



Exclusive: U.S. gave sensitive 9/11 files to terrorists' lawyers but not American families

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9/11 Families, victims and those who lost loved ones appear at Daniel Patrick Moynihan U.S. Courthouse in New York City to argue their case that the 9/11 hijackers received aid from Kingdom of Saudi Arabia.

Sometimes a door closes but a window opens.

Such is the unlikely scenario now facing families of 9/11 victims in their landmark federal lawsuit [accusing the Saudi Arabian government of helping the Islamist extremists who carried out the deadliest terrorist attack in United States history.](#)

This story begins with a simple computer search.

In recent weeks, lawyers for the 9/11 relatives discovered that the FBI and possibly other federal law enforcement officials turned over previously secret information to an unusual source — lawyers representing alleged 9/11 mastermind Khalid Sheikh Mohammad and other top al-Qaeda lieutenants jailed for more than a decade as they await death penalty trials at the U.S. Navy Base in Guantanamo Bay, Cuba.

The families stumbled across this revelation during a search of computer records on a website for the Guantanamo Bay trials.

But while the families say they are heartened by their unexpected discovery, they are nonetheless outraged. Many wonder why the leaders of the 9/11 attacks and their attorneys were granted access to the same information that U.S. officials have

continually said is too sensitive to show to American citizens who lost relatives in those attacks.



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Terry Strada, national chairwoman of 9/11 Families and Survivors United for Justice Against Terrorism, speaks outside the federal courthouse in Lower Manhattan, where a judge heard arguments on whether a lawsuit against the Kingdom of Saudi Arabia will be allowed to proceed. Strada's husband, Tom, who worked at Cantor Fitzgerald, died in the collapse of the World Trade Center on Sept. 11, 2001. (Photo: Amy Newman/NorthJersey.com)

"I don't think bizarre covers it. It seems completely unfair and unjust," said Terry Strada, of Basking Ridge, who runs 9/11 Families and Survivors United for Justice, one of the key groups behind the lawsuit against Saudi Arabia.

"I don't understand what this administration is doing. We never imagined this," said Strada, who gave birth to a son four days before the attacks that killed her husband, Thomas, a broker at the Cantor Fitzgerald investment firm in the World Trade Center in lower Manhattan.

"We're running out of words to describe it, to say how bad this is," she added. "It's a betrayal."

Federal officials did not respond to requests for comment.

Federal barriers: [Why U.S. continues blocking efforts to open files revealing Saudis' role in 9/11](#)

Witness negotiations: [9/11 families ask judge to withhold witness names in lawsuit in fear of Saudi retaliation](#)

Suit against Saudi Arabia drags on

For years, lawyers representing the nearly 1,000 relatives of 9/11 victims have tried to convince U.S. law enforcement and intelligence agencies to turn over documents that allegedly show links between Saudi officials and the 9/11 attacks.

Fifteen of the 19 followers of al-Qaeda leader Osama bin Laden who carried out those attacks were Saudi citizens. On the morning of Sept. 11, 2001, they hijacked four commercial jetliners, crashing two into New York City's World Trade Center, one into the Pentagon and another into a Pennsylvania farm field.

Nearly 3,000 people died in the attacks, including more than 400 police, firefighters and other first responders. The federal lawsuit, filed in New York City by nearly 1,000 relatives of victims, has been stuck in legal limbo as attorneys waged a protracted battle against the U.S. government for access to classified details from investigations led by the FBI and CIA that reportedly link Saudi officials to the 9/11 hijackers.

Federal officials have adamantly refused to give up the most sensitive files that reportedly show a Saudi connection to the hijackers.

In a flurry of court filings this year, a variety of U.S. officials, including Attorney General William Barr, claimed that turning over any documents showing links between 9/11 and Saudi officials would jeopardize national security.



Attorney General William Barr on June 8, 2020. (Photo: Saul Loeb/AFP via Getty Images)

The struggle for access to classified U.S. documents has emerged as a crucial chapter in the 9/11 families' long quest to hold Saudi Arabia accountable for the attacks.

Lawyers for the families say they have plenty of information already linking some Saudi officials to 9/11 hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi, who entered the United States in January 2000 and set about preparing for the attacks 21 months later.

Both al-Mihdhar and al-Hazmi, who were Saudi citizens, were already well known al-Qaeda operatives to U.S. authorities.

In one of the most disturbing subplots of the 9/11 saga, the CIA had been tracking their movements as they traveled from the Middle East to Malaysia, then to Thailand and, finally, to Los Angeles. But the CIA, which had been tasked with monitoring terrorist activities overseas, did not pass the word to the FBI and its domestic counter-terror agents that al-Mihdhar and al-Hazmi had entered the United States. Even after several FBI officials who had been working with the CIA learned that al-Mihdhar and al-Hazmi had come to America, the CIA invoked a veil of secrecy, threatening them with federal prosecution if they spoke up.

Mike Kelly reports from Malaysia on al-Mihdhar and al-Hazmi: [Jacuzzis, golf and terrorism](#)

All these years later, it's still not clear why the CIA did not sound an alarm about the presence of al-Mihdhar and al-Hazmi on U.S. soil. Without any monitoring by American law enforcement, the two future hijackers were essentially free to go about their terrorist plans. But they needed help. Neither spoke English. Neither had a place to live. And neither had much money.

