

9/11, ISIS, and the US Constitution

1- The role of MONEY

More shocking than the news of ISIS (*Islamic State in Iraq and Syria*) invading Iraq were the pictures of its army marching into city after city, with brand new uniforms, new armored vehicles, and a full array of modern weapons. Up to then, Western governments and Western media had treated ISIS as one of the many factions involved in the Syrian conflict, one which occasionally committed atrocities to attract publicity. Out of spite for the Assad regime and its Iranian allies, they all had turned a blind eye to the warnings coming from the field, and now treated ISIS as a guerilla organization that had turned—almost overnight—into an ultra-efficient army that magically routed the Iraqi army, as well as the war-seasoned Kurdish Peshmerga fighters.



The ISIS army when it first marched into Iraq through the Anbar

As it happened, I was in France then, and a few nights later, French TV gathered a panel of experts to analyze the events. The question on everybody's mind was: How could such an army pop up like a mushroom out of nowhere. And to that question, the French political scholar Myriam Benraad, whose area of expertise is precisely Iraq and Syria, had a succinct answer: MONEY. The magical force behind ISIS was none other than money. ISIS had been recruiting, for some time, in the impoverished provinces of Iraq and Syria, as well as in the European suburbs and shantytowns, where poverty and unemployment is highest among the Muslim population. It had paid hefty sums to equip them and train them.

Oddly, the role of MONEY is still minimized in the US analysis of the ISIS phenomenon, to the extent that even the usually perceptive Roger Cohen attributed the success of ISIS to "Jihadists" who hand their followers "a simplistic narrative of good versus evil," "give them camaraderie and certainty" and make "them feel part of a grand struggle (NY Times, Aug. 25th)." True. But without MONEY the best of the Jihadist preachers can achieve nothing. Suppose that, in a fiery speech, this preacher summons his audience to join a ragtag army with no uniform, where the believer has to fight with a stick or with his own pocket knife, and ride his own bicycle to the battle front. How many people would join his crusade, or more precisely his Jihad? The answer is: close to nil. Without money ISIS won't exist.

And yet, despite the pivotal role of money in this affair, and despite the US success in choking the flow of money in and out of Iran, there has been no official policy to dry up the source of the Jihadist money that has produced so much evil in the world. That source is well known, it's Saudi Arabia; but it's hush-hush in political circles, lest a generous political ally be upset.

2- The Saudi bargain

It all started in November 1979 when some 200 heavily-armed fundamentalists, led by men who were from the inner circle of the Saudi power elite, invaded the holy sanctuary of Mecca and took hostage all the pilgrims therein. The ordeal lasted more than three weeks and only came to an end through the intervention of the French special units. Typical of fundamentalist idiocy and duplicity, the French combatants had to be de-baptized and muslimized on the spot before entering the holy premises.¹ The result was more than 250 dead and 600 wounded, with some 60 attackers captured and publicly *beheaded* without trial, in several cities of Saudi Arabia. Beheading is not something that the ISIS has invented, but a practice deeply rooted in the Wahhabi culture of Saudi Arabia, where it is almost a daily occurrence.

Drastically shaken by the Mecca event, the al-Saud family struck a grand bargain with the Wahhabi clergy who regulated the religious ideology of the kingdom, and with whom they were intermarried. In the words of Thomas Friedman (NY Times, Sept. 16):

"Saudi financing for these groups is a byproduct of the ruling bargain there between the al-Saud family and its Salafist religious establishment, known as the Wahhabis. The al-Sauds get to rule and live how they like behind walls, and the Wahhabis get to propagate Salafist Islam both inside Saudi Arabia and across the Muslim world, using Saudi oil wealth. Saudi Arabia is, in effect, helping to fund both the war against ISIS *and* the Islamist ideology that creates ISIS members (some 1,000 Saudis are believed to be fighting with jihadist groups in Syria), through Salafist mosques in Europe, Pakistan, Central Asia and the Arab world."

