games in Atlanta a realistic threat. In order to prevent such a scenario, the authorities patrolled the skies with Black Hawk Helicopters and US Customs service jets. (Feinman and Pasternak 11-17-2001; Martin 1-16-2002)

(8) **September 1999. A report commissioned by government mentioned possibility that terrorists could hijack commercial jets, load them with explosives and crash them into the Pentagon, CIA or White House**

In September of 1999, the author of a report prepared by the Federal Research Division of the Library of Congress surmised that "Suicide bomber(s) belonging to al-Qaeda's Martyrdom Battalion could crash-land an aircraft packed with high explosives (C-4 and semtex) into the Pentagon, the headquarters of the Central Intelligence Agency or the White House." (Hudson 2-1999; cited in Solomon 5-17-2002; ABC News 5-17-2002; Eggen and Woodward 5-19-2002)

(9) **Security officials for 2000 Olympic games in Sydney considered possibility of terrorists crashing a hijacked jet into the opening ceremony**

Officials in charge of security at the 2000 Olympic games in Sydney had considered the possibility of a terrorist attack involving "a fully loaded, fuelled airliner crashing into the opening ceremony before a worldwide television audience." (cited in Magnay 9-20-2001; Martin 1-16-2002)

(10) **October 24-26, 2000 Pentagon officials carry out a "detailed" emergency drill based upon the crashing of a hijacked airliner into the Pentagon**

"You get to see the people that we'll be dealing with and to think about the scenarios and what you would do," Sgt. Kelly Brown said. "It's a real good scenario and one that could happen easily." (Military District of Washington News Service, 11/03/00) The Pentagon is such an obvious target that, "For years, staff at the Pentagon joked that they worked at "Ground Zero", the spot at which an incoming nuclear missile aimed at America's defenses would explode. There is even a snack bar of that name in the central courtyard of the five-sided building, America's most obvious military bulls eye." (Telegraph, 9/16/01)

(11) **Summer 2001. U.S. officials were concerned that terrorists might crash a commercial airliner into Genoa Summit**

In the summer of 2001, U.S. officials were warned of a planned attack using an airplane to assassinate Bush during the Genoa Summits. The *Los Angeles Times* (9-27-2001) reported, "U.S. and Italian officials were warned in July that Islamic terrorists might attempt to kill President Bush and other leaders by crashing an airliner into the Genoa summit of industrialized nations, officials said Wednesday. Italian officials took the reports seriously enough to prompt extraordinary precautions during the July summit of the Group of 8 nations, including closing the airspace over Genoa and stationing antiaircraft guns at the city's airport."

(12) **Dates unknown Prior to 9-11 NORAD had considered the possibility that hijackers might crash a jet into a target on American soil**

General Ed Eberhart of North American Aerospace Defense Command (NORAD) admitted that NORAD had practiced responding to such a scenario where terrorists hijack a plane and attempt to crash it into a target in the U.S. (Shuger 2-16-2002)

(13) **Dates unknown**

Buried within some 350,000 pages of documents handed over by the CIA to the Congressional 9-11 investigation, were "Reports discussing the possibility of suicide bombings, plots to fly planes into buildings and strikes against the Pentagon, World Trade Center and other high-profile targets." (cited in Diamond 6-3-2002).

62. Plaintiff asserts the above documented facts which will be confirmed through discovery and upon testimony at trial, has established a prima facie case that Defendant GWB was fully knowledgeable the events of "911" were going to happen, failed to act and prevent and is accountable under the *RICO Act* for his wrongful acts and omissions.

Count V

Defendant GWB s Administration s failure to act and warn the American People caused Plaintiff un-imaginable mental, emotional, physical and financial injury as a result Of the Wrongful Death of her husband

63. Plaintiff incorporates by reference all prior allegations in this Complaint as if fully set forth herein at length.

64. Defendant GWB, et al., as early as August 2001, was warned by Israelis and will be proven by GWB's intelligence briefings and other credible information prior to "911" which could have prevented the attacks which lead to the death of her husband and thousands of other innocent lives. If the Defendants acted in the best interests of the national security of the United States of America, her husband and thousands of other innocent lives would have been saved.

