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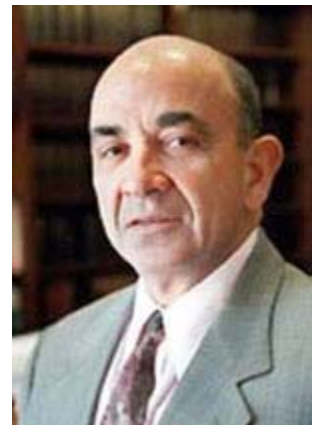
"When I was a young attorney like you all, the next time I sent out my bill, I just added more to it. That ended any further discussion about principle. Money is the universal lubricant." (...referring to remaining 9/11 family members who say, 'it's not the money, it's the principle,' regarding their loved ones' deaths.) [Judge Alvin K. Hellerstein, June 25, 2007 hearing, addressing September 11 victim family defense attorneys—attempting to have them push their clients into a settlement with no legal discovery of evidence and no testimony by top federal officials, even though they previously declined settlements with the 9/11 Victim Compensation Fund in order to specifically seek a trial by jury.]

NY judge 'sanitizes' 9/11 airline trials, blocks key fed witness testimony

Hellerstein cancels FBI, CIA, counter-terror chiefs' testimony, asserts bias against punitive damages despite foreign conflicts

by Tom Flocco

New York—June 28, 2007—Tom Flocco.com—According to documents obtained through an attorney close to the 24 remaining 9/11 victim families seeking trials, defense lawyers representing United and American Airlines have quietly motioned Judge Alvin K. Hellerstein's court to place limits on evidence and witness testimony by Bush administration officials regarding accounts, briefings, meetings and correspondence surrounding the September 11 attacks as the New York City litigation approaches its finale.



Judge Alvin K. Hellerstein

Hellerstein already ruled out testimony from former CIA Director George Tenet, former FBI Director Louis Freeh, and former Director of Counter Terrorism Richard A. Clarke during a March 22, 2007 hearing, raising serious questions as to why the judge would consider covering up and potentially obstructing full government testimony and evidence under oath by key players when it would be in the interests of both parties to the suit.

Full testimony by top government officials would provide the only avenue thus far in a U.S. court of law for Americans to find out who is responsible for 9/11 via court-ordered legal discovery of facts and evidence, since the few families left did not forsake the congressional victim compensation fund to face blocked evidence and testimony by Hellerstein.

Documents reveal that family attorneys are also advising consent to Hellerstein's strongarm tactics toward settlement rather than a full trial with discovery, evidence and testimony by officials close to the events surrounding September 11, even as potential criminal findings would still force the government to settle cases brought by the remaining families who refused to sign away their right to seek truth and accountability.

The 9/11 evidence is so secretive that the Transportation Security Administration (TSA) allowed only one or two attorneys with special high government security clearances from each client

firm to enter its closely guarded reading room with only paper and pencils—no cameras or taping devices—while United and American Airlines stipulated no punitive damages or additional financial punishment for willful negligence regarding this agreement, to which Hellerstein was said to concur according to documents obtained by *TomFlocco.com*.

It is not known whether evidence sequestered in the TSA “reading room” indicates whether Bush administration officials met with airline executives to discuss strong evidence in the form of pre-9/11 presidential briefs and personal experience in Genoa, Italy with Muslim air attack threats—either of which would implicate President Bush and/or the airline executives themselves as having prior knowledge of the attacks while either failing to take strong and decisive action or letting them occur to fulfill other unnamed geo-political, financial or oil agendas.

Issues surrounding the Genoa G-8 summit anti-aircraft guns raise some of the most serious and unlitigated questions for victim family attorneys to ask Mr. Bush, Mr. Cheney and other government witnesses blocked from testifying by Hellerstein regarding “planes used as weapons,” despite the judge’s court rulings to limit, cancel or otherwise obstruct justice regarding government testimony and evidence in an open New York City courtroom.

An atmosphere of intimidation was apparent during Hellerstein’s June 25 hearing when an attorney for the victim families explained that his clients wanted a trial not a settlement, to which Hellerstein retorted, “Sit down. You’re talking out of both sides of your mouth,” a crass rebuttal from a recently appointed judge with extensive experience and written works about Racketeering Influenced Corrupt Organizations (RICO) in his earlier years as an attorney—perfect for controlling and obstructing Bush-Clinton crime family evidence linked to September 11.

The judicial coercion continued later in the same hearing when family attorney Mary Schiavo told Hellerstein that she was also experiencing trial versus settlement problems with certain “difficult clients” who were adamant about going to trial with discovery and government witness testimony, to which the judge said, “This is the way it’s going to be. Go back and you tell them we are going to settle, period.”

Curiously, lawyers representing the victim families have also not petitioned Hellerstein to seek testimony from former Bush Department of Justice (DOJ) Attorney General John Ashcroft and current Secretary of Homeland Security Michael Chertoff regarding wide reports that both permitted more than 200 Israeli “movers” and “art students” arrested in New York and Florida on 9/11 as suspects connected to the attacks, all of whom were released and returned to Israel without facing trial.