Then why isn't anybody trying to cut the flow of money to ISIS? Patients die in Iran because hospitals cannot buy supplies from the West for lack of transfer possibility through the banking system, but money flows freely into the accounts of the ISIS, the Talibans, and Al-Qaeda, in billions of dollars. *It's 9/11 redux*. All attention is focused on Iran, while Saudi Arabia, now joined by Qatar and other Arab sheikdoms, are funding the fundamentalists at will.

3- A continuing saga

In 1999, when Osama Bin Laden had already been designated as public enemy no. 1, and thirteen other Saudis had been indicted in absentia on account of participation in the bombing of US embassies in Nairobi, it was the Iranians who were strip searched at airports, and not the Saudis, who were given red-carpet treatment. As an Iranian passport holder, I had filed a lawsuit against the FAA, for targeting Iranians en bloc. The FAA wanted outright dismissal, but Federal Judge K.M. Hoyt, who saw in my complaint the prima facie evidence of group targeting, rendered a two-page opinion in my favor. In reaction, first the Houston branch of the US Attorney General office, and then the DC branch, pleaded with the court to withdraw its opinion. Short of legal arguments, they asked the court to bend the rules

¹ Henry Laurens, Collège de France, Nov. 3, 2010.

in security matters. For them, the security of US passengers was at risk, and therefore group targeting was necessary, even though illegal. In my Original Complaint to the court, I had argued that :

"the most outspoken US foes, and suicidal agents, are veterans of the Afghan wars, whose activities were jointly financed by the US and Saudi Arabia through the agency of Pakistan. Their ranks grow larger by the day as they are joined by new recruits educated in Northern Pakistan by fundamentalist schools that raise fanatical young men to despise the US. Saudi money still provides the financing of these schools. And therein lies the problem. It is difficult for the US intelligence community to admit that these monsters are of their own creation, and that their staunch allies, the Saudis, are still helping them. In this perspective, the designation of Iranians as a suspect group is counter-productive because attention is focused on the wrong group while danger lurks elsewhere. So oblivious the US intelligence can become to real danger that a large US target such as the Cole cruiser, is left unprotected as a sitting duck in the hotbed of Afghan-war veterans that is the Yemen. And the result is the tragedy that we all know with real losses of US service men and women (see www.soudavar.com).

And in my last response to the Attorney General, I reemphasized that if the safety of US passengers was the real concern, Saudis should have been before targeted before Iranians, and they were not. This was filed on Sept. 5, 2011, and such was the frenzy produced by 9/11 that, two weeks later, Judge Hoyt reversed his own long meticulously-crafted opinion, and pronounced "case dismissed" in a two-line judgment. That frenzy paralyzed the Appellate Court, as well as the Supreme Court, despite the fact that, in my appeals, I had reminded them: If the chief Nazi Judge Schlegelberger was condemned in Nuremberg, it was precisely for not upholding the law, and for giving in to the pressure exerted by the SS, who operated in their own frenzied world (www.soudavar.com).² The fact is that in a frenzied environment, when wrong analysis and emotional arguments fill the air, the law provides potent criteria, perhaps the only ones, for evaluating policies: If it's illegal, chances are that is unsound. And that is the case today, since the US government's response to ISIS is both illegal and unsound.

4- Bombing Syria

As the champion of democracy and a proponent of world order based on international law, the US is bound to follow the legal path. Unlike Iraq, whose government asked for foreign intervention against ISIS, the Syrian government has not asked for US help. Hence, there is absolutely no international legal basis for the US to bomb Syria. And that is why, along with Belgium and Denmark, the UK—that faithful ally of the US—has refused to join the bombing of Syria. Internally, President Obama needs the formal approval of Congress to intervene in Syria; it's a constitutional requirement. He requested it last time he wanted to go there, why not this time?

But adding insult to injury, the US has allied itself with Saudi Arabia and the United Arab Emirates to bomb Syria, i.e., the very countries that have funded, equipped, and trained ISIS. They did this in order to topple the Assad regime, for the sin of being an ally of Iran, and not for being a dictatorship, which they all are. They are now bombing refineries that the Syrians were about to recover, under the guise of destroying ISIS's sources of revenue. But such revenue—if any—would pale before the Wahhabi money that is still flowing toward ISIS today. In bombing Syria, the US has been duped into doing the ISIS

² Burt Lancaster played the role of Schlegelberger in the *Nuremberg Trials*.

financiers' dirty work. It is bombing what they wanted the US to bomb two years ago, when it was on the verge of taking action against Syria. President Obama backed off then, but gave in to Saudi pressure this time. No wonder then that all over the Middle East, the man in the street believes that the ISIS is another CIA creation.