65. During the period of time in which the terrorists seized control of the aircraft, the passengers suffered physical personal injuries, pain and suffering, extreme emotional distress, terror, property damage, and other damage, including Louis Neil Mariani, during the seizure and subsequently while the aircraft was violently controlled by the terrorists in unexpected directions, subjecting the passengers to unusual G-forces.

66. Thereafter, the aircraft crashed into the South Tower of the World Trade Center, as a result of the deliberate acts of the terrorists who seized physical control of the aircraft, resulting in further damages and injuries to Louis Neil Mariani, and damage to the personal property of Louis Neil Mariani, which ultimately resulted in the untimely death of Louis Neil Mariani.

67. As a direct and proximate result of the conduct of Defendants herein, and each of them, a measurable and significant period of time from the first trauma causing injury to decedent and/or the time Louis Neil Mariani was otherwise first injured before Louis Neil

Mariani's death such that Louis Neil Mariani consciously suffered injuries and damages for a measurable period of time before death.

68. As a direct and proximate result of the misconduct of Defendants, Louis Neil Mariani's death, Louis Neil Mariani's personal property, and the use thereof, were damaged, destroyed, and tortuously interfered with, all to the damage of Louis Neil Mariani, according to proof.

69. As a direct and proximate result of the misconduct of Defendants, Louis Neil Mariani died and his wrongful death beneficiaries have been, and continue to be, deprived of Louis Neil Mariani's future services, support, and other economic losses, according to proof.

70. As a direct and proximate result of the misconduct of Defendants, Louis Neil Mariani died and his wrongful death beneficiaries have suffered, and continue to suffer, non-economic damages which include, among other things, loss of comfort, care, society, love, affection, guidance, presence, attention, companionship, and protection, according to proof.

71. As a direct and proximate result of the conduct of Defendants, and each of them, Louis Neil Mariani died, and Louis Neil Mariani's wrongful death beneficiaries have incurred funeral, burial, travel, and related expenses and property damage, according to proof.

Count VI

Defendants Intentional, Deliberate, Willful Wrongful Acts and Omissions constitute an on-going pattern of criminal activity and obstruction of justice for Plaintiff to support a Civil Claim under the Racketeering Influenced and Corrupt Organization Act (RICO)²⁸

72. Plaintiff incorporates by reference all prior allegations in this Complaint as if set forth fully herein at length.

73. Plaintiff asserts and will produce at trial, bona fide evidence showing Defendants have engaged in a long “pattern of criminal activity” and on-going pattern of “criminal obstruction of justice” constituting continual, long-term criminal modus operandi that have the same or similar purposes, results, participants, and victims and the threat of continuing activity, interrelated by distinguishing characteristics. Plaintiff believes the attacks of “911” that resulted in the murder of her husband and the magnitude of the crisis is readily apparent by noting that “911” serves as a pretext for a never-ending war against the world, including preemptive strikes against defenseless, but resource rich countries. It also serves as a pretext for draconian measures of repression at home, including the cabinet level Department of Homeland Security and Patriot Act I and its sequel and once the truth is exposed in this matter, the primary beneficiaries of “failing to act and prevent” the “911” attacks on America include Defendant GWB, his family, “political supporters” and Defendant friends who have made hundreds of millions off the “IWOT” as of this date.

74. Plaintiff will establish a prima facie case under the *RICO Act* and due to her *standing* and the courage to put a halt to this destructive course Defendant GWB’s has set our

²⁸ Plaintiff upon successfully proving Defendant GWB, et al., were responsible for failing to prevent the attacks of “911” in conspiracy to benefit from an “IWOT” as will be proven during discovery and trial, extraordinary injunctive and declaratory relief deemed appropriate by the Court is therefore requested to hold Defendants criminal responsible and accountable to the American People for their crimes against Plaintiff and the nation as a whole.

