

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

BROWARD BULLDOG, INC., a Florida)
corporation not for profit, and DAN)
CHRISTENSEN, founder, operator and editor)
of the BrowardBulldog.com website,)
)
Plaintiffs,)
)
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, NW)
Washington, DC 20530, and)
FEDERAL BUREAU OF INVESTIGATION,)
935 Pennsylvania Avenue, NW)
Washington, DC 20535,)
)
Defendants.)
_____)

Complaint to Enforce the Freedom of Information Act

Plaintiffs, Broward Bulldog, Inc. and Dan Christensen (collectively, “plaintiffs”), bring this suit against the U.S. Department of Justice (“DOJ”) and Federal Bureau of Investigation (“FBI”), and in support thereof, state as follows:

Preliminary Statement

1. On the morning of Tuesday, September 11, 2001, no less than 19 terrorists from the Islamist militant group al-Qaeda perpetrated four coordinated suicide attacks in the United States, killing nearly 3000 innocent victims and causing immeasurable damage to the U.S. and global economies (thereafter, the “9/11 attacks”).

2. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended by the OPEN Government Act of 2007, and the Declaratory Judgment Act, 28

U.S.C. § 2201, for declaratory and injunctive relief, for attorneys' fees and expenses, and for other appropriate relief. It seeks the disclosure and release of agency records concerning persons who may have provided aid and assistance to the terrorists in the days and years leading to the attack. The records sought are subject to public disclosure under FOIA, but the defendants have nevertheless improperly withheld the documents from plaintiffs.

3. The records are sought to determine whether the FBI uncovered evidence that in September, 2011, Saudi nationals living in Sarasota, Florida had close ties with high-ranking Saudi government officials, supported al-Qaeda, provided material aid and comfort to the terrorists who carried out the 9/11 attacks, and then left the United States abruptly just days before the 9/11 attacks took place. Furthermore, the records are sought to determine whether the FBI, in order to protect the Saudi government or for other reasons, concealed or withheld such evidence from Congress, other U.S. government officials responsible for investigating the 9/11 attacks, the American public and news media.

Jurisdiction and Venue

4. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(4)(E), and 28 U.S.C. §§ 1331 and 2201.

5. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(b)(2).

Plaintiffs

6. Plaintiff Broward Bulldog, Inc., is a Florida corporation not for profit with its principal place of business in Broward County, Florida. It was established in 2009 to own and operate an Internet website under the name *BrowardBulldog.org*. Through the website, the

Broward Bulldog reports on news and public affairs in south Florida. Broward Bulldog's activities include the reporting about persons in south Florida associated with the 9/11 attacks. Among other things, Broward Bulldog has reported about an FBI investigation of the residents of 4224 Escondito Circle in Sarasota, Florida and their possible involvement in the 9/11 attacks.

7. Plaintiff Dan Christensen is the founder, operator, and editor of the Broward Bulldog. Plaintiff Christensen is an award-winning investigative reporter formerly affiliated with The Miami Herald and Daily Business Review. His stories about Broward Sheriff Ken Jenne's private business dealings sparked a federal corruption investigation that landed Jenne in prison in 2007. His stories about hidden and falsified court records in Florida led to a pair of unanimous Florida Supreme Court decisions in 2007 and 2010 outlawing those practices. In 2000-2001, his reporting about a deadly gun-planting conspiracy and cover-up by Miami police resulted in the indictment of more than a dozen officers and significant governmental reform, including the establishment of Miami's long sought civilian review panel.

8. Gene Cryer is chairman of Broward Bulldog's Board of Directors. Cryer was editor and vice president of the South Florida Sun-Sentinel for 15 years before retiring. He has worked as a reporter and editor at several Illinois newspapers. He is a former Pulitzer Prize juror who has won awards as a journalist, manager and short story writer.

9. The other members of the Broward Bulldog's Board of Directors are:

- Ellen Soeteber. Soeteber was metro editor, associate managing editor and deputy editor of the editorial board of the Chicago Tribune. She became managing editor of the South Florida Sun-Sentinel in 1994, and editor of the St. Louis Post-Dispatch in 2001. She and her staffs have won the Pulitzer Prize, the Education Writers Association's Grand Prize, and the Society of Professional Journalists' top award for deadline news.
- Kevin Boyd. Boyd was the managing editor of the Hollywood Sun. Boyd enjoyed a 17-year, award-winning career as a newspaper reporter and editor for such major news providers as the Chicago Tribune, Knight-

Ridder, Scripps Howard and United Press International.

- Florence Beth Snyder. Snyder was general counsel to Palm Beach Newspapers, Inc. Her media clients have included Miami's Channel 7, USA Today, the Ft. Myers News-Press, and the Independent Florida Alligator.
- Darcie Lunsford. Lunsford was a senior editor of the South Florida Business Journal and held the office of national president-elect of the Society of Professional Journalists. She is also immediate past-president of the Society of Professional Journalists' South Florida Pro Chapter. She is a former on-air correspondent for several news channels.
- Jay Alexander. Alexander founded InTownUSA Publishing in 2006. Intown411 is an integrated, interactive and pro-active medium discussing attractions, restaurants, night life and shopping.
- Kitty Barran. Barran was head of the media relations departments at Farmers Insurance Group in Los Angeles and Zurich Financial Services in London.
- Lisa Gibbs. As The Miami Herald's former executive business editor, Gibbs supervised business coverage in print, radio and online. For two years during her tenure, the Herald's Business section won a Best in Business award for General Excellence from the Society of American Business Editors and Writers. Before working for the Miami Herald, Gibbs was an investing writer for Money Magazine.

