

Editor's note: This is a transcript of a presentation John Judge made before [The 9/11 Omission Hearings](#), conducted by a 9-11 Citizens' Commission in New York City. The transcript has been edited for readability. Other participants included 9/11 Family Members, Citizen Researchers and former Rep. Cynthia McKinney.

John Judge:
September 11 Citizens' Commission
The 9-11 Omission Report
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[mp3 file](#) (22+ MB) of complete film (24:53)

Introduction by Cynthia McKinney:

I have the distinct honor and pleasure to introduce the next panelist John Judge. John and I worked together when I was in Congress. In fact I worked with a lot of these people when I was in Congress and that's why we were troublemakers inside and troublemakers outside. But in pursuit of the truth and in pursuit of information that the powers that be would rather us not have, John Judge's particular expertise is the murder of John F. Kennedy. As a result of that and my interest in the counterintelligence program, we came together and he gave me information, critical information in fact, about the murder of Martin Luther King Jr., which is one of my rather intense interests. So with that introduction, John Judge is a stickler for details and he finds himself now with the unanswered questions of September 11th. So welcome John.

My comments are meant to serve in the role of what would be a staff member to an investigative commission and that's part of the role, that if we can build a truth commission and get public support for it, that 911 Citizens Watch has had as its long-term outcome. What I want to do is frame for the Commission some of the problems that pertain to this. I'm sure you've seen this [holding up *The 9/11 Commission Report* book]. It sold better than Harry Potter recently. And fortunately today I was glad to see that we have an antidote which won't sell as well but this is Paul Thompson's excellent *Terror Timeline*. It's a much more objective and thorough account of the events of 9/11 than you'll get from this official Commission report.

One of the questions I had about this is who is the author? The reason I asked that is that it's written in a very lucid, almost novelist, style. It's not a conjunction of reports from other individuals, there's one author here. We were never told the author of the Warren Commission Report either. I dug it out of the record. He was brought over from the Pentagon Army Historical Division on a technical duty order to write the report. When the report was handed back to those investigative teams they wrote extensive notes saying: What's his basis for this? How does he reach this conclusion? All those were buried for many years. His name was [Otto Winnacker](#). He was brought here by General MacArthur at the end of the war. He was one of 26 official historians for Hitler's Reich. And the author of the Starr report, about the Clinton scandal with Monica, had been a previous writer for Penthouse magazine. I actually sent Tipper Gore a note asking her to put one of her obscene stickers on the report.

So we don't know who the real author is here. But it is a best-seller. It's still seen as the definitive account. There's very little public criticism of it. It came out of a flawed Commission process that we addressed in a critique that we released the day that it was released and there's some copies of that available here. In addition, we couldn't do the autopsy till the corpse hit the ground but it's still kicking.

Two monographs have appeared—staff statements since this came out—a chronology is promised and there is ongoing congressional testimony as well. In the monographs there was an interesting disclaimer on each by [Philip Zelikow, the former Executive Director of the Commission](#), saying that the Commission had access to these monographs in both draft and final form and in both classified and unclassified forms; that the Commission had drawn in part on these four staff statements during the investigation that were read at the hearings and for some of the final report. But, it says, the Commission does not endorse these monographs as official record. That suggests to me that there was a lack of consensus—even though we're given this bipartisan consensus decision at the top—between the investigative teams at least on some issues and the Commission staff and that's an area I think of fruitful inquiry.

This also has no index. There is an online index at vaveezamo (sp?) that's very useful where you can pull up a term and get it by paragraph and where it appears in the report. But the hardback edition that just came out within the last week does have an index but that also is not thorough. I began on a Word file doing an index of the first two chapters and ran out of memory because we don't need just a name index to this it has to be topical. So there's work yet to be done on that.

In large part, at the rear of the of the body (over a hundred pages) is a Notes section. The problem with the Notes section is that for the most part it is self-referential. It refers to testimony taken by the Commission in private, to documents not yet released, and to material that no one can see. At least the [Warren Report](#) was released with [26 volumes of evidence](#). It wasn't all the evidence but

it was some of it. There had been a discussion between Hale Boggs, one of the commissioners, and Allen Dulles, another commissioner and former head of the CIA, where Boggs said, Well do you think we ought to just put out the report without none of the evidence? Won't it look a little fishy? And Mr. Dulles says, Go ahead and print some of it. Nobody will read it anyway. But I guess they've learned now that some of us will read it and so we get a Report with footnotes that go nowhere.