Nation on by his illegal IWOT, deserves this Court's attention for the good of the American People and for Plaintiff to seek personal justice for the murder of her husband Louis Neil Mariani.

75. The following "patterns of criminal activity" and "obstruction of justice" based upon Defendant GWB and his Administrations and family's complicity in "911," namely Defendant GHB will set the foundation for this *RICO* claim and historical reforms to restore America's honor and integrity once again and to show the people of the world, not only have they been betrayed, but, so have the majority of Americans who fear even speaking their minds due to the *Patriot Act* and other tactics of the GWB Administration, to include engaging America in an illegal war with Iraq²⁹.

76. Plaintiff will establish beyond any doubt that Defendant GWB and his father Defendant GHB have long held ties with alleged mastermind of the "911" attacks "OBL" and his family and these ties remain on-going "behind the scenes" to date. And that the history of these ties deserve extreme scrutiny to understand the Defendants' inexplicable behavior before, during, and after the events of "911" ³⁰

²⁹ On November 19, 2003, Mr. Perle, a key member of the Defendants Bush and Rumsfeld's "Defense Policy Board", which advises Defendant Rumsfeld, stated in part: "international law...would have required us to leave Saddam Hussein alone" and this would have been morally unacceptable." (The Guardian 10/23/03). Plaintiff asserts and supports in her "open letter" to Defendant GWB that more "morally" unaccepted and a nexus to this *RICO Act* claim is countless American service members will continue to lose their lives for the personal agendas and financial motives of Defendants. Under Title 18, U.S.C. Chapter 91, "Racketeering activity" includes but not limited to; any act or threat involving murder. When Plaintiff prevails in this cause of action, the facts will show Defendants are both liable under criminal and civil *RICO* for the murders of all "911" victims and the honorable men and women of the United States Armed Forces who yet fully understand they are being used not to make a world a safer place by removing Saddam Hussein, but for the ill-willed conspiracy of Defendant GWB et al., to engage American in a never ended "IWOT" for which Defendants are already benefiting financially. (18 U.S.C. Section 1962 (d).

³⁰ It is well known to many in the World that Defendant USA, namely, Defendant GHB as CIA Director and Vice-President had close working relationship with OBL during the Iran-Iraq War and further with Saddam Hussein when Defendant GHB was a critical player in providing Iraq with the Weapons of Mass Destruction (WMD) through and leading up to the 1991 Gulf War for which he was President of the United States. What really occurred on "911" can be compared to a *RICO* nexus with the so-called Italian Mafia family wars. However, the entire American People have been pawns in this deadly and evil mixture of the Bush and Bin Laden Regimes.

77. Plaintiff, through the assistance of former federal employees as with the attached sworn affidavit of Tim McNiven will establish through discovery and trial testimony the critical ties between the OBL and Bush families to provide the foundation to support this cause of action and specifically this *RICO Act* claim. The bottom line sinister fact to support Plaintiff's Complaint and assertions in her "open letter" to Defendant GWB is the fact that members of Defendant GWB's administration to include Defendant GHB profiting financially and/or politically from the evil events of "911." Due to the nature and serious charges made herein, Plaintiff reasonably believes upon the ability to obtain this Honorable Court's subpoena power the fact that Defendants GHB, Cheney and their associates and supporters are making billions of dollars from the illegal "IWOT;" the truth of "911" will finally be told and it will be up to this Court to ensure justice for Plaintiff and all victims of "911" is administered for the good of the Nation. The nexus with Defendant GHB and the 'Carlyle Group' and Defendant Cheney's Halliburton and Bin Laden family connections go to the heart of this *RICO Act* claim.³¹

78. Plaintiff will prove to a jury of her peers and for the good of her Nation, the events of "911" could have and should have been prevented by Defendant GWB and his top cabinet members. However, the truth of the matter is that Defendants long before they obtained control of the White House, planned the takeover of Iraq and to achieve their personal goals and agendas allowed "911" to happen to create an "IWOT."