Defendants

10. Defendant FBI is a component of the Department of Justice, a Department of the Executive Branch of the United States Government, and an agency within the meaning of 5 U.S.C. § 552(f)(1). The FBI has possession and control of the records requested by plaintiffs.

11. Defendant DOJ is a department of the Executive Branch of the United States Government, and includes its component entity the Federal Bureau of Investigation. The Department of Justice is an agency within the meaning of 5 U.S.C. § 552(f)(1).

Background

12. Anthony Summers is co-author of THE ELEVENTH DAY: THE FULL STORY OF 9/11 AND OSAMA BIN LADEN ("THE ELEVENTH DAY"), a nonfiction book published in 2011 by

Ballantine Books, and he is the author of seven additional critically acclaimed books. In 2012, *THE ELEVENTH DAY* was one of three finalists for the Pulitzer Prize for History. The book also won the Golden Dagger Award given by the Crime Writers' Association for the Best Non-Fiction Book on Crime of 2011. Summers was also a senior journalist for the BBC's flagship current-affairs program "Panorama."

13. Robbyn Swan is co-author of *THE ELEVENTH DAY*. Swan is co-author with Anthony Summers of two other bestselling books, and she has written articles for a wide array of magazines and newspapers, including *Vanity Fair*, *Talk*, *Marie Claire*, the *Irish Times*, *Woman's Day*, the *Sunday Independent* (Dublin), the *Daily Mail*, the *Gloss*, and *Easy Living*.

14. During the summer of 2011, Summers approached plaintiffs to request their help researching a particular FBI investigation. Summers advised that he had tracked the movements of the 9/11 hijackers while preparing to write *THE ELEVENTH DAY* and knew that many of the hijackers had spent significant time in Florida. For instance, Summers reported in *THE ELEVENTH DAY* that Ziad Jarrah, one of the 9/11 hijackers, went to a flight school at Florida Flight Training Center in Venice, Florida—"a quiet retirement community on the Gulf Coast near Sarasota." He also reported that the leader of the hijackers, Mohamed Atta, and another of those training to pilot a hijacked plane, Marwan al-Shehhi, trained in Venice at Huffman Aviation, just a few yards away from Florida Flight Training. *THE ELEVENTH DAY* at 294 (2011).

15. Official government reports also had reported a connection between the hijackers and Florida. See *THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE AND THE SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001*, S. REP. NO. 107-351, at 136 (2002) (hereafter,

“JOINT INQUIRY REPORT”) (“On arriving in the United States, Jarrah proceeded to Venice, Florida, where he began training at the Florida Flight Training Center.”); *id.* (reporting that Mohamed Atta and Marwan al-Shehhi, two more hijackers, learned to fly both “at Jones Aviation in Sarasota, Florida” and “at Sim Center and Pan Am International in Opa Locka, Florida”); *id.* at 140 (reporting that at least twelve of the hijackers spent significant time in Florida); *id.* at 141 (reporting that, in July 2000, Mohamed Atta and Marwan al-Shehhi opened a joint account at Suntrust Bank in Venice, Florida, which served as “the primary funding for the conspiracy”).

16. Summers advised plaintiffs that his investigation into the hijackers’ Florida ties brought to his attention certain Saudi persons formerly residing at 4224 Escondito Circle in Sarasota, Florida, which is less than 15 miles from the Florida Flight Training Center and from the Suntrust Bank in Venice, Florida.

17. After plaintiffs conducted their own research related to these claims, the Broward Bulldog published on its website the following 10 articles by Dan Christensen, Anthony Summers, and/or Robbyn Swan commencing on September 8, 2011:

- FBI Found Direct Ties Between 9/11 Hijackers and Saudis Living in Florida; Congress Kept in Dark;
- Graham Asks Obama for Answers on Saudi 9/11 role; FBI Denies Sarasota Probe Found Ties to Plot;
- U.S. Rep. Castor Calls for Investigation of 9/11 Sarasota Connection; Graham Prods White House;
- FBI Says Again It Found No Ties Between Sarasota Saudis and 9/11 Hijackers; Won’t Release Details;
- Bob Graham Says FBI Has Not Proved that It Disclosed All It Knew About 9/11 to Congress;
- FBI Information Says Sarasota Saudi Praised bin Laden; Knew Broward Qaeda Suspect;

- Graham: FBI's Public Statements Are in Conflict with Still Secret Records of Sarasota 9/11 Probe;
- Classified Documents Contradict FBI on Post 9/11 Probe of Saudis, Graham Says;
- New Questions About FBI Probe of Saudis' Post-9/11 Exodus.