Victim families have not addressed reports that thousands of Federal Aviation Administration and other federal agency employees received secret mailed instructions not to speak about what they saw or heard on September 11—an outrageous issue if ever litigated by family attorneys.

Hellerstein finally ruled that he decided to personally “select and quickly hear” approximately three cases “without any discovery or interruptions,” such as potential troublesome court intrusions like evidence or testimony from top U.S. government officials like Tenet, Freeh, Clarke, Ashcroft, Chertoff, Vice President Cheney or President Bush.

These administration officials had access to pre-911 intelligence briefings, anti-aircraft threats against Mr. Bush in Genoa just before the attacks and billions in pre-attack insider stock trading profits of death covered up by FBI and Wall Street officials.

On June 14, Hellerstein had previously indicated that he would personally make the decision to

name “three cases to be tried with maximum utility,” that the “damages would be bifurcated or severed from the liability part of the case,” and most importantly, that “only the damages (awards) would be discussed in open court,” leaving issues of liability, evidence and government testimony as publicly undisclosed.

The judge referred to the cover-up of evidence discovery and testimony regarding his hand-selected cases as “sanitizing” the proceedings, while airline defense attorneys strangely decided not to contest “liability,” effectively eliminating potentially incriminating evidence from the public court record; as one attorney said “let’s talk among ourselves behind closed doors.”

JUDICIAL FOREIGN CONFLICTS OF INTEREST

Judge Hellerstein’s wife is a former senior vice-president and current treasurer of Americans for Israel and Torah (AMIT), raising potential foreign government conflict of interest questions as to why former Attorney General Ashcroft released the arrested Israeli 9/11 suspects without a trial, then selected Hellerstein to control evidence by ordering the consolidation of all 9/11 lawsuits, then blocked full government legal discovery and testimony which has so far prevented any lawsuits from going to public trial—and now only with careful legal damage control.

The exclusion of government testimony and evidence will establish a damaging precedent for Americans who must depend on truth and forthcoming testimony from their leaders in a dangerous world where America’s enemies are able to freely cross open borders—congressional and executive criminal negligence notwithstanding.

Victim family attorneys have strangely failed to seek testimony from Ashcroft and Chertoff regarding their rationale for selecting Kenneth R. Feinberg as Special Master of the taxpayer-funded, multi-billion dollar Congressional 9/11 Victim Compensation Fund which forced families to sign away their right to sue the U.S. government for criminal negligence or prior knowledge—via intelligence intercepts never introduced in a court of law—in return for a financial settlement.

The Kenneth Feinberg Legal Group was one of the top ten supporters of Israel’s Jerusalem Institute for Israeli Studies, and Feinberg’s law firm represented major insurance and re-insurance firms like Lloyd’s of London which would have lost billions in September 11 payouts if Congress had not used American taxpayer funds to cover expected losses by insurance companies, raising more conflicts of interest.

Victim family lawyers have failed to petition Hellerstein to recuse himself from the September 11 litigation given numerous Israelis arrested on 9/11 and quietly released afterwards, but also the judge’s potential family conflicts of interest connected to a foreign government regarding previously unlitigated evidence and possible roles in the attacks involving arrested Israeli citizens offered preferential treatment over arrested Muslims.

Neither Hellerstein nor Feinberg volunteered to recuse themselves from their powerful positions as arbiters regarding 9/11 accountability and financial compensation despite the conflicts of interest.

Though remaining families want a trial, Hellerstein has been coercing them all along to negotiate a settlement with his “special mediator,” Sheila L. Birnbaum, a partner in the Skadden Arps law firm which calls itself “one of the leading U.S. legal advisors to Israeli companies doing business and raising capital outside of Israel,” with several attorneys fluent in Hebrew and English admitted to the Israeli and New York bar.

Strangely, Huntleigh USA, an airport passenger screening company owned by Israel’s International Consultants on Targeted Security (ICTS), led by “former Israeli military

commanders and members of its intelligence and security agencies,” received congressional immunity for failed airport security at Boston and Newark airports where three of the four doomed planes originated on September 11.

These astonishing conflicts of interest raise more congressional obstruction of justice questions for attorneys hired by the families to acquire justice and accountability for 9/11 deaths instead of settlements.

The New York judge never fully discussed and explained the explosive issue of withholding key government witness testimony and evidence during either of the June hearings, raising serious questions about criminal versus civil evidence since documents we obtained reveal that another attorney directly involved in the case said it is not a great concern to either side whether the judge imposes limitations on what testimony or evidence can be heard in open court.

Full government testimony and interrogation with the help of career prosecutors would assist victim family lawyers in gaining access to more facts and evidence, while the airline defense team would garner evidence to support their assertions that government “regulations hampered us and kept us from doing our job,” since the families say airlines are responsible for not having cockpit doors which could resist the “hijackers.”

“I want to settle as many cases as I can, as soon as I can. That is my job,” said Hellerstein in open court on June 14, perhaps explaining why not one single September 11 victim lawsuit has been permitted to proceed to a public trial by jury with subpoenaed testimony by major government officials, complete and unhindered discovery of documents and interrogation by career criminal prosecutors—given meritorious evidence of prior knowledge of the attacks by the Bush administration.

