

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) ECF Case
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This document applies to:

Federal Insurance Co., et al. v. Al Qaida, et al., Case No. 03-CV-06978
Vigilant Insurance Co., et al. v. Kingdom of Saudi Arabia, et al., Case No. 03-CV-08591
Pacific Employers Insurance, et al. v. Kingdom of Saudi Arabia, et al., Case No. 04-CV-7216
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-CV-09849
Euro Brokers Inc., et al., v. Al Baraka, et al., Case No. 04-CV-7279
Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02-CV-06977
Estate of John P. O'Neill, Sr., et al. v. Kingdom of Saudi Arabia, Case No. 04-CV-1922
Continental Casualty Co., et al. v. Al Qaeda, et al., Case No. 04-CV-5970
Cantor Fitzgerald & Co., et al. v. Akida Bank Private, Ltd., et al., Case No. 04-CV-7065

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

On February 24, 2012, plaintiffs filed the 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. See MDL Docket No. 2557-1. Exhibit 1 to the Carter Affirmation is the Affirmation of Daniel Robert "Bob" Graham. See MDL Docket No. 2557-2. During the filing, a one-page, unrelated piece of correspondence was inadvertently included within the Graham Affirmation. Attached to this Notice as Exhibit 1 is the true and correct copy of the Affirmation of Daniel Robert "Bob" Graham, which should be substituted.

Dated: February 24, 2012

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On Behalf of the *Cantor Fitzgerald* Plaintiffs

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EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) ECF Case
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This document relates to:

All Actions

AFFIRMATION OF DANIEL ROBERT "BOB" GRAHAM

I, Bob Graham, being duly sworn, declare and state as follows:

1. My full name is Daniel Robert Graham. From 1966 through 1970, I served as a member of the Florida State House of Representatives and from 1970 through 1978, as a Member of the Florida State Senate. Between 1979 and 1987, I served as Governor of the State of Florida. From January 3, 1987 to January 3, 2005, I served as a United States Senator for the State of Florida. During my tenure as a United States Senator, I served on the Senate Select Committee on Intelligence for more than ten (10) years, and as Chairman of that Committee between June 6, 2001 and January 3, 2003. In my capacity as Chairman of the Senate Select Committee on Intelligence, I co-chaired the Joint Inquiry of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence into intelligence community activities before and after the terrorist attacks of September 11, 2001 (the "Joint Inquiry"). Following my retirement from the Senate, I served for one year as a senior fellow at the Kennedy School of Government. Thereafter, from May 2008 to February 2010, I served as Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism,

whose mandate was to build on the work of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”). I also served as a Commissioner on the bi-partisan Financial Crisis Inquiry Commission, established by Congress in May 2009 to examine the global and domestic causes of the financial crisis. On May 21, 2010, President Barack Obama appointed me as Co-Chair of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. Since 2010 I have served as a member of the Central Intelligence Agency External Advisory Board. I am the Chair of the Board of Overseers of the Graham Center for Public Service at the University of Florida, and the author of numerous books and articles, including *Intelligence Matters: The CIA, the FBI, Saudi Arabia and the Failure of America's War on Terror*. (Random House, 2004)

2. I submit this Affirmation on behalf of the Plaintiffs, based on my experiences as a long-time Member of the Senate Select Committee on Intelligence and Co-Chair of the Joint Inquiry, descriptions of activities in the Final Report of the 9/11 Commission and other reports and published materials I have reviewed to address statements in the January 30, 2012 Memorandum of Law of the Kingdom of Saudi Arabia in Opposition to Plaintiffs’ Motion for Relief of Final Judgments (the “Kingdom’s Memorandum of Law”).

3. In February 2002, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence agreed to conduct a Joint Inquiry into the activities of the U.S. intelligence community in connection with the terrorist attacks perpetrated against our nation on September 11, 2001. The Committees’ decision was unprecedented in congressional history: for the first time, two permanent committees, one from the House and one from the Senate, would join together to conduct a single, unified inquiry.

4. The three principal goals of the Joint Inquiry were 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, to include the scope and nature of any possible international terrorist attacks against the United States and its interests;
- identify and examine any systemic problems that may have impeded the intelligence community in learning of or preventing these attacks in advance; and
- make recommendations to improve the intelligence community's ability to identify and prevent future international terrorist attacks.