³¹ Defendant Cheney, for example, is still "holding 433,333 Halliburton stock options.... The total value of these shares right now is over \$26,674,990." (Source: Ohio Rep. Marcy Kaptur, Congressional Record, October 29, 2003) Halliburton has outperformed the Standard & Poor's Index by nearly 40% over the last year; largely on the strength of hundreds of millions in unbid DOD contracts for work in Iraq and Afghanistan. Given the consequent appreciation of his stock options over the same period, Defendant Cheney has personally netted millions from IWOT and the aftermath of "911". Defendant GHB's share in the Carlyle Group's defense related profits will show similar margins of appreciation since his son launched IWOT "in response" to "911."

79. Plaintiff will prove Defendants have engaged in both intentional and deliberate violations of the *RICO Act* and the following are several examples of a long train of abuses directly by Defendant United States of America and specifically the Bush Family:

a. Plaintiff will show, the plans for global domination developed by those of Project for the New American Century, a neoconservative think tank formed in the Spring of 1997, are also a matter of public record. These plans included specifics for taking military control of Central Asia, including regime change in Iraq. The primary architects of these plans include Defendants Paul Wolfowitz, Richard Perle, Richard Cheney and Donald Rumsfeld, all part of the first Bush administration ousted by Bill Clinton and now back in power with Defendant George W. Bush.

b. Plaintiff will prove, the "911" attacks came at an extremely fortuitous time for the Bush administration, the Pentagon, the CIA, the FBI, the weapons industry, and the oil industry, all of which have benefited immensely from this tragedy.

c. Plaintiff will demonstrate as Hitler was able to play the anti-communist card to win over skeptical German industrialists, the Bush family is not a newcomer to melding political and business interests. As history and evidence proves, the Bushes got their start as key Hitler supporters. Prescott Bush, father of George Bush Sr., was Hitler's banker and propaganda manager in New York, until FDR confiscated his holdings. Defendant George Bush Sr. used Manuel Noriega as a scapegoat, killing thousands of innocent Panamanians in the process of re-establishing U.S. control over Panama. It is also widely believed that Defendant George W. Bush administration knowingly misled the people about the war in Iraq.

d. Plaintiff will prove there are precedents for these kinds of acts of complicity and fabrications to support the *RICO Act* basis of this Complaint such as; (1), the

contemplation of terrorist attacks on U.S. citizens by the CIA is a matter of public record by release of previously classified "Operation Northwoods" documents. These documents reveal that in 1962, the CIA seriously considered the possibility of carrying out terrorist attacks against US citizens, in order to blame it on Cuba. The plans were never implemented, but were given approval signatures by all the Joint Chiefs of Staff. The plan included several options, including killing Cuban defectors or U.S. soldiers, sinking ships, and staging simulations of planes being shot down done to blame on Castro as a pretext for launching a war against Cuba. The plan specifically stated, "Casualty lists in US newspapers would create a helpful wave of national indignation." Other factual matters of democracies being hoaxed include the sinking of the Maine, Pearl Harbor bombardment, which President Roosevelt is believed to have known about beforehand, and the hoax of the Gulf of Tonkin provocation. Furthermore, as of recent history, namely, Gulf War I, the very Defendants who make up Defendant George W. Bush's administration were the key players, minus Defendant George H. Bush, Sr. who supplied Iraq with its Weapons of Mass Destruction (MWD) and then went to war to destroy the evidence while still, hundreds of thousand of Gulf War I veterans and their families suffer from known toxic exposures yet to be addressed by the very Defendants in this lawsuit.

80. Plaintiff understands the claims and assertions made herein might prove to be extremely shocking to most Americans who could not imagine that their government officials could have any complicity in the "911" attacks but all available evidence indicates this appears to be truth and the truth must finally be conclusively investigated and disclosed in this Honorable Court. Plaintiff further asserts, the wanton acts of Defendants to allow the "911" attacks to profit personally and politically from the ensuing emergency and war is hardly a new phenomenon in history. Similar pretexts have been exploited since the Roman era and in more recent times have

been used to launch the US-Mexican War, the Spanish-American War, Hitler's invasion of Poland, the Tonkin Gulf resolution, the Argentinean Falkland War, etc. The Defendants have merely revived this proven stratagem for their own ends and benefit at the cost of American lives including Plaintiff's husband Louis Neil Mariani.