CRIMINAL NEGLIGENCE, PRIOR KNOWLEDGE AND OBSTRUCTION OF JUSTICE

Victim family lawyers yet to go to trial or settle have failed to seek testimony as to whether Bush Transportation Security Administration and Federal Aviation Administration officials met with executives of the airlines before September 11 regarding national security intercepts and presidential briefs such as the August 6, 2001 Presidential Brief entitled “*Bin Laden determined to strike in U.S.*”

Hellerstein has curiously not permitted family attorneys to seek evidence and interrogate federal witnesses, agency chiefs and President Bush regarding why airline executives did not take proper precautions for air safety when Mr. Bush said “we had intelligence from Genoa,” [July 20-22, 2001 G-8 summit in Genoa, Italy prior to September 11] but Bush has never been compelled to explain full details of the Muslim air threats.

Mr. Bush never referred to revelations that “*U.S. officials were warned that Islamic terrorists might attempt to crash an airliner*” into the [Genoa G-8] summit, which prompted officials to “close the airspace over Genoa and station anti-aircraft guns at the city’s airport.” [Seven weeks before 9/11 according to the *Los Angeles Times* [9/27/2001] and a 7/22/2001 White House press release.]

There is still no presidential testimony, even though Mr. Bush was so concerned about air attack threats involving Muslim terrorists planning to kill him at the G-8, according to the head of Russia’s federal bodyguard agency, that he stayed by himself overnight aboard an aircraft carrier offshore while the other world leaders stayed on a luxury ship—less than two months before September 11, according to *CNN*.

Seemingly intimidated by Hellerstein, victim family attorneys have not sought testimony from Mr.

Bush regarding why the anti-aircraft guns were set up surrounding the G-8 meetings, testimony from secret service agents as to why airspace was cleared during the summit and the contents of the briefings Mr. Bush received regarding a Muslim airplane attack threat on G-8 buildings in Genoa only 50 days before September 11.

MOVING HEAVEN AND EARTH

Documents we obtained reveal that lawyers representing the remaining 9/11 families are focused on settling without pursuing testimony and evidence from representatives of President Bush regarding why he failed to “move heaven and earth to protect the American people,” as he said he would, despite receiving a huge “inkling” just before 9/11 regarding air attacks attempting to kill him at the Genoa G-8 summit.

It is not known whether attorneys for the families have sought the contents of the still-secret Ashcroft “threat assessment memos” received just before the attacks which caused the Attorney General to curiously cancel a commercial flight to Milwaukee on September 11.

A July 5, 2001 congressional intelligence briefing memo said “We believe that [bin Laden] will launch a significant terrorist attack against U.S. and/or Israeli interests in the coming weeks. [66 days before 9/11] The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. The attack will occur with little or no warning.” [*Newsweek* and *The Hill*]

Potential evidence of criminal negligence worse than Hurricane Katrina, may provide a hidden reason Congress approved Kenneth Feinberg’s fund to pay off victim families to curtail lawsuits against themselves, the Bush administration and airline executives regarding the full contents of intelligence briefing memos, obstruction of justice for releasing arrested Israeli citizens linked to 9/11 without trial and protection for insurance companies and airlines facing huge financial losses.

Two months before the attacks on July 10, 2001 Arizona FBI agent Ken Williams sent a memo [“Phoenix memo”] to FBI Headquarters in Washington warning that “*unusual numbers of Muslim extremists are learning to fly in Arizona*,” the contents of which would seem to be of high importance to Judge Hellerstein and the victim family attorneys.

The contents of the July 5, July 10 and August 6, 2001 intelligence briefing memos may also explain why Congress and the President needed to be protected from criminal or civil court actions and why the Ashcroft Justice Department placed Judge Hellerstein in position to consolidate, control, limit evidence and testimony, and/or settle any remaining 9/11 “maverick” victim family lawsuits before more evidence leaked out—despite the judge’s conflicts of interest involving a foreign government and citizens of that government arrested as suspects in the attacks.

Ashcroft may have been rewarded for machinations surrounding September 11 in that he represents Israel as a lobbyist for its Israeli Aircraft Industries (IAI) to help them better compete against U.S. corporations for American military aircraft contracts and loss of American jobs.

It must be remembered that one of the main reasons many of the victim families cited for eschewing Kenneth Feinberg’s payoff fund was to pursue a 9/11 lawsuit for the purpose of legal accountability for the deaths of their family members; but Hellerstein has presided over stalled litigation and blocked testimony and evidence from the government when both would likely implicate Mr. Bush as having prior knowledge that the attacks were coming and he either failed to protect Americans or let the attacks occur for other purposes.

“We are not trying to cut short values or justice,” said Hellerstein last Monday, “but we have to

get past 9/11. Let it go. Life is beautiful. Life is short. Live out your years. Take the award," added the judge.

This, while multiple 9/11 conflicts of interest with a major U.S. ally remain unresolved, previously arrested September 11 suspects remain at large in Israel and Bush administration officials are excused from full testimony in a court of law in front of families who turned away from the Feinberg millions in order to seek justice and accountability.

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