5. During the course of the Joint Inquiry, the Committees held nine public hearings, as well as thirteen closed sessions in which classified information was considered. In addition, the Joint Inquiry staff reviewed almost 500,000 pages of relevant documents from the intelligence community agencies and other sources, conducted approximately three hundred 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, as well as representatives from the private sector and foreign governments.

6. As part of the Joint Inquiry, the Inquiry staff conducted an intensive investigation into the details of the 9/11 plot, the activities of the 19 hijackers, and the network of support that allowed them to carry out the September 11th Attacks.

7. Based on my experiences as Co-Chair of the Joint Inquiry, and the evidence collected by the Joint Inquiry during the course of its investigation into the events of September 11, 2001, the information contained in the Final Report of the 9/11 Commission, and reports and published materials I have reviewed, I am convinced that there was direct line between at least some of the terrorists who carried out the September 11th attacks and the government of Saudi

Arabia, and that a Saudi government agent living in the United States, Omar al Bayoumi, provided direct assistance to September 11th hijackers Nawaf al Hazmi and Khalid al Mihdhar. Based on the evidence discovered by the Joint Inquiry, I further believe that al Bayoumi was acting at the direction of elements of the Saudi government and that an official from the Islamic and Cultural Affairs section of the Saudi Consulate in Los Angeles, Fahad al Thumairy, likely played some role in the support network for the 9/11 Attacks. In May 2003, the United States revoked al Thumairy's diplomatic visa and banned him from the United States.

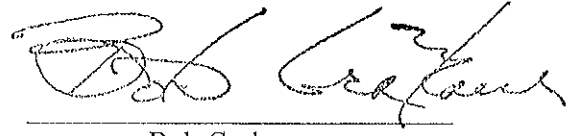
8. It has been well documented that al Bayoumi, a Saudi residing in San Diego, provided financial and other assistance to al Hazmi and al Midhar in the months leading up the September 11th Attacks. Al Bayoumi met al Hazmi and al Midhar at a restaurant in Los Angeles in late January 2000, immediately following a meeting between al Bayoumi and al Thumairy at the Saudi Consulate. Shortly thereafter, the two hijackers traveled to San Diego, where al Bayoumi held a dinner in their honor, helped them find an apartment, fronted the initial payments for that apartment, and provided them continuing financial assistance going forward. During the period that he supported the hijackers, al Bayoumi's allowances from a ghost job with a Saudi private firm and contractor to the Saudi government increased eightfold. During that same period, al Bayoumi had an unusual number of telephone conversations with Saudi government officials in both Los Angeles and Washington.

9. Based on my review of the evidence unearthed by the Joint Inquiry concerning al Bayoumi's sources of income, the nature of his activities while residing in the United States, his established ties to Saudi officials, the circumstances surrounding his meeting with al Hazmi and al Midhar in Los Angeles, the status assigned to al Bayoumi by the Federal Bureau of Investigation San Diego field office prior to 9/11, and the nature of the assistance he thereafter

provided to the two hijackers - as informed by my decades of service in government and more than a decade as a Member of the Senate Select Committee on Intelligence - I am convinced that al Bayoumi was an agent of the government of Saudi Arabia. To this date, this evidence has not been fully explored and pursued, to the considerable detriment of the American public. Whether other of the hijackers also received support from elements of the Saudi government has never been adequately explored. The American public deserves a more robust inquiry into these issues, and I fully support the effort by the 9/11 plaintiffs to use the civil justice system toward that goal.

10. Another issue deserving of further attention and investigation concerns the involvement of Saudi based charities in the provision of financial and other support to al Qaeda, and the precise character of the relationships between those charities and the government of the Kingdom. The 9/11 attacks were a sophisticated operation, which in my judgment was implausible to have been successfully planned, practiced and executed without a supportive infrastructure. I applaud the 9/11 plaintiffs for their efforts to use the civil justice system to enlighten the American public concerning those important issues.

11. Although I recognize that the Final Report of the 9/11 Commission stated that the 9/11 Commission had "found no evidence that the Saudi government *as an institution or senior* Saudi officials individually funded al Qaeda," the meaning of this ambiguous statement is far from clear, and in my judgment the Kingdom is mistaken to the extent it relies on that language to support a claim that the government of Saudi Arabia has been fully exonerated of any culpability for the events of September 11, 2001, whether through the investigation and findings of the 9/11 Commission or any other investigation of the United States government.

A handwritten signature in black ink, appearing to read "Bob Graham", written over a horizontal line.

Bob Graham

Executed on this 27th day of February, 2012.