

# Why Does Obama Defend Saudis at High Court?

by Edward Spannaus

from liability for the 9/11 terrorist attacks, since there is detailed evidence in the record showing its material support for, and assistance to, the hijackers, asserts a legal brief filed with the U.S. Supreme Court on May 21.

This extraordinary document was filed in opposition to the appeal filed by the Kingdom, following a bombshell ruling by the U.S. Court of Appeals for the Second Circuit Dec. 19, which reinstated the Kingdom and related Saudi “charities,” as defendants in a multi-million-dollar lawsuit brought by 9/11 victims and their families, as well as insurance companies seeking recovery for damages paid.<sup>1</sup> This decision allowed the families and others to proceed with their efforts to hold the Saudis accountable for the 9/11 attacks, after they had been stalled for eight years, since 2005, when the Kingdom and its “charitable” allies had been dismissed as defendants.

The Obama Administration has not yet indicated whether it will again intervene on behalf of the terrorist-sponsoring Saudis, as it shamelessly did in 2009. But in a related case, the Administration filed a brief on May 27, in defense of a major Saudi bank often linked to terrorism by the U.S. government itself.

On March 21, lawyers filed a brief for the Kingdom, technically, a “Petition for a Writ of Certiorari,” asking the Supreme Court to review the December ruling of the Court of Appeals. They complain that the appeals court ruling “subjects a foreign sovereign and important ally of the United States to renewed litigation based on spurious allegations of complicity in the worst terrorist attack ever perpetrated on United States soil.”

In their argument to the Supreme Court, the Saudis rely heavily on, first, the 9/11 Commission coverup of the Saudi role in 9/11, purporting to find that Saudi Arabia had no role in the 9/11 attacks, while of course ignoring the earlier Congressional Joint Inquiry into the

9/11 attacks which did find such evidence.<sup>2</sup> That evidence, 28 pages worth, was then suppressed by the Bush-Cheney Administration, and to this day, is still being withheld from the public by the Obama Administration.

Second, the Saudis rely upon the Obama Justice Department’s intervention into the case in 2009 on the side of the Saudis. In an *amicus curiae* brief filed with the Supreme Court on May 29, 2009, then-U.S. Solicitor General Elena Kagan (now a Supreme Court Justice), stating that she was appearing on behalf of both the U.S. Departments of State and Justice, argued that Saudi Arabia and its officials are immune from lawsuits under the legal doctrine of “sovereign immunity.”

One of the most preposterous, and self-serving arguments made by the Obama Administration, was that the Saudis do not fall under the “terrorism exception” to the sovereign immunity doctrine, because the Kingdom has not been officially designated as a “state sponsor of terrorism”—when, in truth, the Saudis are the world’s leading state sponsor of terrorism; their jihadist clients have killed far more Americans, just in Afghanistan and Iraq, than any other country in the world.

‘A Direct Link. . .’

In their brief, the plaintiffs mock the Saudi Kingdom’s repeated claim that it is an “important ally of the United States,” referring to the Saudis instead as “a supposed ‘ally’ of the United States.” They state:

“The Kingdom is alleged to have provided material support and assistance through its officials and agents to al-Qaeda, including assistance that enabled it to develop the network and capabilities that would ultimately carry out the September 11th attacks. It allegedly did so through: (a) individual government agents operating in the United States and Germany in support of the September 11th hijackers; (b) its charities that worked closely with al-Qaeda for years leading up to the attacks, including in certain cases through actions undertaken in the United States. . . .

“Omar Al Bayoumi, a Saudi intelligence officer, and Fahad Al Thumairy, a Saudi diplomat from the Ministry of Islamic Affairs . . . allegedly assisted two of the September 11th hijackers directly from within the United States. This support included renting an apartment for two of the hijackers, facilitating their settlement in San Diego during preparation for the attacks,

1. See “Coverup of Saudi Role in 9/11 Finally Begins To Crumble,” *EIR*, Jan. 3, 2014.

2. For how the coverup worked, see “Bush and Obama Joined at the Hip in Shameless Coverup of Anglo-Saudi 9/11,” *EIR*, Aug. 17, 2013.

and helping them enroll in flight schools.

“Plaintiffs also alleged that Muhammed Fakihi, the head of the Islamic Affairs Department of the Saudi Embassy in Berlin, assisted members of the Hamburg al-Qaeda cell that planned and coordinated the September 11th attacks.”

In support of their claims, the plaintiffs cite the statement of former U.S. Senator and co-chair of the Congressional Joint Inquiry Bob Graham, statement that “he is convinced that there was [a] direct line between at least some of the terrorists who carried out the September 11th attacks and the government of Saudi Arabia,” and they also note that, following the 9/11 attacks, “senior U.S. counter-terrorism officials described to Congress how Saudi Arabia was the ‘epicenter’ of terrorist financing and how ‘[w]ealthy Saudi financiers and charities have funded terrorist organizations and causes that support terrorism and the ideology that fuels the terrorists agenda.’ Similarly, ‘most of the major elements of Al Qaeda have reported Saudi funding ties, and Saudi funds permeate the world of Islamic charities, supporting entities in the Middle East, South Asia, Southeast Asia, Europe and North America tied to terrorism.’”

The Supreme Court will likely decide by the end of June whether it will accept the case for review.

### Another Impeachable Offense

Meanwhile, on May 27, Obama’s U.S. Solicitor General Donald Verrelli filed an *amicus* brief with the Supreme Court in the case of *John P. O’Neill et al. v. Al Rajhi Bank et al.*, in which the estate of the late FBI official John P. O’Neill, who was killed at the World Trade Center on 9/11, is suing al-Rajhi Bank and other Saudi financial institutions that funded “charities” which, in turn, funded al-Qaeda. Here, the Justice Department makes the contorted argument that these banks are not proven to have known that they were indirectly funding terrorists. What makes this so outrageous, is that the U.S. government itself, through the 9/11 Commission, the CIA, and other agencies, has documented al-Rajhi’s role in financing al-Qaeda terrorism.<sup>3</sup>

Why is Obama protecting these enemies of the United States? Does this not qualify as an impeachable offense, if not outright treason?

3. See “Saudi Bankrolling of al-Qaeda Well Known to U.S. Government,” *EIR*, Sept. 27, 2013.

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