There were over 2,000 interviews. There were 80 staff members that corresponded between themselves. There were nine investigative teams. We don't know the nature of this final record, if we can get it loose, because much of the testimony privately, and some in public, was not taken under oath. Also we were told that much of it was not transcribed, much of it was not directly recorded, and in many cases merely notes were taken. That was officially told to us to be the case with four hours of private testimony with Condoleezza Rice even though the 15 hours with Richard Clarke was fully transcribed and recorded. And it was certainly the case with the Cheney and Bush interviews which had notes that only one person was designated to be able to write and those notes had to be turned over to the White House for vetting before they'd be taken back to the Commission that presumably sat and heard the hearing. That kind of secrecy and lack of transparency and lack of sunshine approach to this has made it almost impossible to have an objective external review of the forensic and unclassified data which is still not released.

We wrote to the Commission as 911 Citizens Watch and suggested that on release of documents that all unclassified forensics should be released immediately and on the classified documents they should use the new standards adopted under the [JFK Assassination Records Review Board](#). That means, for classified documents, only a living agent being compromised, a current source or method of intelligence being compromised, a privacy agreement with an individual, or a foreign government agreement: those are the four categories under which something could be postponed for release. Nothing else. Much more constricted than the Freedom of Information Act. Then we asked for them to call for expedited release of the classified materials under that standard.

We won a small victory, I think, in that the documents have now been sent to the National Archives for release in four and a half years rather than the standard—anywhere between 20 and 50 years is possible for a Congressional Investigation. So it's a shorter period. Interestingly enough it's dated January 2nd 2009, when the current administration can't remain in power. So I found that interesting.

But as it functioned, the Commission was exempt from the Freedom of Information Act and because these records are generated by a legislative branch they're currently exempt. Interestingly enough there's a legal possibility to effect a mandatory review of a *classified document* put into the four and a half year delay, but there's no way to review an unclassified

document for release. Of course you'd have to know the classified document existed to get the review and what agency it came from, but maybe you'd find it in the Notes. And the other option is to get a Congressional reversal and release of this material.

The other problem with this report is it is jointly written by the Independent Commission and the White House. Governor Kean said that they took pains to create, before its release, a classified version of a report that would pass White House vetting. In order to do that they forwarded the draft chapters to the White House for pre-vetting. The standard procedure for an independent commission is that they release a report, if it has intelligence issues involved, the White House would do the vetting along with the agencies, and then they'd come out with a final report that might be redacted. If you think back to the [Joint Inquiry Report](#) of the House and Senate Intelligence Committees, it's redacted, it has holes in it. Those holes tell you *something*. They indicate areas at least that are left out for a *reason* or whatever else sorts of things. This has no redaction because it's pre-redacted. And so this is essentially *not an independent document*. It's a document that was co-edited by the White House and the Commission and it suffers from that as well.

Now Senators Dodd and Lieberman and Representative Shays asked, and formally requested, that the report include, if not answer, the questions compiled over time by the family groups. It did neither. It answers a few, it leaves many unanswered, and they said at least put the questions in as an addendum. They didn't do that. But they can be found online at their 911 independent commission dot gov site and I know some family members are compiling lists of others.

This is based, I believe, because of the flawed Commission process, on incorrect assumptions, incomplete testimony and evidence, major omissions in the record, and unsupported conclusions. And the recommendations that come from all that are similarly poorly informed and only the recommendations so far getting any challenge. Interestingly enough I mentioned Thompson's [Timeline](#) is an antidote to this report. Another antidote is the Commission record itself: a combination of the [testimony](#) and [staff statements](#). And when you begin to go through those you will find contradictions in their own record with what they've decided in [the Report](#). Unlike the Warren Commission which was characterized as a rush to judgment I would characterize this as a rush to exoneration.

It takes the attitude that this is all a *systemic failure* which means that there's no way to have direct accountability. There were no reprimands or demotions that resulted from these failures. No courts of inquiry or court-martial in the military where you can be court-martialed for wrecking a jeep and with their own building attacked, no line of duty inquiry. In fact people were more often *promoted* than demoted in relation to the events of 9/11. A lack of appropriate preparation or response to the warnings and opportunities and the events of 9/11 is unchallenged.