Copies of these articles are attached as Composite Exhibit 1.

18. The September 8, 2011, article by the Broward Bulldog was the first public disclosure of facts that triggered the FBI investigation and of the FBI investigation itself, and it was simultaneously published by The Miami Herald. Since then, other news agencies have published additional articles reporting on the Saudis who resided at 4224 Escondito Circle.¹

19. The information reported in the articles raise serious and important questions about whether Saudi nationals who resided at—and/or owned the home at—4224 Escondito Circle provided support and comfort to the terrorists who carried out the 9/11 attacks on the United States; whether the United States government is aware of such support being provided by those individuals; and whether agencies of the United States Government have concealed information about this from Congress and from the American public in order to prevent Congressional oversight and public scrutiny of the Government's handling of these matters or for other reasons.

¹ See, e.g., Anthony Summers, Neil Tweedie & Dan Christensen, *London-Based Oil Executive Linked to 9/11 Hijackers*, TELEGRAPH, Feb. 18, 2012, at <http://www.telegraph.co.uk/news/worldnews/september-11-attacks/9089896/London-based-oil-executive-linked-to-911-hijackers.html>; Jamie Reno, *Was the Saudi Government Involved in the 9/11 Terror Attacks?*, DAILY BEAST, Mar. 13, 2012, at <http://www.thedailybeast.com/articles/2012/03/13/was-the-saudi-government-involved-in-the-9-11-terror-attacks.html>; Stephen Nohlgren & Susan Taylor Martin, *New Evidence Links Saudi Arabia to 9/11 Hijackers: Graham*, TAMPA BAY TIMES, Sept. 10, 2011, at <http://www.tampabay.com/news/article1190773.ece>; Tom Jackman, *Did Arlington Have a More Ominous Link to 9-11?*, WASH. POST, Sept. 12, 2011, at http://www.washingtonpost.com/blogs/the-state-of-nova/post/did-arlington-have-a-more-ominous-link-to-9-11/2011/09/12/gIQASuBCNK_blog.html.

20. Former U.S. Senator Bob Graham, D-Fla., has asserted in a sworn declaration in the federal multi-district litigation arising from allegations that the Kingdom of Saudi Arabia is responsible for the 9/11 attacks that evidence linking the Saudi elite to the 9/11 hijackers “has not been fully explored and pursued, to the considerable detriment of the American public.” Notice of Filing of Corrected Exhibit to Affirmation of Sean P. Carter Transmitting Evidence in Support of Plaintiffs' Reply in Support of Their Motion for Relief from the Final Judgments Entered in Favor of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina at 5, *In re Terrorist Attacks on September 11, 2001*, No. 03 MDL 1570 (GBD) (S.D.N.Y. Feb. 24, 2012) (D.E. 2558).

21. Senator Graham also asserted in his declaration that “I am 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.” *Id.* at 3–4.

22. Senator Graham served as a member of the Florida State House of Representatives, the Florida State Senate, and the United States Senate. He also served as Governor of Florida. As a U.S. senator, Senator Graham served on the Senate Select Committee on Intelligence for more than 10 years, and as chairman of that committee between June 6, 2001 and January 3, 2003. He co-chaired the Joint Inquiry into the Terrorist Attacks of September 11, 2001 by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereafter, the “Joint Inquiry”). Since 2010, he has also served as a member of the CIA External Advisory Board.

The Sarasota Home’s Connection to the Saudi Royal Family

23. Sarasota County official property records show that Esam A. Ghazzawi and his wife, Deborah G. Ghazzawi were the owners of the home at 4224 Escondito Circle in 2001.

SARASOTA CNTY. PROP. APPRAISER, 2012 *Detail Information for Parcel 0113-01-0014*, http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-01-014&year=2012.

24. Esam Ghazzawi reportedly is a Saudi citizen and the director of EIRAD Management Limited. See COMPANIES IN THE UK, *EIRAD Management Limited*, <http://www.companiesintheuk.co.uk/ltd/eirad-management>.

25. Esam Ghazzawi also reportedly now lives in Jeddah, Saudi Arabia. <http://www.dailykos.com/story/2011/09/09/1015098/-Florida-al-Qaeda-fugitive-Esam-Ghazzawi-linked-to-BCCI-and-two-dead-Saudi-Princes>.

26. The Washington Post reported on September 9, 2011, that “Esam Ghazzawi’s name arose when investigators of the renowned corrupt bank BCCI were trying to recover assets from Saudi Prince Fahd bin Salman, and the prince argued that his assets were being held in another account under Esam Ghazzawi’s name.” http://www.washingtonpost.com/blogs/the-state-of-nova/post/did-arlington-have-a-more-ominous-link-to-9-11/2011/09/12/gIQASuBCNK_blog.html

27. Dr. Rachel Ehrenfeld, an expert on terrorism and corruption-related topics, testified before Congress that the Bank of Credit and Commerce International served as “the cash till for Hezbollah, the PLO, HAMAS, Abu Nidal, and other terrorist organizations. BCCI’s chief operating officer was Saudi billionaire, Khalid bin Mahfouz, banker to the Saudi royal family In 1992, Mahfouz paid \$225 million to settle criminal charges against him in New York arising from his control of BCCI.” Testimony of Dr. Rachel Ehrenfeld, Dir., Am. Ctr. For Democracy, House Comm. on the Judiciary: Subcommittee on Commercial & Admin. Law: Hearing on Libel Tourism (Feb. 12, 2009), at 3, *available at* judiciary.house.gov/hearings/pdf/Ehrenfeld090212.pdf.