5- Action vs. inaction

There has been much debate about the US's response to ISIS, and the appropriate reaction to the beheading of two US citizens. The question is: What reasons must the US evoke to take action? Is it the fact that American citizens were taken hostage and savagely killed? If yes, the Mexican case should take precedence, because tens of US citizens are kidnapped every year by Mexican drug lords. Some are freed after payment of a ransom, and some killed. And in some cases, fingers and ears of the victims are sent to impress the urgency of the matter. It is not as gruesome as beheading, which is a Wahhabi trademark, but gruesome enough. But besides the kidnapping of US citizens, the Mexican drug lords wage a constant war on American society as a whole, which in one year kills more Americans than 9/11 and the wars in Afghanistan and Iraq, all combined. Shouldn't that be a reason for the US to bomb Mexico? It obviously isn't.

6- Let a hundred lawyers bloom

What is the alternative? To paraphrase Chairman Mao's slogan "Let a hundred flowers bloom," I'd say let a hundred lawyers bloom, and bring terror to its knees. Instead of a military campaign, there is a legal war to be waged by the families of the victims of these horrendous acts.

Indeed in 1996, Congress amended the Foreign Sovereign Immunity Act by creating an exception through which the victims of state-sponsored terrorism could sue foreign states. It is called the Flatow Amendment, in reference to one Stephen Flatow who wanted to sue Iran when his daughter, the young Alicia Flatow, was blown up riding a bus in Israel. The bombing was blamed on Iran, which was perceived as the financier behind Hamas, the presumed perpetrator of the act. One Patrick Clawson provided the court with numbers accusing Iran of being the main sponsor of Hamas. But GlobalSecurity.org, a website created by former US analysts with the goal to provide accurate information to the general public, evaluated the approximate annual aid to Hamas to 3 million dollars for Iran, versus some 40 million dollars paid by Saudi Arabia and its cronies. Iran did not participate in the hearings and was condemned to pay the hefty sum of \$225 million.

The wrong testimony of Clawson notwithstanding, in *Flatow vs. Iran* (999 F.Supp. 1, 1998), Federal Judge Lambert reasoned that: "in order to ensure that the Islamic Republic of Iran will refrain from sponsoring such terrorist acts in the future, an award of punitive damages in the amount of three times the Islamic Republic of Iran's annual expenditure for terrorist activities is appropriate." In other words, he enunciated the legal principal that the victims of terrorism can sue sovereign states up to three times their expenditures in activities related to terrorism. The money that has flowed into ISIS coffers through the auspices of Saudi Arabia, Qatar, and other sheikhdoms, certainly implicates all of them, as sponsoring states of terrorism.

There is however a caveat to the Flatow amendment: A state must first be designated as a sponsor of terrorism for the amendment to apply, and the key for such a designation was left in the hands of the Secretary of State. But, by definition, a law must be based on broad principles and equally available to all citizens. If the father of Alicia Flatow can seek compensations, so should the father of James Folley.

Therefore, beyond the legal issue of bombing Syria, the real dilemma facing President Obama is whether he thinks that the US Constitution requires equal rights for all of its citizens? Whether the Foleys enjoy the same rights as the Flatows? If the Foleys must have such rights, so must the Sotloffs whose son, the Israeli-American Steven Sotloff, was also beheaded by ISIS. And so must the family of Rachel Corrie, the conscientious Jewish American girl who was ran over by an Israeli armored bulldozer when trying to prevent the illegal destruction of Palestinian homes. So I say to President Obama:

With the stroke of a pen, you can unleash the power of a hundred lawyers to seek solacium and punitive damage for all of the victims of terrorism, including those from 9/11 and all of the Americans who were innocently blown up in Afghanistan and Iraq. Let those hurt by the killers of innocent people summon to court government functionaries and businessmen who pay the Wahhabis insurance money and help them channel it into terrorist cells, as well as states that support such actions. You can grant all of them the same rights as the Flatows. To do so, you don't need the authorization of Congress, because you already have it. All you have to do is to order the Secretary of State to declare that the Flatow Amendment is applicable to all of the states between Morocco and Pakistan, without exception, because they are all potential terrorist states. This only opens the door of the courtroom. The victims' relatives then need to convince the courts, as well as jurors, whether or not an act of terror was perpetuated.