And naming these names is not, in my view, a witch-hunt but a probative approach that begins to put people on the carpet in terms of their own accountability and then shows you which part is systemic and which part is individual so that you can trace it down in a normal investigation.

But their attitude led them at the beginning to take much of the testimony not even under oath. When challenged on that by the families and 9/11 Commission they told us—Governor Kean and Hamilton told us—that they felt people would be more *forthcoming* if they weren't under oath. We said that's a little counterintuitive to the way most investigations operate. We did eventually shame them into having people raise their hand. And we did an ad campaign saying that Bush, Cheney, Condoleezza Rice, Clinton, and Gore should all be called into public and testify under oath and to do anything less was to dishonor the dead. They didn't get everybody in there, but it did cause them to, at least, start acting like they were investigating something.

The failures at the *command structure* level have also not been addressed by the Commission even though they're pointed at. The law required that the Commission be available for 60 days for Congressional Oversight Hearings. There were special sessions this summer—and one's going on even today I think—focusing on their recommendations but not their process or their conclusions. And they have now transformed themselves into a new thing called the [9/11 Public Disclosure Project](#) which is a nonprofit organization that will take pairs of commissioners and send them around the country to have public discussions. This may be a way to at least begin to have the public ask questions directly about some of these contradictions. I've had trouble getting any schedule of appearances out of them but I'm working on it.

But there will be additional access or public input. An objective assessment is going to be difficult given the lack of the record and the concealment or destruction of the forensic evidence. Pretty much what we have is standing court suits, our own investigations, and the ongoing investigation on the building collapses by the national standards group. But there are some ongoing investigations and could be others initiated on specific aspects.

This is called a consensus, a bipartisan consensus. But the consensus of history is not just bipartisan at the upper levels of power. It has to be agreed to on a nonpartisan basis of the lowest levels of power in a society. The facts of 9/11 belong to the American people as a whole because until we really know the truth we can't act on the truth. Martin Schotz, in one of the [Kennedy assassination books](#), makes a very telling statement. He says that the political paralysis in America stems from the fact that [we are allowed to believe anything but to know nothing](#). And when we cannot know we cannot act. Rumors and theories then replace the knowledge to act responsibly and that's the exact opposite of a democratic process.

Thomas Jefferson said he knew of no safe repository for the powers of the society beyond the people themselves. And he said that if you feel that they are unable to exercise their discretion in

a wholesome fashion (that's 17th century for you think them too stupid), the solution is not to take the power from them but to inform their discretion. So that's why Jefferson realized that given a choice between a government without a newspaper or a newspaper without a government he would always take the latter because the flow of information and access to information is more critical to the democratic process than the government that's put in power to enact it. We don't have that here, unfortunately, we have less and less of it.

The task ahead is to investigate the work on the Report and these monographs as they continue; to monitor the process of these legislative branch hearings; to establish the groundwork and a rationale for a people's truth commission because if this Commission has done its work why should we have an additional one? Many of us here, I'm sure, know why we want one but the general public would have to be convinced that this is flawed to challenge the assumptions of the Commission and Congress in the hearings and decisions they're making. And then to begin, and I hope the Commission does this, not only to address the facts of 9/11 but as the 911 Commission did, address the recommendations and get into the real questions that lie behind American foreign policy in the last fifty years. What constitutes real security in this country? What is the balance between civil liberties and security? What is the role of militarism and intelligence in this society? What does it mean that we're going to go into an ongoing war for 60 years for the rest of our lives? Is that the proper response? And also a basic question not asked is, What is the role of covert operations in the past and now in the future that I believe led into the situation we now live in and are not a solution to it?

Instead we're getting silent assent on many of these questions and no structural critique from this 911 Commission. So it's left to investigative journalists and researchers, the international press sources, and whistleblowers. They have to both educate the public to these contradictions and the credibility of this report to justify further inquiry and also push for release of the full record so that we can do ongoing research.

The Commission itself was limited in time and budget. They spent way more money on the nine deaths in the Challenger crash than they did on the three thousand deaths. No family members were appointed. It was obstructed actively from its beginning by the Executive branch. It had limited access to the record and to documents. Even the [Joint Inquiry](#) hearings, which two of the Commission members sat in on, the record of those hearings was denied to them at first. It was exempt from the Federal Advisory Act so no families or citizens could serve in a formal advisory position. And it was rife with conflicts of interest.