28. Other Saudi government sources have reported that Prince Fahd bin Salman died suddenly at the age of 46 on July 24, 2001, shortly before the 9/11 attacks. ROYAL EMBASSY OF SAUDI ARABIA, *Prince Fahd bin Salman bin Abdulaziz Dies in Riyadh*, July 25, 2001, <http://www.saudiembassy.net/archive/2001/news/page246.aspx>.

29. Summers asserted in his book that John Kiriakou, a former CIA counterterrorism officer, told him that Abu Zubaydah, a senior Osama bin Laden aide who the United States had captured and waterboarded at least 83 times, named Prince Ahmed bin Salman as one of several Saudi princes who was supporting al-Qaeda. THE ELEVENTH DAY at 418–19.

30. After Zubaydah reportedly identified Prince Ahmed bin Salman as supporting al-Qaeda, the Saudi government reported that the Prince died of an alleged heart attack on July 22, 2002. See ROYAL EMBASSY OF SAUDI ARABIA, *Death of Prince Ahmad bin Salman Announced*, July 22, 2002, <http://www.saudiembassy.net/archive/2002/news/Page246.aspx> (reporting the prince's death).

31. Within days of Prince Ahmed bin Salman's reported death, the Saudi government reported that two other Saudi princes whom Zubaydah had named as supporting al-Qaeda also died: Prince Sultan bin Faisal died in an alleged car accident, ROYAL EMBASSY OF SAUDI ARABIA, *Prince Sultan bin Faisal bin Turki Killed in Car Accident*, July 23, 2002, <http://www.saudiembassy.net/archive/2002/news/Page245.aspx> (reporting the prince's death); and 25-year-old Prince Fahd bin Turki died of alleged dehydration in the Saudi desert, ROYAL EMBASSY OF SAUDI ARABIA, *Desert Tragedy Kills Prince Fahd bin Turki bin Saud Al-Kabeer*, July 29, 2002, <http://www.saudiembassy.net/archive/2002/news/Page236.aspx> (reporting the prince's death).

The Sarasota Home

32. The home at 4224 Escondito Circle is a three-bedroom luxury home in the Prestancia gated community.

33. Sarasota County property records show that on September 20, 1995, the home was deeded to the Ghazzawis. The records show the Ghazzawis paid \$350,000 for the home. SARASOTA CNTY. PROP. APPRAISER, 2012 *Detail Information for Parcel 0113-01-0014*, http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-01-014&year=2012.

34. In 1995, the Ghazzawis' daughter, Anoud Esam Ghazzawi, married Abdulaziz al-Hijji in Sarasota, Florida. CLERK OF THE CIRCUIT COURT, SARASOTA CNTY, FLA., *Marriage Inquiry Detail*, http://www.clerk.co.sarasota.fl.us/marrapp/marrdtail.asp?tb_searchby=Bride+Name&tb_searchfor=950984++++++.

35. After Anoud Esam Ghazzawi married al-Hijji, the couple lived at 4224 Escondito Circle, according to neighbor, Larry Berberich, and/or other current or former Prestancia residents.

36. Berberich lived in the same gated community as the al-Hijjis. Berberich lived at 3900 Losillas Drive in Sarasota, Florida from approximately November 1, 1986 to December 1, 2005. In 2005, he sold his home for \$3,000,000. SARASOTA CNTY. PROP. APPRAISER, 2012 *Detail Information for Parcel 0113-11-0006*, http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-11-0006&year=2012.

37. Berberich was also the homeowner's association administrator and the head of security for the gated community in which he and the al-Hijjis lived.

38. Plaintiffs learned from Berberich that the license plates of vehicles that had passed through the Prestancia community's north gate in the months before the 9/11 attacks,

coupled with the identification documents shown by incoming drivers on request, showed that cars driven by Mohamed Atta, Marwan al-Shehhi, Walid al-Shehri, Ziad Jarrah, and Adnan Shukrijumah had visited 4224 Escondito Circle.

39. Mohamed Atta has been identified by the U.S. Government as the leader of the 9/11 hijack team. According to government reports, the 9/11 hijack team consisted of nineteen individuals for four airplanes. Atta piloted American Airlines Flight 11 into the North Tower of the World Trade Center. JOINT INQUIRY REPORT, S. REP. NO. 107-351, at 435.