81. Plaintiff believes it is noteworthy to close this *RICO Act* Count with the observations of Canadian social philosopher John McMurtry:

"To begin with, the forensic principle of 'who most benefits from the crime?' clearly points in the direction of the Bush administration. . .The more you review the connections and the sweeping lapse of security across so many coordinates, the more the lines point backwards [to the White House]."

Count VII

Wrongful Death - Negligence, Negligence Per Se; Reckless Conduct, Conscious Disregard for the Rights and Safety of the American Public Warrant Punitive Damages

82. Plaintiff incorporates by reference all prior allegations in this Complaint as if set forth fully herein.

83. At all times pertinent to the highjacking of United Airlines Flight 175, Defendants owed a duty to Louis Neil Mariani, to at least make an attempt to prevent his untimely and wrongful death. Defendants' failure to do so, was a direct and proximate result of Plaintiff Louis Neil Mariani's wrongful death and compensatory and punitive damages against all Defendants officially and in their individual capacities is warranted in this matter and falls within the jurisdiction of this Honorable Court.

84. Plaintiff on behalf of herself and the Estate of Louis Neil Mariani, deceased, is entitled to bring this cause of action for such damages, which survive his death outside the unconstitutional jurisdiction of the *Stabilization Act* and possesses standing for all other

declaratory and injunctive relief the Court deems appropriate in the search of truth as to how and why the attacks of September 11, 2001, occurred.

85. Plaintiff asserts all Defendants, acting both officially and individually are exempted from “immunity” and the RICO Act, minus any arguments of the Defendants is the exclusive jurisdiction due to the grave national security and public trust matters presented herein.

86. Plaintiff asserts, her tax money and that of her fellow citizens should not be used to silence the truth by the Department of Justice (DOJ), but to find the truth and responsible “terrorists” and Defendant Ashcroft’s failure to prosecute any alleged terrorist(s) to date provides even more merit for this matter to be judicially reviewed.

REQUESTED RELIEF

87. **WHEREFORE**, Plaintiff, ELLEN M. MARIANI, Individually, and as Administratrix of the Estate of Louis Neil Mariani, prays this Honorable Court will grant judgment against Defendants as hereinafter set forth:

- a. For general damages in an amount according to proof at trial;
- b. For economic damages according to proof at trial;
- c. For property damage and loss of use of property according to proof at trial;
- d. For funeral, burial, transportation, and related expenses according to proof;
- e. For damages for the Estate of Louis Neil Mariani for survival damages;
- f. For punitive damage and all treble damages based on compensatory damages per *RICO* statute as allowed by law according to proof;
- g. For prejudgment interest as allowed by law;
- h. For all compensatory damages for pain and suffering, etc;

- i. For all costs of suit, including attorney fees, investigators and other related fees and costs pursuant to 42 U.S.C. § 1988 or/and the Private Attorney General Act according to proof incurred herein;
- j. For all special damages in the amount of \$911 million according to proof;
and
- k. For such other and further extraordinary declaratory and injunctive relief as this Honorable Court may deem just and proper on behalf of Plaintiff and others similarly situated and to preserve the *United States Constitution* and national security of the United States of America.

CONCLUSION

Plaintiff Ellen Mariani's Complaint under the *RICO Act* is unique wherein the facts and circumstances giving rise to this action are daily being played out and the "obstruction of justice" by Defendant GWB is an ongoing pattern of misconduct to silence the truth of "911." In the wake of the murder of her husband and the mountain of evidence that shows Defendant GWB, et al., have lied and betrayed the American People as a whole and the truth of "911" must be found in this Honorable Court.