We detail those in our preliminary report but one of the major ones was the [Executive Director Philip Zelikow](#), a person who was [challenged by the Librarian for the JFK Library](#) on a book that he wrote based on tapes made available from the Library of the Cuban Missile Crisis. [This](#)

Librarian said that Zelikow's work couldn't be trusted by any scholar or student. That his transcription of these tapes was so faulty that you couldn't rely on it. And what they did was undermine the truth of the tapes which he had listened to which showed that Kennedy, almost alone in many cases, stood against the Joint Chiefs and the rest of his Cabinet in not wanting to go to nuclear war.

But this person Zelikow is part of the [Miller Center](#) which pushes respect for the president and has created the new version of White House press conferences where people are pre-selected. He was also [very tight with Condoleezza Rice](#) and co-authored books with her. He was appointed—and the families didn't know this till much later—as part of the transitional team for the Bush administration, National Security Advisor Advisory Group. He *sat in* on the meetings with Sandy Berger and Richard Clarke where the imminent warnings were given.

When the families found this out they said he should step down. The response of Kean and the commissioners was, Well, he has had to recuse himself at certain points in this investigation. In fact both he and Jamie Gorelick, one of the Commissioners, were called as witnesses to their own Commission. And the conflicts were so rife that Kean, in exonerating *him* said, We will all have to recuse ourselves at some point in this investigation. That's the chair talking about recusing himself.

There's more to it, but there was a flawed process that led to flawed conclusions and I did present a report today to you covering some of these along with an exhaustive, comparative timeline on the four flights and a bibliography [see: [9/11 Omission Report: A Citizens Critique of the Final Report of the National Commission on Terrorist Acts Upon the United States](#)].

There's more work to do but I think the key areas that will bear fruit in terms of a commission investigation are to challenge this idea that this was an intelligence failure and put it into its proper historical framework of a state-level sophisticated covert operation. And the history of those covert operations through the last *five administrations*, starting with Carter and Brzezinski in the operations of the Mujahideen and also the Contragate scandal. Many of the Contragators are back in power. These [covert operations] were financed jointly by US and Saudi intelligence, Pakistani ISI, drug money, and Otto Reich and Poindexter and Powell himself. All of these and others in the current administration were part of these covert operations that I believe led into the current situation we're in.

So taking a look at that. Taking a basic look at the suspects in the plot. I would argue we do not yet know the true identity of the 19 people on the planes. I don't believe that they didn't get on the plane but I believe that when you don't know their true identity, to have a report like this track them back through time encourages, what's called in intelligence parlance, a legend. It's like the false Oswalds. They go someplace. They use a particular identity. They establish a trail

that you are *meant to follow*. But it's a trail that gives you false sponsorship for the event and in covert operations you spend more time on that false sponsorship than you do on the event itself.

Were we unprepared? I approached [Senator] Richard Shelby [during the press conference], when the [Joint Inquiry Report](#) came out, and I asked him, Did you find instances where planes had been used as weapons or used as weapons by these terrorist groups? He smiled, because I had quoted Condoleezza Rice saying it was so outside the box no one could possibly have imagined—she backed off from that in her testimony saying, Well *they* knew but *I* didn't know—which questions her confidence to be the National Security Advisor, I would think. But he said, Oh yes, we found numerous instances of that. Then I said, Did your inquiry find instances of preparations made in relation to these things? He literally blanched, his face turned, he stepped back. He said, Can't get into that. Walked away from the podium. Graham took the next question. And he came back to the podium, Shelby, and before asking the next question pointed at me and said, And on advice of counsel my answer to your question is no. Well I hit a nerve but I don't— [interrupted to conclude his presentation].

All right well I just, the undefended skies of 9/11 will bear fruit. FAA and NORAD and these timelines are wrong. And [the Minetta testimony at 9:25](#), of Cheney discussing with a young lieutenant, an order, unidentified, he says, Sir the plane is 50 miles out, it's 30 miles out, it's 10 miles out; Does the orders still stand? at each juncture. Cheney snaps at 10 miles out and says, Of course the order still stands. This is before the Pentagon is hit. This is in reference to Flight 77. If this is a shoot down order—and all the testimony says no shoot down order till after the Pentagon is hit—if this is a shoot-down order, what's delaying it? And if it's not, what *is* the order that's concerning the young lieutenant as the plane approaches the Pentagon?