40. Walid al-Shehri is reportedly one of five hijackers of American Airlines Flight 11. *Id.*

41. Marwan al-Shehhi is reportedly the hijacker-pilot of United Airlines Flight 175. Al-Shehhi crashed the plane into the South Tower of the World Trade Center. *Id.*

42. Ziad Jarrah is reportedly the hijacker-pilot of United Airlines Flight 93. *Id.* After a passenger uprising, Flight 93 crashed into a field in a rural area in Somerset County, Pennsylvania.

43. In a wanted poster, the FBI stated Adnan G. El Shukrijumah:

was indicted in the Eastern District of New York in July of 2010 for his alleged role in a terrorist plot to attack targets in the United States and the United Kingdom. The charges reveal that the plot against New York City's subway system, uncovered in September of 2009, was directed by senior Al-Qaeda leadership in Pakistan, and was also directly related to a scheme by Al-Qaeda plotters in Pakistan to use Western operatives to attack a target in the United States. El Shukrijumah is thought to have served as one of the leaders of Al-Qaeda's external operations program.

http://www.fbi.gov/wanted/wanted_terrorists/adnan-g.-el-shukrijumah. The FBI placed a \$5 million bounty on Shukrijumah's head. FBI, *Most Wanted Terrorists: Adnan G. El Shukrijumah*, at http://www.fbi.gov/wanted/wanted_terrorists/adnan-g.-el-shukrijumah.

44. Wissam Taysir Hammoud, who pled guilty to plotting to kill a federal agent and

an informant, also admitted to having visited Abdulaziz al-Hijji. According to (1) statements attributed to Wissam Taysir Hammoud in Florida Department of Law Enforcement (FDLE) reports from 2004 provided to the plaintiffs, and (2) subsequent interviews of Hammoud from prison, Abdulaziz al-Hijji considered Osama bin Laden to be a hero.

45. Hammoud asserted, according to the FDLE reports and interviews, that Al-Hijji encouraged him to fight with al-Qaeda in Afghanistan.

The Events Leading up to 9/11/2001

46. In mid-August 2001, automobile records show the al-Hijjis purchased a new car.

47. Berberich and other neighbors assert that the al-Hijjis, despite their purchase of this new car, departed their home—and this country—abruptly on approximately August 30, 2001, abandoning this new car.²

48. Approximately twelve days after the al-Hijjis' reported abrupt departure, al-Qaeda carried out the 9/11 attacks, killing approximately 3,000 innocent people. *Official 9/11 Death Toll Climbs by One*, CBS NEWS, Sept. 10, 2009, http://www.cbsnews.com/2100-201_162-4250100.html.

49. Government reports show that on August 25, 2001 or August 26, 2001—between the day that the al-Hijjis purchased their new car and the day that they abruptly left the country—the first of the nineteen 9/11 hijackers purchased a plane ticket for one of the 9/11 planes. *See THE 9/11 COMMISSION REPORT: FINAL REPORT OF THE NATIONAL COMMISSION ON TERRORIST*

² Abdulaziz al-Hijji admits that his family left the United States shortly before the 9/11 attacks. *See* Anthony Summers, Neil Tweedie & Dan Christensen, *London-based Oil Executive Linked to 9/11 Hijackers*, Telegraph, Feb. 18, 2012, at <http://www.telegraph.co.uk/news/worldnews/september-11-attacks/9089896/London-based-oil-executive-linked-to-911-hijackers.html> (“[Abdulaziz al-Hijji] said his wife and children followed him out to Saudi Arabia a few weeks after he left.”).

ATTACKS UPON THE UNITED STATES, at 249 (authorized ed., 2004) (saying August 25); JOINT INQUIRY REPORT, S. REP. NO. 107-351, at 140 (saying August 26).

50. On August 26, 2001, Walid al-Shehri reportedly purchased a plane ticket for American Airlines Flight 11. Stipulation at 72, *United States v. Moussaoui* (No. 01-455-A) (E.D. Va. Mar. 1, 2006), *available at* <http://www.vaed.uscourts.gov/notablecases/moussaoui/exhibits/prosecution/ST00001A.pdf>.

51. On August 28, 2001, Mohamed Atta and Marwan al-Shehhi reportedly purchased their tickets for American Airlines Flight 11 and United Airlines Flight 175, respectively. *Id.* at 73.

52. On August 30, 2001, Ziad Jarrah reportedly purchased a ticket for United Airlines Flight 93. *Id.* at 74. Ziad Jarrah was the second-to-last hijacker to purchase a ticket. *Id.*

53. Thus, on or about the day that Ziad Jarrah reportedly purchased his ticket for Flight 93, the al-Hijjis reportedly left their luxury home, leaving their newly purchased car in the driveway, along with one or two other cars, a house full of furniture, a refrigerator full of food, clothes in the closet, and an open, empty safe in the master bedroom.

54. A website that allows professionals to publish their contact information shows that Abdulaziz al-Hijji is currently a “Career Counselor at Saudi Aramco” and that he received a “BS, MIS at the University of South Florida.” LINKEDIN, *Abdulaziz Alhijji*, <http://sa.linkedin.com/pub/abdulaziz-alhijji/12/687/6b3>. Saudi Aramco is the state-owned oil company of the Kingdom of Saudi Arabia.

