



Miami judge slams 'shameful' FBI delays in making 9/11 documents public

By Dan Christensen - [FloridaBulldog.org](https://floridabulldog.org)

A Miami federal judge Tuesday excoriated the FBI for what she called its "shameful" delays in making public certain records about the bureau's 9/11 Review Commission.

"It is distressing to see the length to which a private citizen must go" to obtain records under the Freedom of Information Act [FOIA]," said U.S. District Judge Cecilia Altonaga. "It's quite shocking frankly."

<https://vid.me/pOWE>

Judgment Day: 9/11 Families to Face Saudis in Court

Relatives of the almost 3,000 people killed on Sept. 11, 2001, are moving forward with their mega-suit against Saudi Arabia over its alleged ties to the terror attacks. A new law passed by Congress over President Obama's veto allows the legal challenge af

Emily Michot Miami Herald

At the same time, however, the judge gave the government two weeks to file a further summary judgment motion explaining why it believes the case brought by Florida Bulldog's parent company should be dismissed. The ruling put off for now an unusual FOIA trial that had been scheduled to begin next week.

"The judge has done an excellent job moving this difficult case forward irrespective of the FBI's stall tactics," said attorney Thomas Julin, a partner in the Miami office of the Gunster law firm who represents Florida Bulldog. "This short delay will not put the Bulldog off the scent."

Assistant U .S. Attorney Carlos Raurell represents the government. He declined to comment.

The FBI started this fight by claiming it found nothing in Sarasota when it quite obviously did. Tom Julin, attorney for Florida Bulldog

Broward Bulldog Inc. sued the FBI and the Justice Department last June, looking for records about the secretive three-man 9/11 Review Commission, whose most prominent member was Reagan-era Attorney General Edwin Meese. The group, also known as the Meese Commission, was authorized by Congress to conduct an “external” inquiry into the FBI’s post-9/11 performance and to assess new evidence. The commissioners were selected by FBI Director James Comey and paid by the FBI.

The Meese Commission, which began its work in 2014, went out of business after issuing a 127-page report in March 2015. The original 9/11 Commission, whose work the Review Commission examined, released its findings in 2004.

In a related case, Bulldog is suing the FBI in federal court in Fort Lauderdale seeking records from the FBI’s 2001-2003 investigation of Abdulaziz and Anoud al-Hijji, a Saudi couple living in Sarasota with ties to the kingdom’s royal family and apparent ties to the 9/11 hijackers. The al-Hijjis came to law enforcement’s attention after neighbors reported they’d abruptly moved out of their upscale home two weeks before the terrorist attacks, leaving behind their cars, clothes, furniture and food in the refrigerator.

U.S. District Judge William J. Zloch is reviewing more than 80,000 pages of classified 9/11 records produced by the FBI for his inspection and possible release.

One document the FBI did release six months after that initial FOIA case was filed in September 2012 was a copy of an April 16, 2002, report that said agents found “many connections” between the al-Hijjis and “individuals associated with the terrorist attacks on 9/11/2001.” The couple’s name was blanked out, but discernible.

The report flatly contradicted prior statements by the FBI that agents had found no connection to the 9/11 plot. The FBI, however, repudiated its report in a briefing given to the Meese Commission on April 30, 2014.

A memorandum about the briefing says FBI Supervisory Special Agent Jacqueline Maguire called the 2002 report “a bad statement. It was overly speculative and there was no basis for the statement.” The Meese Commission report said the agent who wrote it was “unable” to explain to his superiors why he wrote it as he did. The FBI has not identified the report’s author, but he is former Fort Myers Special Agent Gregory Sheffield.

At Monday’s calendar call, attorney Julin said the Bulldog was prepared to proceed to trial next week while prosecutor Raurell argued the government needed a continuance in order to file additional court papers asking the judge to dismiss the case. Judge Altonaga gave Raurell two

weeks to file a new motion for summary judgment. If summary judgment is not granted on all remaining issues, a trial date will be scheduled.

Julin contends the FBI had no basis to keep Meese Commission records secret.

“The FBI started this fight by claiming it found nothing in Sarasota when it quite obviously did. We’re trying to get records which show why the Meese Commission continued this charade,” he said. “Did the FBI agree not to investigate Saudis who supported the 9/11 hijackers? That is what we’re trying to find out.”

On Monday, Judge Altonaga issued a 37-page order in which she addressed the government’s initial motion for summary judgment, filed Dec. 30, and issues about the appropriateness of FBI redactions laced through four previously released documents. The FBI has cited various exemptions to the Freedom of Information Act to justify those deletions, but the news organization objected to many of those redactions as improper.

In a nutshell, the judge ruled the FBI improperly veiled the names of FBI agents, the al-Hijjis and others in the records it has released by repeatedly citing two exemptions intended to shield information that could result in “an unwarranted invasion of personal privacy.”

In her decision granting summary judgment in favor of the FBI on matters of national security, she cited legal precedent that courts ‘should defer to an agency’s decision to withhold information’ about national security matters.

The ruling could prompt the FBI to restore those names and re-release those documents, or the bureau could choose to try to persuade the judge of its position at a future trial.

The FBI fared much better with Altonaga regarding its other cited exemptions.

Specifically, the judge ruled the bureau had properly asserted exemptions intended to protect national security, confidential informants, law enforcement records or techniques and procedures and inter-agency or intra-agency memos or letters. The ruling means the FBI is not required to make that information public.

Altonaga saw unredacted copies of the documents. In her decision granting summary judgment in favor of the FBI on matters of national security, she cited legal precedent that courts “should defer to an agency’s decision to withhold information” about national security matters.

Judges “must recognize that the executive departments responsible for national defense and foreign policy matters have unique insights into what adverse affects [sic] might occur as a result of public disclosure of a particular classified record,” the court papers say.

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