If you do so, you would see what a hundred lawyers can achieve; they can bring the well-oiled machinery that provides money to the Wahhabi fundamentalists to a grinding halt. In less than twelve months, they can achieve what the US military could not do in twelve years of hard fighting.

7- Blindsided from two directions

Israel and Saudi Arabia would of course be up in arms against such a decision, and they would act in tandem because they have a tacit alliance to support each other in channeling the US foreign policy into one that is solely focused on Iran, and away from what they do themselves. More importantly, the ISIS-staged executions have been a boon for Israel supporters, who have used them to divert attention from what Israel did in Gaza.

Prior to ISIS's blitzkrieg into Iraq, the atrocities committed by Israel in Gaza had become the focus of international news, to the extent that, on July 14th one MP after another rose to condemn Israel in the British Parliament. And then, Jews from all over the world, the silent majority one, placed a half page ad in the NY Times (Aug. 23) stating: *"Jewish survivors, and descendants of survivors, and victims of Nazi genocide unequivocally condemn the massacre of Palestinians in Gaza."* If the NY Times accepts to print such an ad against Israel, you can bet that Israel has even offended its most steadfast supporters. That's why the Israeli lobby counterattacked a few days later, when it placed a full-page ad showing masked ISIS militants executing captured Iraqi army men. It argued that it's the Islamists who should be

denounced for committing war crimes and not the Israelis; as if the crimes perpetrated by Stalin could whitewash those of Hitler.

But the real tragedy is that the US, instead of reprimanding Israel for its campaign in Gaza, replenished the Israeli army's depleted ammunition stock in the middle of a military operation viewed by many as punishable for war crimes. Blinded from two sides, by Saudi lobbyists as well as the powerful Israeli lobby AIPAC, US foreign policy is in disarray, and its intelligence agencies are totally dysfunctional. No wonder then that, despite the 50-100 billion dollars yearly budget for intelligence gathering, President Obama had to avow on 60 Minutes that: "Our head of the intelligence community, Jim Clapper, has acknowledged that, I think, they underestimated what had been taking place in Syria." *It's 9/11 redux.* Didn't the then head of the National Security Council, Condoleezza Rice, say after 9/11: "I don't think anybody could have predicted that these people would take an airplane and slam it into the World Trade Center, ..., that they would try to use an airplane as a missile, a hijacked airplane as a missile"? From South East Asia to Algeria and France, there had been numerous prior attempts by fundamentalists to take control of airplanes, and yet Rice was surprised that the dear Saudis did such a naughty thing, as if they and Al-Qaeda came from two different planets.

The predicament of intelligence agencies is that they are mere bureaucrats at the mercy of a top brass that follows a political agenda, often at odds with the national interest. The FBI bureau in Arizona, for instance, had received warnings from field agents that Saudis, with no past experience and no airline affiliation, had enrolled in specialized pilot courses. But the top brass wasn't interested in tackling visiting Saudi nationals, and all of those reports got shelved. This, however, is not the plague of US agencies alone. A university professor in Paris related to me that upon the election of former French President Nicholas Sarkozy, all scholars who were regularly in contact with French intelligence agencies and filed monthly surveys on the Middle East, were instructed to only present reports that depicted a negative picture of Iran; positive reports were simply tossed out. The rank and file of intelligence agencies, therefore, is inevitably pushed to produce reports that fit the political agenda, rather than a solid analysis of potential or imminent danger.