The FBI Investigation

55. Upon information and belief, one month after the 9/11 attacks, the FBI conducted a raid of the abandoned luxury home at 4224 Escondito Circle.

56. Upon further information and belief, the FBI discovered during its October 2001 raid that the al-Hijjis had abandoned their home, leaving behind cars, furniture, food, clothes, and a safe and the FBI concluded that this warranted further investigation of a possible connection between the al-Hijjis and the Ghazzawis and the 9/11 attacks.

The 9/11 Commission and the Joint Inquiry

57. While the FBI investigation of the al-Hijjis and the Ghazzawis continued, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence conducted a Joint Inquiry into the activities of the U.S. intelligence community in connection with the 9/11 attacks.

58. According to Senator Graham, the three principal goals of the Joint Inquiry were: (1) to conduct a factual review of what the intelligence community knew or should have known prior to September 11, 2001, regarding the international terrorist threat to the United States, including the scope and nature of any possible terrorist attacks against the United States and its interests; (2) to identify and examine any systemic problems that may have impeded the intelligence community from learning of or preventing these attacks; and (3) to make recommendations to improve the intelligence community's ability to identify and prevent future international terrorist attacks. Notice of Filing of Corrected Exhibit to Affirmation of Sean P. Carter Transmitting Evidence in Support of Plaintiffs' Reply in Support of Their Motion for Relief from the Final Judgments Entered in Favor of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina at 3, *In re Terrorist Attacks on September 11, 2001*, No. 03 MDL 1570 (GBD) (S.D.N.Y. Feb. 24, 2012).

59. During the course of the Joint Inquiry, Senator Graham asserted that the Committees held nine public hearings and thirteen closed sessions in which classified

information was considered. The Joint Inquiry staff reviewed almost 500,000 pages of relevant documents from the intelligence community agencies and other sources, conducted approximately 300 interviews, and participated in numerous briefings and panel discussions that involved almost 600 individuals from the intelligence agencies, other U.S. government organizations, state and local entities, and representatives from the private sector and foreign governments. *Id.*

60. The Joint Inquiry Committees completed their work and issued an 858-page report in December 2002. S. REP. NO. 107-351 (2002). The report reflected that the DOJ and FBI provided extensive information to the Committees, but the report contained no information concerning the FBI's investigation of the persons residing at 4224 Escondito Circle. The declassified portions of the report noted that FBI Director Louis Freeh testified that the FBI ““was able to forge an effective working relationship with the Saudi police and Interior Ministry,”” *id.* at 115, but that some U.S. Government officials ““complained to the Joint Inquiry about a lack of Saudi cooperation in terrorism investigations both before and after the September 11 attacks.”” *Id.* at 117.

61. In late 2002, House and Senate members involved in the Joint Inquiry reportedly agreed on the inadequacy of the congressional investigation, expressing concern about the time and resources spent on preliminary hearings, press leaks about intelligence failures, and the investigation's narrow focus on intelligence failures. Victoria S. Shabo, Note, “*We Are Pleased To Report that the Commission Has Reached Agreement with the White House*”: *The 9/11 Commission and Implications for Legislative-Executive Information Sharing*, 83 N.C. L. REV. 1037, 1042 (2005). The Congress and the White House then designated a ten-member bipartisan commission—the National Commission on Terrorist Attacks upon the United States (hereafter,

the “9/11 Commission”). *Id.* at 1043.

62. The 9/11 Commission was directed by law to investigate “facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to intelligence and law enforcement agencies. Pub. L. 107-306 (Nov. 27, 2002). The Commission reviewed more than 2.5 million pages of documents and interviewed more than 1,200 individuals in 10 countries. 9/11 Commission Report at xv. (available at www.9-11commission.gov/report/911Report.pdf).

63. While the 9/11 Commission was doing its work, the FBI continued its investigation of the persons at 4224 Escondito Circle.

64. Upon information and belief, in 2003, Anoud al-Hijji and Deborah Ghazzawi returned to Sarasota and were interrogated by FBI.

65. Upon further information and belief, the FBI asked Sarasota lawyer Scott McKay in 2003 to attempt to convince Esam Ghazzawi to return to the United States to sign documents as a ploy so that the FBI could interrogate Ghazzawi. The ploy failed when Ghazzawi refused and instead signed the documents at the American consulate in Beirut.

66. The 9/11 Commission issued its report on July 22, 2004. A page and a half of the report was devoted to “Flights of Saudi Nationals Leaving the United States.” *Id.* at 329-30. It stated the Commission found no evidence that any flights of a Saudi national took place after the 9/11 attacks and before the reopening of national airspace on September 13, 2001, or political intervention to facilitate Saudi departures. *Id.* at 329. The report also stated that the Commission believed that “the FBI conducted a satisfactory screening of Saudi nationals who left the United States on charter flights.” *Id.*

67. The 9/11 Commission Report contained no mention of the FBI investigation of

the persons residing at 4224 Escondito Circle.