Terrorists were helped, suit contends

The 9/11 families charge in their lawsuit and other court papers that al-Mihdhar and al-Hazmi were quickly embraced by several Saudi nationals living in Southern California who had ties to Saudi spy agencies. Eventually, al-Mihdhar and al-Hazmi settled into an apartment and worshipped at a mosque that had been financed by Saudi government funds.

As the time for the attacks drew near, the two made their way across America and [stayed briefly during the summer of 2001 in a motel on Route 46 in South Hackensack](#). On Sept. 11, they joined a team of hijackers that crashed a jetliner into the Pentagon.

The story of the travels of al-Mihdhar and al-Hazmi lies at the heart of the 9/11 lawsuit against Saudi Arabia. But to prove their case, the families of 9/11 victims demanded previously secret FBI and CIA files.

Last September, President Donald Trump promised that the families would have those files. But Trump later reversed himself. And earlier this year, Barr led the way in formally shutting the door to those files, claiming that they should be protected under America's state secrets regulations.

In a letter to a federal judge overseeing the 9/11 lawsuit, Barr said that allowing lawyers for the families to have access to the files "would reveal information that could cause the very harms my assertion of the state secrets privilege is intended to prevent."

But the "information" that Barr says is so sensitive was not completely locked down.

Some details of the Saudi connection to the 9/11 attacks appears to have been already given to attorneys defending several al-Qaeda leaders in their upcoming death penalty trials at Guantanamo Bay. It's not entirely clear why. It's also not clear how much secret information was passed to the al-Qaeda leaders and their attorneys.

One of those al-Qaeda defendants, Khalid Sheikh Mohammed, was described in the 2004 report by the 9/11 Commission that was chaired by former New Jersey Gov. Thomas Kean, as the "principal architect of the 9/11 attacks."

Mohammad, 56, a Pakistani national, who was arrested by the CIA in 2003 and has been imprisoned at the Guantanamo Bay detention center since 2006, is set to go on trial in January 2021 for his role in allegedly plotting the 9/11 attacks. If convicted of a variety of terrorist charges, Mohammad could be sentenced to death.

In a preliminary hearing in Guantanamo Bay for Mohammad's case last September — only days after Trump promised complete access to the Saudi files — an FBI agent testified about possible Saudi assistance for al-Mihdhar and al-Hazmi.

The FBI agent, in referencing an investigative report, described a "support cell" consisting of residents of Southern California linked to several Saudi officials who "may have assisted" al-Mihdhar and al-Hazmi. The agent then went on to confirm that several members of the cell drove al-Mihdhar to the airport so he could return to Saudi Arabia for a visit before returning to America for the 9/11 attacks. The agent also said that federal officials had specifically requested that U.S. interrogators at the Guantanamo Bay detention center question Mohammad "to determine if Hazmi and Mihdhar were assisted by a support cell in Los Angeles."

That piece of testimony, which was found by a researcher for the 9/11 families as he reviewed thousands of pages of transcripts during a computer search of Mohammad's trial records on the Guantanamo Bay website, is considered significant. Lawyers for the

9/11 families believe that the mention of a Saudi link to al-Mihdhar and al-Hazmi by the FBI is just the tip of the legal evidence iceberg.

“I was really surprised,” said John Fawcett, the researcher who found the mention of al-Mihdhar and al-Hazmi in transcript of the Guantanamo testimony. “I didn’t expect to find it.”

Fawcett said in an interview that the transcript is a “kernel” and “a fraction” of what he and lawyers for the 9/11 families believe could help to document how Saudi officials provided aid to al-Mihdhar and al-Hazmi.

“It’s all part of the support structure that the Saudi government was providing to these hijackers,” Fawcett said.

One of the chief lawyers for the families, James Kreindler, said he was stunned when Fawcett told him about the Guantanamo transcript he had found.

“How can it be that the mastermind of mass murder is entitled to see government documents and we’re not?” Kreindler said. “It’s insane. My jaw dropped. You’re almost left without words. It is the most disgusting, shocking, outrageous thing I have ever heard about our government doing in terms of law enforcement.”

A spokesman for the 9/11 families, Brett Eagleson of Middletown, Connecticut, whose father was killed in the 9/11 attacks, said he was also shocked.

“It’s adding insult to injury by our government,” said Eagleson. “It’s almost as if the terrorists have more rights than us.”

It’s not entirely clear yet how this latest revelation will impact the families’ lawsuit and the quest for more access to secret U.S. intelligence files on the possible Saudi links to the 9/11 attacks.

But after years of battling U.S. agencies, Strada says she is fed up.

“These are bully tactics,” she said of federal efforts to block her access to secret files. “These are bully, aggressive tactics against United States citizens.”

Mike Kelly is an award-winning columnist for NorthJersey.com. To get unlimited access to his insightful thoughts on how we live life in New Jersey, [please subscribe or activate your digital account today.](#)

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