8- The "Khorasan" gaffe

When President Obama announced that the bombing in Syria had the double purpose of stopping ISIS and destroying the hitherto unheard-of Khorasan, I could not believe what I was hearing. A new terrorist group was described as comprised of "seasoned al Qaeda operatives in Syria" who had somehow chosen an Iranian name for themselves! Al-Qaeda fighters are mostly Arabic-speaking fighters who despise Shiia Iran and anything that has an Iranian tinge. It's a well-known fact of Islamic history that the Umayyad Caliphate based in Damascus was removed by the Iranian general Abu-Moslem and his Khorasanian army. Even if totally ignorant about history, those "seasoned" operatives would know that "Khorasan" is a tongue twister for the Arabs and not an Arab name. Since most Al-Qaeda fighters were trained in Afghanistan, which is adjacent to the Iranian province of Khorasan, they would all relate that name to Iran. And this may provide a clue to the story.

Indeed, it is no secret that the US was long under pressure from both the Saudis and the Israelis to bomb Syria, not for the sake of liberating the Syrian people, but to punish the Iranians who were helping Bashar Assad. The ISIS inroads into Iraq thus gave the opportunity to renew that pressure. Since not only was ISIS to be bombed, but also the Iranian-backed factions, the code name that intelligence agencies used to designate the Iranians was applied, by a slip of the tongue, to a hypothetical group operating besides ISIS. But as Glenn Greenwald (of Snowden fame)

has now documented, such a group never existed, let alone being ready to attack the US.³ And that's why Khorasan soon vanished into thin air and nobody talks about it anymore. The evidence on this group seems very much like the evidence on Iraqi weapons of mass-destruction that former CIA director George Tenet once qualified as "slam-dunk" before the invasion of Iraq; with a slight difference though: Even if the bulk of the Iraqi evidence was fake, some like the Yellowcake story were carefully crafted, and seemed plausible. The Khorasan episode, however, seems more like a gaffe.

9- Maintaining superpower status

An implied reason for attacking the ISIS was that if the US wanted to maintain its superpower status and its leadership against terrorism, it had to act, lest it would be perceived as weak and ineffective. But to be strong, a nation must first maintain its sovereign status. When Israelis are allowed to travel here without a visa, while Israel requires a visa for US visitors, the US has effectively abdicated its sovereign status vis à vis Israel. As for the US leadership role in combating terrorism, suffice it to say that when Israeli operatives, who assassinated civilians and university professors in Iran, carry American passports, and the US government does not have the courage to even lodge a protest,⁴ the US has forfeited all pretenses to fight terrorism.

Israel's control of the US political scene goes beyond the administration and extends to the whole of congress. When a legislative body like the Senate—which is supposed to base its decisions on principles of law—votes *100 to zero* that Israel has the right to attack Iran if felt threatened, not even a semblance of independent thinking and sovereignty remains. It's like declaring that Mike Tyson has the right to kill Evander Holyfield because he felt threatened by him, even though Tyson had bitten Holyfield's ear and threatened to kill him. The sad fact is that when Israel or AIPAC says jump, one hundred senators jump in unison, whether Democrat, Republican or Independent.

10- United States of America or United States of Israel

And so, I come back to the real dilemma before President Obama; it's even more fundamental than I previously stated. It's whether he believes to be the president of the United States of America or the United States of Israel? Whether he believes in the constitution that gave equal rights to all Americans, including himself who, as a black man, was nominated to the presidency of the United States? Whether the Foleys, the Sotloffs, and the Corries have the same rights as the Flatows to sue the financiers of those who kill innocent civilians?

If he provides the same rights to the Foleys, AIPAC lovers would certainly object. But let them tell the Foleys, face to face, that: What was good for the Flatows is not good for you, because they had the blessing of AIPAC and you don't. And if the President refuses to do so, it is he who must do the explaining to the Foleys.

Abolala Soudavar - aas@soudavar.com

³ <http://www.informationclearinghouse.info/article39809.htm>

⁴ <http://www.c-span.org/video/?c4486478/60-israel-really-us-ally>

Abolala Soudavar's latest book is entitled ***MITHRAIC SOCIETIES: FROM BROTHERHOOD IDEAL TO RELIGION'S ADVERSARY*** (ISBN 978-1-312-10598-0), and freely downloadable as a PDF on soudavar.com and academia.edu