The Broward Bulldog Reports on the FBI Investigation

68. During the decade-long period that elapsed from the date the FBI initiated its investigation of the persons residing at 4224 Escondito Circle to the date the Broward Bulldog first reported about the investigation, the FBI maintained its silence about its investigation.

69. On September 9, 2011, the day after the Broward Bulldog and The Miami Herald first reported the story, the FBI publicly admitted having conducted an investigation into the persons residing at 4224 Escondito Circle. *See* Dan Christensen, *U.S. Rep. Castor Calls for Investigation of 9/11 Sarasota Connection; Graham Prods White House*, BROWARD BULLDOG, Sept. 13, 2011, at <http://www.browardbulldog.org/2011/09/u-s-rep-castor-calls-for-investigation-of-sarasota-911-connection-graham-talks-to-white-house/>. In a short press release, the FBI's Miami office confirmed that there had been an investigation and claimed that it found no relation to the events of 9/11.

70. The FBI press release provided no details, but added that the FBI had disclosed to Congress everything it knew about 9/11. Senator Graham called the FBI's contention that it disclosed everything it knew to Congress "total B.S." *See* Robbyn Swan, *New Questions About FBI Probe of Saudis' Post-9/11 Exodus*, BROWARD BULLDOG, Mar. 14, 2012 at <http://www.browardbulldog.org/tag/fbi/>. He said the FBI never disclosed that probe to Congress, but should have. Senator Graham said the news about Sarasota "opens the door to a new chapter of investigation as to the depth of the Saudi role in 9/11." *Id.*

71. Tampa Congresswoman Kathy Castor, whose district includes Sarasota, reacted to the disclosure of the FBI investigation by calling on the U.S. House of Representatives Intelligence Committee to investigate why the FBI did not disclose to Congress information it

learned about the Saudi couple at 4224 Escondito Circle. Dan Christensen, *U.S. Rep. Castor Calls for Investigation of 9/11 Sarasota Connection; Graham Prods White House*, BROWARD BULLDOG, Sept. 13, 2012 at <http://www.browardbulldog.org/2011/09/u-s-rep-castor-calls-for-investigation-of-sarasota-911-connection-graham-talks-to-white-house/>. “One of the great criticisms of the pre-9/11 intelligence operations,” Congresswoman Castor wrote in her letter to the Committee, “was the lack of cooperation and information sharing among agencies.” *Id.* She encouraged the Committee “to investigate the matter and determine exactly what was investigated and reported to Congress in 2001 and during the years of inquiry thereafter regarding these individuals.” *Id.*

72. Hamilton, co-chair of the 9/11 Commission, and Senator Graham, co-chair of the Joint Inquiry, said they were not aware of the FBI’s Sarasota investigation. Senator Graham stated that he spoke with numerous other people involved with the joint inquiry and the 9/11 Commission who told him they had no heard of the FBI investigation, either. Dan Christensen & Anthony Summers, *Graham: FBI’s public statements are in conflict with still secret records of Sarasota 9/11 probe*, BROWARD BULLDOG, Feb. 20, 2012 at <http://www.browardbulldog.org/2012/02/graham-fbis-public-statements-are-in-conflict-with-still-secret-records-of-sarasota-911-probe/>.

73. Senator Graham made efforts to verify FBI claims that it had disclosed the Sarasota investigation to Congress. Specifically, he requested assistance from the FBI in locating the Sarasota-related files from the National Archives, but after a few months it became apparent that the FBI was “unwilling or unable” to help find the records. *Id.*

74. Nevertheless, Steven Ibson, special agent in charge of the FBI’s Tampa office, publicly announced that al-Hijji “family members were located and interviewed” during the

agency's investigation into the 9/11 attacks, but that “there was no connection to the 9/11 plot.” Susan Taylor Martin & Stephen Nohlgren, *Questions over Saudis' Abrupt Exit from Sarasota Still Linger*, TAMPA BAY TIMES, Sept. 25, 2011, at <http://www.tampabay.com/news/questions-over-saudis-abrupt-exit-from-sarasota-still-lingering/1193346>.

75. Published reports regarding the FBI investigation, the FBI’s acknowledgment of the investigation, and the FBI’s failure to disclose its investigation to the 9/11 Commission and the Joint Inquiry, links between the al-Hijji and Ghazzawi families and the Saudi royal family, and deaths of Saudi family members shortly before and after the 9/11 attacks have created the appearance that the FBI may have concealed from Congress important information regarding possible participants in the 9/11 attacks in order to avoid implicating high-ranking leaders of Saudi Arabia, a critical ally of the United States in the 9/11 attacks on the United States.

Plaintiffs’ FOIA Request and Defendants’ Denial

76. By letter to the FBI dated September 26, 2011, plaintiffs submitted a Freedom of Information Act (“FOIA”) request, through plaintiff Dan Christensen, for “copies of all FBI 302 reports about the matter, as well as all related investigative reports or FBI memos or correspondence. Likewise, [plaintiffs] request[ed] copies of reports or information the FBI obtained about the Al-Hij[j]is and/or the Ghazzawis from any foreign law enforcement organization or intelligence service, to include Saudi intelligence.” The letter is attached as Exhibit 2.