Plaintiff asserts and concludes, for far too long in our Nation's history federal employees such as Defendants in this case have lied, betrayed and abused their constitutional oaths and the public's trust for personal gain and/or political motives. Defendants must be held to account for their actions prior to and after "911" for the good of our Nation and our security. Anything less, will render the *United States Constitution* and our leaders' ritual vows "to preserve and protect our Constitution against all enemies foreign and domestic" meaningless. This matter for historical reasons must be venued in the City of Philadelphia, Commonwealth of Pennsylvania,

where the *United States Constitution* was written and signed and specifically attacked in of itself on “911.”³²

Plaintiff asserts, on “911” Defendants engaged her nation in a “preventable” war on international terrorism for self-gain and personal agendas. In the interests of justice and to preserve our constitutional freedoms and democratic way of life, Defendants must be held to defend this Amended Complaint so the “truth” is presented to all Americans and to show behind the cloak of “national security” and “executive privilege” Defendant USA et al., specifically the Bush Family and cronies have abused their public powers with little regard for life, liberty and what is best for her nation. Defendants have betrayed us all and this Amended Complaint rises above any defenses based upon immunity as the murder of her husband and thousands of other innocent victims on “911” must not and cannot be silenced in the only constitutional venue to find the truth in this matter, this Honorable Court.

Plaintiff’s Complaint rises above and crosses all political party lines and is a direct call upon the federal courts to uphold the “separations of powers” clause under the *United States Constitution*. It must be emphasized that no one in the Federal Government has ever been held accountable, civilly, criminally or through military dereliction of duty, for the events of “911.” It is simply hard to imagine on “911” thousands of innocent people were murdered and to date,

³² On Friday, November 21, 2003, just days prior to the filing of this Amended Complaint, Retired Army General Tommy Franks the former commander of the military's Central Command warned, that if terrorists succeeded in using a weapon of mass destruction (WMD) against the United States or one of our allies, it would likely have catastrophic consequences for our cherished republican form of government. Frank further stated; if the United States is hit with a weapon of mass destruction that inflicts large casualties, the Constitution will likely be discarded in favor of a military form of government. (NewsMax). On “911” Plaintiff and her nation were hit by weapons of mass destruction and to date no one based upon “hard evidence” has been held responsible and Plaintiff holds standing to find and bring to account those responsible parties and through discovery and trial testimony Defendant GWB, et al., will provide Plaintiff and the People of the United States of America the who, what, why and how “911” occurred. Plaintiff asserts her willingness to find the truth will in the end, preserve our constitutional system of government if only afforded the right to be heard in this matter and to call credible and other concerned American Citizens to prove this Amended Complaint, its basis and claims are bona fide and will prevent destruction of our way of life through accountability by this Honorable Court.

not even one terrorist or federal employee has been brought to justice for the worst attacks against the United States of America in our history.

Accountability, disclosure of the truth as to how and why “911” occurred and responsibility to preserve our constitutional system of government now rests with this Honorable Court. For these historic purposes, no other case, past, present or future will matter if Plaintiff Ellen Mariani is not afforded her inalienable constitutional right to be heard and compel Defendant George W. Bush to answer why he failed to act and prevent the murder of her husband, Louis Neil Mariani. Plaintiff asserts, it is quite obvious now that even the most outspoken of critics such as former “911 Commissioner” Senator Max Cleland who once called the “911” White House deal with the Commission to provide limited access to Defendant “PDB’s” [Presidential Daily Briefings] “a national scandal,” has now accepted a position by Defendant George W. Bush to serve on the Import-Export Bank thus removing him from the “911” Commission’s search for the truth, which will only be found through litigation of this matter. Plaintiff’s success in uncovering the truth surrounding the “911” attacks will be a victory for all Americans who cherish their freedom and our Constitutional system of government. No more can so few control so many for self gain and personal agendas as will be proven at trial in this historic case which will ultimately ensure “checks and balances” on power in our federal government.

Respectfully submitted,

Dated: 11-26-03

/s/

Philip J. Berg, Esquire
706 Ridge Pike
Lafayette Hill, PA 19444-1711
Attorney for Plaintiff
(610) 825-3134; Fax (610) 834-7659