77. By letter to plaintiff Christensen dated October 6, 2011, the FBI requested more information. The letter is attached as Exhibit 3.

78. By letter to the FBI dated October 27, 2011, Plaintiffs, through Plaintiff Christensen, provided the additional information requested. Plaintiffs explained that “[r]elease is

justified because the attacks are a matter of intense public interest and this material ‘is likely to contribute significantly to public understanding.’” Plaintiffs requested expedited processing. The letter is attached as Exhibit 4.

79. By letter to Plaintiff Christensen dated November 7, 2011, the FBI denied Plaintiffs’ request for expedited processing. The letter is attached as Exhibit 5.

80. By letter to the Office of Information Policy dated November 20, 2011, Plaintiffs, through Plaintiff Christensen, appealed the FBI’s denial of expedited processing. The letter is attached as Exhibit 6.

81. By letter to Plaintiff Christensen dated December 22, 2011, the FBI granted Plaintiffs’ request for expedited processing. The letter is attached as Exhibit 7. The FBI cited 28 C.F.R. § 16.5(d)(1)(ii) and (iv). Section 16.5(d)(1)(ii) permits expedition when there is “[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information,” and § 16.5(d)(1)(iv) permits expedition when there is “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.”

82. By letter to Plaintiff Christensen dated February 7, 2012, the FBI denied Plaintiffs’ request for information, citing only FOIA Exemptions 6 and 7C, 5 USC §§552(b)(6) & (b)(7)(C). The letter is attached as Exhibit 8.

83. Plaintiffs, through Plaintiff Christensen, thereafter appealed the FBI’s denial of their request. The appeal letter is attached as Exhibit 9.

84. By letter to Plaintiff Christensen dated May 23, 2012, the Office of Information Policy denied Plaintiffs’ appeal, citing only FOIA Exemptions 7C, 5 USC §§552(b)(7)(C), and not Exemption 6. The letter is attached as Exhibit 10.

85. To date, the FBI has not provided the records requested by Plaintiffs in their FOIA request, notwithstanding FOIA's requirement of an agency response within twenty (20) working days.

86. Plaintiffs have exhausted the applicable administrative remedies with respect to their FOIA request.

87. Plaintiffs have retained undersigned counsel to bring this action and have incurred attorneys' fees and expenses in bringing this action.

Count I

88. Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 87.

89. Plaintiffs reasonably described to defendants the records requested and did so in accordance with published rules stating the time, place, fees (if any), and procedures to be followed.

90. Defendants have wrongfully withheld the requested records from Plaintiffs. 5 U.S.C. § 552(a)(3)(A).

91. Disclosure of some or all of the records requested would not constitute an unwarranted invasion of personal privacy because the persons identified in the records do not have a cognizable personal privacy interest in the contents of some or all the records or, alternatively, if they do, a legitimate public interest in the contents of some or all of the records outweighs any infringement of such personal privacy interest that might result from disclosure of the records. *See, e.g., Karantalis v. U.S. Dep't of Justice*, 635 F.3d 497, 502 (11th Cir. 2011) ("The Supreme Court has explained that an invasion [of privacy] is unwarranted where (1) the information sought implicates someone's personal privacy, (2) *no legitimate public interest*

outweighs infringing the individual's personal privacy interest, and (3) disclosing the information ‘could reasonably be expected to constitute an unwarranted invasion of personal privacy.’”) (emphasis added (quoting *U.S. Dep't of Justice v. Reporters' Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989))); *see also Bennett v. Drug Enforcement Admin.*, 55 F. Supp. 2d 36, 42-43 (D.D.C. 1999) (rejecting the agency’s Exemption 7(C) argument because “there is a substantial public interest in exposing any wrongdoing in which [the DEA and its informant] may have engaged”).

92. The public has a legitimate interest in knowing (1) whether the Saudi nationals who resided at and/or owned the home at 4224 Escondito Circle provided support to the terrorists who carried out the 9/11 attacks on the United States; (2) whether the United States government is aware of such support being provided by those individuals; and (3) whether the DOJ and the FBI have concealed information about this investigation from Congress and from the American public.

Requested Relief

WHEREFORE, plaintiffs demand the following relief:

A. An order requiring the defendants to produce the requested records for *in camera* inspection by the Court;

B. An order requiring the defendants to acknowledge that the records requested exist and to provide the Court and the plaintiffs with an index of the documents showing the date, source, recipient, subject matter and nature of each document in sufficient detail to permit the plaintiffs to argue effectively against the claimed exemption and for the court to assess the applicability of the claimed exemptions;

C. An order requiring defendants to disclose the requested records in their entirety

and to make copies available to Plaintiffs;

D. An order providing expeditious proceedings in this action;

E. An order awarding plaintiffs pursuant to 5 U.S.C. § 552(a)(4)(E) their costs, expenses, and reasonable attorneys fees incurred in this action;

F. An order pursuant to 5 U.S.C. § 552(a)(4)(F) determining whether the circumstances surrounding the withholding of the records at issue raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding.

G. Such other relief as the Court may deem just and proper.

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